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Mr Tim Hickling MRTPI MCMI
Head of Planning
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BEXHILL
TN39 3JX Fao Mr R Wilson

date
29 July 2009

please contact

Amanda Parks
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our ref

RR/2474/CC(EIA)
AR/AP

your ref

RR/07/1488

Dear Mr Hickling

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: RR/2474/CC(EIA) - CONSTRUCTION OF A NEW ROAD, INCLUDING ENVIRONMENTAL TREATMENT WITH EARTHWORKS, PLANTING, FLOOD AND NOISE ATTENUATION, WILDLIFE COMPENSATION, AND FACILITIES FOR NON-MOTORISED USERS. A259 BELLE HILL, BEXHILL ON SEA TO B2092 QUEENSWAY, ST LEONARDS ON SEA. (Within land edged red on applicants plan no. 208.31.01)

At their meeting on 10 December 2008 the Planning Committee of the Regulatory Committee on behalf of the County Council resolved to grant permission for the above mentioned application subject to the Secretary of State not calling in the application, the securing of a satisfactory legal undertaking and a set of conditions.

The Secretary of State confirmed on 3 February 2009 that she did not wish to call in the application. A satisfactory undertaking was secured on 28 July 2009 (see enclosed) Consequently under delegated powers from the resolution of the Planning Committee, planning permission has been granted subject to conditions set out on the attached Decision Notice.

Would you please accept this letter in conjunction with the Plan(s) listed below, as formal notification of the development for the purpose of your Register of Planning Applications and Decisions.

Approved Plan(s) numbered:

208.31.01, 208.31.02, 208.31.03, 208.31.5, 208.31.06, 208.31.11, 208.31.12, 208.31.13, 208.31.14



Yours sincerely

Tony Cook
Tony Cook
Head of Planning

Copies to: L. Stringer - Highway Authority
Hastings Borough Council – FAO Mr C Sampson Your Ref HS/07/444
Planning Liaison Officer - Environment Agency - for information
Paul Treadgold, Assistant Director, Transport & Environment Department - Agent

EAST SUSSEX COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

To :- Paul Treadgold
Assistant Director - Operations
Transport & Environment Department
East Sussex County Council
County Hall
Lewes

County Ref. No.: RR/2474/CC(EIA)

Rother Ref. No. - RR/07/1488

Hastings Ref No. - HS/07/444

In pursuance of their powers under the above-mentioned Act and Order, the Council as the local planning authority hereby GRANT PLANNING PERMISSION for Construction of a new road, including environmental treatment with earthworks, planting, flood and noise attenuation, wildlife compensation, and facilities for non-motorised users. A259 Belle Hill, Bexhill on Sea to B2092 Queensway, St Leonards on Sea. in accordance with your application validated by the East Sussex County Council on 10 May 2007 and the plans and particulars submitted in connection therewith and subject also to due compliance with the condition(s) specified hereunder:-

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: To comply with section 91b) of the Town and Country Planning Act 1990, and to allow an appropriate time for land acquisition to take place and for the required schemes and details to be prepared and submitted.

2. The development hereby approved shall be carried out in accordance with the following plans (save in respect of those elements shown for illustrative or indicative purposes only) subject to any minor amendments as may be agreed in writing with the Head of Planning;

- 208-31-01 Location Plan
- 208-31-02 Planning application area
- 208-31-03 Overall scheme layout
- 208-31-05 Preliminary scheme layout 1 of 2
- 208-31-06 Preliminary scheme layout 2 of 2
- 208-31-11 Environmental design
- 208-31-12 Environmental design
- 208-31-13 Environmental design
- 208-31-14 Environmental design

Reason: For the avoidance of doubt and to enable the County Planning Authority to control and regulate the development and to comply with Policies CC1, CC2, NRM4, NRM5, NRM7, C4 and BE6 of the South East Plan 2009.

3. This permission does not approve the details shown on the following illustrative plans accompanying the application:-

Fig 208/31/33 Rev 0 Typical rural overbridge elevation.

Fig 208/31/34 Rev 0 Typical rural underbridge elevation

Fig 208/31/35 Rev 0 Railway crossing

Fig 208/31/36 Rev 0 Typical Greenway overbridge elevation

Fig 208/31/32 Rev 0 Typical urban overbridge elevation

Fig 208/31/31 Rev 0 Chapel Path underbridge.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control and regulate the development and to comply with Policies CC1, CC2, NRM4, NRM5, NRM7, C4 and BE6 of the South East Plan 2009.

4. No development shall take place until a scheme of phasing has been submitted and approved in writing by the Head of Planning, indicating the defined phasing arrangements for the proposed construction of the Link Road. The road construction and related works shall be implemented in accordance with the phasing plan unless otherwise agreed in writing by the Head of Planning.

Reason: For the avoidance of doubt and in the interests of the rural and residential amenity of the area in accordance with Policies CC1, CC2, NRM4, NRM5, NRM7, C4, BE1 and BE6 of the South East Plan 2009.

5. Notwithstanding the details already submitted, no development shall commence, except mitigation and compensation works and archaeological evaluation, until details of the design and materials for the construction of the railway crossing and all under-bridges and over-bridges, including railings, parapets, surface finishes, fencing together with the reuse of any materials salvaged from the demolished existing railway bridges, have been submitted to and approved in writing by the Head of Planning. Bridge structures over water shall include a clear span, with abutments set back from the watercourse on both banks to provide a bank width of 2 metres beneath the bridge, and a soft bank solution beneath the bridges with shade tolerant planting, as outlined in the submitted Figure 3 Indicative sketch of soft bank engineering solution Revision A dated September 2008. The bridges shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Head of Planning.

Reason: For the avoidance of doubt and in the interests of visual amenity and usability in accordance with Policies CC1 and BE1 of the South East Plan 2009. The use of clear-spanning bridges will maintain the river corridor and allow the movement of both the river and associated wildlife, minimising the loss of connectivity of habitats within this landscape, in accordance with Policy NRM5 of the South East Plan 2009 and Article 10 of the Habitats Directive, and PPS9.

6. No development, except mitigation and compensation works and archaeological evaluation, shall take place until the following detailed schemes have been submitted for the approval of the County Planning Authority of the following:

- Details of the design and appearance of the section of the road scheme between Belle Hill at chainage 0.00 and chainage 510 at Woodsgate Park, including levels sections, and construction details of the road, Chapel Path underpass, surface water drainage, road signage, street furniture, existing and proposed landscape features and street lighting.

- Details and specification for the retaining walls north of Ninfield Road overbridge.

Reason: In the interests of visual amenity and townscape quality of this part of Bexhill in accordance with Policies CC1 and BE1 of the South East Plan 2009.

7. Development shall not commence until details of a scheme for the free passage and/or protection of animals by means of highway underpasses, bridges and any other means has been submitted to and approved in writing by the Head of Planning and the link road shall not be brought into public use until the approved scheme has been fully implemented unless otherwise agreed in writing by the Head of Planning.

Reason: To maintain appropriate access for animals in accordance with Policies Policies CC1, CC2, NRM4, NRM5, NRM7, C4 and BE6 of the South East Plan 2009.

8. The Link road shall not be brought into use until the Greenway and associated connections to the adjoining Rights of Way and permissive footways have been completed in full accordance with the approved details unless otherwise agreed in writing by the Head of Planning.

Reason: To ensure the provision of improved walking, cycling and horse riding facilities linked to the existing network of Rights of Way and permissive footpaths in accordance with Policy T2 of the South East Plan 2009.

9. No development shall take place within each phase of the development until a means of vehicular construction access has been formed from a public highway in accordance with a scheme which has first been submitted to and approved in writing by the Head of Planning. The scheme shall include the location of all temporary site construction compounds and fences for all parts of the link road and access points to the public highway. The compounds and any temporary associated works shall be removed and the land restored to its previous condition within 6 months of the link road opening for public use unless otherwise agreed in writing by the Head of Planning.

Reason: In the interests of highway safety and to comply with Policy T1 of the South East Plan 2009.

10. Development shall not commence until details of wheel washing facilities have been submitted to and approved in writing by the Head of Planning. The approved details shall be implemented in full before the commencement of development and the facilities shall be maintained in working order during the construction period and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle associated with the development shall leave the site carrying mud, dust or debris on the wheels unless otherwise agreed in writing by the Head of Planning.

Reason: In the interests of highway safety and the amenity of the locality and to comply with Policy T1 of the South East Plan 2009.

11. A scheme of the working hours during the construction stage linked to the phased construction of the road shall be submitted prior to the commencement of development for the written approval of the Head of Planning. Unless alternative times are specifically agreed construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 07.00 and 19.00 on Mondays to Fridays inclusive and 07.00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: To safeguard the rural and residential amenities in the vicinity of the site, and to comply with Policy GD1 of Rother District Local Plan (2006).

12. During the construction of the Bexhill Hastings Link Road noise limits between the hours of 07.00 and 19.00 Monday to Friday and 07.00 and 13.00 Saturday (inclusive) shall not exceed 75 dBLAeq, 12 hr (façade) at any residential boundary unless otherwise agreed in writing by the Head of Planning.

Reason: To safeguard the rural and residential amenities in the vicinity of the site, and to comply with Policy GD1 of Rother District Local Plan (2006).

13. No development shall commence, except mitigation and compensation works and archaeological evaluation before detailed plans, indicating the positions, design, materials and type of boundary walls and fences and other means of enclosure to be erected within the site, have been submitted to and approved in writing by the Head of Planning. The walls, fences and means of enclosure shall be constructed in accordance with the approved plans before the link road is brought into use and shall thereafter be retained unless otherwise agreed in writing by the Head of Planning.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Policies CC1, CC2, NRM4, NRM5, NRM7, C4, BE1 and BE6 of the South East Plan 2009.

14. Before the commencement of each phase of the development, plans and full details of both hard and soft landscaping works, substantially in accordance with the details shown on planting plans 208:31:21; 208:31:22; 208:31:23; 208:31:24; 208:31:25; 208:31:26 and 208:31 :27 dated April 2007, shall have been submitted to and approved in writing by the Head of Planning. These details shall include:

Hard Landscaping

- Proposed finished contour levels at 0.5 metre vertical intervals covering all areas from back to the highway verge to undisturbed landform.
- Maximum and minimum crest heights and gradients to land form changes.
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, etc)
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc.)
- Retained historic landscape features
- Proposals for restoration, where appropriate

Soft Landscaping

- Plans to a scale of 1:500 confirming detailed vegetation clearance and tree retention proposals throughout the route, to establish appropriate protection and clear boundaries on the ground, supported by detailed arboriculture recommendations for all tree surgery. All in accordance with BS 5837, 2005, Trees in Relation to Construction and BS 3998, Tree Work.
- Contour plans to a 1:500 scale indicating the levels of all the engineered landforms at 500mm intervals incorporating the Greenway, and the interface between the proposed landforms and noise attenuation fencing
- Arrangements for the reinstatement of agricultural land temporary taken out of use including its aftercare for a period of at least 5 years.
- Planting plans

- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation and maintenance programme

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies CC1, CC2, NRM4, NRM5, NRM7, C4, BE1 and BE6 of the South East Plan 2009.

15. All hard and soft landscape works shall be carried out in accordance with the approved details and a constructed survey plan with contours at no more than 0.5metre vertical intervals to show the finished landform shall be submitted to the Head of Planning within three months of all land grading works having been completed with topsoil finishes. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Head of Planning.

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies CC1, CC2, NRM4, NRM5, NRM7, C4, BE1 and BE6 of the South East Plan 2009.

16. In this condition 'retained trees' means an existing tree which is to be retained in accordance with the approved plans and particulars and paragraphs (a) and (b) below shall have effect until the expiration of five years from the completion of the development.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Head of Planning. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed, becomes seriously damaged or diseased or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Head of Planning.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and to British Standard 5837 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor any fires lit, and the ground levels within those areas shall not be altered, nor shall any excavation be made, or operations carried out without the prior written consent of the Head of Planning.

Reason: For the protection of species and in the interests of visual amenity and to comply with Policy GD1 of Rother District Local Plan (2006) and Policies CC1, CC2, NRM4, NRM5, NRM7, C4, BE1 and BE6 of the South East Plan 2009.

17. For each phase permitted under condition 4, no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with detailed written schemes of investigation for each phase, which has been submitted to and approved in writing by Head of Planning. The programmes of archaeological works shall include the proposals in the Environmental Statement and subsequent addenda, evaluation and mitigation fieldwork, post-excavation analysis, reporting and any post-development monitoring,

and shall be carried out as approved in writing by the Head of Planning, unless otherwise agreed in writing by the Head of Planning.

A written record of any archaeological works undertaken shall be submitted to the Head of Planning within 3 months of the completion of any archaeological investigation unless otherwise agreed in writing by the Head of Planning.

Reason: In order to ensure that satisfactory arrangements are made to either preserve in situ or by record any archaeological remains on the site, in accordance with Policies BE1 and BE6 of the South East Plan 2009 and government policy with regard to archaeology and cultural heritage set out in PPG15 and 16.

18. No development shall take place until a bat survey has been undertaken of the environs of the Glovers Farm complex. If evidence is found that bats are roosting within this location, details of any necessary appropriate mitigation, including a timescale, or compensation shall be submitted for approval, in writing, to the Head of Planning. The approved scheme shall be implemented within an agreed timescale to the satisfaction of the Head of Planning.

Reason: To ensure that the ecological mitigation and compensation arrangements comply with Policies CC1, CC2, NRM2, NRM4, NRM5, NRM7, C4 and BE6 of the South East Plan 2009.

19. No works shall commence on site, except mitigation, compensation works and archaeological evaluation, until a detailed strategy and method statement, for securing and demonstrating that the amount of construction waste resulting from the development has been reduced to smallest amount possible, has been submitted to and approved in writing by the Head of Planning. The statement shall include details of the extent to which waste materials arising from the demolition and construction activities will be reused on site and demonstrating that maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be disposed of for reuse, recycling, composting or other method in accordance with the best practicable environmental option. All waste materials from the demolition and construction associated with the development shall be reused, recycled and dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with Policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

20. Development shall not commence until details of the temporary measures to maintain designated and permissive Rights of Way that are affected by the construction work have been submitted to and approved in writing by the Head of Planning. All permanent crossing arrangements for Rights of Way shall be implemented before the road is open to the public unless otherwise agreed in writing by the Head of Planning.

Reason: To secure an appropriate access in the interests of the amenity of the locality and to comply with Policy T2 of the South East Plan 2009.

21. No works shall commence on site, except mitigation, compensation works and archaeological evaluation, until full details of the noise attenuation arrangements to reduce traffic noise from the Link Road, have been submitted to and approved in writing by the Head of Planning. The scheme confirms the road surface type to be used and shall show the design and height of all proposed noise barriers and the level of attenuation to be achieved. The full scheme shall be implemented before the road

is open to the public in full accordance with the details approved unless otherwise agreed in writing by the Head of Planning.

Reason: In the interests of residential and rural amenity of the area and to comply with Policy GD1 of the Rother District Local Plan (2006) and Policy NRM10 of the South East Plan 2009.

22. Any fuel, oil lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent the pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bunded walls of sufficient height and construction so as to contain the equivalent of 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both oil and water. The pipes should vent downwards into the bund.

Reason: To prevent pollution to land and water and to comply with Policies NRM2, NRM4 and NRM5 of the South East Plan 2009.

23. Development shall not commence until there has been submitted to and approved in writing by the Head of Planning a detailed scheme, to include the proposals in the Environmental Statement and subsequent addenda, for mitigation and compensatory habitat creation/restoration (including connectivity between habitats) and these works shall be carried out as approved. The details of the scheme shall include:

- a) A clear statement of the purpose, aims and objectives for the scheme.
- b) A review of the site's ecological potential and any constraints.
- c) Description of mitigation, habitats and species appropriate for the site.
- d) Selection of appropriate strategies for mitigation measures and creating/restoring habitats or enhancing species populations.
- e) Selection of specific techniques and practices for establishing vegetation.
- f) Sources of native provenance (local if possible) habitat materials (e.g. plant stock) or species individuals.
- g) Method statement for site preparation and establishment of target features.
- h) Extent and location of proposed works.
- i) Links to the habitat management plan.
- j) The personnel responsible for the work
- k) Timing of the works.
- l) Links to the ecological monitoring scheme.
- m) Disposal of wastes arising from the works.

All mitigation and habitat creation/restoration works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Head of Planning.

Reason: To ensure that the ecological mitigation and compensation arrangements comply with Policies NRM2, NRM4, NRM5, NRM7, C4 and BE6 of the South East Plan 2009: To provide compensation and mitigation for the impact of the development on the Combe Haven Valley environment where it has a potentially severe impact on its ecological value. To meet Government policy in Planning Policy Statement 9 – "Biodiversity & Geological Conservation" (PPS9) recognising that this proposal has the potential for significant detrimental ecological effects, notably with regard to the loss of wetland habitats and connectivity of landscape and habitats. To provide two-for-one compensatory habitat and enhancements to existing habitats and to implement proposals as soon as possible in order to allow for the movement of flora and fauna during construction, and the establishment of new habitats.

24. Development shall not commence until there has been submitted to and approved in writing by the Head of Service-Planning a habitat management plan for the application area and all mitigation and compensation features both during construction and then during the operation of the development for the lifetime of the road. The plan shall include:

- a) A clear statement of the purpose, aims and objectives of management.
- b) Description and evaluation of the features to be managed.
- c) Ecological trends and constraints on site that may influence management.
- d) Appropriate management options for the achieving aims and objectives.
- e) Prescriptions for management actions.
- f) A work schedule to include a five year project register, an annual work plan and the means by which the plan will be rolled forward annually.
- g) Personnel responsible for implementation of the plan.
- h) Links to the ecological monitoring scheme and remedial/contingency measures that may be triggered by the monitoring.

The plan shall be carried out as approved, unless amended in accordance with the written agreement of the Head of Planning.

Reason: To ensure that the ecological mitigation and compensation arrangements comply with Policies NRM2, NRM4, NRM5, NRM7, C4 and BE6 of the South East Plan 2009.

25. Development shall not commence until there has been submitted to and approved in writing by the Head of Planning a scheme of monitoring to show the actual effects of the scheme on the ecology of the area both during construction and then during the operation of the development for the lifetime of the road. The scheme shall include:

- a) A clear statement of the purposes, aims and objectives for monitoring.
- b) Details and justification for selection of baseline data and any changes or thresholds that, if occurring or reached, will trigger remedial measures.
- c) Details of positive conservation targets along with any associated performance standards or success criteria that will indicate that targets have been reached.
- d) Details of the parameters that are to be monitored along with any appropriate "indicators" for monitoring.
- e) Methods for sampling and analysis, including the timetable and locations for field sampling.
- f) Submission of a report on the monitoring to the Head of Planning and at quarterly intervals from the commencement of construction works until the end of the seven year contract maintenance period and thereafter annually, or as otherwise approved in writing by the Head of Planning, including a report on actual or anticipated changes in communities or populations, the reasons for the changes and any remedial measures considered to be necessary to modify the changes.
- g) Procedures to be put in place to enable the monitoring reports to be considered by the Head of Planning in consultation with the developer.

Should the County Planning Authority consider that additional or different ecological remedial measures are necessary as a result of considering the monitoring report and any consultation responses under the arrangements above they shall give written notice to the developer. Within one month of receiving such written notice from the Head of Planning the developers shall submit a scheme of remedial measures which shall include the further mitigation and/or changes to any approved mitigation schemes and/or changes to working practices and a programme of implementation for the approval of the Head of Planning. The approved remedial measures shall be implemented in accordance with the approved scheme and programme unless otherwise approved in writing by the Head of Planning.

Reason: To ensure that the ecological mitigation arrangements comply with Policies NRM2, NRM4, NRM5, NRM7, C4 and BE6 of the South East Plan 2009.

26. Development shall not commence, except mitigation, compensation works and archaeological evaluation, until a detailed surface water drainage scheme for the site, based as far as practicable on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Head of Planning. The scheme shall substantially be in accordance with the submitted drawings figures 2a; 2b; 2d; 2C dated September 2008 and be implemented in accordance with the approved details prior to the completion of the development.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system in accordance with Policies NRM2, NRM4 and NRM5 of the South East Plan 2009 and Policy DG27 of the Hastings Local Plan 2004.

27. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) April 2008, Bexhill to Hastings Link Road, and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100 year standard.
3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
4. Confirmation of the opening up of any culverts across the site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, that compensatory storage of flood water is provided along with the safe access and egress from and to all parts of the site where there is a flood risk, in accordance with Policy NRM4 of the South East Plan 2009 and Policy DG27 of the Hastings Local Plan 2004.

28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Head of Planning. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the County Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy GD1 of Rother District Local Plan (2006). and Policies NRM2, NRM4 and NRM5 of the South East Plan 2009.

29. Prior to the use of the borrow pit a scheme of working and restoration of the land proposed as a borrow pit [shown on the submitted plan Drawing No 208.31.13] shall be submitted for the approval to the Head of Planning. Such scheme shall show:

- (a) the extent of the proposed phased working;
- (b) the stages and direction of working, including any benching;
- (c) details of the slopes and finished profiles to be created on the pit faces to facilitate the stability of adjacent land and the restoration of the site
- (d) details of location, height and species of the specific planting to be undertaken and/or existing planting to be maintained;
- (e) details of the location of any deposit of top soils and sub soils arising from the extraction operations, including a scaled plan at 1:500 showing the depth of the deposit at 5m contour intervals
- (f) the stages by which the site will be restored to agricultural or wildlife amenity use; and
- (g) the materials to be used and methods to be adopted for restoring the site.

The approved scheme shall be implemented in full, unless a variation has been agreed in writing by the Head of Planning.

Reason: To enable the County Planning Authority to regulate and control the use of the site in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

30. Development shall not commence until details of a scheme for the provision of a telephone contact for dealing with complaints from members of the public about matters, associated with the development, have been submitted to and approved in writing by the Head of Planning. The scheme shall be operated during the hours when any work or activity in connection with that development is taking place. The scheme shall include details of the arrangements for recording and responding to complaints. The approved scheme shall be implemented in full in accordance with the approved details.

Reason: To secure the monitoring of the development in the interests of the amenity of the locality and to comply with Policy GD1 of Rother District Local Plan (2006).

31. Notice in writing of any complaint made by a member of the public about any matter associated with the development shall be given to the Head of Planning no later than the next working day after the complaint was received. The notice shall include a description of the complaint, the name and address of the person making the complaint, and within three further days, the action proposed as a result, unless otherwise agreed in writing by the Head of Planning.

Reason: To secure the monitoring of the development in the interests of the amenity of the locality and to comply with Policy GD1 of Rother District Local Plan (2006) and Policy NRM10 of the South East Plan 2009.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), including schedule 2, Parts 12 and 13), no signage, lighting of the carriageway, the construction of vehicle lay-bys or parking areas beside the road shall be constructed (other than as expressly authorised by this permission) unless otherwise agreed in writing by the Head of Planning.

Reason: To enable the County Planning Authority to control and regulate the development of the land and in the interests of highway safety and to comply with Policy T1 of the South East Plan 2009.

APPROVED PLANS

208.31.01, 208.31.02, 208.31.03, 208.31.5, 208.31.06, 208.31.11, 208.31.12, 208.31.13, 208.31.14

INFORMATIVES

1. Under the terms of the Water Resources Act 1991, and the Agency Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of Coombe Haven, Watermill Stream, Powdermill Stream and Decoy Stream, that are designated as 'main rivers'. The erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

2. Under the terms of the Water Resources Act 1991, written approval of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings or fixed plant into or onto the ground or into waters which are not controlled waters. Such approval may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters).

3. Any facilities for the storage of chemicals or oils shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Head of Planning for approval in writing. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

4. It is expected that the written schemes of archaeological investigation will confirm the actions to be taken as set out in the Environmental Statement/Addendum and accord with the relevant portions of the East Sussex County Council document Recommend Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation work in East Sussex (version 4 dated 24th April 2008). The applicant shall ensure that finance is readily available to enable to fully fund archaeological investigation costs for this scheme, including the costs to the archaeological contractor to carry out the programme of works; the costs to an archaeological consultant or contractor to manage the archaeological works, collate material etc, which are estimated to be £220,000 for evaluation; and, if required, £1million for mitigation excavations etc and £1.5 to £2million for the potential excavation of well-preserved waterlogged site.

5. The land contamination section of the EIA is acceptable and should be protective of groundwater during development. Land contamination reports that are submitted during the detailed application stage should be carried out in line with CLR11 and Planning Policy Statement No. 23 – "Planning and Pollution Control" (PPS 23). The drainage plans for protection of controlled waters should include pollution control valves to protect the receiving water in the event of a spill onto the road.

6. The applicant is reminded of the need to obtain licences under the Wildlife and Countryside Act 1981 and of the provisions within Section 1 where it is an offence to take damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, reeds or substantial ditch side vegetation are likely to contain nesting birds at least between 1 March and 31 July. Vegetation of one or more of the above types is present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.

7. The applicant shall establish a Local Liaison Committee prior to the commencement of the works until at least 12 months after the completion of all works, with representatives of the local community, the applicant, County Planning Authority, and other public bodies to meet at regular intervals to monitor the development and ensure that a clear information pathway and liaison mechanism is provided.

The Development Plan policies of relevance to this decision are:

South East Plan May 2009: SCT1 ('Core Strategy'), SCT2 ('Enabling Economic Regeneration'), SCT6 ('Affordable Housing'), SCT7 ('Implementation and Delivery'), SP2 (Regional Hubs), CC1 (Sustainable Development), CC2 (Climate Change), CC7 (Infrastructure and Implementation), RE3 (Employment and Land Provision), RE6 (Competitiveness and addressing structural economic weakness), H1 (Regional Housing Provision 2006-2026), T1 (Manage and Invest), T8 (Regional Spokes), T2 (Mobility Management), NRM1 (Sustainable water resources, groundwater and river water quality management), NRM5 (Conservation and Improvement of Biodiversity), NRM7 (Woodlands), NRM8 (Coastal Management), NRM9 (Air Quality), NRM10 (Noise), C4 (Landscape and Countryside Management), BE1 (Management for Urban Renaissance), BE6 (Management of the Historic Environment), S1 (Supporting Healthy Communities), S6 (Community Infrastructure), NRM2, NRM3, NRM4, C4, C5, T7, T14, SP3, SP4, CC8.

East Sussex and Brighton & Hove Waste Local Plan (Adopted 2006): WLP11 (Waste Minimisation).

Hastings Local Plan (Adopted 2004): DG1 (Development Form), DG2 (Access and Parking), DG33 (Environmental Pollution), DG4 (Noisy Activities), DG8 (Protection of Views), DG26 (Flood Risk), DG27 (Surface Water), NC2 (Sites of Special Scientific Interest), NC3 (Local Nature Reserves), NC6 (Sites of Nature Conservation Importance), NC8 (General Planning Requirements), NC9 (Information to Accompany Planning Applications), NC10 (Ancient Woodland), L1 (Landscape Character), L3 (Development Outside the Built-Up Area), C1 (Development within Conservation Areas), C2 (Demolition in a Conservation Area), C3 (Development involving Listed Buildings), C4 (Demolition of Listed Buildings) and C6 (Archaeological Sites and Ancient Monuments).

Rother District Local Plan (Adopted 2006): DS1 (Development Principles), DS4 (Development Boundaries), GD1 (General Development Considerations), TR1 (Bexhill-Hastings link road area of search), TR2 (Improvements to Sustainable Transport), BX1 (Bexhill Planning Strategy) and BX2 (Land North of Pebsham).

Reasons for Approval

Regeneration is an important priority for the Government and the Scheme has been recognised in this part of the County for a number of years as a key component in

facilitating new development and regeneration in the local area. The Scheme has been considered to be a key component in facilitating new development and regeneration in the local area.

In broad regeneration and economic terms the Link Road provides clear benefits and will deliver development and employment opportunities in this area and will not result in material conflict with prevailing regeneration policies. It is considered that the Scheme is consistent with RPG Policies RE1, RE3, RE5, Q1, Q4 and Q5 (now South East Plan Policies RE3, SCT1, SCT2, SP2, SP3, C4, C5, S1, S6) in so far as the Scheme will support economic growth and sustainable patterns of development in the area and Policy RE7 (now South East Plan Policies RE3, SCT1, SCT2,) which identifies the Link Road as being located within the Sussex Coast and Towns Priority Area for Economic Regeneration. The Scheme also accords with Policies E1 and EN26 of the Structure Plan (now South East Plan Policies RE6, S6) and Rother Local Plan policies BX1 and BX2, Hastings Local Plan policies and Policies SCT1 and SCT2 of the South East Plan in so far as the Scheme will facilitate the long term growth and regeneration of the area.

With regards to the wider sustainability of the Scheme, the application proposals have set out proposed mitigation and enhancement measures. The Scheme has incorporated a range of responses to climate change, but there is provision within the undertaking to incorporate a package of measures on construction and operation with any net effect becoming a commitment in the Council's climate change strategy. As such, the Scheme can be considered to be acceptable in relation to PPS1.

In terms of the transport and traffic aspects of the Scheme the layout and circulation arrangements are satisfactory and subject to the identified improvements proposed as part of the Scheme to improve the flow of traffic in the area being implemented, the scheme meets national, regional and local transport and traffic objectives, relevant Transport and Traffic policies and that the scheme offers 'major beneficial' impacts in terms of travel and transport in accordance with the assessment.

The Scheme accords with RPG9 Policy T1 (now South East Plan Policy T1) in upgrading the transportation system and Policy T17 (now South East Plan Policy T14) which identifies the Bexhill to Hastings Link Road as a Priority for Investment, together with Policy T5 (now South East Plan Policy T8) which identifies the A259 as a Regional Spoke (the role for which should be supported and developed in order to improve journey reliability). The Link Road is also consistent with Structure Plan Policy TR1 (now South East Plan Policies T1, T8, T14) which seeks to, inter alia, improve local Trunk Roads and Policy TR40 (now South East Plan Policy T14) which emphasises the need for economic regeneration and outlines the role which transport can play in this process, and Rother District and Hastings Local Plan Local Plan policies (TR1 and TR2) which seek to improve the local transport system; to improve identified Trunk Roads (including the A259), support the role which transport can play in economic regeneration and advocate the promotion of more sustainable development travel choices.

Policies in the Rother and Hastings Local Plans require that development conserves and enhances the distinctive character and quality of the local landscape, respect existing areas of tranquillity and remoteness, considers local topography and protects established local views. Having regard to the landscape assessment of the Scheme, it is not considered that the submitted material demonstrates that the Bexhill Hastings Link Road fully meets these aims and objectives and it conflicts with Policy EN1 of the Structure Plan (now South East Plan Policies CC1, BE1) and partly conflicts with Policies GD1 and DS1 of the Rother Local Plan.

In assessing the Scheme solely against the interests of acknowledged landscape importance referred to above, the Scheme does not fully accord with the overarching objectives of the prevailing landscape policy framework and will adversely impact upon the landscape and visual character of the area.

The introduction of the Link Road into this locality does have both general and specific biodiversity impacts. Most of those impacts on SSSI's and Ancient Woodland have been contained by the careful alignment of the link road through this sensitive tract of countryside. If it can be concluded that there is a pressing need for the Link Road, and that there is no less damaging route, the proposals can be considered an acceptable departure from RPG9 Policy E2 (now South East Plan Policy NRM5). The direct impact on the Marline Valley Woods SSSI is relatively minor and this, together with other impacts of the scheme have, subject to an undertaking, been specifically mitigated and compensated to ensure that there will be no overall net loss; furthermore it is expected that in the longer term an enhancement should be achieved consistent with RPG9 Policy E1 (now South East Plan Policies NRM5, BE6), Structure Plan Policy EN17 (now South East Plan Policy NRM5), Rother District Local Plan Policy DS1 and Hastings Local Plan Policies NC2, NC3 and NC6. In these terms through mitigation, compensation and the provision of broadly equivalent habitats the requirements of Structure Plan Policies EN18 and EN20 (now South East Plan Policy NRM5), Hastings Local Plan Policy NC8, Rother District Local Plan Policy GD1 and South East Plan Policy NRM5 are adhered to. Species protected under the Wildlife and Countryside Act 1981 will be safeguarded through the mitigation and compensation measures and the Construction Environmental Management Plan (CEMP). On this basis the specific duties under CROW and The Natural Environment and Rural Communities Act 2006 are considered to have been met.

In townscape terms whilst there are some concerns over the engineering solutions that are sometimes adopted in the proposals, on balance, the Scheme does not sufficiently propose such discordant structures as to warrant a refusal in terms of the townscape policies at national, regional and local level. However, it is considered imperative for the conditions to be attached to the permission to ensure that appropriately designed solutions are constructed. On this basis the Scheme accords with the guiding principles of Policy RE1 and Policy Q2 of RPG9 (now South East Plan Policies RE3, SCT1, SCT2, BE1) which seeks to raise the quality of life in urban areas through significant improvement to the urban environment; Structure Plan policies EN1 and EN26 (now South East Plan Policies CC1, BE1, RE3, SCT1, SCT2) which require the wider built environment to be conserved or enhanced and Policies GD1 of the Rother Local Plan and DG1 of the Hastings Local Plan which seek to contribute to the townscape and have regard to the form and setting of the town.

The prevailing cultural heritage policy framework seeks to protect the character, appearance and setting of heritage features and listed buildings and where archaeological remains are affected then there should be a presumption in favour of their physical preservation. It is considered that the demolition of the railway bridges is acceptable and that the loss of outbuildings at Adams Farmhouse will not affect the character or setting of the listed building and their removal is therefore considered acceptable. The applicant has confirmed that the impact upon Adam's Farmhouse has arisen from the need for the route of the Link Road and conforms with RPG9 Policy E1 (now South East Plan Policy RE6, S6), South East Plan Policy BE6 requires new development to protect the character, appearance and setting of heritage features, including conservation areas, listed buildings, ancient monuments, archaeological sites and other buildings and spaces of historical importance. The road works will harm the setting of the Adams Farmhouse listed building in conflict Policy GD 1 (viii) of the Rother Local Plan and Policy S1 (m) of the Structure Plan (now South East Plan Policy BE6), albeit that over time, with the reestablishment of tree cover, this harm will reduce.

Having regard to the applicant's assessment in the Environmental Statement and the current environmental conditions there will be an overall adverse noise impact to residential properties and the rural environment between Bexhill and Hastings. This conflicts with RPG 9 Policy Q6 (now South East Plan Policies SP4, S1, S6) and

Policy EN9 of the Structure Plan (now South East Plan Policy C4) and Hastings Local Plan Policy DG4. However, it is considered that the application proposals provide mitigation (such as noise screening and bunding) to reduce those impacts to levels, when set against existing background levels that would be indiscernible. I therefore consider that overall the Scheme to be acceptable subject to the imposition of conditions relating to noise and temporal construction activities and an appropriate undertaking to control construction activities.

With regards to air quality, it is considered that the proposed mitigation measures for construction impacts can be ensured through the preparation of a CEMP and the imposition of appropriate safeguarding conditions. Such conditions, and mitigation measures, would ensure that the Scheme accords with the principles of RPG9 (now South East Plan), Policy NRM9 of the South East Plan, PPS23 as well as Hastings Local Plan Policy DG33 in relation to air quality.

In terms of flooding, the Addendum ES identifies that the residual risks of flooding from tidal breach, overtopping, and the extreme fluvial flood (1 in 1000 yr) sources are considered to be low. Given the above and on the basis of the expert advice from the Environment Agency, in flood risk terms, the proposals accord with PPS 25, Structure Plan policies S1 (now South East Plan Policy NRM4), Rother Local Plan Policy DS1 and Hastings Local Plan Policies DG26 and DG27, RPG Policy INF1 (now South East Plan Policies NRM3, NRM4) and South East Plan Policy NRM4.

In the context of the site and the proposed end use, the land contamination issues associated with the Scheme are unlikely to be significant. Indeed, potential sources of contamination are relatively localised and no potentially widespread sources of contamination have been identified. With a condition to monitor and remove any contaminated material the impact on soils is acceptable. Accordingly the applicant has satisfactorily addressed the outstanding issues raised during the original review of the application and that the proposal accords with, Policy E8 of RPG9 (now South East Plan Policies CC1, CC2), and Local Plan Policies GD1 and DS1 of the Rother Local Plan and Policy DG34 of the Hastings Local Plan and the guidance in PPS9.

In assessing the impact of the Scheme in agricultural and forestry terms, regard has been had to the impact upon farm holdings and the proposed mitigation measures set out by the applicant. Government guidance contained within PPS7 '*sustainable development in rural areas*' and DEFRA support for stewardship schemes has reduced the weight attached to agricultural land quality enhancing the relative importance of a broader range of sustainability considerations. The policy framework at all levels requires new development to respect and protect the importance of the countryside, protect existing woodland resources and take account of potential impact upon the best and most versatile agricultural land. As far as is practicable, the Scheme has sought to avoid the permanent loss of the best and most versatile land and that the proposed mitigation measures are appropriate in scale to the effects of the Scheme. Therefore, on balance, it is considered the Scheme accords with Policy E5 of RPG9 (now South East Plan Policy NRM7) and does not fundamentally conflict with the tests of PPS7, meets Structure Plan Policy S1n) (now South East Plan Policy NRM7) and Local Plan Policies (including Rother Local Plan Policies DS1 and GD1).

In terms of the effects of the Scheme upon recreational matters, Rother Local Plan Policy BX 4 allocates land between Bexhill and St. Leonards as a Countryside Park. This area of land is of acknowledged importance to the surrounding communities. Not only will the Scheme relieve the access constraint on development of the Countryside Park, but certain design features of the Scheme, such as the Greenway and new habitats can be seen as a positive contribution to the Park. Overall the Scheme is considered to be beneficial to the recreational impacts and in accordance with the development plan policies meets RPG9 Policies T3 and T10 (now South East Plan Policies T1, T2, T7), Policy DG2 of the Hastings Local Plan and Policy TR2 of the Rother Local Plan subject to conditions to ensure the provision of

acceptable arrangements for Rights of Way during construction and well designed permanent crossing facilities. These matters are covered by conditions.

The applicant has shown that the Scheme provides accessibility to new and existing employment sites for local communities and as such accords with policy in PPS1 at the national level which encourages the provision of new infrastructure to support new and existing economic development. The Scheme is compatible with the principles of South East Plan Policies S1 and S6 and conforms to Policies Q5, Q6 and Q8 of RPG9 (now South East Plan Policies SP2, SP3, SP4, S1, S6) and Policy E1 of the Structure Plan (now South East Plan Policies RE6, S6). At the local level, the Scheme will provide improved accessibility to Bexhill, the North East Bexhill Development Area and Hastings and in rural areas the relief of traffic would contribute to improvements in the pedestrian environment in Battle High Street and rural villages. The Scheme is consistent with Local Plan policies, including Rother Local Plan Policy DS1 and Policy BX1 which requires proposals for development in Bexhill to contribute positively towards the development of Bexhill's residential, employment, shopping and service centre functions.

The need for a Scheme to address the multitude of issues identified throughout this report and in the Applicant's supporting information is reflected at the Sub-Regional level where the Bexhill to Hastings Link Road is identified as a Priority transport scheme. Notwithstanding this support, the Scheme needs to be considered against the prevailing policy framework at national, regional and local level and needs to be judged against any disbenefits arising whilst taking into account proposed mitigation measures and other enhancements proposed.

Regard has been had to the overall balance of benefits and disbenefits identified herein and balance the wider regeneration case that the Scheme presents.

In local terms there is an identified urgent need to provide transport and infrastructure improvements to assist the regeneration of the area – in particular the Scheme has been designed to address the local context whilst avoiding, as far as is practicable, encroachment on statutory environmental designations. The Scheme's route has been derived through a detailed optioneering exercise (both route options and public transport improvement schemes) and it is considered that the Scheme will deliver significant transport benefits to the area whilst providing essential traffic congestion relief along the A259. The Scheme is therefore, considered to accord in transport planning terms with national government guidance in PPG13, regional policy guidance RPG9 (now South East Plan), the South East Plan and relevant regional and local plan traffic and transport policies.

The application is also strongly supported by regional and local regeneration and economic drivers for the area and fully complies with key regeneration and economic objectives providing access to North East Bexhill. The Scheme will therefore make a significant contribution to delivering local and wider regeneration and economic benefits and will help drive employment growth in Bexhill and Hastings. The Scheme complies with PPS1 principles and Structure Plan policies (now South East Plan Policies) which seek to encourage development that will help promote and support the regeneration and further development of Bexhill and Hastings as major centres for employment and local plan policies which identify the Link Road as a key component in delivering development opportunities in the area.

At the regional level a key objective is to achieve and to maintain sustainable development in the region. The Sustainability Appraisal, that accompanies the application, summarises the implications of the Scheme when set against the sustainability policy at national, regional and local levels and acknowledges the impact of the Scheme in terms of greenhouse gases and perceived unsustainability of a car-based solution to existing problems. With CO₂ emissions some contribution to reduction can be achieved through an undertaking to manage emissions from the construction and operation of the Scheme and taking into account that any net effect

will be catered for in the County Council's climate change strategy, The Scheme would, on balance, be an acceptable departure to planning policy on sustainability.

All the regeneration and economic benefits arising from the Scheme, environmental considerations and the potential impacts from construction activity are considered to be material to this proposal. This has included reviewing the applicants planning application, all the submitted environmental information (including the Addendum Environmental Statement and Additional Supporting Information) and the comments from consultees and members of the public. All material issues have been addressed in the ES.

The landscape and visual disbenefits have been balanced against the other benefits that the Scheme would bring and consequently the Scheme would not result in such significant environmental effects that cannot be mitigated or compensated for, including the inclusion of appropriate conditions and a proposed undertaking. In accordance with section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application has been taken in accordance with the development plan unless material considerations indicate otherwise.

The balance of argument, in this instance, supports the approval of the Link Road. There are clear significant economic and regeneration benefits which taking into account the balance of need for this Scheme (including its identification as a sub-regional priority) outweigh the disbenefits of this site.

In considering this development the potential impact on residential areas, including the homes of families and individuals in the vicinity of the proposed development and vehicular access routes, have been considered in the context of Article 1 of Protocol 1 and Article 8 (1) of Schedule 1 Part I to the Human Rights Act 1998. An assessment has been made of the likely environmental effects of the Scheme and including those of visual impact and noise in relation to development plan policies which seeks to avoid unacceptable harm. The distance separation between the Scheme and homes together with the controls proposed through conditions and 'undertakings' are considered to provide appropriate protection to local environmental conditions, if permitted. This proposal does not impinge on Human Rights under the Act subject to appropriate controls being in place to protect residential amenity.

The overall benefits and the pressing need for the link road within the plan area are acceptable reasons to approve the application, and whilst being contrary to some development plan policies the Scheme should be considered an acceptable departure. Planning permission has therefore been granted following the Secretary of State not calling in the application for her determination and the securing of a satisfactory undertaking, with the permission subject to controlling conditions. The Secretary of State decided on 3 February 2009 not to call in the application. A satisfactory Undertaking was received on 28 July 2009 and planning permission subject to 32 conditions was issued on 29 July 2009.

All enquiries should be addressed to:

Director of Transport and Environment,
Transport & Environment Department,
County Hall, St Anne's Crescent,

Signed: *Tony Cook*

Tony Cook

Head of Planning

Transport and Environment Department

Lewes, East Sussex, BN7 1UE.

Date: 29 July 2009

IMPORTANT - Please read notes attached.

Copies to: L Stringer - Highway Authority
Planning Liaison Officer - Environment Agency - for information
Hastings Borough Council – FAO Mr C Sampson Your Ref HS/07/444
Rother District Council – Fao Mr R Wilson Your Ref RR/07/1488

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NOTIFICATION AS REQUIRED BY THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Appeals to the Secretary of State

- o If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State at the office of the Deputy Prime Minister under section 78 of the Town and Country Planning Act 1990.
- o If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- o The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- o The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- o In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- o If either the local planning authority or the Secretary of State refuses planning permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- o In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

- (1) This permission does not purport to convey any approval or consent which may be required under the Town and Country Planning Act, 1990, otherwise than under Section 70-76 or which may be required under any other Acts, including any Byelaws, Orders or Regulations made under such other Acts: e.g. Building Regulations approval may be required from the relevant District/Borough Council for the construction of a building granted planning permission by East Sussex County Council.
- (2) Developers are reminded that the grant of this permission does not permit the obstruction of a right of way and that, if it is necessary to stop up or divert a public right of way to enable the development to be carried out, they should apply without delay:-
 - (a) in the case of a footpath or bridleway, to the County Council for an order under Section 257 of the Town and Country Planning Act, 1990;
 - (b) in any other case to the Secretary of State for an Order under Section 247 of the Town and Country Planning Act, 1990.
- (3) The applicant is recommended to retain this form with the title deeds of the property.
- (4) The grant of planning permission under Section 73 of the Town & Country Planning Act does not prevent the implementation of the previous planning permission, subject to the previous conditions.

IMPORTANT

Any failure to adhere to the details of the plans hereby approved or to comply with any conditions detailed in this notice constitutes a contravention of the provisions of the Town and Country Planning Act, 1990, in respect of which enforcement action may be taken.

If it is desired to depart in any way from the approved proposals, you should consult the East Sussex County Council, Planning Development Control Team, Transport & Environment Department, County Hall, St Anne's Crescent, Lewes, East Sussex BN7 1UE before carrying out the development.