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**Application No:** RR/2017/962/P

**Site Address:** Land North of Sidley between the Bexhill to Hastings Link Road and Watermill Lane

**Development:** North Bexhill Access Road - Culvert for stream crossing as alternative to bridge (permitted under RR/2015/2260/P).

### CONSULTEES:

East Sussex County Council - Highways	Do not wish to restrict grant of consent. The amendments being proposed will be secured through the eventual s38 agreement.
East Sussex County Council – Lead Local Flood Authority	No objection.
East Sussex County Council – County Ecologist	Acceptable given the proposed measures to maintain connectivity for wildlife, specifically the provision of badger shelves on both sides of the culvert, the provision of a natural profile to the culvert and the provision of a dormouse bridge. The planting of heavy standard trees is recommended to minimise the span and maximise the effectiveness of the dormouse bridge and for its use as a bat hop over. Details required.  Environment Agency's comments supported.
East Sussex County Council – Archaeology	Given the lack of evidence of any significant remains from the work already undertaken, it is unlikely the works would have a significant impact and archaeological mitigation would be necessary.
East Sussex County Council – Rights of Way	Implications (loss of underpass) limited to equestrian movements over Buckholt Lane. An additional bridleway to link Buckholt Lane with the equestrian greenway is proposed. This would increase the extent of off-road riding and mitigate the severance of Buckholt Lane. It is our preference that the temporary route connecting Buckholt Lane with the greenway north of the road is also retained. The application is supported on the condition that these alternative routes are provided as public bridleways and constructed to the satisfaction of the County Council.  Because the existing bridle rights over Buckholt Lane are required to be stopped up, it would not be acceptable for

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	the application to be approved unless the alternative bridleways are expressly provided as a diversion route.
Natural England	No objection in relation to impact on the SSSI. Protected species, local sites and biodiversity enhancements should be assessed locally.
Environment Agency	No objection subject to conditions requiring the mitigation measures to be implemented and provision of new wetland habitat.
Southern Water	General response advising that the applicant will need to ensure that the effectiveness of the SUDS system is maintained in perpetuity.
Planning Notice:	No responses.

<b>Comments:</b>	<p><u>Site:</u> The site is within the site application boundary of the approved North Bexhill Access Road (NBAR) (RR/2015/2260/P). The site was agricultural fields but is now within the North Bexhill Access Road construction site for Phase 1. It is the part of the approved road that crosses Combe Haven stream, to the west of Buckholt Lane.</p> <p><u>Proposal:</u> The application proposes a culvert rather than a bridge, as approved, to cross the Combe Haven stream.</p> <p>The culvert would be a precast segmental construction, manufactured off site. It would be 4.2m wide x 2.1m high and 34.5m long. Inlet and outlet sections (3m long) would be installed into which the stream channels will be diverted.</p> <p>Within the culvert, shaped gabions would be installed on either side to replicate the typical profile of the existing Combe Haven stream and to provide a 600mm (minimum) wide shelf for mammals. In addition a dormouse bridge is proposed. Additional wetland habitat is proposed west of the site as a series of ponds at varying depths to replicate natural wetland habitat.</p> <p>The approved bridge had an alignment level of approximately 14.2m AOD. This proposed culvert</p>
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alternative has an alignment height of approximately 13.2m AOD.

The approved bridge included an underpass for equestrian use. As an alternative, an equestrian route linking Buckholt Lane with the greenway route is proposed.

### Policy:

The current Development Plan comprises the saved policies of the adopted Rother District Local Plan (2006) and the Rother Local Plan Core Strategy which was adopted in September 2014. The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 14 explains the presumption in favour of sustainable development, requiring local planning authorities to approve development which accords with the Development Plan without delay.

Relevant policies of the adopted Rother Local Plan Core Strategy are Policies OSS3, OSS4, TR1, SRM2, BX1, BX3, EN1, EN2, EN5 and EN7.

Saved Policies BX1 and BX3 of the adopted Rother District Local Plan (2006) are also relevant.

The 'North Bexhill Master Plan Supplementary Planning Document (SPD)' adopted by Rother District Council on 29 June 2009 is a material planning consideration, to be used in determining planning applications for development in the area.

National Planning Policy Framework : Paragraphs 11-14, 17, 18, 29 – 35, 56 – 58, 100 – 104, 109 - 141 are relevant to this application in terms of the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, sustainable transport, requiring good design, flooding and conserving and enhancing the natural and historic environment.

### Appraisal:

The application for the NBAR was considered under the following principal policy tests:

- Principle of Development in planning terms.
- Consistency with the Principles of the SPD.
- Transportation.
- Whether the proposed alignment and design is appropriate.
- Environmental Impacts.
- Other Matters.

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To be acceptable, the current application must meet the mitigation requirements established by that permission as well as provide mitigation, as required under the policy tests, for any additional impacts.

### *Principle of Development*

The proposed culvert alternative does not change the fact that the road is acceptable in principle.

### *Consistency with the Principles of the SPD*

The proposed culvert alternative does not affect the delivery of North East Bexhill. However, an underpass was approved as an equestrian route under the permission. The underpass also had the potential to provide a route for pedestrians and cyclists as part of a riverside walk. A riverside walk is envisaged by the SPD (without underpass).

Since permission was granted for the NBAR an equestrian crossing has been proposed across NBAR close to the roundabout (through a non-material amendment application, ref. RR/2016/2584/MA) and the applicant has provided a temporary connection, north of the NBAR route from Buckholt Lane to the equestrian greenway. The applicant offers an additional equestrian link, south of the NBAR route between Buckholt Lane and the equestrian greenway. The County Rights of Way Officer advises that both the above links are necessary to mitigate for the impact of the development on the existing equestrian routes and that the application would not be acceptable without these alternative brideways being expressly provided as a diversion route. Officers concur with this requirement and this can be required by condition.

In terms of the loss of potential of the use of the underpass for pedestrian and cyclist use, the County Rights of Way Officer does not raise concerns given that an at grade crossing will be provided. On balance, why the loss of this potential is disappointing, it was not a requirement of the SPD and the links and crossing proposed ensure that a pedestrian and cycle network east-west is provided as envisaged by the SPD. It will be important that when proposals come forward for the BX3 employment land (south of the NBAR and both east and west of Buckholt Lane), that suitable routes for pedestrian, cyclist and equestrian use are provided and maintained as part of that masterplan.

### *Transportation*

The proposed amendment would have no effect on the provision of this strategic route.

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### *Proposed Alignment and Design*

The proposed horizontal alignment would not change through this proposed amendment. One benefit would be that the road level would be approximately 1m lower at this point, reducing its perceived impact on the local landscape. The extent of embankments required would be reduced significantly, as the road would lie closer to natural ground level (4.5m above current Combe Haven stream level).

The culvert alternative would also enable a native hedge to be planted along the full length of the northern side of the NBAR, whereas under the current permission the hedge is interrupted by the bridge structure.

In short, the alternative design has a positive effect on the road design, enabling an improved planting response and a reduced impact on the local landscape.

### *Environmental Impacts*

An addendum to the Environmental Statement (ES) approved as part of the planning permission has been submitted. This considers the impact of the proposed alternative on Ecology and Nature Conservation; Ground Conditions and Contamination; Water Resources and Environment; Landscape and Visual; and Cultural Heritage.

The key additional ecological impact is the severance of continuous woodland and scrub under the bridge. As mitigation, the culvert has been designed with mammal shelves and a dormouse bridge is proposed. The County Ecologist supports the proposal with this additional mitigation.

The bridge proposal requires piling foundations – considered to be a minor adverse impact in the ES. This alternative removes that requirement. Potential impact on the Combe Haven stream caused by the requirement to divert the stream into the culvert could be mitigated through the construction phase and by the SuDS solution once operational.

The culvert would result in a loss of the existing floodplain. This would be mitigated by increased flood compensation, with a connecting wetland habitat which has ecological benefits, particularly for great crested newts. This approach is supported by both the Environment Agency and County Ecologist.

The landscape impact of the culvert alternative would be

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	<p>less than the approved bridge structure. The archaeological works undertaken indicate that the impact of the culvert alternative would be low and this has been confirmed by the County Archaeologist.</p> <p><u>Summary</u></p> <p>The application seeks permission for an alternative approach to the Combe Haven stream crossing for the approved North Bexhill Access Road (NBAR). A culvert is proposed instead of a bridge. The alternative proposal would still deliver the principles of a road, as envisaged in the Rother Local Plan Core Strategy as well as the expectation of the adopted North East Bexhill Supplementary Planning Document.</p> <p>An addendum to the approved Environmental Statement (ES) has been submitted and this demonstrates that, with additional mitigation, the environmental impacts are acceptable. The mitigation can be ensured by planning condition.</p> <p>The application therefore complies with the Rother District Local Plan (2006) and in particular Saved Policies BX1 and BX3, the North East Bexhill Supplementary Planning Document, adopted in June 2009, the Rother Local Plan Core Strategy and in particular Policies OSS3, OSS4, TR1, SRM2, BX1, BX3, EN1, EN2, EN5 and EN7 and the NPPF and full planning permission should be granted.</p>
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### **INTENDED DECISION: GRANT (FULL PLANNING)**

#### **CONDITIONS:**

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

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan (Figure 1)
- Site Plan (Figure 2)
- General Arrangement Plan - Sheet 2 of 6 (118673-CRH-P1-XX-DR-C-6032 C10)

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- Highway Alignment Long Sections - Sheet 1 of 3 (118673-CRH-P1-XX-DR-C-6551 C3)
- Culvert 4 & Watercourse Diversion (118673-CRH-P1-XX-DR-C-6323 P1)
- Landscape & Ecological Mitigation Plan – Culvert Scheme (N0323(08)011)
- Landscape Planting Plan – Phase 1 (Culvert Scheme) – (N0357 (96-1) 055)

Reason: For the avoidance of doubt and in the interests of proper planning as advised in Planning Practice Guidance Paragraph: 022 Reference ID:21a-022-20140306.

3. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2017) including that the culvert dimensions stated in section 6.1.5 of the FRA are adhered to allowing for 1 in 100 year climate change events.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding from blockages to the existing culvert in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the NPPF; and to deliver the mitigation measures as identified in the approved Addendum to the Environmental Statement.

4. No development shall take place until an amended ecological design strategy (EDS) addressing mitigation for NBAR, incorporating the culvert hereby approved, on protected species and habitats, enhancement of the site for biodiversity, and restoration of degraded habitats has been submitted to and approved in writing by the local planning authority.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: A pre-commencement condition is necessary to ensure monitoring of the protection and enhancement of wildlife and supporting habitats of nature conservation value is in place before construction takes place in accordance with Policy EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the NPPF and to deliver the mitigations as identified in Chapter 4 of the approved Addendum to the Environmental Statement.

5. No development shall commence until a Construction Environmental Management Plan (CEMP) in accordance with the approach outlined in the approved Addendum to the Environmental Statement has been submitted to and approved in writing by the local planning authority. Such plan shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well detailing the works to be carried out

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showing how the environment will be protected during the works. The CEMP shall include details of the following:

- a) Risk assessment of potentially damaging construction activities.
- b) The timing of the works including timings to avoid harm to environmentally sensitive areas or features and the times when specialist ecologists need to be present on site to oversee works.
- c) Practical measures (both physical measures and sensitive working practices) to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution including air quality (dust and PM<sup>10</sup>) and including traffic routing to also help reduce vehicle emissions, compounds for storage of plant/machinery/materials, protective fencing, exclusion barriers and warning signs for the protection of existing hedgerows, trees and other landscape features to be retained, details of wheel washing facilities, contractor parking and facilities, detailed method statements considering construction noise, vibration and lighting effects and plant operation, storage and spillage of oil/chemicals and soil protection measures as recommended by the Addendum to the Environmental Statement hereby approved).
- d) Any necessary mitigation for protected species.
- e) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development.
- f) Measures to avoid detrimental impacts on the interest features of the Combe Haven SSSI from ground and/or surface water pollution.
- g) Any necessary pollution protection methods.
- h) Information on the persons/bodies responsible for particular activities associated with the CEMP that demonstrate they are qualified for the activity they are undertaking including an ecological clerk of works.

The approved details shall be implemented in full before the commencement of development on that phase and the facilities and measures shall be maintained in working order during the construction period and beyond if required in accordance with the approved CEMP.

Reason: A pre-commencement condition is necessary to ensure that the environmental impacts of construction are identified and agreed before construction takes place in order to prevent or minimise their impacts in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and the NPPF; and to deliver the mitigation as identified in the submitted Addendum to the Environmental Statement.

6. No development shall commence until a scheme of the working hours during the construction stage has been submitted to and approved in writing by the Local Planning Authority. 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 08.00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: A pre-commencement condition is required to ensure highway



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safety and so as not to unreasonably harm the amenities of adjoining properties in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and the NPPF.

7. No above ground works shall commence until the following soft landscaping details relevant to that phase have been submitted and approved in writing by the local planning authority and the details shall thereafter be carried out as approved and in accordance with an agreed implementation programme:
- a) Planting plans, including landscape and ecological mitigation as described in the approved Addendum to the Environmental Statement.
  - b) Written specifications (including cultivation and other operations associated with plant and grass establishment).
  - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the mitigation measures identified in chapters 7 & 13 of the submitted Environmental Statement.

8. No development shall commence until a biodiversity monitoring strategy for NBAR, incorporating the culvert hereby approved, has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to assess the effectiveness of woodland management, landscape planting and wildlife crossings on dormouse, badgers and bats; species translocation on reptiles; and sensitive lighting strategies on nocturnal wildlife by recording distribution and abundance. The content of the Strategy shall include the following.
- a. Aims and objectives of monitoring to match the stated purpose.
  - b. Identification of adequate baseline conditions prior to the start of development.
  - c. Appropriate success criteria, thresholds, triggers and targets against the effectiveness of the various conservation measures being monitored can be judged.
  - d. Methods for data gathering and analysis.
  - e. Location of monitoring.
  - f. Timing and duration of monitoring.
  - g. Responsible persons and lines of communication.
  - h. Review, and where appropriate, publication of results and outcomes,

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

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Reason: To ensure the protection of the site including the Combe Haven river corridor and the Combe Haven SSSI and the enhancement of wildlife and supporting habitats of nature conservation value in accordance with Policy EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the NPPF; and to deliver the mitigations as identified in the approved Addendum to the Environmental Statement.

9. No above ground works shall commence until the following hard landscaping details have been submitted and approved in writing by the local planning authority and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme:

- a) Proposed finished levels or contours.
- b) Means of enclosure (fences, railings and walls) and gates.
- c) Hard surfacing materials (including cycleway, footpaths, parking spaces and other areas of hardstandings, kerbs and tactile paving).

Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policy EN3 of the Rother District Local Plan – Core Strategy and the NE Bexhill SPD and the mitigation measures identified in the approved Addendum to the Environmental Statement.

10. No development shall commence until a plan for the protection and/or mitigation of damage to the Rivers and Streams, and Ponds Priority habitats, both during construction, operation and decommissioning of that phase and including a timetable of implementation and management responsibilities, has been submitted to and approved in writing by the local planning authority. The Rivers and Streams, and Ponds Protection Plan shall be carried out in accordance with the timetable for implementation as approved.

The scheme shall include the following elements:

- a) A detailed method statement including access & materials storage.
- b) Details of treatment of site boundaries and buffers around water bodies.
- c) Details of any new habitat created on site.
- d) Details of any proposed planting scheme, which should be of native species where reasonably practicable bearing in mind access for maintenance.

Reason: A pre-commencement condition is required to protect the Rivers, Streams and Ponds within and adjacent to the development site in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the NPPF; and to deliver the mitigation measures as identified in the approved Addendum to the Environmental Statement.

11. No development shall commence until details of the scheme for the new wetland habitat hereby submitted to and approved in writing by the local planning authority and the details shall thereafter be carried out and retained as approved and in accordance with an agreed implementation programme.

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The scheme shall include the following features:

- Provide for connectivity to adjacent ponds, attenuation basins and the watercourse to enhance the potential for breeding and dispersal of reptiles and amphibians as new scrapes or swales;
- Provide hibernaculas in disturbed areas for reptiles and amphibians as compensation for loss of habitat.

The approved scheme, once installed in accordance with implementation programme, shall be retained

Reason: A pre-commencement condition is required to ensure that the proposed new wetland habitats are developed in a way that contributes to the nature conservation value of the site in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the NPPF; and to deliver the mitigation measures as identified in the approved Addendum to the Environmental Statement.

12. The section of road hereby approved shall not be opened to the public until an amended landscape and ecological management plan (LEMP), relating to NBAR with the alternative culvert design hereby approved, including biodiversity mitigation measures as set out in Chapter 4 of the approved Addendum to the Environmental Statement, has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also set out, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the protection of the site including the Combe Haven river corridor and the Combe Haven SSSI and the enhancement of wildlife and supporting habitats of nature conservation value in accordance with Policy EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and

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the NPPF; and to deliver the mitigations as identified in the approved Addendum to the Environmental Statement.

13. The section of road hereby approved shall not be opened to the public until alternative bridleways both north and south of NBAR, linking Buckholt Lane with the equestrian greenway, are provided as a diversion route and secured through section 248 of the Town and Country Planning Act 1990 (as amended). Plans detailing the route and construction of the alternative bridleways shall be submitted to and approved by the Local Planning Authority prior to the works taking place.

Reason: To ensure that adequate equestrian access is provided as mitigation for the impact of the development in accordance with Policy TR1 of the Rother Local Plan Core Strategy and the NPPF.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Care should be taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground.

Reason: The historic use of this site may have led to contamination being present. The condition is required in order to avoid risks to health and/or the environment and is in accordance with Paragraphs 120-121 of the NPPF.

15. The carriageway shall be constructed utilising a low road noise surface material and all maintenance thereafter shall utilise the same or at least equivalent type of low road noise construction materials.

Reason: To prevent unreasonable harm to residential amenity in accordance with Policy OSS4(ii) of the Rother Local Plan Core Strategy, the NPPF and to deliver the mitigation measures as identified in Chapter 8 of the Environmental Statement (September 2015).

16. If the development hereby approved does not commence (or, having commenced, is suspended for more than 24 months) within two years from the date of the planning permission, the approved ecological measures secured through *this permission* shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance protected species and ii) identify any likely ecological impacts that might arise from the changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended

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measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure the protection and enhancement of wildlife and supporting habitats of nature conservation value in accordance with Policy EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the NPPF; and to deliver the mitigations as identified in the approved Addendum to the Environmental Statement.

17. The development hereby permitted shall only be carried out in accordance with the Addendum to the Environmental Statement (AHsmg-11873-1204170NBAR-ESAddendum-F1.doc, dated 12 April 2017)) and the mitigation and enhancement measures detailed within. Where details are required by condition to be submitted and approved by the local planning authority, the details shall accord with the Addendum to the Environment Statement.

Reason: To mitigate for the environmental impacts of the development and to conserve and enhance the natural and local environment in accord with Rother Local Plan – Core Strategy Policies OSS4, SRM1 and EN5, the NE Bexhill SPD and the NPPF.

18. If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes, in the opinion of the local planning authority, seriously damaged or defective) another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

### Notes:

1. In reaching this decision due regard has been had by the local planning authority to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).
2. This permission includes conditions requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development is unlawful and does not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced.
3. The Highway Authority's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement

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between the applicant and East Sussex County Council.

4. The affected public rights of way should be improved and where appropriate included within the highway adoption agreement for the development. Details such as widths and surfaces must be approved with ESCC Rights of Way/Highways.
5. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.
6. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.
7. Non-compliance with Japanese Knotweed management and control could render the applicant liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). The Environment Agency's consent is required for the use of herbicides within 8 metres of the Pebsham Stream main river. This is to ensure that the herbicides will not have a detrimental effect on the riverine habitat. A copy of the application form can be found on the following link: [environment-agency.gov.uk/homeandleisure/wildlife/31350.aspx](http://environment-agency.gov.uk/homeandleisure/wildlife/31350.aspx).
8. The design, construction and management of ponds should follow the advice provided by the Pond Creation Toolkit on the Pond Conservation website, [freshwaterhabitates.org.uk/projects/million-ponds/pond-creation-toolkit](http://freshwaterhabitates.org.uk/projects/million-ponds/pond-creation-toolkit).

### **NPPF:**

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.