

**APPLICATION NUMBER: WSCC/049/18/LY
REGULATION 3**

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

To: WSP
The Forum
Barnfield Road
Exeter
EX1 1QR

In pursuance of their powers under the above mentioned Act and Orders, West Sussex County Council hereby notify you that they **GRANTED WITH CONDITIONS** the following development, that is to say:

**Creation of a 1.1km highway, with shared cycleway and footway,
Pegasus crossing, viaduct, culvert, wetland areas, balancing pond and
swales, street lighting and associated works at East of Lyminster village
& between Toddington Nurseries & A284 Lyminster Road, Lyminster,
Littlehampton**

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions) submitted to this Council on and subject to the conditions specified hereunder:

Commencement

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Vegetation clearance

2. Vegetation clearance shall only be undertaken during late autumn/winter in any year, and shall be carried out under the supervision of an Ecological Clerk of Works unless otherwise approved in advance and in writing by the County Planning Authority.

Reason: To avoid detrimental impact on reptiles and breeding birds.

Approved Plans and Documents

3. The development hereby permitted shall not take place other than in accordance with the particulars of the application, as set out in the following approved plans and documents:
 - Site Plan Sheet 1 (ref. A284LY-CAP-HGN-00-DR-C-0146, Rev P03);
 - Site Plan Sheet 2 (ref. A284LY-CAP-HGN-00-DR-C-014, Rev P04);

Date: **9 May 2019**

Signed: **Michael Elkington**, Head of Planning Services

IT IS IMPORTANT THAT YOU READ THE NOTES IN APPENDIX A

CONTINUATION SHEET

- Combined Planning Information (Sheet 1 ref. A284LY-CAP-HGN-00-DR-C-0190 Rev. P02; Sheet 2 Ref. A284LY-CAP-HGN-00-DR-C-0191 Rev. P02; Sheet 3 Ref. A284LY-CAP-HGN-00-DR-C-0192; Sheet 4 Ref. A284LYCAP-HGN-00-DR-C-0193 Rev. P02);
- 1725 Black Ditch Viaduct (Sheet 1 ref. A284LY-CAP-SBR-01-DR-C-0136 Rev P04; Sheet 2 ref. A284LY-CAP-SBR-01-DR-C-0137 Rev. P04; Sheet 3 ref. A284LY-CAP-SBR-01-DR-C-0138 Rev. P05);
- NPPF Flood Risk Assessment (including Appendices: ref. WSP project no.70048270; 48270-FRA-001, November 2018);
- Landscape, Planting and Seeding Layout (Sheet 1 ref. A284LY-CAP-EXX-00-DR-L-0027 rev. P05; Sheet 2 ref. A284LY-CAP-EXX-00-DR-L-0028 rev. P05; sheet 3 ref. A284LY-CAP-EXX-00-DR-L-002 rev. P05; sheet 4 ref. A284LY-CAP-EXX-00-DR-L-0030 rev. P06);

along with the Planning Statement (WSP ref. 70022836, Rev. 2, November 2018), Ecological Impact Assessment (ref. WSP project no. 70048270, 001, November 2018), and the Arboricultural Method Statement (Appendix A to the Detailed Arboricultural Report ref. WSP project no. 70048270-E05, October 2018), save as varied by the following conditions.

Reason: To secure a satisfactory development comes forward, carried out in accordance with the details considered in approving it.

Construction Environmental Management Plan

4. No development shall be carried out until a Construction Environmental Management Plan (CEMP), according with the mitigation/enhancement measures set out in Section 8, and Section 6 of Appendix J to the Ecological Impact Assessment (ref. WSP project no. 70048270, 001, November 2018), and the Arboricultural Method Statement (Appendix A to the Detailed Arboricultural Report ref. WSP project no. 70048270-E05, October 2018) has been submitted to and approved in writing by the County Planning Authority. The scheme shall address the management of any environmentally sensitive areas, their aftercare and maintenance, and include a plan showing how the environment, including trees, will be protected during the works. Such a scheme shall include the following:
- a) The timing of works/vegetation removal, and how this will be undertaken to avoid ecologically-sensitive periods;
 - b) Details of the location and type of protection measures to be provided for retained hedgerows, trees and woodland;
 - c) Details of the location and type of protection measures, such as hedges fencing, to be provided to protect sensitive habitats from construction activities;
 - d) Details of the location and type of pollution control measures to be provided to protect watercourses;
 - e) Details of precautionary working methods as outlined in the great crested newt technical report (EIA Appendix J).

The approved CEMP shall be implemented in full throughout the construction of the development.

CONTINUATION SHEET

Reason: To ensure works are designed, timed and implemented to accord with paragraphs 170 and 175 of the NPPF by ensuring that the development conserves and enhances the environment by minimising impacts and providing net gains for biodiversity. Required prior to commencement to ensure that environmental sensitive areas can be protected throughout the construction period, including site clearance.

Construction Management Plan

5. No development shall be carried out until a Construction Management Plan, has been submitted to and approved in writing by the County Planning Authority (who shall consult with Highways England). The Plan shall include the following:
- a) The anticipated number, frequency and types of vehicles used during construction,
 - b) The method of access and routing of vehicles during construction,
 - c) The location of temporary contractors' compounds, including parking for site operatives and visitors, and site offices and facilities;
 - d) Details of where plant and material (including waste) will be stored, during construction, and provision for its loading and movement;
 - e) Details of construction hours;
 - f) Measures to prevent dust and debris from being blown or otherwise deposited beyond the site, particularly onto the A27, including the location of any wheel washing or other facilities; and
 - g) Details of measures to minimise noise impact, in general accordance with Section 5 of the submitted Noise and Vibration Assessment, including the locations of hoardings and screens; the location of any concrete crushing plant;
 - h) Details of works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, temporary traffic management, commitment to repair any parts of the highway deemed damaged by contractor's vehicles as a consequence of the construction process and street-cleaning facilities); and,
 - i) Details of public engagement both prior to and during construction works. The construction of the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To ensure that construction of the highway does not result in avoidable congestion on the A27, to prevent extraneous material being deposited on the highway, to ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Required prior to commencement to ensure that the A27 and the safety of road users is protected throughout the construction of the development.

CONTINUATION SHEET

Archaeological Written Scheme of Investigation

6. No development shall be carried out (including any site clearance) until a Written Scheme of Investigation setting out a programme of archaeological work has been submitted to and approved by the County Planning Authority. The scheme shall include provision for field survey and recording, analysis, reporting, publishing and archiving of the results, along with a Community Information Action Plan (Archaeology). Once approved, the scheme of archaeological work shall be implemented in full, in accordance with a timetable to be agreed within the scheme.

Reason: To enable the recording of heritage assets of archaeological interest. Required prior to commencement to ensure mechanisms are in place before works begin to minimise the risk of harm to heritage assets.

Detailed Landscaping Scheme

7. Prior to the first public use of the road, a detailed scheme of landscaping for the site shall be submitted to and approved by the County Planning Authority in writing. The scheme shall specify the types, size and species of all trees and shrubs to be planted, including measures for biosecurity; details of all trees to be retained; and details of fencing/enclosure of the site, phasing and timescales for carrying out the works, and provision for future maintenance. The approved landscape scheme shall be fully implemented in the first growing season following commencement of the development hereby permitted unless agreed by prior arrangement in writing with the County Planning Authority. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: to protect and enhance the character of the area and its biodiversity. Required prior to commencement to ensure that the planting provided is appropriate for the scheme and area, and will protect and enhance the character and biodiversity of the site and surrounding area.

Landscape and Ecological Management Plan

8. A Landscape and Ecological Management Plan (LEMP), in accordance with the approved Landscaping Plans (ref. Landscape, Planting and Seeding Layout (Sheet 1 ref. A284LY-CAP-EXX-00-DR-L-0027 rev. P05; Sheet 2 ref. A284LYCAP-EXX-00-DR-L-0028 rev. P05; sheet 3 ref. A284LY-CAP-EXX-00-DR-L-002 rev. P05; sheet 4 ref. A284LY-CAP-EXX-00-DR-L-0030 rev. P06), shall be submitted to, and approved in writing by the County Planning Authority prior to the first public use of the road. The Plan shall include:
- a) A description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence its management;
 - c) The aims and objectives of management;
 - d) Prescriptions for management actions to achieve the aims/objectives;
 - e) Details of initial aftercare and long-term maintenance;

CONTINUATION SHEET

- f) Details of ongoing monitoring and remedial measures: how (where monitoring results show that conservation aims and objectives of the LEMP are not being met) 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;
 - g) A work schedule, including a 5 year project register, an annual work plan, and the means by which the plan will be rolled forward annually;
 - h) a full planting specification (including measures for biosecurity);
 - i) details of facilitation pruning;
 - j) a management and maintenance plan for planting and ecological mitigation/enhancement measures;
- The approved LEMP shall thereafter be implemented in full.

Reason: To secure the long term management of habitat and species, and ensure that the scheme delivers the ecological enhancements which make it acceptable and in accordance with paragraph 175 of the NPPF (2019).

Drainage Verification Report

9. Prior to the first public use of the road, a Verification Report pertaining to the surface water drainage system, carried out by a Chartered Engineer, has been submitted to and approved by the County Planning Authority. The Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: to ensure that drainage of the development is appropriate and would not result in increased flooding.

SuDS System

10. Prior to the first public use of the road, full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual which is submitted to and approved in writing by the County Planning Authority. The development shall thereafter be carried out in accordance with the approved SuDS manual.

Reason: To ensure that the SuDS scheme set out in the submission, and which made the development acceptable in terms

INFORMATIVES

A. Environment Agency Advice

The applicant's attention is drawn to the response of the Environment Agency dated 9 January 2018 [sic], particularly (page 3) the advice relating to the need for their prior written consent for works/structures in/under/over/within 8 metres of Black Ditch; and in relation to managing the risk to groundwater.

Date: **9 May 2019**

Signed: **Michael Elkington**, Head of Planning Services

CONTINUATION SHEET

B. Lead Local Flooding Authority Advice

The applicant's attention is drawn to the comments labelled 'informatives' in the WSCC Drainage/LLFA Response dated 19 February 2019.

C. Temporary Works Required During Construction

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

D. Temporary Developer Signage

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

E. Traffic Regulation Order

The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed bypass (waiting restrictions, removal of parking bays, provision of loading bay, etc). The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

This information is only intended as a summary of the reasons for the grant of planning permission. For further details on the decision, please see the report by contacting County Planning at West Sussex County Council or visiting the website at www.westsussex.gov.uk/planning.

APPENDIX A: TOWN AND COUNTRY PLANNING ACT 1990

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES.

THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT IS RECOMMENDED THAT YOU CONSULT A SOLICITOR IF YOU ARE IN ANY DOUBT.

1 Appeals to the Secretary of State

- (a) 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 Secretary of State under section 78 of the Town and Country Planning Act 1990.
- (b) 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 online at www.planning-inspectorate.gov.uk or by writing to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- (c) The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (d) The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

2 Purchase Notices

- (f) If either the local planning authority or the Secretary of State refuses 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 render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- (g) In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

3 Further correspondence about this application should quote the reference number at the top right hand corner of the form.