



Local Policing Support Team

Your Ref: RR/2021/1656/P Our Ref: PE/RDC/21/08/A Date: 21st September 2021
Contact Name: Phill Edwards Tel: 01273 404 535 ext: 540113 Mobile No: 07780987871

Dear Mrs Gibbons

RE: Fryatt's Way - land at, Bexhill.

Thank you for your correspondence of 01st September 2021, advising me of an outline planning application for erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com. Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in Rother district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

Mrs C Gibbons
Planning Officer
Planning Division
Rother District Council

In general terms I support the proposals in this application which will create a large development where access is gained through a single point with no through vehicle route. The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked and has eliminated vulnerable rear garden pathways. Parking in the main has been provided with on-curtilage, garage and overlooked parking bays, this should leave the street layout free and unobstructed. However, there appears to be a no allocated visitor parking.

Should communal parking occur, it is important that it must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. Whereas, vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m.

Gates that provide access to the rear gardens must be placed at the entrance to the garden, as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence so as not to reduce the overall security of the dwellings boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges

Communal areas, such as playgrounds, toddler play areas, seating facilities etc have the potential to generate crime, the fear of crime and anti-social behaviour. Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space, and it should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance. Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access Para 9 SBD Homes 2019. I would ask that consideration is given to the eventual location in that it is surrounded with railings with self-closing gates to provide a dog free environment.

With respect to the proposed green corridor through the development and adjacent footpaths. Para 8.3 of SBD Homes 2019 V2 states: *Whilst is accepted that through routes will be included within the development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths.*

Additionally, Para 8.10 Footpath Design. SBD have identified that public footpaths should not run to the rear of rear gardens as this have proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are

- as straight as possible
- wide
- well lit (within BS 5489-1:2013)
- devoid of potential hiding places
- overlooked by surrounding buildings and activities
- well maintained so as to enable natural surveillance along the path and its borders.

In order to maintain as much natural surveillance over the area as possible I recommend that ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This will provide good observation to any capable guardian accessing the development. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime. However, a capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times.

Where cycle security is being provided for within garages and cycle sheds within the gardens. I would like to direct the applicant to SBD Homes 2019 V2 document para 56 for advice on cycle security

Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations being satisfactorily addressed.

I thank you for allowing me the opportunity to comment and look forward to providing more in-depth comments at the reserved matters stage.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

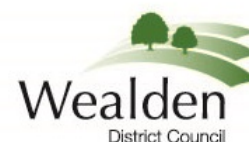
The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Yours sincerely



Phill Edwards
Designing Out Crime Officer
Sussex Police Headquarters

OUR REF: WK/202106949
DATE: **23 September 2021**
YOUR REF: RR/2021/1656/P



Ms C Gibbons
Planning and Building Control
Rother District Council
Bexhill-on-Sea
East Sussex

Richard Parker-Harding
Head of Environmental Health

Dear Ms Gibbons,

RR/2021/1656/P

Fryatts Way – land at, Bexhill

Erection of up to 210 Residential Dwellings (Including up to 30% Affordable Housing), Introduction of Structural Planting and Landscaping, Informal Public Open Space and Children's Play Area, Surface Water Flood Mitigation, Vehicular Access Point and Associated Ancillary Works. All Matters to be Reserved with the Exception of the Main Site Access

Thank you for consulting with Environmental Health regarding the above mentioned planning application.

The application includes a detailed Phase 1 Preliminary Risk Assessment by RSK (Project No.: 315126 R01 (00), dated November 2019) which concludes that 'the potential for contamination at the site is considered to be low risk.' Nevertheless, RSK recommends a Phase 2 intrusive investigation as the next step to reduce any uncertainty associated with the conceptual model of contamination and confirm the on-site geology. Consequently I recommend the following conditions be imposed to address any potential contamination of the site:

Remedial measures for contaminated land

1. The development hereby permitted shall not begin until a scheme to deal with contamination of land, the presence of ground gas and potential contamination of controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless

the local planning authority dispenses with any such requirement specifically in writing:

- i. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011+A2:2017 Investigation of potentially contaminated sites – Code of practice.
- ii. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175: 2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. The report shall include a detailed quantitative human health and environmental risk assessment.
- iii. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
- iv. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
- v. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy OSS3(viii) of the Rother Local Plan Core Strategy 2004 and Policy GD1 of the Rother District Local Plan 2006.

Contaminated land watching brief

2. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy OSS3(viii) of the Rother Local Plan Core Strategy 2004 and Policy GD1 of the Rother District Local Plan 2006.

The conclusion of the Noise Screening Assessment by Miller Goodall Ltd. (Report No. 102252-3, 14 June 2021) submitted with the application that 'noise should not pose a barrier to residential development in the site' is reasonable given the location of the site and potentially significant noise sources in the area. The conclusions do note the need to consider the exposure of existing properties to increased levels of road traffic noise and this would be particularly important in the case of numbers 11 and 15 Fryatts Way, the properties either side of the new site access where a new traffic noise source would be created at the side of each. I accept that the absolute road traffic noise levels on Fryatts Way are unlikely to exceed the SOAEL (Significant Observed Adverse Effect Level). A change in traffic flow of 25% in the short term is likely to increase road traffic noise levels by approximately 1 dB. Any greater traffic increase (the report suggests an increase of at least 100% in the future may be possible), would develop over a prolonged period rather than overnight lessening its impact. The same will not necessarily be true for 11 and 15 Fryatts Way for which properties I consider there should be a more detailed evaluation to facilitate the development of mitigation to minimise adverse effects on health and quality of life as advised in paragraph 2.24 of the NPSE (Noise Policy Statement for England, Defra, March 2010).

Road Traffic Noise

3. The development hereby permitted shall not begin until an assessment of the impact of noise from road traffic on the access road to the proposed development affecting numbers 11 and 15 Fryatts Way and proposals for mitigating the effects on external garden areas of those properties have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the amenities of existing occupiers are protected and in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

An Air Quality Screening Assessment report by Miller Goodall Ltd. (Report No. 102251V2, 18 June 2021) has been submitted with the planning application. It references the Air quality and emissions mitigation guidance for Sussex (2019) which has since been revised in both 2020 and 2021. Nevertheless the general approach and conclusions are not significantly affected by changes in those subsequent versions of the guidance. I note that the conclusions to the report propose that a detailed damage cost assessment and mitigation scheme be provided at reserved matters stage and therefore recommend the following comprehensive condition:

Air Quality Assessment

4. Prior to the commencement of development, an air quality assessment shall be carried out by a suitably qualified person for the proposed development. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment should consider the impact of the proposed development on the air quality objectives described in the National Air Quality Strategy with respect to nitrogen dioxide, PM₁₀ and PM_{2.5} particulates.

For the construction phase, an assessment should be undertaken of the potential for dust nuisance, using the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'.

For a quantitative assessment of the operational phase, detailed dispersion modelling using industry standard software, such as ADMSRoads, to determine the impact of the development on existing air quality is required. This should include assessment of the cumulative impacts from the development itself and other committed developments in the vicinity, on existing air quality.

Where possible, verification of the model output should be made through a comparison of the results of any publicly available monitoring data in the study area. To inform the background concentrations used within the model, the results of local monitoring and the available Defra maps should be used. Reductions in background concentrations and emissions in future years should not be used, to reflect the findings of recent research.

The significance of impact should be described with reference to the EPUK/IAQM Land-Use Planning & Development Control: Planning for Air Quality (January 2017) document, and the 'Air quality and emissions mitigation guidance for Sussex (2021)'.

All mitigation measures deemed necessary shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with any approved scheme.

Reason: To protect the air quality in the area having regard to 'Air quality and emissions mitigation guidance for Sussex (2021).'

Construction Management Plan

5. No development shall take place, including any ground works, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routeing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste to minimise noise and dust impacts;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- general noise and dust control measures; and

- details of public engagement both prior to and during construction works.

Reason: To ensure that the amenities of existing occupiers are protected and in the interests of and for the safety of persons and vehicles using the local road network serving the site, having regard to Policy EN3 of the Rother Local Plan Core Strategy 2014 and paragraphs 174 and 185 of the National Planning Policy Framework 2021.

6. During the construction phase, no works shall take place other than within the hours Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays Public or Bank Holidays. Deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays

Reason: To protect residential amenity, having regard to paragraphs 174 and 185 of the National Planning Policy Framework 2021.

Lighting scheme

7. Before the development commences a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority.

Reason: To protect the amenity of the locality, in terms of light pollution especially for people living and/or working nearby, in accordance with Policies OSS4 (ii) (iii) of the Rother Local Plan Core Strategy.

Yours sincerely,

Andrew Colthurst
Senior Environmental Health Officer

Rother District Council
Development Control
Town Hall London Road
Bexhill-on-Sea
East Sussex
TN39 3JX

Our ref: KT/2021/128808/01-L01
Your ref: RR/2021/1656/P
Date: 06 October 2021

Dear Sir/Madam

Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

Fryatt's Way - Land At, Bexhill

Thank you for consulting us on the above application.

We have **no objection** to this proposal, although we do offer the following comments in respect of the proposed development.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river

The Picknell Green Stream is a classified main river and as such any works within 8 metres will require a Permit from ourselves prior to any works commencing.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Non planning consents

The applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

If you feel we should assess this planning application in more detail due to local issues please email KSLPLANNING@environment-agency.gov.uk

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me via the email below

Yours faithfully

Mr Adam Harwood
Planning Advisor

Direct e-mail KSLPLANNING@environment-agency.gov.uk

Ms C Gibbons
 Strategy & Planning Service
 Rother District Council
 Town Hall, Bexhill on Sea
 TN39 3JX

Date: 6 October 2021

Our ref: SUD/PC/RR/21/022
 Your ref: RR/2021/1656/P

Dear Ms C Gibbons

SUD/PC/RR/21/022 - Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access., Fryatt's Way - land at, Bexhill

Received Date: 1 September 2021

Position of the Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority:

No objection	The information provided is satisfactory and enables the PCWLMB and LLFA to determine that the proposed development is capable of managing flood risk effectively.	
No objection	The information provided is satisfactory and enables the PCWLMB and LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.	X
No objection in principle subject to the imposition of conditions	Whilst the application documentation has not met all the County Council's and the Board's requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions which are outlined in this response.	
Objection due to Insufficient Information	The applicant has failed to meet the requirements to assess its acceptability in flood risk terms. The PCWLMB and LLFA will respond in 21 days of receipt of the requested information	
Objection	The application presents an unacceptable on site/off site flood risk.	

Cont./...

Pevensey and Cuckmere Water Level Management Board and East Sussex County Council are working together to advise planning authorities on the impact of development on local flood risk within the Board's catchment

Flood Risk Management, Communities, Economy and Transport Department
 County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE
 SuDS@eastsussex.gov.uk 01273 481421

Detailed Comments:

The comments below have been made on the understanding that the quantum of development sought is not fixed, and approval is sought for the development framework and access only. Therefore, there is an opportunity to address all concerns about the flood risk impacts of the development at reserved matters stage should planning approval be granted.

The application site is adjacent to a main river, the Picknill Green Stream which flows through Little Common downstream of the application site. There are flooding problems along the Stream at Little Common some of which are associated with existing culverts and the flashy and responsive nature of the stream to rainfall. Therefore, limiting runoff rates to manage impacts downstream is very important and we would expect runoff rates from the development to be limited to the mean annual runoff rate, Q_{bar} , for all rainfall events in excess of those with a 1 in 2 annual probability of occurrence including those with a 1 in 100 (plus 40% for climate change) annual probability of occurrence. The current drainage strategy is based on higher discharge rates than this, therefore the proposed basin will most likely need to be increased in size.

The drainage strategy indicates that some of the proposed attenuation ponds will be abutting the edge of the current Flood Zone 3. It is our understanding that the Picknill Green Stream has recently been modelled by the Environment Agency. The flood levels from this modelling do not appear to have informed the application. The impact of the results of this hydraulic modelling should be assessed at the time of developing the site layout and all proposed attenuation basins and swales should be outside the predicted 1 in 100 (plus climate change) flood plain extent.

The site investigation found a number of pipe outfalls into the watercourses on site. These have been assumed to serve the application site's land drainage needs. However, there was no further investigation undertaken to confirm that they only serve the application site and no offsite areas. Detailed investigation of all the pipe outfalls and the area they serve should be undertaken. If it is established that they serve any offsite areas the culverts should either be retained as they are or diverted through the development safely. This should be demonstrated when an application that seeks to fix the development layout is submitted. Existing overland surface water flow routes through the site should also be retained or diverted safely.

The proposed ponds/basins are shown to be in areas that have groundwater levels at less than 2m below ground level on British Geological Survey data. Therefore, the design of surface water storage structures should be informed by findings of groundwater monitoring, preferably covering 12 months, but at a minimum the period between autumn and spring.

If the Local Planning Authority is minded to grant planning permission, the PCWLMB and LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
 - a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the mean annual runoff, Q_{bar} for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
 - b. The details of the outfalls of the proposed surface water attenuation structures and how they connect into the watercourses shall be submitted as part of a detailed design including cross sections and invert levels.
 - c. The detailed design of the surface water attenuation structures shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
 - d. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how the existing overland surface water flows have been retained.
 - e. Evidence that the existing watercourses and culverts on site has been retained within a communally maintained space shall be provided.
2. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
 - a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

3. Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

4. Prior to occupation of the development, evidence (including as built drawings and photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore the applicant should formally agree surface water discharge rates with the Water Level Management Board. This should be done at the time of fixing the development layout.

If you or the applicant/agent wishes to discuss any of the points raised in this letter, please contact the case officer on SUDS@eastsussex.gov.uk.

Yours sincerely

Nick Claxton

Nick Claxton
Team Manager - Flood Risk Management
On behalf of Flood Risk Management ESCC and Pevensey and Cuckmere WLMB

Case Officer: Revai Kinsella
T: 01273 335534
E: SUDS@eastsussex.gov.uk

JointNoObjectionStandardCond



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Nicola Bell (Regional Director)
Operations Directorate
South East Region
National Highways
planningse@highwaysengland.co.uk

To: Rother District Council FAO Ms C Gibbons
planning@rother.gov.uk

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: RR/2021/1656/P

Location: Fryatts Way - land at, Bexhill

Proposal: Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

National Highways Ref: 92759 / #14944

Referring to the consultation on a planning application dated 28 September 2021 referenced above, in the vicinity of the A259 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);**
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways formal recommendation (*prepared by the Area 4 Spatial Planning Team*) and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning authority must also copy any consultation under the 2018 Direction to planningse@highwaysengland.co.uk.

Signature: 	Date: 18 October 2021
Name: Elizabeth Cleaver	Position: Assistant Spatial Planning Manager
National Highways Bridge House 1 Walnut Tree Close Guildford GU1 4LZ	

¹ Where relevant, further information will be provided within Annex A.

² As announced on 19 August 2021 Highways England became National Highways; although our roles and responsibilities remain largely unchanged and our branding will transition over a period of time.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard the above referenced planning application and has been prepared by the Area 4 South East Spatial Planning Team for National Highways.

Recommend that planning permission not be granted for a specified period: Reasons

We require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the applicant:

Pre-Application Discussions

Pre-application advice was provided to the applicant's agent regarding our assessment requirements in relation to the proposed development.

As part of these discussions, proposed residential trip rates and trip generation for a development quantum of 200 dwellings was agreed. The current application is for a slightly increased number of 210 dwellings and the trip generation has been revised accordingly.

We also advised that, regardless of mitigations work agreed with Rother District Council, East Sussex County Council and their consultants for several junctions on the A259, which have been designed to achieve a nil detriment (most notably the A259 Little Common roundabout and the A259 / A269 /A2690 King Offa Way signalised crossroads), these junctions are already considered to be severely congested. The proposal will add approximately 30 trips (two-way) at each junction and, given their already congested operation, this number of additional trips is not considered to be insignificant. Hence, there is a requirement to model both junctions and to provide appropriate mitigation.

In addition to this, we requested that the applicant also undertake a sensitivity test using a trip rate of 0.7 per dwelling for the AM and PM Peaks in order to ensure that the assessment is suitably robust.

Matters relating to the trip distribution methodology, utilising journey to work data derived from the 2011 UK Census, were also agreed. However further information was requested in relation to the trip assignment methodology.

Review of Current Planning Application

Transport Assessment

The Transport Assessment (TA), prepared by Tetra Tech Limited and dated 10 June 2021, as revision 02, has been reviewed and our comments are as follows:

National and Local Policy

It is noted that this section of the TA does not include any references to DfT Circular 02/2013.

ACTION: The Applicant will need to demonstrate that the development will not materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT Circular 02/2013).

Personal Injury Accident Review

Due to the proximity of the proposed development site to the A259 Little Common Roundabout and the A259/A269 signalised junction, both of which suffer from existing severe congestion, we require that the current PIA analysis should be extended to include the A259 from the A259/Broad Oak Lane junction up to and including the A259 Little Common Roundabout, and the A259 from the A259/Broad Oak Lane junction up to and including the A259/A269 signalised junction.

ACTION: In addition to the existing accident analysis submitted within the TA, the applicant is to provide accident analysis for the A259 from the A259/Broad Oak Lane junction up to and including the A259 Little Common Roundabout, and the A259 from the A259/Broad Oak Lane junction up to and including the A259/A269 signalised junction, for the latest 5 year period for which accident data is available.

2028 Baseline Traffic Data

The TA states that 2028 baseline traffic flows for the AM and PM peak hours have been obtained from the East Sussex Saturn Model. However, the use of any data from the East Sussex Saturn model is subject to the provision of evidence to show that the Saturn base model is sufficiently calibrated and validated at the relevant SRN junctions, which are to be assessed.

ACTION: Applicant to provide Local Model Validation Report (LMVR) for the East Sussex Saturn Model and any other supporting evidence to show that the Model is sufficiently calibrated and validated at the relevant SRN junctions, which are to be assessed.

The TA also states that the 2028 Saturn baseline traffic flows also includes the committed developments in the vicinity of the site. However, it is expected that these committed development flows will now be out of date, depending on when the 2028 Saturn scenarios were produced. The LPA will be able to provide an updated list of committed developments (developments with planning consent).

ACTION: Applicant to obtain an up to date list of committed developments from LPA, which should then be submitted to us for review and agreement.

Furthermore, the 2028 traffic data would not match any of the required assessment years as set out in Paragraphs 25 to 27 of DfT Circular 02/2013. The required assessments include an opening year and a review period.

The opening year is defined as the date at which the development first becomes available for occupation. The review period is either ten years after the date of registration of the planning application or the end of the relevant Local Plan, whichever is the greater.

ACTION: Applicant to provide assessment of proposed development impact (opening year and review period) in accordance with guidance set out in DfT Circular 02/2013.

Trip Rates and Trip Generation

The trip rates presented within the TA are agreed. However, as requested during pre-application discussions, we requested that the applicant undertake a sensitivity test utilising a trip rate of 0.7 per dwelling in the AM and PM peak hours – this is to ensure that the assessment is robust.

ACTION: A Sensitivity Test using a trip rate of 0.7 per dwelling in the AM and PM Peaks should be undertaken to ensure a fully representative assessment of the potential development trip impacts.

Trip Distribution and Assignment

While the methodology of using journey-to-work data derived from the 2011 UK Census for trip distribution is agreed, justification was required as to the routing and assignment of development trips due to discrepancies found in the route choices. The required information has not been included within the submitted TA and remains outstanding.

ACTION: Further justification is required regarding the assignment of development trips, with specific attention drawn to Lewes trips (60% via Route F (A259) and 40% via Route B (LRN)) and to Crawley trips (50% via Route B (LRN) and 50% via Route F (A259)) – this is to ensure that the number of trips distributed onto the A259 has not been underestimated.

Future Year Assessment Flows

For the reasons stated earlier in relation to the '2028 Baseline Traffic Data', the 2028 assessment scenarios presented in the TA are not in accordance with the guidance set out in DfT Circular 02/2013 and are not accepted.

For the avoidance of doubt, suitable flows will be required to be provided for the following scenarios:

- Base Year
- Opening Year + Committed development
- Opening Year + Committed + Proposed development
- Review Year + Committed + Local Plan development
- Review Year + Committed + Local Plan + Proposed development

ACTION: Applicant to provide suitable future year assessment flows in accordance with DfT Circular 02/2013. The review year shall be 10 years post application or end of Local Plan period whichever is longest.

SRN Junction Capacity Assessments

The TA presents junction capacity assessment results for the following SRN junctions:

- A259 Little Common Roundabout – Junctions 9 ARCADY model of mitigation scheme (drawing number 180300-003F) linked to consented application RR/2018/3127/P at Clavering Walk, Land at Bexhill for a residential development of up to 85 dwellings
- Broadoak Lane /A259 Little Common Road Priority Junction – Junctions 9 PICADY model of existing layout
- A269 / A259 Signal Junction – LinSig model of existing junction layout

The following scenarios have been assessed:

- 2028 without development – AM and PM peak hours
- 2028 with development – AM and PM peak hours

However, as previously noted, the assessed scenarios do not meet the requirements of DfT Circular 02/2013.

ACTION: Applicant to provide SRN Junction Capacity Assessments in accordance with DfT Circular 02/2013

Furthermore, all future year models should be derived from calibrated and validated base models, supported by independent observed data, to demonstrate that they are a fair representation of typical junction operations during the morning and evening peak hours.

ACTION: Calibrated and validated morning and evening peak base models to be provided for review together with the independent observed data utilised as part of the validation process.

Notwithstanding the above, we have undertaken a brief check of the models presented in the TA in relation to geometric inputs and model network structure and have the following comments:

A259 Little Common Roundabout

The model geometries accurately represent the proposed layout illustrated in scheme drawing 180300-003 Rev F.

Broad oak Lane /A259 Little Common Road Priority Junction model

We are unable to replicate the geometry used for this junction model based on the existing junction layout, specifically the lane width of the Broad oak Lane approach

ACTION: The applicant is required to submit any drawings or measurements used to calculate the geometries of this junction model.

A269 / A259 Signal Junction

Lane lengths specified for various lanes do not appear to correspond with the existing junction layout

ACTION: The applicant is required to submit any drawings or measurements used to calculate the geometries of this junction model.

It is also recommended that, given their proximity to the main junction, the junctions for Down Road, London Road and Beeching Road should also be included in order to accurately represent the input of traffic from these routes and the manner in which they affect the mainline flow of the A259 and A269.

For the non-signalised approaches of Down Road and Beeching Road, PICADY models should be created in order to derive the correct slope and intercept coefficients for the give-way parameters in the LINSIG model.

ACTION: Junctions for Downs Road, London Road and Beeching Road to be included within the LINSIG model.

Furthermore, we have noted a potential road safety concern with regard to the length of the cycle time within this model, which is 305 seconds in all scenarios for the 'Capture Double' LINSIG model – for the 'One Cycle' model the cycle time is 120 seconds.

Based on the Capture Double cycle time, several of the pedestrian movements – most notably Phase J – are not allowed a movement for up to 300 seconds. This could potentially present a concern for pedestrians who may opt to cross without the invitation of the pedestrian signal due to the extended waiting time. If the limited number of permitted movements for these pedestrian phases has been done due to low pedestrian demand, thereby giving more movements to busier pedestrian crossing routes, evidence of this pedestrian demand needs to be provided.

ACTION: Justification as to the length of the cycle times and the lack of available movements for certain pedestrian phases needs to be provided.

It is also noted that a LinSig model has not been provided of the potential mitigation scheme (drawing number P18063-004 - Proposed A259/A269 Signalised Junction Mitigation) put forward by the Bexhill Leisure Centre development (application reference RR/2019/430/P), an application which has yet to be determined by the LPA. Presumably the applicant wishes to demonstrate that the proposed development can be accommodated within the existing junction layout. Evidence of this will need to be provided.

Due to the number of outstanding issues, the current results of the SRN junction capacity assessments, as presented in the TA, are not accepted. Furthermore, when the modelling is revised, a copy of the electronic modelling files should be provided to assist with our review.

ACTION: Electronic modelling files of all junction models to be provided for review.

Conclusion

At the present time, the proposed development impact on the SRN is not agreed. This response details the steps that need to be taken in order to resolve this issue.

For the reasons set out above, National Highways recommends that planning permission not be granted for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.

This application has been assessed by the National Highways South East Region Spatial Planning Team. This NHPR form represents National Highways' formal recommendation regarding the application. It is copied to the Department for Transport as per the terms of our Licence.

Communities Economy and Transport

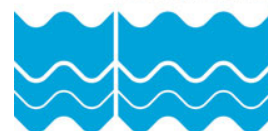
County Hall

St Anne's Crescent

Lewes

East Sussex

BN7 1UE

East Sussex
County Council

Rupert Clubb

BEng(Hons) CEng MICE

Director

Tel: 0345 60 80 190

www.eastsussex.gov.uk

**To: Head of Planning
Strategy & Planning Service
Rother District Council
Town Hall, Bexhill on Sea
TN39 3JX**

FAO: Ms C Gibbons

Date: 26/10/21

Ref: RR/2021/1656/P

Location: Fryatt's Way - land at, Bexhill

Development: Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

Road Name or Number		Consultation Date	1 September 2021
National Grid Reference	572519108692	Contact Officer Details	Ben Lenton01273 336114ben.lenton@eastsussex.gov.uk

Recommendation:

No objection		Objection	x
No objection subject to the imposition of conditions		Objection due to insufficient information	

Executive Summary

The development proposal is an outline application for the erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface

water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

I have concerns regarding the accessibility of the proposed residential development due to the lack of services and facilities within a suitable walking distance of the site. The nearest bus stops are also a considerable walk from the site whilst the bus service available at these stops is infrequent. The roads leading to the site are also narrow in places with no footways available along some stretches of the carriageway. The site is therefore considered to be poorly located from an accessibility perspective and it is unlikely that measures could be put in place to improve travel options sufficiently to provide residents with a viable alternative to travel by private car.

With this in mind I object to the development proposal for the following reason:

- 1. The proposed development is poorly placed in terms of sustainable transport modes due to the lack of non-car travel choices for residents and would therefore be contrary to para 104 and 106 of the National Planning Policy Framework**

Response

The Site

The site is located adjacent to an existing residential area approximately 2km from Bexhill Town Centre shopping area as defined in the RDC Local Plan. In the wider context it is located approximately 9km to the west of the centre of Hastings and 15km to the northeast of the centre of Eastbourne.

The site is currently an undeveloped green field which is bounded to the east by existing residential dwellings apart from a small section of the site (approximately 15m long) which forms a boundary onto Fryatts Way. To the south, west and north, the site is bounded by undeveloped green fields.

Accessibility

Pedestrian Facilities – The pedestrian facilities in the immediate vicinity of the site are considered to be adequate; however, to improve the route to and from the site dropped kerbs and tactile paving are required either side of Concorde Close at its junction with Fryatts Way.

The walking distances to the bus services available on Turkey Road to the north and Little Common Road to the south of the site are considered to be excessive. It is also noted that the pedestrian links available are far from ideal in either direction. This is particularly evident towards Turkey Road in the north where the route is unlit and there are no footways available on Ellerslie Lane. It is also apparent that there is no opportunity to improve pedestrian facilities in this direction due to the narrow carriageway width and the lack of highway verge available. The pedestrian route in this direction is therefore considered to be poor.

To the south of the site a footway is available on Ellerslie Lane; however, to assist pedestrians wishing to cross the road dropped kerbs and tactile paving are required

either side of Ellerslie Lane at a suitable location north of the Summer Hill Road junction.

Broad oak Lane/Deerswood Lane branches to the west of Ellerslie Lane; however, the initial stretch of road from the junction has no pedestrian facilities available for a distance of approximately 50m. As this is the most direct route to the bus service on Little Common Road the lack of footway results in pedestrians being forced to walk within the carriageway on a relatively narrow stretch of road where inter-visibility between vehicles and pedestrians is poor. It would be preferred for this route to be improved for pedestrians; however, it is acknowledged that the scope for providing footways in this area is restricted by the narrow highway verge available on either side of the carriageway. Whilst this is not ideal it is noted that an alternative route to the bus stops on Little Common Road is available via Blackfield Avenue and Courthorpe Drive. This is a slightly longer route than traveling via Deerswood Lane and also poses steeper gradients; however, it is considered to be a viable option for pedestrians. Additional routes to the A259 are also available via Summerhill Road and Broad oak Lane.

The ESCC Road Safety team has been consulted on the development proposal and they have advised that there have been historical concerns raised in this area regarding the speed of traffic and the safety of pedestrians due to the lack of footway. The Road Safety Team therefore recommend that a development of this size should improve pedestrian connectivity to facilitate sustainable/ healthy transport options and reduce the dependency on use of motor vehicles within road networks that were not designed to support high volumes of traffic; however, there is little scope to achieve this on some stretches of road.

Bus Services - As detailed above, there are no bus stops within easy walking distance of the site that provide a frequent service to the local area. Within approximately 700m of the centre of the development site, which significantly exceeds the 400m recommended walking distance, the bus stops on Courthorpe Drive are served by the Bexhill Community Bus which provides an infrequent bus service (No.11), with four journeys a day (Monday to Saturday but with no peak or evening service).

If the proposed development is granted consent, ESCC would request that Bexhill Community Bus consider revising their route to encompass Blackfield Road and Summer Hill Road and new bus stops, placed either on the new section of route in Summer Hill Road, or on the existing section of route near the top of Knebworth Road could be provided as part of the development proposal. However, due to its infrequency and lack of peak hour service the No. 11 bus service is considered to be wholly inadequate in terms of providing residents with an alternative to the private car for journeys to work etc.

Additional bus stops are located on Gunter's Lane, West Down Road and Turkey Lane and these are served by bus route 97. The closest of these stops is located on Turkey Lane, or on Gunter's Lane, approximately 850m walking distance from the site access; however, the service available is also particularly infrequent.

The bus stops nearest to the site which offer a service suitable as an alternative to travel by private car are at the Little Common roundabout and on the A269; however, these are located approximately 2km away from the centre of the site. As the

recommended walking distance from the site to a bus stop is 400 metres this is not acceptable.

In order to improve the accessibility of the development a sizeable contribution could be sought, and this would be put towards a new pre-booked Demand Responsive Transport (DRT) to serve the site. This would provide a minibus to operate as part of a wider scheme to run the Bexhill area.

Due to the restrictive carriageway width towards the northern end of Ellerslie Lane a minibus would most likely access the development site via the Blackfields Avenue end of the road. Within the development a mobility hub would be required, and this should include a turning place for the DRT minibus, good quality waiting facilities, ie shelter, seating, lighting, cycle storage plus excellent walking and cycling routes between the hub and dwellings.

A contribution of £300k would be sufficient to fund a DRT service for 3 years and we would also require the travel plan to be provided as part of the development proposal to include provision 6 months discounted DRT travel for new residents. However, the service this would provide residents with would remain less than ideal and I would be concerned that once funding ceases the service would no longer be viable and residents would again be reliant solely on travel by private car.

With this in mind, whilst the applicant could make contributions towards public transport and improve some pedestrian links in the area the distance from the site to a reliable public transport service would not be adequately addressed. The accessibility of site therefore remains unacceptable.

The Development Proposal

The proposals comprise up to 210 residential units including 30% affordable housing (up to 63 houses), planting landscaping, public open space and sustainable drainage system (SuDS). All matters are reserved except for access and therefore the housing mix, internal layout and parking provision are yet to be finalised.

Access to the site is via Fryatts Way which is a cul de sac running from a priority junction on Ellerslie Lane, with another, shorter cul de sac, Concorde Close, running off Fryatts Way at a priority junction. serving a number of detached houses each with private off-street parking for two or more cars.

Ellerslie Lane forms part of a local distributor route.

Site Access

Vehicle and pedestrian access to the development will be from Fryatts Way via a priority junction.

The site access road will be 5.5m wide with 2m footways provided on both sides of the carriageway which will connect with the existing pedestrian infrastructure on Fryatts Way.

The submitted drawing shows that visibility splays appropriate for the the 30mph speed limit along Fryatts Way can be provided either side of the new access.

Tracking drawings have also been provided to demonstrate that the proposed access layout can accommodate a large refuse vehicle, a removal van, and a fire tender safely manoeuvring in and out of the site from Fryatts Way.

The tracking drawings show that the vehicles will have to travel on the opposite side of the carriageway for a short distance when turning in and out of the site access junction but given that there are only likely to be infrequent large vehicle movements and Fryatts Way is very lightly trafficked, this is considered to be acceptable. Nonetheless, there is a risk that any on-street parking on this stretch of road would obstruct this turning manoeuvre and with this in mind parking restrictions may be required on the opposite side of the road to the new access. The need for these parking restrictions should be assessed following the occupation of the development and whilst their provision is unlikely to be necessary a financial contribution secured through via a legal agreement will be required to fund the monitoring process and also a Traffic Regulation Order if parking restrictions are required.

Overall, I have no major concerns regarding the proposed access off Fryatts way as vehicle speeds on this residential cul-de-sac are low and good visibility is available in each direction. The access width and radii proposed are also considered to be appropriate for a development of this type.

Dropped kerbs and tactile paving should be provided on either side of the access for the benefit of pedestrians walking on the south west side of Fryatts Way.

It should be noted that the access will need to be constructed in accordance with ESCC specification with all works carried out by an approved contractor and under the appropriate license or legal agreement.

Internal layout

This is an outline application with all matters reserved except for access and therefore the internal layout and parking provision details provided are limited. These details will be submitted and finalised at reserved matter stage; however, with regards to the road being put forward for adoption or being brought up to adoptable standards I would like to make the following comments and observations:

- Clarification would be required regarding the extent to which the internal layout will be put forward for adoption.
- A minimum width of 5.5m is generally required for the main 'spine road'. A minimum width of 4.8m is required for the secondary roads.
- We would not wish to adopt the car parking areas.
- Tracking drawings are required to ensure that the site layout can accommodate the largest refuse vehicles likely to serve the development.
- Further information would be required regarding the surfacing and lighting within the site.

- With regards to waste collection, it should be noted that residents should not be required to carry waste more than 30m whilst waste collection vehicles should be able to get within 25m of the storage point.
- The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards
- Bus infrastructure – provision of a mobility hub, and this should include a turning place for the DRT minibus, good quality waiting facilities, ie shelter, seating, lighting, cycle storage plus excellent walking and cycling routes between the hub and dwellings. The requirements to accord with advice by both highway authority and the bus service provider.

Road adoption would be secured through a s38 agreement. The extent of the highway adoption would have to be agreed and would depend on the emerging layout at reserved matters stage. A full safety audit on the internal road layout should also be completed along with agreed lighting and highway drainage proposals. This element of the proposal can be considered at Reserve Matters stage.

Parking

The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at new residential development on a site-specific basis. The calculator predicts levels of car ownership using information relating to the site location (ward), unit type, size and the number of allocated spaces.

The proposed housing mix is yet to be confirmed and therefore the level of parking required cannot be calculated at this stage; however, ESCC's Guidance for Parking at New Residential Development should be taken into account when finalising the level and type of parking provided within the site.

For guidance it should also be noted that parking spaces would need to meet the required minimum dimensions to be counted towards the overall provision. The minimum sizes are as follows:

- Parking Spaces: 2.5m x 5m
- Car Ports: 2.8m x 5m
- Disabled Parking Space - 5m x 3.6m
- Garages: 3m x 6m or 3m x 7m if cycle storage is included.

Regardless of size, garages remain less likely to be used for parking and therefore count for only 1/3 of a parking space.

Adequate visitor parking spaces should be distributed throughout the site to prevent excessive on-street blocking access for refuse vehicles.

Tandem parking is unlikely to be utilised to its potential, especially if both cars are in regular use.

The Council encourages developers to include charging facilities for electric vehicles at all properties with off-street parking in accordance with current standards and codes of practise as and when they become available. Charging points should also be considered for other parking areas.

Cycle Parking - Safe, secure and covered cycle parking facilities need to be provided at new developments. The level of cycle parking will need to meet the requirements of the East Sussex County Council standards which are 1 space per unit for one & two bedroom dwellings and 2 spaces per dwelling with three bedrooms or more. If communal storage is provided for flats then 0.5 spaces would be required per unit.

Trip Generation & Highway Impact

In order to determine the impact of the proposal on the local highway network, the following junctions were identified as requiring detailed junction capacity assessment:

- J1: Site Access / Fryatts Way Priority Junction
- J2: Ellerslie Lane / Fryatts Way Priority Junction
- J3: Ellerslie Lane / Turkey Road / St Mary's Road Staggered Junction
- J4: Turkey Road/A269 Ninfield Road Mini Roundabout
- J5: Little Common Roundabout
- J6: Broadoak Lane /A259 Little Common Road Priority Junction
- J7: A269 / A259 Signal Junction

For the purpose of the impact assessment 2028 baseline traffic flows for the AM and PM peak hours have been obtained from the East Sussex Saturn Model. 2028 Saturn baseline traffic flows also includes the committed developments in the vicinity of the site

In order to determine the level of traffic likely to be generated by the development the Transport Reports submitted as part of the previous planning applications made use of the TRICS database to compare the proposal with similar developments in the UK.

Based on trip rates derived from this assessment the proposed residential development is estimated to generate approximately 120 two-way trips during the weekday morning peak hour and 120 two-way trips in the evening peak hour.

Trip distribution has been determined based on the 2011 Census 'journey to work'. This dataset contains information on the location of employment and the method of travel. It contains origin-destination data at the Middle Super Output Area (MSOA) level.

As Fryatts Way is a dead-end to the north, all development traffic will turn right out of the site onto Fryatts Way and progress to the junction with Ellerslie Lane.

The most likely route (or routes) between the development site and employment areas has been identified using Google Map routing. Traffic generated by the proposal was then distributed onto the local highway network using this distribution.

Based on the above distribution of traffic the development proposal is likely to generate the following traffic movements at each of the junctions nearest the site during both the AM and PM hour periods:

From Fryatts Way onto Ellerslie Lane 39 traffic movements are likely to head to and from the north with 82 traffic movements to and from the south

Of the 82 vehicles travelling to and from south approximately 50 will use Summer Hill Road and continue towards the A259 or east along Broadoak Lane.

The remaining 32 vehicles will travel to and from the south to the A259 via Broadoak Lane and Deerswood Lane.

To derive the future year assessment flows (i.e. 2028 with development) the development trip generation flows were added to the 2028 baseline flows.

The results of the capacity assessments demonstrate that the following junctions will continue to operate within their operational capacity:

- Site Access / Fryatts Way Priority Junction
- Ellerslie Lane / Fryatts Way Priority Junction
- Ellerslie Lane / Turkey Road / St Mary's Road Staggered Junction
- Turkey Road/A269 Ninfield Road Mini Roundabout

The increases in queues, delays and degree of saturation due to the inclusion of the development traffic on these junctions is low, and therefore the developments impact could not be considered severe or significant.

The assessment of the Little Common roundabout indicates that the junction will exceed capacity in both the base and with development scenarios. However, as these junctions form part of the A259 trunk road Highways England will comment on this aspect of the assessment.

Although the above assessment demonstrates that development traffic would not have a detrimental impact on local junctions from a capacity perspective, it is considered that the proposal would result in a material increase in traffic on Ellerslie Lane and the roads leading south of the site to the A259.

The key local roads to the site are identified as:

- Fryatts Way.
- Ellerslie Lane and Turkey Road which will be used by traffic accessing the site from the north, north east and north west.
- Broadoak Lane which provides access to the A259 to the south west.
- Summerhill Road / Knebworth Road which provide access to the A259 and Bexhill Town Centre to the southeast.

In order to help understand the likely impact of development traffic on these roads the Transport Assessment has assessed each in terms of their width and availability of pedestrian facilities etc:

- Fryatts Way is a two-way single carriageway cul-de-sac road that is subject to a 30mph speed limit. There are footways and street lighting present on both sides of the carriageway. The northern end of the street is the cul-de-sac with the eastern end of the road forming the minor arm of a priority junction with Ellerslie Lane.
- Ellerslie Lane is a two-way single carriageway road which extends north to south. It is subject to a 30mph speed limit. Approximately 620m to the north of its junction with Fryatts Way, Ellerslie Lane forms the minor arm of a priority junction with Turkey Road. Approximately 150m to the south of Fryatts Way, Ellerslie Lane forms a crossroad junction with Broadoak Lane and Blackfields Avenue.
- To the south of Ellerslie Lanes junction with Fryatts Way, footpaths are present on both sides of the carriageway. Where frontage access to residential dwellings are provided, Ellerslie Way features street lighting. Along its full length, Ellerslie Way is subject to a Traffic Regulation Order which restricts vehicles larger than 6ft 6inches (198cm) in width from travelling along the road, except for access.
- Turkey Road is a two-way single carriageway road that is subject to a 30mph speed limit. Close to its junction with Ellerslie Road, footways and street lighting are present on both sides of the carriageway. Turkey Road is also a bus route.
- Broadoak Lane is a two-way single carriageway road that is subject to a 30mph speed limit. The road extends from the A259, approximately 560m to the south west of Broadoak Lane's junction with Ellerslie Way to West Down Rd approximately 700m to the east. It features intermittent footways and continuous street lighting to both sides of the carriageway. The southernmost section between Courthope Drive and the A259 is also a bus route. At its southern end, Broadoak Lane forms the minor arm of a ghost island right turn priority junction with the A259 (Little Common Road).
- Summer Hill Road / Knebworth Drive are single carriageway roads that are subject to a 30mph speed limit. Footways and street lighting are present on both sides of the carriageway. At its western end, Summer Hill Road forms the minor arm of a priority junction with Ellerslie Lane. Summer Hill Road extends eastwards from Ellerslie Lane for approximately 190m before turning south as Knebworth Drive and heading southwards for approximately 450m until it meets with the A259 (Little Common Road) where it forms the minor arm of a ghost island right turn priority junction.

The roads leading to the site have also been assessed in detail to establish carriageway widths to determine whether the width of local roads will be able to accommodate the traffic likely to be generated by the proposed development.

A plan has been submitted (Appendix C of the TA) indicating that all roads in the vicinity of the site have a width greater than 4.1m and therefore all the roads near the site are wide enough to accommodate two cars travelling in the opposite direction.

The plan shows that most local roads are greater than 5.5m wide with just a few sections of road less than 5.5m wide. The sections of road that are less than 5.5m wide are mostly located along Ellerslie Road to the north of Fryatts Way where the road width ranges from

between 4.1m to greater than 5.5m wide. There is just one section of road on Ellerslie Road to the south of Fryatts Way that is less than 5.5m wide (being between 4.8m and 5.5m wide) with a further section of Knebworth Road ranging in width between 4.8m and 5.5m. There is also a section of Broadoak Lane to the south of the site which is also between 4.1 and 4.8m wide.

The TA concludes that whilst parts of the road network in the vicinity of the site are relatively narrow, the majority of the network can accommodate two goods vehicles travelling in the opposite direction at the same time. The TA also states that there are no parts of the network where two cars cannot pass each other.

Having reviewed and assessed the above roads myself it is accepted that the majority of the network can accommodate two-way traffic; however, Ellerslie Lane is particularly narrow on the section leading towards Turkey Road to the north of the site, as is Broadoak Lane leading up to the junction with Ellerslie Lane. Although a carriageway width of 4.1m is maintained along these stretches of road it is unlikely, given the alignment of the road, that two-way traffic could be accommodated throughout and therefore on occasions a shuttle system operates when traffic meets head on with vehicles waiting on wider stretches of road to allow the other to pass.

This is less than ideal, especially as there are no footways available to pedestrians travelling these routes; however, the flows on the roads serving the site would remain relatively low post development with approximately 80 additional vehicles using Ellerslie Lane to the south and 40 vehicles to the north during the peak hours. It is acknowledged that this would constitute a significant increase in traffic using Ellerslie Lane, especially to the south of the site; however, with a number of routes available to traffic travelling in this direction, flows will be distributed further which in turn will reduce the impact on individual roads. Alternative routes are also available to pedestrians, especially those travelling southwards, and therefore, whilst not ideal, there is scope to avoid the narrow stretches of carriageway which lack footways.

With this in mind, despite having some concern regarding the restrictive nature of some stretches of road serving the site, based on the capacity assessments undertaken and the above observations I am satisfied that the roads will not be adversely affected by the additional traffic generated by the development proposal and will continue to function in a satisfactory manner.

Travel Plan

A travel plan framework has been submitted and this covers some of the points required; however, a full Travel Plan will be required for this development and this will be secured by legal agreement (Sec106). The legal agreement will need to secure the following:

- The agreement of a “measures” approach which; a) specifies targets / outcomes; and, b) identifies specific measures designed to achieve the agreed targets / outcomes and c) identifies the remedies and/or sanctions that shall be applied if the targets / outcomes are not achieved.
- The appointment of a Travel Plan Coordinator to coordinate implementation of the TP and take responsibility for achieving targets including handover arrangements from the developer to a management or residents’ group.

- The completion of the appropriate monitoring reports, including multi-modal travel surveys to be carried out for five years following occupation/operation of the Development based on the standard survey requirement in East Sussex, i.e. a Level 2 TRICS survey (known in this context as SAM: Standard Assessment Methodology).
- The provision of 6 months discounted DRT travel for new residents. This would need to be arranged between the developer and the bus service provider.

The travel plan will be secured through an appropriate legal agreement and surveys will be expected to be submitted at baseline stage (min occupancy of 20 units) and year 1, 3 and 5. The TP will attract an auditing fee of £6000.

Construction Traffic Management Plan

This highway authority is keen to ensure that this development does not have an adverse effect on the existing highway infrastructure and therefore request that a Construction Traffic Management Plan is submitted to and agreed with ESCC prior to the commencement of works to be secured by a relevant planning condition. This would include a construction traffic routing agreement, hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking.

Conclusion

The capacity assessments undertaken as part of the development proposal demonstrate that development traffic would not have a detrimental impact on local junctions from a capacity perspective.

It is, however, acknowledged that the proposal would result in a material increase in traffic on Ellerslie Lane and particularly the roads leading south of the site to the A259.

Some of the roads serving the site are narrow in places, particularly Ellerslie Lane on the section leading north towards Turkey Road, and Broadoak Lane leading up to the junction with Ellerslie Lane to the south.

During busier periods of the day the narrow carriageway widths on these roads result in a shuttle system operating when traffic meets head on with vehicles being forced to wait on wider stretches of road to allow the other to pass.

This is less than ideal; however, the assessments carried out demonstrate that despite the additional traffic that would be generated by the proposed development the overall flows on the roads serving the site would remain relatively low during the peak hours of the day.

It is also noted that the most likely route (or routes) between the development site and employment areas is to and from the south. Therefore, with a number of routes available to traffic travelling in this direction, flows will be distributed further which in turn will reduce the impact on individual roads.

With this in mind, despite having some concern regarding the restrictive nature of some stretches of road serving the site, based on the capacity assessments undertaken and the above observations I am satisfied that the roads will not be adversely affected by the

additional traffic generated by the development proposal and will continue to function in a satisfactory manner.

I have concerns regarding the accessibility of the site as it is located a considerable distance away from bus stops which would provide residents with a frequent service. Residents of the development would therefore have few opportunities for alternative modes of travel available and this would in turn result in an over-reliance on the private motor car. Facilities such as shops, doctor's surgery, schools, pubs etc are also located a significant distance away from the site whilst footway connections within the area are also poor in places.

Based on these observations the site is considered to be poorly located from an accessibility perspective and as opportunity for improvements to be put in place as part of the proposal is limited the development proposal as submitted is considered to be unacceptable and I therefore object on this basis.

Note - In order to address this issue suitable measures will need to be put in place to improve travel options for residents and to provide a viable alternative to travel by private car; however, it is unclear at this stage whether this is feasible. RDC Policy Team should therefore advise as to whether the north-west quadrant of Bexhill can be managed in terms of local public sustainable transport measures in their future local plan.

In the event that consent is granted I would wish for the conditions listed below to be attached.

Also, the off-site works that I would wish to secure as part of this development via a S106/278 agreement are:

- The provision of a new access into the site off Fryatts Way.
- The provision of dropped kerbs and tactile paving either side of the new access.
- The provision of dropped kerbs and tactile paving either side of Concorde Close at its junction with Fryatts Way.
- The provision of dropped kerbs and tactile paving on Ellerslie Lane in a suitable location north of the Summer Hill Road junction.
- Possible provision of a pair of new bus stops, placed either on the new section of route in Summer Hill Road, or on the existing section of route near the top of Knebworth Road. Both stops will require raised kerbs, hard standing, bus stop poles and bus stop clearway markings.

The Financial Contributions I wish to secure as part of this development are:

- A sum of £300k to fund a Demand Responsive Transport (DRT) to serve the site for 3 years.
- A sum of £5,000 towards a Traffic Regulation Order if parking restrictions on Fryatts Way are required. If the TRO hasn't been required within 3 years of occupation the sum will be returned.
- A Travel Plan auditing fee of £6000.

Conditions

1. The development shall not be occupied until details of the layout of the new access and the specification for the construction of the access have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the development not be occupied until the construction of the access has been completed in accordance with the agreed specification.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

2. The access shall not be used until appropriate visibility splays are provided in each direction. The splays are to be cleared of all obstructions exceeding 600 mm in height and kept clear thereafter.

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway

3. The development shall not be occupied until parking area have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

4. The development shall not be occupied until cycle parking area have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

5. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans/details which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

6. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding

7. The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as (a) publicly maintained highway

Reason: In the interest of highway safety and for this benefit and convenience of the public at large

8. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road(s), surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

10. No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

Informative

1. This Authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the applicant

and East Sussex County Council The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

2. Section 38 Agreement of the Highways Act, 1980 – Provision of Adoptable Highway
The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.

3. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.

On behalf of the Highway Authority
For Director of Communities, Economy and Transport (semt by email)

HRNoObjsubCond

HT401

Rupert Clubb
BEng(Hons) CEng MICE
Director

County Hall
St Anne's Crescent
Lewes
East Sussex
BN7 1UE

Tel: 0345 60 80 190
Fax: 01273 479536
www.eastsussex.gov.uk



Mr. Tim Hickling,
Head of Planning,
Rother District Council,
Town Hall,
Bexhill-on-Sea
TN39 3JX

please contact

date

your ref

Virginia Pullan

08.11.21

RR/2021/1656/P

Environment Team

Direct Dial: 01273 482639

Email: virginia.pullan@eastsussex.gov.uk

Dear Mr. Hickling,

For the attention of Ms. C. Gibbons

Proposal Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

Location Fryatts Way - land at, Bexhill

With reference to your email asking for comments on the above planning application. I have reviewed the submissions and have the following comments regarding the potential landscape and visual implications. This advice is provided to the Local Planning Authority by the County Landscape Architect in line with the Service Level Agreement and is not a statutory consultation response.

Summary Recommendation

Recommend for refusal	It is recommended that the proposed development is not supported as it would have an unacceptable impact on local landscape character and visual amenity.
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Reason for Recommendation

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 174 states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
2. The planning application is accompanied by a Landscape and Visual Statement (LVS). This report outlines the baseline landscape and visual context of the site along with the relevant policy context. The report goes on to assess the likely landscape and visual effects of the proposal.
 3. The LVS provides an accurate description of the site and surrounding area in the context of published landscape character assessments. The detailed description of the local character fails to draw out the intrinsic characteristics of the site including the topography in relation to the surrounding area.
 4. The topography of the site falls from the Fryatts Way ridge towards Broad Oak Park and High Woods Golf Course. This means that the site is prominent in the landscape and from the surrounding countryside. The perceptual qualities of the site are not explored by the LVS and the local sense of place and tranquillity are not drawn out by the assessment. The character of the site is contiguous with that of the parkland of Broad Oak Park. The structure of the site's rural landscape is intact with historic fieldscapes and well treed field boundaries. This increases the quality, value and sensitivity of the site in the local context.
 5. The area of countryside between the edge of Bexhill and Little Common (which incorporates High Woods Golf Course, Broad Oak Park and the site area) is a key gap defining the separation between the two settlements. The character of this area is more related to the County Landscape Character area the South Slopes of the High Weald than the urban area of Bexhill. This typical wealden character washes over the landscape to the north of the town and up to the urban edges. Much of this character area between the coast and the countryside to the north has disappeared under development masking the characteristics of the south slopes.
 6. There are views into the site from the surrounding publicly accessible areas of the golf course and Broad Oak Park.
 7. The conclusions of the LVS are that the long-term impacts on landscape character would be Major/ Moderate adverse reducing to Moderate adverse in the longer term. It is noted that this assessment is not reflected in the conclusions of the LVS at section 7.7.
 8. The overall visual effects are assessed to be moderate adverse reducing to negligible once the proposed landscape mitigation has matured. The long-term visual effects on Broad Oak Park are assessed to be Moderate adverse in the long term. Due to the rising topography of the site the long-term effects on the public viewpoints in the park and on the golf course are likely to remain significant.
 9. The assumptions regarding the landscape and visual effects are based on an outline scheme with an indicative landscape masterplan. The LVS therefore cannot fully assess the potential effects of a detailed design and layout.
 10. The site access and increase in vehicle movements would have an adverse impact on the character and amenity of the local residential area and this has not been assessed in the LVS.
 11. In conclusion it is considered that the loss of countryside within the rural gap between the settlements of Little Common and Bexhill would be unacceptable. The impacts on the tranquillity and visual qualities of the local area would be significant and adverse.

CD3 Page 43

Whilst the site is not widely visible in the local landscape there are some significant local views that would be adversely affected. The proposed landscape mitigation would not compensate for the loss of open countryside or the impacts on landscape character and views.

12. It is recommended that the proposed development is not supported as it would have an unacceptable impact on local landscape character and visual amenity.

Yours sincerely,

Virginia Pullan

County Landscape Architect,
East Sussex County Council

Date: 09 November 2021
Our ref: 371921
Your ref: RR/2021/1656/P



Ms C Gibbons

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms C Gibbons,

Planning consultation: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting & landscaping, informal public open space & children's play area, surface water flood mitigation, vehicular access point & assoc. ancillary works. AMR with the exception of the main site access

Location: Fryatts Way - Land at Bexhill

Thank you for your consultation on the above dated 18 October 2021 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Pevensey Levels Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Consideration by the competent authority of potential impacts from increased surface water run-off, as well as any other potential impacts resulting from the development, via Habitats Regulations Assessment (HRA).

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information requiredHabitat Regulation Assessment

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England advises that the assessment does not currently provide enough certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. An Appropriate Assessment should now be undertaken by your authority, in order to assess the implications of the proposal for the European site(s), in view of the site conservation objectives. Natural England is a statutory consultee at the Appropriate Assessment stage of the HRA process.

Sustainable Drainage System (SuDS)

Natural England acknowledge that the applicant has proposed the use of SuDS, in order to mitigate the increase in surface water run-off as a result of the development. We also acknowledge that, as noted within the applicant's *Flood Risk Assessment & Outline Surface Water Drainage Strategy* (June 2021), all surface water run-off is proposed to pass through a treatment train of at least two SuDS features, prior to discharge from the site, and that this preliminary strategy has been designed following the guidance in the CIRIA SuDS Manual (2015). Natural England advise that this appears to be a potentially suitable mitigation strategy.

However, it is currently unclear as to exactly which SuDS features are to be included. For example, the *Flood Risk Assessment & Outline Surface Water Drainage Strategy* suggests the use of permeable paving, swales and attenuation basins, while the Shadow HRA (April 2021) considers swales and attenuation basins only. While only two treatment stages are necessarily required, the current information leads to uncertainty as to which features will be used and how they will be implemented to form a treatment train.

In addition, there appears to be some uncertainty as to the groundwater levels on the site. According to the response from the Pevensy and Cuckmere Water Level Management Board (October 2021), the proposed SuDS basins appear to be in areas that have groundwater levels at less than 2m below ground level. High groundwater levels could have implications for the efficacy and durability of the proposed SuDS. The SuDS design should be informed by accurate groundwater monitoring. Alternatively, in the absence of accurate groundwater data, your authority should determine if the SuDS design has been based on a worst-case scenario, where groundwater levels are at or near the surface. If this is determined to not be the case, Natural England advise that avoidance of Adverse Effect on Integrity will not be sufficiently certain. Natural England reiterate that the proposed mitigation measures must be sufficiently certain to be considered by the competent authority at Appropriate Assessment.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A. If you have any queries relating to the advice in this letter, please contact me at ruby.musgrove-ward@naturalengland.org.uk.

Please consult us again once the information requested above, has been provided.

Yours sincerely
Ruby Musgrove-Ward
Sustainable Development Adviser - Sussex and Kent



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Nicola Bell (Regional Director)
Operations Directorate
South East Region
National Highways
planningse@nationalhighways.co.uk

To: Rother District Council - FAO Ms C Gibbons
planning@rother.gov.uk

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: RR/2021/1656/P

Location: Fryatts Way - Land at, Bexhill

Proposal: Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

National Highways Ref: HAMIS 92759

Referring to the consultation on a planning application dated 28 September 2021 referenced above, in the vicinity of the A259 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);**
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways formal recommendation and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning authority must also copy any consultation under the 2018 Direction to planningse@nationalhighways.co.uk.

Signature: 	Date: 21 March 2022
Name: Elizabeth Cleaver	Position: Assistant Spatial Planning Manager
National Highways: Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ	
PlanningSE@nationalhighways.co.uk	

¹ Where relevant, further information will be provided within Annex A.

Annex A **National Highways' assessment of the proposed development**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommend that planning permission not be granted for a specified period: Reasons

National Highways initially responded to this planning application consultation on 18 October 2021 setting out further information required in order to form a view on the potential impacts upon the strategic road network. The applicant's response, *Technical Note 1: Response to National Highways Comments*, was sent to us on 28 February 2022. We have reviewed the Technical Note and have the following comments:

Personal Injury Accident Review

The applicant has provided screenshots of the Crashmap online database for the A259 corridor between Little Common Roundabout and A259/A269 signalised junction. The applicant needs to compare the basic Crashmap accident data with the likely average accident rates for trunk roads and junctions as given in *Road Casualties Great Britain*. Should the accident rates be higher than would reasonably be expected nationally, then STATS19 analysis should be undertaken to determine whether or not there are any particular common factors within the accident data that could be impacted by the proposed development.

Baseline Traffic Data

The Bexhill Highways Capacity Assessment Report, November 2018, is provided as an Appendix to Technical Note 1. The report includes details of the committed developments accounted for in the modelling but these are only up to 1 April 2018. All committed developments since 1 April 2018 need to be included in the baseline traffic, for example, Land at Clavering Walk (RR/2018/3127/P) permitted February 2020.

The Technical Note refers to pre-application correspondence with East Sussex County Council regarding committed developments not included in the Development and Site Allocations. However, Rother District Council, as the local planning authority, should be advising on committed developments in Rother, rather than East Sussex County Council.

Trip Rates and Trip Generation

We continue to wish to see a sensitivity test using a trip rate of 0.7 per dwelling in the AM and PM peaks. We do not accept the applicant's statement regarding post Covid19 travel changes because there has been insufficient time post the onset of Covid19 to determine whether there is a long term change in travel patterns. Other planning proposals in the area have been required to undertake sensitivity assessment with a 0.7 trip rate to represent a worst case scenario so that we can understand the implications if national trip rates derived from TRICS are not representative of the local area. It would assist the applicant's position in allaying the considerable level of local opposition and concerns over the volume of traffic generated by development and whether or not the highway network will cope with that traffic.

Assessment Years

The TN proposes to assess future years of 2028 and 2031. For SRN assessments the opening of a development is defined as the date at which the development first becomes available for occupation, but assuming a full occupancy level at that time. The TN anticipates the development could be complete by 2028, so 2028 is not the opening year as defined in Circular 02/2013.

SRN Junction Capacity Assessments

The Technical Note uses traffic survey data recorded on 20 January 2022 to provide base year validated traffic models. However, as January is not a neutral month, as provided in WebTAG guidance, the applicant will need to undertake a sensitivity test.

We note that the LinSig model at the A259/A269 signalised junction has now been modified to include the Down Road, London Road and Beeching Road arms. However, no information has been provided regarding the slope and intercept co-efficients used to inform the non-signalised arms of the LinSig model. The applicant will need to provide raw slope and intercept figures from the PICADY models that were used to determine the Opposing Lane Coefficients within the non-signalised arms of the A259/A269 LinSig model.

The A259/A269 signalised junction LinSig model is based on the existing layout rather than the mitigation scheme for the redevelopment of Bexhill Leisure Centre (RR/2019/430/P). Although the planning application is undecided, the development is an allocation in the adopted Rother Local Plan (BEX4) and the mitigation at A259/A269 is required to deliver Local Plan development, not just BEX4. Therefore, the development and associated mitigation should be assumed in 2031 future year assessments. However, we recognise that the Bexhill Leisure Centre redevelopment proposal is currently suspended and so an assessment based on the existing layout could be undertaken as an additional test.

Conclusion

Our current position is that the proposed development's impact on the SRN is not agreed. This response details the steps that need to be taken in order to resolve this issue.

National Highways recommends that planning permission not be granted for a period of three months expiring **21 June 2022** to allow the applicant time to resolve the outstanding matters. This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regard to the required assessments.

This application has been assessed by the National Highways South East Region Spatial Planning Team. This NHPR form represents National Highways' formal recommendation regarding the application. It is copied to the Department for Transport as per the terms of our Licence.



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Nicola Bell (Regional Director)
Operations Directorate
South East Region
National Highways
PlanningSE@nationalhighways.co.uk

To: Rother District Council – FAO Ms Clare Gibbons
planning@rother.gov.uk

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: RR/2021/1656/P

Location: Fryatts Way - Land at, Bexhill

Proposal: Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

National Highways' Ref: HAMIS 92759

Referring to the consultation on a planning application dated 28 September 2021 referenced above, in the vicinity of the A259 that forms part of the strategic road network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways' recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);**
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature:



Date: 22 June 2022

Name: Elizabeth Cleaver

Position: Assistant Spatial Planning
Manager

National Highways: Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ

PlanningSE@nationalhighways.co.uk

¹ Where relevant, further information will be provided within Annex A.

Annex A **National Highways' assessment of the proposed development**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommend that planning permission not be granted for a specified period

National Highways recommend that the application should not be approved until 22 September 2022.

National Highways initially responded to this planning application consultation on 18 October 2021 setting out further information required in order to form a view on the potential impacts upon the strategic road network. We subsequently commented on the applicant's response, *Technical Note 1: Response to National Highways Comments*, requesting further information. We have not yet received the information we requested and repeat our comments below.

Personal Injury Accident Review

The applicant has provided screenshots of the Crashmap online database for the A259 corridor between Little Common Roundabout and A259/A269 signalised junction. The applicant needs to compare the basic Crashmap accident data with the likely average accident rates for trunk roads and junctions as given in *Road Casualties Great Britain*. Should the accident rates be higher than would reasonably be expected nationally, then STATS19 analysis should be undertaken to determine whether or not there are any particular common factors within the accident data that could be impacted by the proposed development.

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be advising on committed developments in Rother, rather than East Sussex County Council.

Trip Rates and Trip Generation

We continue to wish to see a sensitivity test using a trip rate of 0.7 per dwelling in the AM and PM peaks. We do not accept the applicant's statement regarding post Covid19 travel changes because there has been insufficient time post the onset of Covid19 to determine whether there is a long term change in travel patterns. Other planning proposals in the area have been required to undertake sensitivity assessment with a 0.7 trip rate to represent a worst case scenario so that we can understand the implications if national trip rates derived from TRICS are not representative of the local area. It would assist the applicant's position in allaying the considerable level of local opposition and concerns over the volume of traffic generated by development and whether or not the highway network will cope with that traffic.

Assessment Years

The TN proposes to assess future years of 2028 and 2031. For SRN assessments the opening of a development is defined as the date at which the development first becomes available for occupation, but assuming a full occupancy level at that time. The TN anticipates the development could be complete by 2028, so 2028 is not the opening year as defined in Circular 02/2013.

SRN Junction Capacity Assessments

The Technical Note uses traffic survey data recorded on 20 January 2022 to provide base year validated traffic models. However, as January is not a neutral month, as provided in WebTAG guidance, the applicant will need to undertake a sensitivity test. We note that the LinSig model at the A259/A269 signalised junction has now been modified to include the Down Road, London Road and Beeching Road arms. However, no information has been provided regarding the slope and intercept co-efficients used to inform the non-signalised arms of the LinSig model. The applicant will need to provide raw slope and intercept figures from the PICADY models that were used to determine the Opposing Lane Coefficients within the non-signalised arms of the A259/A269 LinSig model.

The A259/A269 signalised junction LinSig model is based on the existing layout rather than the mitigation scheme for the redevelopment of Bexhill Leisure Centre (RR/2019/430/P). Although the planning application is undecided, the development is an allocation in the adopted Rother Local Plan (BEX4) and the mitigation at A259/A269 is required to deliver Local Plan development, not just BEX4. Therefore, the development and associated mitigation should be assumed in 2031 future year assessments. However, we recognise that the Bexhill Leisure Centre redevelopment

proposal is currently suspended and so an assessment based on the existing layout could be undertaken as an additional test.

Conclusion

Our current position is that the proposed development's impact on the SRN is not agreed. This response details the steps that need to be taken in order to resolve this issue.

National Highways recommends that planning permission not be granted for a period of three months expiring **22 September 2022** to allow the applicant time to resolve the outstanding matters. This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regard to the required assessments.



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: South East Regional Director
Operations Directorate
South East Region
National Highways
planningse@nationalhighways.co.uk.

To: Rother District Council – FAO Clare Gibbons
planning@rother.gov.uk

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: RR/2021/1656/P

Location: Fryatts Way - Land at, Bexhill

Proposal: Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access

National Highways Ref: 92759 (Tracker ID: #17164)

Referring to the consultation on a planning application referenced above dated 27 June 2022, in the vicinity of the A259 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);**
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is not relevant to this application.¹

This represents National Highways formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 18 July 2022
Name: Diana Ngobi	Position: Assistant Spatial Planning Manager planningSE@nationalhighways.co.uk
National Highways Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ	

¹ Where relevant, further information will be provided within Annex A.

Annex A **National Highway's assessment of the proposed development**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommendation:

that planning permission not be granted for a specified period:

Reasons:

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the A259.

We have previously commented on this application at both the pre-application scoping stage and following a formal outline application being made to the Local Planning Authority.

We previously raised concerns regarding sections of the submitted Transport Assessment (TA) relating to policy, personal accident injury data, baseline traffic data, trip rates and generations, trip distribution and assignment, future year assessments and SRN junction capacity assessments.

This updated NHPR has been produced in response to *the Tetra Tech Technical Note 3 2nd Response to National Highways*, dated 17 June 2022.

We are now in a position to set out several areas of agreement as follows:

- Expected opening year assessment of 2025 is accepted
- Methodology for factoring 2028 traffic flows down to 2025 is accepted
- 2022 baseline traffic flows are accepted

There are however still outstanding technical issues, and we require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the applicant:

Personal Injury Accident Review

We acknowledge that that the applicant has undertaken accident analysis.

According to the applicant, the raw accident data has not been presented due to '*the sensitivity of the data*'. However, a version of the report can be presented to us provided any personal information contained therein is redacted. The raw accident

data upon which the personal injury accident analysis is based needs to be submitted to us for review.

In addition, accident data has not been provided for the latest 5-year period for which accident data is available. This is required.

ACTION: The STATS19 personal injury accident data used in the applicant's accident analysis needs to be submitted to us for review. In addition, information is required for the latest 5-year period for which accident data available.

Committed Developments

We note that the applicant has approached the LPA for an up-to-date list of committed developments, as per our previous request.

The applicant has included the two largest developments in their updated traffic assessments, on the premise that the smaller developments will generate a negligible number of vehicle trips which would have a minimal impact on the operation on the SRN.

However, the vehicle movements generated by these smaller developments, which will provide new 72 units in total, have the potential to have a similar impact on the SRN as the two larger sites now included.

These smaller developments therefore need to be included to facilitate a suitable assessment.

ACTION: The applicant is required to include all known consented developments in the applicable traffic impact assessments, to facilitate a suitable assessment.

Assessment Years

We previously requested that a traffic assessment for 2039 is carried out in order to meet the requirements of DfT Circular 02/2013. The updated traffic impact assessment presented continues to use a future assessment year of 2031. This approach is not accepted and a revised assessment for 2039 must be undertaken.

ACTION: The applicant is required to provide future year assessments based on the end of the adopted Rother Local Plan (year 2039) in accordance with DfT Circular 02/2013.

Given the outstanding matters, it is not appropriate for us to review the traffic models in detail at this time.

Conclusion

Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 02/2013 [particularly paras 8 to 11] and

MHCLG NPPF2021 [particularly paras 110 to 113]). This response details the steps that need to be taken in order to resolve this issue.

In light of the above, National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response ending 18 October 2022 to allow the applicant to resolve the outstanding matters.

This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.