

1. Before any part of the approved development is commenced, approval of the details of the appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved.

**Suggestion** - Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place prior to the commencement of development and the development shall be carried out as approved.

**Reason:** In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

**Suggestion** - Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Suggestion** - The development hereby permitted shall take place not later than 1 years from the date of approval of the last of the reserved matters to be approved.

**Reason:** In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act).

4. The development hereby permitted shall be carried out in accordance with the following approved plans ~~and particulars~~: Location Plan (drawing number 9309-L-01 (G) and Site Access Design (drawing number A115791-27-C-P001-01).

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

**Commented [GS1]:** Appellant is content with this revised wording.

**Commented [CG2R1]:** Council is likewise content with the amended wording.

**Commented [SG3]:** Agreeable to reducing to 2 years

**Commented [GS4R3]:** Appellant agreeable to suggested wording.

**Commented [CG5]:** Council is content with the amended wording.

**Commented [CG6]:** Is the intention for this to be one year, so commencement would be within three years?

**Commented [GS7R6]:** Yes - stated at paragraph 7.95 of CL proof. Appellant is agreeable to suggested wording.

**Commented [CG8]:** Council is content with the suggested wording.

**Commented [CG9]:** Delete as the condition only refers to plans

5. The landscaping details to be submitted pursuant to Condition 1 shall include the following:

- a) Details of all hard landscaping.
- b) Details of all trees to be retained.
- c) Design, layout and appearance of structural and amenity green space, including verges.
- d) Planting plans, including landscape, , ecological mitigation areas and proposals to maximise the ecological and habitat value of the SUDs.
- e) Written specifications (including cultivation and other operations associated with plant and grass establishment).
- f) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- g) Details for implementation.

The development shall thereafter be carried out in accordance with the details as approved in writing by the Local Planning Authority and in accordance with an agreed implementation programme.

**Reason:** To ensure the satisfactory development of the site in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

6. The Reserved Matters shall be accompanied by full details of existing and finished ground levels within the development and a landscape and visual assessment of the detailed scheme that together demonstrate how the completed development will sit within the wider built and open landscape.

**Reason:** To ensure the satisfactory development of the site in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

7. The Reserved Matters application shall be accompanied by a report containing the result of a programme of archaeological works that have been undertaken in accordance with a Written Scheme of Investigation that has first been submitted to and approved in writing by the Local Planning Authority.

~~The Reserved Matters details shall take account of the findings of the archaeological works and make provision for the retention of any significant archaeological remains in situ.~~

8.

~~The development shall not be occupied thereafter not be brought into use for its permitted use until provision is made for analysis, publication and dissemination of results and archive deposition, as appropriate, has been secured in line with the approved programme of archaeological works, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.~~

**Reason:** A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded in the development or otherwise recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

**Commented [CG10]:** Is this condition necessary as landscaping is a reserved matter? This reads more as an informative/advice to guide what needs to be submitted in a reserved matters submission.

**Commented [GS11R10]:** Appellant agrees that this condition is not necessary.

**Commented [CG12R10]:** For the sake of clarity, the Council would prefer this condition to be retained and is in line with the approach taken with condition 27 of the Spindlewood Drive decision (CD10.03) and condition 22 of the Clavering Walk decision (CD10.04).

**Commented [GS13R10]:** The appellant has no objection to the principle but considers it is unnecessary.

If it is retained, there is no need to delete "implementation programme".

**Commented [CG14]:** Would this be covered by the submission of landscaping details at the Reserved Matters (RM) stage?

**Commented [GS15R14]:** Appellant considers that it would be covered by submission of landscaping details at RM stage.

**Commented [CG16R14]:** The Council is content for reference to the 'implementation programme' to be removed.

**Commented [CG17]:** Is this necessary? Would the Council have control at the reserved matters stage? Could the Council reframe from granting the RM ... [1]

**Commented [GS18R17]:** Appellant agrees that ... [2]

**Commented [CG19R17]:** The Council usually ... [3]

**Commented [CG20]:** Why is this necessary? Do ... [4]

**Commented [GS21R20]:** The appellant's desktd ... [5]

**Commented [CG22R20]:** Agreed with the ... [6]

**Commented [CG23]:** Is the highlighted section ... [7]

**Commented [GS24R23]:** Appellant suggests ... [8]

**Commented [CG25R23]:** This wording is provid ... [9]

**Commented [CG26]:** Could this be altered to ... [11]

**Commented [GS27R26]:** Appellant is agreeab ... [12]

**Commented [CG28R26]:** Please see suggeste ... [13]

**Commented [GS29R26]:** Added "as appropriate ... [14]

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8.9. 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 of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

- i. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the result 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.
- ii. 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 remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
- iii. 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.
- iv. 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 to and approved by the Local Planning Authority 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.

9.10. 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 shall consider the impact of the proposed development on the air quality objectives described in the National Air Quality Strategy with respect to nitrogen dioxide, PM<sub>10</sub> and PM<sub>2.5</sub> particulates.

For the construction phase, an assessment shall 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 standards software, such as ADMSRoads, to determine the impact of the development on existing air quality is required. This shall include assessment of the cumulative

**Commented [CG30]:** Is this necessary? The Council would assess the methodology when reviewing the details.

**Commented [GS31R30]:** Appellant agrees that the highlighted wording is not necessary.

**Commented [CG32R30]:** This wording is provided for the sake of clarity but the Council is content for it to be removed.

**Commented [CG33]:** Is this necessary given that a Phase II investigation is to occur? That said, should this be a separate condition along the following lines?

*Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.*

**Commented [GS34R33]:** Appellant is agreeable to this wording.

**Commented [CG35R33]:** The Council is content with the suggested amended wording.

**Commented [CG36]:** Does this need to be submitted to the Council for approval in writing?

**Commented [GS37R36]:** Amendment suggested - see condition.

**Commented [CG38R36]:** The Council is content with the amended wording.

**Commented [CG39]:** Is 'should' imprecise, as it is unclear whether this is a requirement?

**Commented [GS40R39]:** Amended to 'shall'.

**Commented [CG41R39]:** The Council is content with the amended wording.

**Commented [CG42]:** Is 'should' imprecise, as it is unclear whether this is a requirement?

**Commented [GS43R42]:** Amended to 'shall'.

**Commented [CG44R42]:** The Council is content with the amended wording.

impacts from the development itself and other committed developments in the vicinity, on existing air quality.

Where possible, verification of the model output should shall 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 shall 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.

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)'.

40.11. ~~No development shall take place~~ Prior to the commencement of the development, including any site clearance or ground works, until a Construction Traffic Management Plan (CTMP) 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 include provide, as a minimum, details of the following: ~~details as appropriate but not be restricted to the following matters:~~

- a) the anticipated number, frequency and types of vehicles to be used during construction,
- b) the method of access and egress and routing of vehicles during construction,
- c) the parking of vehicles by site operatives and visitors,
- d) the loading and unloading of plant, materials and waste,
- e) the storage of plant and materials used in construction of the development,
- f) the erection and maintenance of security hoarding,
- g) 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 Regulations Orders); and
- h) details of public engagement both prior to and during construction work.

**Reason:** The CTMP is required before any development is commenced prior of the commencement of development in the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

**Commented [CG45]:** Is 'where possible' imprecise?

**Commented [GS46R45]:** Amended.

**Commented [CG47R45]:** The Council is content with the amended wording.

**Commented [CG48]:** Is 'should' imprecise, as it is unclear whether this is a requirement?

**Commented [CG49R48]:** The Council is content with the amended wording.

**Commented [CG50]:** The area highlighted seems to be providing guidance/advice. These are points the Council could assess upon receipt of the air quality assessment.

**Commented [GS51R50]:** Agreed.

**Commented [CG52R50]:** Agreed, the Council has provided for the sake of clarity.

**Commented [CG53]:** Is 'as appropriate' imprecise?

**Commented [GS54R53]:** Suggested amendment.

**Commented [CG55R53]:** Suggested a further amendment.

**Commented [CG56]:** Can the Council control the routing of construction vehicles on the public highway?

**Commented [CG57R56]:** It is not unusual for this information to be requested for a significant development in an area where the road network is constrained and is in line with the approach taken with condition 10 of the Spindlewood Drive decision (CD10.03) and condition 10 of the Clavering Walk decision (CD10.04).

**Commented [CG58]:** Is this necessary as it seems to be duplicating other (highway) legislation?

**Commented [GS59R58]:** Agreed - appellant does not consider this necessary.

**Commented [CG60R58]:** This is in line with condition 10 g) imposed on the Spindlewood decision (CD10.3) and given the likely scale of the construction works and constrained network of residential roads it is considered to be relevant.

~~41.12. Prior to the commencement of the development~~~~No development shall commence~~ until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP ~~shall~~~~will~~ include the following details:

- a) Results of a full site investigation that has been carried out to identify any potential sources of contamination, (including the declaration of the source of any fill material and evidence that it is free of contaminants) and proposals for appropriate safeguards to ensure that no contamination is transferred ~~during, to be implemented throughout or as a result of~~ the construction works, including to the watercourse.
- b) Details of the source of any inert fill material for land raising including evidence to demonstrate that it is free from contaminants that could potentially enter the Pevensey Levels.
- c) ~~Include, but not be limited to, the measures set out in the Shadow Habitats Regulations Assessment (document ref xxx) to inform an AA and in particular, set out the measures necessary to prevent silt entering the SAC/Ramsar and avoid water quality impacts on the Pevensey Levels during the construction phase that are set out in the Appropriate Assessment, including all site staff to understand the sensitivity of hydrology on the site, any fuel spills to be reported to the site manager and acted on immediately, loose construction material (e.g. sediments, cements and other potential pollutants) not to be stored adjacent to the watercourse and a site wide intercept for silt and other potential pollutants-~~
- d) Detailed measures to manage flood risk, both on and off the site, during the construction phase.
- e) Risk assessment of potentially damaging construction activities including any associated mitigation measures.
- f) General noise and dust control measures.
- g) Complaints and public consultation procedure.

Thereafter the construction of the development shall be carried out strictly in accordance with the approved CEMP.

**Reason:** The CEMP is required ~~before any development is commenced prior to the commencement of development~~ to protect the Pevensey Levels SAC/Ramsar/SSSI from any accidental contamination or damage in accordance with Policies EN1 and EN5 of the Rother Local Plan Core Strategy and paragraph 174 of the National Planning Policy Framework.

~~42.13. Prior to the commencement of development~~~~No development shall take place~~ (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP:Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of 'biodiversity protection zones';
- c) practical measures (both physical measures and sensitive working practices to avoid or reduce impacts during construction that may be provided as a set of method statements);

**Commented [CG61]:** Should this be 'shall'?

**Commented [GS62R61]:** Amended.

**Commented [CG63]:** Is this covered by condition 8?

**Commented [GS64R63]:** Appellant considers that this is covered by condition 8.

**Commented [CG65R63]:** The Council's view is that condition 8 seeks to ensure that the proposal does not present any unacceptable impacts to the health/amenity of future residential occupiers, whilst this condition relates to the potential impact of construction activities on the environment and surrounding area. For example, there could be activities during construction that could impact on sensitivity receptors, such as the Picknell Green Stream or protected species. For the sake of clarity, amended wording has been suggested.

**Commented [GS66R63]:** Appellant has no objection due to the different "purpose" for this condition.

**Commented [CG67]:** Would it be clearer to set out the measures?

**Commented [GS68R67]:** Detailed drainage design is covered by condition 16. Associated construction management measures are covered by other parts of condition 12. The S106 secures the management of SuDS.

Foul drainage is covered by condition 15.

The appellant therefore questions the need for part c of this condition.

**Commented [CG69R67]:** The Council considers that the measures are important (e.g. loose construction material not being stored adjacent to the watercourse) and could be listed for the sake of clarity or the exact reference of the section of the AA. Alternatively, amended wording is suggested.

**Commented [GS70R67]:** Appellant agreeable to this wording or a reference to exact section of sHRA.

**Commented [CG71]:** What is done with the risk assessment? Is mitigation also required?

**Commented [CG72R71]:** Agreed and that for the sake of clarity 'and recommended mitigation measures' could be added to the condition.

- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of work (ECoW) or similarly competent person; and
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in accordance with the approved details.

**Reason:** To ensure that any adverse environmental impacts of development activities on the existing biodiversity value of the site are mitigated in accordance with Policy EN5 (viii) and (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) and (iii) of the Rother Development and Site Allocations Local Plan.

~~13.14.~~ Construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08.00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

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

~~14.15.~~ Prior to the commencement of development ~~No development shall commence~~ until details for the protection of existing trees on the site and adjacent to it to be retained have been submitted to and approved in writing by the Local Planning Authority. The details shall include ~~indications of all existing trees and hedgerows on the land and adjacent to it including details of those~~ indicate existing trees and hedgerows on and adjacent to the site that are to be retained, together with a scheme for protection, which shall include locations for protective fencing, ground protection and no dig surface construction methods. The approved scheme shall be ~~put in place before any equipment, machinery or materials are brought on to the site for the purposes of the development~~ implemented prior to the commencement of development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

- a) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
- b) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- ⊖ No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

**Commented [CG73]:** Is this already set out in the AIA?

**Commented [GS74R73]:** Yes - suggested deletion.

**Commented [CG75R73]:**

**Commented [CG76R73]:** It is believed that the measures in the AIA have been drawn up without the input of the detailed design and the contractor.

**Commented [GS77R73]:** An on-site tree survey was carried out by a qualified arboriculturist - this informed the AIA.

**Commented [CG78]:** Does the Council have control over this? Should the trigger be the commencement of development?

**Commented [GS79R78]:** Appellant is agreeable to the suggested trigger.

**Commented [CG80R78]:** Agreed but there maybe activities that do not constitute development, such as vegetation clearance.

**Reason:** These details are required prior to commencement of works to ensure that retained trees are not damaged or otherwise adversely effected by building operations and soil compaction and to enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (-e) of the Rother Local Plan

45.16. The Reserved Matters application shall be accompanied by a drainage strategy and implementation timetable detailing the proposed means of foul water disposal to the main sewer network for approval in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme and none of the dwellings shall be occupied until the drainage works to serve the development have been provided. The scheme shall thereafter be retained as approved for the lifetime of the development.

**Reason:** These details are integral to the whole development to ensure the satisfactory drainage of the site and to prevent pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

46.17. The Reserved Matters application shall be accompanied by a detailed surface water drainage ~~strategy~~ ~~system~~ including the timing of its implementation for the approval in writing of 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 ~~shall~~ ~~should~~ leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this can-not 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 ~~shall~~ ~~should~~ also include details of how the existing overland surface water flows have been retained.
- e. Details to prevent the discharge of surface water from the proposed site onto public highway and similarly to prevent the discharge of surface water from the highway onto the site.

f. Evidence that the existing watercourse and culverts on site ~~have~~ been retained within a communally maintained space shall be provided ~~for the development is first occupied. prior to first occupation of the development.~~

**Reason:** These details are integral to the whole development and are therefore required prior to commencement of works to inform the layout and quantum of development, prevent the increased risk of flooding elsewhere, to protect water quality and levels in the Pevensy Levels Ramsar Site/Special Area of Conservation in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 159 and 169 of the National Planning Policy Framework.

**Commented [CG81]:** Does this condition need to prevent occupation until the approved surface water drainage scheme has been completed?

**Commented [GS82R81]:** Appellant is agreeable to this.

**Commented [CG83R81]:** Suggested wording.

**Commented [GS84R81]:** Amended for clarity.

17.18. Prior to the commencement of development, Aa maintenance and management plan for the entire drainage system shall be submitted to the planning authority ~~before any construction commences on site prior to the commencement of development~~ to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

**Commented [CG85]:** Should this be 'development'?

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage systems, 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.

**Reason:** To ensure future maintenance of the drainage system and to protect the water quality and levels in the Pevensy Levels Ramsar Site/Special Area of Conservation in accordance with Policies SRM2 (iii) and ENV7 (iii) of the Rother Local Plan Core Strategy and paragraphs 159 and 169 of the National Planning Policy Framework.

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

**Reason:** To ensure future maintenance of the drainage system and to protect the water quality and levels in the Pevensy Levels Ramsar Site/Special Area of Conservation in accordance with Policies SRM2 (iii) and ENV7 (iii) of the Rother Local Plan Core Strategy and paragraphs 159 and 169 of the National Planning Policy Framework.

20. The development shall not be occupied until details of the layout of the new access ~~as shown on drawing number A115791-27-C-P001-01 (Site Access Design)~~ and the specification for the construction of the access have been submitted to and approved in writing by the Local 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 ~~approved agreed~~ specification.

**Commented [CG86]:** Is this shown on the site access design drawing?

**Commented [GS87R86]:** Yes - added plan reference.

**Commented [CG88]:** The developer has no control over whether the Council consults the highway authority.

**Commented [CG89]:** Should this be 'approved'?

**Commented [GS90R89]:** Agreed - amended.

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



21. The access shall not be used until ~~appropriate~~ visibility splays of 2.4m x 40m are provided in each direction. The splays are to be cleared of all obstructions exceeding 600mm 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.

**Commented [CG91]:** This seems imprecise as it is unclear what an 'appropriate visibility splay' would be.

**Commented [GS92R91]:** Amended.

**Commented [CG93]:** Why 600mm? This seems unnecessarily low?

**Commented [GS94R93]:** Agreeable to increasing up to 1.0m.

**Commented [CG95R93]:** ESCC as local highw[... [15]

**Commented [SG96]:** Is this enforceable?

**Commented [CG97R96]:** I think so – it seeks t[... [16]

**Commented [SG98R96]:** How would that be [... [17]

**Commented [CG99]:** What are 'the approved [... [18]

**Commented [GS100R99]:** Amended wording [... [19]

**Commented [CG101]:** Would a condition alor[... [20]

**Commented [GS102R101]:** Agreed.

**Commented [CG103R101]:** The Council is cor[... [21]

**Commented [CG104]:** What are 'the approved [... [22]

**Commented [GS105R104]:** Agreed, as reserv[... [23]

**Commented [CG106R104]:** The Council is cor[... [24]

**Commented [SG107]:** Is this enforceable?

**Commented [CG108R107]:** I think so and is a [... [25]

**Commented [GS109R108]:** Appellant is agreeab[... [26]

**Commented [CG110]:** What is this referring to[... [27]

**Commented [SG111]:** Please can you clarify w[... [28]

**Commented [CG112R111]:** Suggested in ESC [... [29]

**Commented [SG113R111]:** I think it's too vag[... [30]

**Commented [CG114]:** What are 'the approved [... [31]

**Commented [CG115R114]:** The Council is cor[... [32]

**Commented [SG116]:** Is this enforceable?

**Commented [CG117R116]:** As above

**Commented [SG118R116]:** To be discussed if [... [33]

**Commented [GS119R116]:** Appellant is agreeab[... [34]

**Commented [CG120]:** Is this reasonable? Wou[... [35]

**Commented [GS121R120]:** Appellant consid[... [36]

**Commented [CG122R120]:** The Council is har[... [37]

**Commented [GS123]:** ?

**Commented [CG124]:** Does this condition rec[... [38]

**Commented [GS125R124]:** Is this condition [... [39]

**Commented [CG126R124]:** Amended wordin[... [40]

**Commented [GS127R124]:** Appellant is agreeab[... [41]

22. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Local 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.

23. The development shall not be occupied until cycle parking areas have been provided in accordance with ~~the approved~~ details which have been submitted to and approved in writing by the Local 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.

24. 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 Local 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.

25. The new estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with the 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.

26. 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 and approved in writing by the Local Planning Authority and ~~be subject to its approved in writing by the local planning authority and the approved details shall be implemented. LPA. at, in consultation with the Highway Authority. The development shall thereafter be completed in accordance with the approved details.~~

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

27. ~~Before the development commences~~ Prior to the commencement of development, details of any external lighting, including the intensity of illumination and predicted lighting contours, 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 approved details scheme shall be implemented and maintained for the lifetime of the approved development.

**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.

**Commented [CG128]:** A general point – can the conditions be written with consistent terminology. For example – Prior to the commencement of development rather than before the development commences. Same for occupation as well.

**Commented [GS129R128]:** Amended where appropriate.

**Commented [CG130]:** Would it be better to have a condition that requires details of external lighting to be submitted to and approved in writing by the LPA and for external lighting to be implemented in accordance with the approved details.

28. ~~Before any works hereby permitted are begun~~ Prior to the commencement of development, details of the foundations, piling configurations, drainage and services, to include a detailed design and method statement shall be submitted to and approved in writing by the Local Planning Authority such details to show where necessary the preservation of surviving archaeological remains which are to remain in situ.

**Reason:** A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground to remain in situ is safeguarded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

**Commented [GS131R130]:** Agreed. Suggested wording:

Prior to the commencement of development, a detailed outdoor lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of lighting columns, the extent/levels of illumination over the site and on adjacent land and measures to contain light within the curtilage of the site. The development shall be implemented in accordance with the approved scheme and thereafter maintained as agreed.

**Commented [CG132]:** Why is this necessary?

**Commented [CG133R132]:** For the sake of clarity, this condition is considered to be relevant. However, the Council is content for it to be removed and dealt with at the RM stage.

**Commented [SG134]:** Incorporate into condition 7?

**Commented [CG135R134]:** Whilst this recognises archaeology, it is related to the detailed design on site.

**Commented [GS136R134]:** Appellant agreeable to this condition.

29. Prior to the first occupation of the development, a Landscape and Ecological Management Plan (LEMP) for all landscaped areas (except for private domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) on-going monitoring and remedial measures; and
- i) how contingencies and/or remedial action will be identified, agreed and implemented in the event where the results from monitoring show that conservation aims and objectives of the LEMP are not being met so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP shall thereafter be implemented in accordance with the approved details.

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features to properly ensure the protection of protected species

**Commented [CG137]:** Is there a need to incorporate biodiversity enhancements in this or a separate condition?

**Commented [GS138R137]:** Appellant is agreeable to this - see suggested wording below.

and their habitats identified by relevant international and national wildlife protection legislation and the UK Biodiversity Action Plan in accordance with Policy EN5 (ii), (v) and (viii) of the Rother Local Plan Core Strategy and policy DEN4 of the Development and Site Allocations Local Plan.

30. Prior to the commencement of development, details of a scheme for the protection and enhancement of biodiversity, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of the final dwelling and retained as such thereafter.

~~30-31.~~ Prior to any occupation, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and badgers ~~and that are likely to cause disturbance in or around their~~including breeding sites, ~~and~~resting places ~~or along~~and important routes used to access key areas of their territory, ~~for example for foraging~~; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) **so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding site and resting places.**

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstance should any other external lighting be installed in public areas without prior consent from the Local Planning Authority.

**Reason:** To ensure the protection of rare and protected species identified by ~~EU &~~ UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

~~31-32.~~ Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

**Reason:** To ensure a high quality public realm taking account of the characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

~~32. 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 with the approved document. The Travel~~

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**Commented [CG139]:** Highlighted section is setting out what the Council would be assessing. Does the condition need to set this out?

**Commented [GS140R139]:** Do not consider that the appellant needs to set this out.

**Commented [CG141R139]:** This has been included for clarity but content for it to be removed.

**Commented [SG142]:** Combine this condition with the previous lighting one?

**Commented [CG143R142]:** I think the purpose is different and so think that this should still stand.

**Commented [GS144R142]:** Appellant has no objection.

**Commented [CG145]:**

**Commented [CG146R145]:** This condition could form a template for Condition 27?

~~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.~~

**Commented [GS147]:** Now being secured in s106

33. ~~If within a period of five years from the date of occupation any retained tree, planted tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) it shall be replaced with another tree of such size and species as may be agreed approved in writing by with the Local Planning Authority.~~

~~Reason: To enhance the appearance of the development within the local landscape in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.~~

**Commented [CG148]:** Should this condition be imposed at the RM stage, once landscaping details, including retained trees, are known?

**Commented [GS149R148]:** Agreed.

**Commented [CG150R148]:** The Council is content to leave to the RM stage.

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34. ~~The details pursuant to condition 1, shall include details of the number, type and location of electric vehicle charging points on the basis of 1 electric vehicle charging point per residential property with dedicated parking and 1 in 10 of all non-allocated parking. These shall be installed and operational to the specification agreed prior to the occupation of the residential units to which they relate.~~

~~Reason: To meet the requirement of Policy TR3(iii) and in the interest of air quality and amenity in accordance paragraphs 185 and 186 of the NPPF.~~

**Commented [CG151]:** Is this necessary given that electric vehicle charging is now dealt with through the building regulations Part S?

**Commented [GS152R151]:** Appellant does not consider this condition to be necessary.

**Commented [CG153R151]:** Agreed – had

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**Commented [CG154]:** Should this refer to an acoustic fence?

**Commented [GS155R154]:** The appellant deems 'structure' more appropriate as it could be either a fence or a brick wall.

**Commented [CG156R154]:** Agree with the appellants comments above

35. A 1.8 m high structure to mitigate noise from the access road shall be installed at the boundaries with nos 11 and 15 Fryatts Way, the position as described in Miller Goodall report 102252-3\_Technical Note, 04/11/22. Details of the 1.8 m high structure and the 20 mph speed limit along the access road must be submitted to and approved in writing by the Council and the approved details structure must be implemented prior to the operation of the access road.

Reason: To safeguard the amenity of the residential occupiers of nos. 11 and 15 Fryatts Way.

**Commented [CG157]:** Conditions 36-38 – should this be 'fully implemented' or 'completed'?

**Commented [GS158R157]:** Amended.

36. No more than 50% of the dwellings shall be occupied until the scheme of works at Little Common (A259) roundabout shown on (Arden Consulting Engineers) drawing 180300-033 Revision F has been fully implemented and opened to all traffic.

Reason: To ensure that the A259 continues to be effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirement of road safety

37. No more than 50% of the dwellings shall be occupied until the scheme of works at the Bexhill Leisure Centre (A269)/King Offa Way (A259) junction

shown on (Prime Transport Planning) drawing P18063-004 has been fully implemented and opened to all traffic.

Reason: To ensure that the A259 continues to be effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety

38. No more than 50% of the dwellings shall be occupied until the junction improvement works at the Little Common Road (A259)/Broadoak Lane junction shown on (Tera Tech) drawing 7840A115791-TTE-00-XX-PL-D-002 Revision P01 have been fully implemented and opened to all traffic.

Reason: To ensure that the A259 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

**Page 2: [1] Commented [CG17] Chamberlain, Graham 29/11/2022 12:31:00**

Is this necessary? Would the Council have control at the reserved matters stage? Could the Council reframe from granting the RM if it considers a LVA and details of levels are necessary but not submitted?

**Page 2: [2] Commented [GS18R17] Gulliver, Sian 07/12/2022 09:36:00**

Appellant agrees that this is not necessary as it is more akin to an informative.

**Page 2: [3] Commented [CG19R17] Clare Gibbons 07/12/2022 12:21:00**

The Council usually imposes this form of condition at the outline stage for the sake of clarity. Given this is an undulating greenfield site, the existing and proposed levels will be key at the reserved matters stage. However, it is agreed that this information could be required at the RM stage.

**Page 2: [4] Commented [CG20] Chamberlain, Graham 29/11/2022 12:40:00**

Why is this necessary? Does the desktop archaeological assessment justify further investigations?

**Page 2: [5] Commented [GS21R20] Gulliver, Sian 07/12/2022 09:39:00**

The appellant's desktop archaeology report (CD1.12) found no evidence to suggest there are any significant archaeological remains within the site. but that the site may have formed part of an agricultural hinterland to a medieval settlement c.2km south-east of the site. The appellant therefore has no objection in principle to a condition requiring archaeological works.

Note: county archaeologist did not respond to the application.

**Page 2: [6] Commented [CG22R20] Clare Gibbons 07/12/2022 12:27:00**

Agreed with the appellant's comments above.

**Page 2: [7] Commented [CG23] Chamberlain, Graham 29/11/2022 12:35:00**

Is the highlighted section necessary as layout is a reserved matter? Would the Council be able to assess at the RM stage whether the scheme has taken into account the findings of the archaeological works?

**Page 2: [8] Commented [GS24R23] Gulliver, Sian 07/12/2022 10:16:00**

Appellant suggests deleting the highlighted section.

**Page 2: [9] Commented [CG25R23] Clare Gibbons 07/12/2022 12:33:00**

This wording is provided for the sake of clarity but the Council is content for it to be deleted.

**Page 2: [10] Formatted Clare Gibbons 07/12/2022 12:37:00**

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**Page 2: [11] Commented [CG26] Chamberlain, Graham 29/11/2022 12:38:00**

Could this be altered to refer to no occupation until archive deposition? Should this be a separate condition?

**Page 2: [12] Commented [GS27R26] Gulliver, Sian 07/12/2022 10:16:00**

Appellant is agreeable to these suggestions.

**Page 2: [13] Commented [CG28R26] Clare Gibbons 07/12/2022 12:35:00**

Please see suggested amendments to address the comments raised.

**Page 2: [14] Commented [GS29R26] Gulliver, Sian 12/12/2022 14:40:00**

Added "as appropriate" as there may not be any finds that require archive deposition.

<b>Page 9: [15] Commented [CG95R93]</b>	<b>Clare Gibbons</b>	<b>07/12/2022 16:32:00</b>
ESCC as local highway authority has suggested this height.		
<b>Page 9: [16] Commented [CG97R96]</b>	<b>Clare Gibbons</b>	<b>08/11/2022 13:22:00</b>
I think so – it seeks to achieve a clearance above 600mm in height always.		
<b>Page 9: [17] Commented [SG98R96]</b>	<b>Sian Gulliver</b>	<b>10/11/2022 12:22:00</b>
How would that be enforced though?		
<b>Page 9: [18] Commented [CG99]</b>	<b>Chamberlain, Graham</b>	<b>29/11/2022 13:26:00</b>
What are 'the approved plans/details'?		
<b>Page 9: [19] Commented [GS100R99]</b>	<b>Gulliver, Sian</b>	<b>07/12/2022 11:19:00</b>
Amended wording suggested.		
<b>Page 9: [20] Commented [CG101]</b>	<b>Chamberlain, Graham</b>	<b>29/11/2022 13:27:00</b>
Would a condition along these lines be more appropriate at the reserved matters stage, as it could be more precise?		
<b>Page 9: [21] Commented [CG103R101]</b>	<b>Clare Gibbons</b>	<b>07/12/2022 16:33:00</b>
The Council is content to leave until that stage.		
<b>Page 9: [22] Commented [CG104]</b>	<b>Chamberlain, Graham</b>	<b>29/11/2022 13:28:00</b>
What are 'the approved details'? Would a condition along these lines be more appropriate at the reserved matters stage, as it could be more precise?		
<b>Page 9: [23] Commented [GS105R104]</b>	<b>Gulliver, Sian</b>	<b>07/12/2022 11:20:00</b>
Agreed, as reserved matters stage is when layout will be established.		
<b>Page 9: [24] Commented [CG106R104]</b>	<b>Clare Gibbons</b>	<b>07/12/2022 16:34:00</b>
The Council is content to leave until RM stage.		
<b>Page 9: [25] Commented [CG108R107]</b>	<b>Clare Gibbons</b>	<b>08/11/2022 13:27:00</b>
I think so and is akin to the model condition 22 in the Circular 11/95: use of conditions in planning permission		
<b>Page 9: [26] Commented [GS109R108]</b>	<b>Gulliver, Sian</b>	<b>12/12/2022 14:55:00</b>
Appellant is agreeable to the condition as worded, and has reviewed the wording of condition 22 in the model conditions, but still unclear how such a condition would be enforced.		
<b>Page 9: [27] Commented [CG110]</b>	<b>Chamberlain, Graham</b>	<b>29/11/2022 13:30:00</b>
What is this referring to why only one turning space?		
<b>Page 9: [28] Commented [SG111]</b>	<b>Sian Gulliver</b>	<b>07/11/2022 15:13:00</b>
Please can you clarify what this is?		
<b>Page 9: [29] Commented [CG112R111]</b>	<b>Clare Gibbons</b>	<b>08/11/2022 13:28:00</b>
Suggested in ESCC response dated 26 October 2021 and I think it seeks to ensure sufficient space for manoeuvring.		
<b>Page 9: [30] Commented [SG113R111]</b>	<b>Sian Gulliver</b>	<b>10/11/2022 12:26:00</b>
I think it's too vague. Another one we can pick up in the conditions session.		
<b>Page 9: [31] Commented [CG114]</b>	<b>Chamberlain, Graham</b>	<b>29/11/2022 13:31:00</b>
What are 'the approved plans/details? A condition along these lines seems more appropriate at the reserved matters stage.		

**Page 9: [32] Commented [CG115R114] Clare Gibbons 07/12/2022 16:35:00**

The Council is content to leave until the RM stage.

**Page 9: [33] Commented [SG118R116] Sian Gulliver 11/11/2022 14:54:00**

To be discussed in conditions session.

**Page 9: [34] Commented [GS119R116] Gulliver, Sian 12/12/2022 15:02:00**

Appellant is agreeable to the condition as worded, and has reviewed the wording of condition 22 in the model conditions, but still unclear how such a condition would be enforced.

**Page 9: [35] Commented [CG120] Chamberlain, Graham 29/11/2022 13:32:00**

Is this reasonable? Would the developer have to provide the roads for public adoption and could the roads be safe but not meet highway adoptable standards? Moreover, layout is a reserved matter. Condition 26 seems to provide scope to ensure the roads are safe.

**Page 9: [36] Commented [GS121R120] Gulliver, Sian 07/12/2022 11:23:00**

Appellant considers that this condition is not necessary, as per the above comment.

**Page 9: [37] Commented [CG122R120] Clare Gibbons 07/12/2022 16:36:00**

The Council is happy to leave until the RM stage.

**Page 9: [38] Commented [CG124] Chamberlain, Graham 29/11/2022 13:38:00**

Does this condition require a clause requiring implementation in accordance with the approved drawings?

**Page 9: [39] Commented [GS125R124] Gulliver, Sian 07/12/2022 11:32:00**

Is this condition necessary? These matters are covered by other conditions?

**Page 9: [40] Commented [CG126R124] Clare Gibbons 07/12/2022 16:37:00**

Amended wording suggested to cover the implementation. It is considered that this condition is not a duplication as specifically refers to the road rather than the 'ground levels'.

**Page 9: [41] Commented [GS127R124] Gulliver, Sian 12/12/2022 15:02:00**

Appellant is agreeable to this condition - however, amendment suggested to ensure not all of the approved details must be implemented prior to commencement.