

## Planning Committee

26 March 2019

### Regulation 3 Application

Application No. WSCC/049/18/LY

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

Report by Head of Planning Services

Local Member: Gary Markwell

District: Arun

#### Executive Summary

This report concerns a proposal by the Major Projects Team at West Sussex County Council to construct a section of highway of around 1.1km in length, on land east of Lyminster village in Arun. It would link the A284, just south of the A27 Crossbush Junction, with a new southern bypass that is being constructed as part of the North Littlehampton development. It forms part of a wider Lyminster Bypass project providing a north-south link between the A27 and Littlehampton; the southern part has been built (the Fitzalan Link) and the central part of the bypass has approval through a wider outline permission for a housing/mixed-use development.

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level.

The main policies of relevance to this application are policies T SP3 which safeguards the route, along with policies SD SP1, SD SP3, LAN DM1, EMP DM1, SO DM1, H SP1, D SP1, D DMA1, HWB SP1, T SP1, T DM1, HER SP1, HER DM1, HER DM2, HER DM3, ENV SP1, ENV DM4, ENV DM4, ENV DM5, Water W SP1, W DM1 W DM2, QE SP1, QE DM1, QE DM2, and QE DM3 of the Arun Local Plan (2018).

No statutory consultees have raised objections to the proposal. Both Lyminster and Crossbush Parish Council and Littlehampton Town Council support the proposal but raise various concerns.

Thirty-five representations were received in response to local consultation, 21 objective/raising concerns, and 14 in support. The key issues raised related to the lack of connection to the A27; poor design; the lack of connectivity for non-motorised users; air pollution/noise/vibration impacts; impact on dark skies; scheme is based on poor information; and being too close to dwellings. Those in support noted the benefit to Lyminster community of diverting traffic; benefit to businesses; and need for the road in light of the new housing developments.

The main material planning matters in relation to this application are:

- the principle of the development;

- acceptability in terms of impacts on the environment; and
- acceptability in terms of impact on local residents.

A request has been made to the Secretary of State for Housing, Communities and Local Government that they issue a direction requiring the County Council to refer to the application to him to determine. Following Committee's resolution, before issuing the decision on this application, the County Council must therefore await the Secretary of State's confirmation as to whether he wishes to determine the application himself.

### **Principle of the Development**

The alignment of the Lyminster bypass has been identified through planning policy since the 1990s because of the need to provide a north-south link from the coast to the A27. The indicative route has been safeguarded from development in the Arun Local Plan 2018 because it is considered necessary to increase economic activity and support the strategic development allocated in the Plan. The bypass would improve highway capacity and journey times and divert traffic away from Lyminster village, and so is considered to be beneficial in strategic highway terms. The proposed bypass is considered to be acceptable in terms of its alignment and linkages to the surrounding road network.

### **Impacts on the Environment**

Although the proposed bypass would introduce a large, linear feature to an area of greenfield countryside, the area is relatively constrained in visual terms by vegetation, undulating topography, and physical development including Lyminster to the west and Littlehampton to the south. The landscape impact would, therefore, be limited and softened by planting, and visual impacts would be minimal and generally transient for users of public rights of way and roads. Although there would be some ecological impact, the existing arable fields, of low ecological value, would be replaced with high quality habitat alongside the bypass, considered to provide improved habitat connectivity. A range of measures would be provided east of the bypass to maintain the water environment, including swales, attenuation ponds, and below-ground cellular storage. It is considered that subject to these measures being secured by condition, the development would not increase flood risk, or affect water quality. There would be minimal impact on heritage features, subject to archaeological features being recorded. Overall, therefore, the development is considered to be acceptable in terms of its impact on the environment.

### **Impact on Residents**

The proposed bypass would have a positive impact on residents living along the route of the existing A284 through Lyminster village as fewer vehicles would be travelling through the village. Although, it would introduce a new road to the rear (east) of several dwellings, a 2.5m high, 317m long noise barrier would be provided to reduce the noise impact. The development would have an overall beneficial impact on air quality by moving vehicles away from Lyminster village. A Construction Management Plan would be required by condition, which would minimise noise and air quality impacts.

## **Conclusion**

Planning permission is sought for the northern part of Lyminster bypass, extending between a point some 600m south of the A27 Crossbush Junction and the southern part of the bypass, approved under a separate consent for a mixed use development north of Littlehampton. The indicative route of the bypass has been safeguarded in planning policy and so is considered acceptable in principle, and the provision of the bypass is considered to be beneficial to highway capacity and to meet requirements for road safety. The development would include a number of mitigation measures such as wetland provision and planting that would help to ensure that the impact on the water environment, landscape, biodiversity and the historic environment would be acceptable. The bypass would divert traffic away from the existing A284 through Lyminster village, with resulting benefits in terms of noise and air quality for these residents, and studies have demonstrated that the wider residential impact would be acceptable. Overall, the scheme is considered to be acceptable in principle, and in terms of impacts on the environment and local residents.

## **Recommendation**

That planning permission be granted subject to:

- (a) the conditions and informatives set out in **Appendix 1** of this report; and
- (b) the Secretary of State not calling-in the application.

## **1. Introduction**

- 1.1 This report concerns a proposal by the Major Projects Team at West Sussex County Council to construct a section of highway of around 1.1km in length, on land east of Lyminster village in Arun. It would link the A284, just south of the A27 Crossbush Junction, with a new southern bypass that is being constructed as part of the North Littlehampton development. It forms part of a wider Lyminster Bypass project providing a north-south link between the A27 and Littlehampton; the southern part has been built (the Fitzalan Link) and the central part of the bypass has approval through a wider outline permission for a housing/mixed-use development.
- 1.2 The northern bypass, the subject of this application, would include a viaduct over Black Ditch waterway and a signalised 'Pegasus' crossing (i.e. suitable for horse riders as well as cyclists and walkers) where bridleway 2163 extends east-west through the site.

## **2. Site and Description**

- 2.1 The application site extends to some 13 hectares in area and includes the carriageway itself, along with drainage attenuation areas, a maintenance track, and construction compounds and accesses.
- 2.2 The bypass would extend from the existing A284, some 600m south of the Crossbush junction on A27, south to link with Toddington Park, within the strategic North Littlehampton mixed use site (see **Appendix 2 – Site Location Plan**).

- 2.3 The application site is within Arun District, encompassing areas of both Lyminster and Crossbush Parish and Littlehampton Town Council.
- 2.4 The proposed development site is largely flat, and primarily comprises agricultural land, bordered with hedgerows and trees. At its northern end, the road would extend along the rear (eastern) boundaries of several residential properties fronting the A284, at closest some 40m from the rear curtilage of Wolstanton, and between 45 and 70m east of Fairfields and the Old Vicarage. A spur, linking with the existing A284, would be created immediately north of Wolstanton (see **Appendix 3 – Site Plans** and **Appendix 4 - Visualisations**).
- 2.5 The application site also includes an area north of the proposed spur to allow for improvements to the existing A284 carriageway. This area is adjacent to several large properties including the Boat House and Brookfield/Brookfield Lodge on the eastern side of the road, and on the western side Cherwell, Oak Cottage and Cobweb Cottage.
- 2.6 The southern part of the application site is within flood zone 3 (i.e. 1 in 100 or greater annual probability of flooding) and includes Black Ditch extending east-west across the site. A small stream (Brookfield Stream) also crosses the northern end of the site.
- 2.7 Beyond the site to the south and south-west are Woodcote Lane House and Stables, the Littlehampton Household Waste Recycling Site (HWRS), allotment gardens, a caravan park and the Mill Lane residential area. Slightly further south of this is Toddington Lane, which runs west-east between the A284 and the A259 (Worthing Road) in the east.
- 2.8 The northern extent of the application site includes an area of the Brookfield Historic Parkscape, with Brookfield House (a Listed Building) located some 160m east of the site. Lyminster Village Conservation Area is at closest 280m-320m to the west of the site along the existing route of the A284.
- 2.9 Bridleway 2163 extends west-east across the centre of the site, linking the villages of Lyminster and Poling. To the west of the site, footpaths 2163/1 and 2165 run generally north-south around the southern edge of Lyminster village.
- 2.10 The site is located in the countryside, outside of the built-up area boundary shown on the Arun Local Plan Proposals Map, and within an identified 'gap between settlements'. Although it is not within an area designated for its landscape value, the South Downs National Park is some 750m to the north, immediately beyond the A27.

### 3. **Relevant Planning History**

- 3.1 This application follows a near-identical application submitted in 2015 that sought outline permission for a bypass linking the A284 and Toddington Nurseries but did not include the viaduct (ref. WSCC/049/15/LY). That application was withdrawn after legal officers confirmed that outline planning permission could not be granted for a road project.
- 3.2 There is no other planning history of relevance to the present project.

3.3 The bypass forms the northern extent of a wider scheme that would link the Crossbush roundabout on the A27 to the north, with the A259, and beyond to the already-built Fitzalan Link Road roundabout in Littlehampton.

3.4 The scheme south of the application site has outline planning permission through a wider mixed-use development approved by Arun District Council, allowing:

*"Demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to 13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre, landscaping, replacement and additional allotments, multi-functional green infrastructure including sports pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from the A259 bridging over the railway line with additional access from Mill Lane & Toddington Lane."* (Arun District Council ref. LU/47/11).

3.5 The detailed design of the southern section of the Lyminster bypass, to which the present scheme would connect, is required by condition. The scheme, known as the North Littlehampton development, is at various stages of implementation with some houses built and occupied.

#### 4. **The Proposal**

4.1 Planning permission is sought to construct a section of 7.3m wide, 1.1km long single carriageway bypass, including a viaduct and Pegasus crossing, located between the A284, just south of the Crossbush roundabout on the A27, and the 'southern bypass' through the North Littlehampton development.

4.2 The new road is proposed to divert traffic away from the existing A284 that forms a narrow 'S' shape through Lyminster village and has poor lines of sight and tight bends that adversely affect road safety and traffic flow. The proposed bypass would provide a straighter, more direct north-south link between the A27 and the southern bypass, linking beyond to the A259 and Littlehampton.

4.3 The bypass would connect with the existing A284 at a T-junction some 600m south of the A27 Crossbush roundabout. The new road would have a speed limit of 40mph at the northern end to match the existing A284, increasing to 50mph on the main carriageway.

4.4 The proposed bypass would be some 1.1km long and generally 7.3m wide, with one metre wide hard shoulders on either side. It would include a 3m wide shared cycle/foot way, located on the western side of the carriageway on the northern part of the scheme, switching to the eastern side south of a proposed Pegasus crossing around the centre of the scheme. A 2.5m wide grass verge would be provided on the opposite side of the carriageway from the cycle path, with the exception of the viaduct.

4.5 The scheme includes a 225m long viaduct over Black Ditch and the surrounding floodplain in the south of the site (see **Appendix 5 – Elevations of Viaduct**).

It would be up to 4.5m in height, set on piers at 20m intervals. The viaduct would have a 1.4m high guardrail along its length to provide sufficient protection for cyclists and pedestrians.

- 4.6 North of the viaduct, the road would be on an embankment until it reaches the Pegasus crossing where it would be near existing ground levels. Beyond this to the north, it would be in a slight cutting before again being slightly raised on an embankment to the point where it meets the existing A284.
- 4.7 A new maintenance access would be provided towards the southern extent of the bypass, linking with the existing A284 via Woodcote Lane.
- 4.8 To improve road user safety, street lighting would be provided at various locations: at the northern junction of the new bypass with the existing A284; at the Pegasus crossing around the centre; and at the southern end of the scheme where it would approach a roundabout beyond the site boundary. There would be no lighting on the viaduct.
- 4.9 Noise attenuation fencing to 2.5m in height would be provided on the western side of the road, from the Pegasus crossing north to the existing A284 junction, including at the new T-junction to the north of Wolstanton.
- 4.10 Various drainage attenuation measures are proposed, including: swales at the northern end of the site and to the east of the bypass; a new attenuation pond opposite the new T-junction with the existing A284; a wetland area east of the viaduct; and underground cellular storage at the southern end of the site. Water from the road would drain into Brookfield Stream and Black Ditch via these attenuation measures to maintain water quality and the rate of discharge.
- 4.11 The existing Brookfield Stream culvert would be replaced with a larger culvert of 1.8m in height and 3.3m in width, and including ledges on either side to allow mammals to pass through.
- 4.12 The scheme would require the removal of 62 trees, six tree groups, and two hedges, as well as four partial hedges. To offset this, some 1,580m of new hedgerow would be planted, along with 1750m<sup>2</sup> of native tree belts (and 38 new individual trees), 14,920m<sup>2</sup> of wet grassland/scrub, and 6,780m<sup>2</sup> of wildflower grassland. In addition, two badger crossings would be provided, along with bat and bird boxes.
- 4.13 The bypass would be sealed with low noise surfacing, which would also extend some 200m along the existing A284 carriageway north of the proposed new junction.
- 4.14 It is anticipated that the construction of the project would take place over a 15 month period, between 0730 and 1700 Monday – Friday and between 0800 and 1300 on Saturdays. Two site compounds would be used for the construction works, located at the southern end of the site and around its centre.
- 4.15 The construction sites would be accessed from the North Littlehampton development to the south, and for the northern extent, from the A284 via bridleway 2163.

## 5 **Environmental Impact Assessment (EIA)**

- 5.1 The application is for an infrastructure project of more than 1.0 hectare and so it falls within Part 10(f) of Schedule 2 of the Environmental Impact Regulations 2017 relating to the 'construction of roads'. It is necessary, therefore, to consider whether the proposal has the potential for significant environmental effects and would constitute EIA development.
- 5.2 Indicative screening thresholds set out in the Annex to the Planning Practice Guidance (PPG): Environmental Impact Assessment note that new development of over 2km in length is more likely to require EIA, with the 'key issues to consider' being 'estimated emissions, traffic, noise and vibration, the degree of visual intrusion and the impact on the surrounding ecology'. In a Screening Opinion issued in November 2018, the County Council concluded that it was not considered there was the potential for significant effects on any of these features, particularly as the development would divert traffic away from residential properties and a Conservation Area, and would not significantly affect any designated or highly sensitive areas.
- 5.3 On this basis, it was concluded that the proposal does not require an Environmental Impact Assessment to be undertaken.

## 6. **Policy**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework (NPPF)). For the purposes of this application, the statutory development plan is considered to comprise the Arun Local Plan 2011 – 2031 (2018).
- 6.2 The key policies in the development plan, which are material to the determination of the application, are summarised below, and their conformity or otherwise with the NPPF considered. In addition, reference is made to relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

### ***Arun Local Plan 2011 - 2031 (adopted 2018)***

- 6.3 The Arun Local Plan identified the need to upgrade parts of the road network to support increased use resulting from future growth, and to provide improved north-south linkages to improve connectivity to the A27 (paragraph 15.3.2). Paragraph 15.3.3 of the Plan notes that various highway improvement measures, including a bypass at Lyminster, were tested through the Arun Transport Study of Strategic Development (March 2013, and updated 2016). As a result, the 'lines' and 'indicative lines' of various schemes have been safeguarded under Policy T SP3 for highway improvements.
- 6.4 In relation to the Lyminster Bypass, Policy T SP3 states that the line of the committed scheme at the A284 Lyminster Bypass (northern section) is protected from development.
- 6.5 The supporting text for this policy (paragraph 15.3.4) states:

*"A284 Lyminster Bypass - The proposed Lyminster Bypass will connect to the committed southern section which will run between Toddington Nurseries and the A259 and the Fitzalan Link. The bypass will improve north-south access from the A27 to Littlehampton by reducing the delays associated with the existing A284 Lyminster Road and the Wick level crossing. This scheme is expected to make the A284 Lyminster Road quieter and encourage walking and cycling on the route. The route will be funded through a mixture of planning obligations, the Regional Growth Fund and potential contributions from Network Rail."*

- 6.6 In addition to this key policy, the relevant policies from the Arun Local Plan are: Sustainable Development (SD SP1), Gaps Between Settlements (SD SP3), Protection of Landscape Character (LAN DM1), Strategic Employment Land (EMP DM1), Soils (SO DM1), Strategic Housing, Parish and Town Council Allocations (H SP1), Design (D SP1), Aspects of Form and Design Quality (D DMA1), Health & Wellbeing (HWB SP1), Transport and Development (T SP1), Sustainable Travel and Public Rights of Way (T DM1), Historic Environment (HER SP1), Listed Buildings (HER DM1), Locally Listed Buildings or Structures of Character (HER DM2), Conservation Areas (HER DM3), Natural Environment (ENV SP1), Biodiversity Opportunity Areas (ENV DM4), Protection of Trees (ENV DM4), Development and Biodiversity (ENV DM5), Water (W SP1), Water Supply and Quality (W DM1) Flood Risk (W DM2), Quality of the Environment (QE SP1), Noise Pollution (QE DM1), Light Pollution (QE DM2), and Air Pollution (QE DM3).

### ***National Planning Policy Framework (February 2019)***

- 6.7 The NPPF, updated most recently in February 2019, sets out the government's planning policies for England and outlines how these are expected to be applied. It does not form part of the development plan but is a material consideration in determining planning applications. One of its stated intentions is to guide decision-makers as to what matters are material to the decision-making process.

- 6.8 Paragraph 102 notes that:

*"Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

*a) the potential impacts of development on transport networks can be addressed;*

*b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*

*c) opportunities to promote walking, cycling and public transport use are identified and pursued;*

*d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*

*e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”*

6.7 Other paragraphs of greatest relevance to the present proposal are:

Paragraph 11 (presumption in favour of sustainable development, and approving development that accords with the development plan); 38 (LPAs should approach decision making in a positive and creative way); 47 (determining applications in accordance with the development plan); 54 – 57 (use of planning conditions); 109 (development should only be prevented on highways grounds where there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe); 149 (avoiding vulnerability to climate change); 155 (avoiding inappropriate development in areas at highest risk of flooding); 160 (sequential test in flood risk assessment); 163 (development should not increase flood risk elsewhere); 165 (major development should incorporate SuDS); 170 (development should contribute to and enhance the natural and local environment); 175 (principles for considering biodiversity in determining planning applications); 178 (ground conditions); 180 (effects of pollution on health, living conditions and the natural environment); 181 (air quality);

### **West Sussex County Council Local Transport Plan 2011-2026 (2011)**

6.14 The West Sussex County Council Local Transport Plan provides strategic direction for transport within West Sussex. Its specific objectives are to promote economic growth, to tackle climate change, to provide access to services, employment and housing and to improve safety, security and health.

6.15 One of the Plan's key aims is to reduce congestion and improve reliability on the road network. In this area of West Sussex both the A27 and A259 are connected directly to the A284, which experiences congestion problems. Furthermore, the Plan aims to improve access to the A259 from the A27 to serve local business areas and to provide access to towns. It also aims to enable the delivery of strategic housing and commercial development supported by associated infrastructure to mitigate against impacts. The Plan also aims to promote cycling and pedestrian infrastructure and maintain the public rights of way network.

## **7. Consultations**

7.1 **Arun District Council Planning:** Raise no objection, subject to conditions to secure tree protection measures.

7.2 **Arun District Council Environmental Health:** No objection subject to conditions to secure the noise mitigation measures set out in the acoustic report, and dust mitigation measures.

7.3 **Environment Agency:** No objection, subject to conditions requiring that the development is carried out in accordance with the Flood Risk Assessment; and requiring the submission and approval of a Construction and Environmental Management Plan to protect waterbodies and wildlife.

7.4 **Lyminster and Crossbush Parish Council:** Support and note urgency of scheme, but seek 'mitigations', namely: connecting the bypass directly to the

A27; investigate a route east of Brookfield; provide mitigation for acknowledged reduction in air quality for residents south of Crossbush roundabout; and seek traffic calming on existing A284. Also note survey data used in Transport Assessment is 18 months old; note high number of vehicles speeding; note high number of HGVs using road; consider EIA should have been undertaken; and validation of groundwater issues may be prudent given recent flooding issues.

- 7.5 **Littlehampton Town Council:** Support, noting the bypass is an important strategic policy objective for the Town Council. However, seek upgrade the stretch of road between the A27 Crossbush roundabout and the bypass to ensure continuity and connectivity; seek traffic calming measures on the A284.
- 7.6 **Poling Parish Council:** No response received.
- 7.7 **Highways England:** Seek a condition requiring the submission and approval of a Construction Management Plan to control and manage construction traffic and prevent dust being blown onto the A27.
- 7.8 **Network Rail:** No objection. Detailed comments provided in relation to bridge over railway [i.e. relating to the southern bypass rather than the scheme the subject of this application].
- 7.9 **WSCC Archaeology:** No objection, subject to a condition securing a Written Scheme of Investigation for archaeological investigation, recording, and reporting, to include an Action Plan for community information.
- 7.10 **WSCC Drainage:** No objection, subject to a condition requiring submission and approval of details of the maintenance and management of the Sustainable Urban Drainage System (SuDS) prior to commencement, and a surface water drainage verification report being required prior to commissioning.
- 7.11 **WSCC Highways:** No objection subject to condition securing a Construction Management Plan. Note that the scheme would be beneficial to the highway network in Lyminster and the wider Littlehampton area, and would be consistent with policy, *"providing a new primary route which would limit the effects of a significant constraint at the Wick level crossing, and overcome issues relating to the alignment of the existing route and, in part, some routes leading into it"*. Confirm that the road would provide a large number of traffic capacity benefits, particularly at the Wick Roundabout. Highlight *"reduced traffic running over a frequently closed railway crossing and past numerous junctions and accesses - including a series of tight bends in the existing alignment of the old road, will also bring with it benefits to those living there and others using it."*
- 7.12 **WSCC Arboriculturist:** No objection subject to securing compliance with Arboricultural Method Statement and a detailed landscaping plan. Notes that the removal of trees/hedgerows will have a short term impact, but significant structural planting will mitigate this. The viaduct cannot be fully integrated into the flat landscape but planting will reduce its visual impact.
- 7.13 **WSCC Ecology:** No objection subject to conditions securing the delivery of the full package of ecological mitigation, compensation and enhancement measures set out in the application, particularly the Ecological Impact Assessment, and

Design and Access Statement; a Construction Environmental Management Plan (CEMP); detailed landscaping plans; and a long-term landscape and ecology management and maintenance plan.

7.14 **WSCC Public Rights of Way:** No objection. Note that the highway crosses Bridleway 2163 but allows for continuous and safe use by the inclusion of a Pegasus crossing. Note the slight change in alignment of the bridleway, but would be within a future highway boundary so no Public Path Order would be required.

7.15 **Goodwood Aerodrome Safeguarding:** No response received.

7.16 **Local Member (Gary Markwell):** No response received.

7.17 **Chichester Harbour Conservancy:** No response received.

## 8. Representations

8.1 The application was publicised in accordance with Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 involving the erection of site notices located around the application site, an advertisement placed in the local newspaper and neighbour notification letters sent. In response, representations were received from 35 people/organisations (including Sutrans and cycle forums), with 21 objecting or raising concerns and 14 in support of the development.

8.2 The main issues raised in the objections/concerns are:

- It should link directly to A27/Crossbush roundabout;
- Lack of future-proofing / consideration of Highways England's future plans for A27;
- Lack of provision for pedestrians/cyclists either north (narrow pavement up to Crossbush roundabout) or south (shared path on opposite side or carriageway) of the scheme;
- Would not bypass all of Lyminster village;
- Access and safety requirements not met, particularly at northern end of village;
- Lack of consideration of low-light safety issues;
- Existing speeding problems would be exacerbated;
- Alignment of road is based on inappropriately-high design speed, and design speed inconsistently applied at proposed junction between existing A284 and proposed bypass;
- Would make car journeys more attractive;
- Lack of analysis of the needs of non-motorised users – lack of linkages to existing cycling infrastructure, railway stations or key walking/cycling destinations;
- Lack of funding for scheme;
- Air pollution, noise and vibration impacts from increased traffic;
- Would reduce dark skies with lighting in countryside – existing A284 not lit;

- Health and wellbeing impacts on those at junction of old and new roads;
- Traffic modelling out of date;
- Inaccurate information about seriousness of traffic collisions;
- Road would be too close to dwellings.

8.3 The key points raised in support of the application are:

- Would improve existing queues and congestion which are harmful to local residents and businesses;
- Improvement to safety – numerous accidents along existing road, particularly with sharp bends in road and people driving too fast;
- Would benefit community of Lyminster village which is currently divided by a road that is near-impossible to cross;
- Essential to cater for needs of new housing developments;
- Essential to provide a link between the upgraded A259 and A27.

## 9. **Consideration of Key Issues**

9.1 The main material considerations in relation to this application are:

- the principle of the development;
- acceptability in terms of impacts on the environment; and
- acceptability in terms of impact on local residents.

9.2 A request has been made to the Secretary of State for Housing, Communities and Local Government that they issue a direction requiring the County Council to refer to the application to him to determine. Before issuing the decision on this application, the County Council must therefore await the Secretary of State's confirmation as to whether he wishes to determine the application himself.

### ***Principle of the Development***

9.3 As already noted, the proposed 'northern' Lyminster bypass would form part of a wider Lyminster bypass scheme to provide a north-south link between the A27 and Littlehampton. The alignment of the bypass schemes have been identified in planning policy since the 1990s and most recently have been safeguarded in the recently-adopted Arun Local Plan (2018). This acknowledges the importance of the bypass to reduce the delays experienced on the existing A284 and to encourage walking and cycling.

9.4 The Local Plan notes the need to provide good north-south linkages to improve connectivity to the A27 to support economic growth and employment (paragraph 15.3.2). The highway improvement schemes identified in the Plan, including the Lyminster Bypass, are highlighted as adding 'greater potential for increasing economic activity and job density in Arun', as well as supporting the strategic developments identified in the Plan (paragraph 15.3.4).

9.5 In their response, WSCC Highways note that the assessment of the Lyminster Bypass scheme was undertaken using the East Arun Traffic Model, which they

consider as a suitable basis for strategic assessment to take into account the growth projections over the period 2011 – 2031.

- 9.6 Given that the need for the bypass has been accepted through the recent adoption of the Local Plan, it is considered that the scheme is acceptable in principle. It is considered that there is a need for the bypass to help alleviate congestion on the existing A284, providing better north-south connectivity to the A27, and supporting economic development in the district.
- 9.7 WSCC Highways notes that the bypass would be beneficial in terms of highway capacity, would meet highway safety requirements, would improve journey times between the A27 and A259, and take through-traffic away from the existing A284 through Lyminster village. The wider scheme would include a railway bridge in place of a level crossing, improving the movement of traffic significantly at this point. On a more local scale, it would also provide access to the new mixed-use development north of Littlehampton, without vehicles having to travel through Lyminster village.
- 9.8 The scheme is, therefore, considered to be acceptable in principle in terms of its strategic highway benefits.
- 9.9 Although the principle of a link being provided between the A27 and Littlehampton has been confirmed through planning policy and an indicative route safeguarded, the exact alignment, linkages, design, mitigation and other details have not. It is these details that many representations have raised concerns about.
- 9.10 In planning terms, it is the acceptability of the application that must be considered rather than alternative schemes. Nonetheless, in this case, the detailed alignment of the road has evolved over a long period of time, taking into account environmental constraints, highway design requirements, and feedback from public consultation on the development that has been undertaken since 2014. At the southern end, it needed to link with the consented scheme. At the northern end, it needed to take into account existing dwellings, small holdings and, in particular, the Brookfield Stream culvert. It is considered that bearing these constraints in mind, the alignment of the road is acceptable in principle. Detailed considerations relating to mitigation and impacts are set out in the sections below.
- 9.11 Overall, therefore, the proposal is considered to be acceptable in terms of the principle of a route being provided in this location, as confirmed by planning policy; in terms of providing strategic highway benefits; and in terms of its alignment and linkages to the surrounding road network.
- 9.12 *The alignment of the Lyminster bypass has been identified through planning policy since the 1990s because of the need to provide a north-south link from the coast to the A27. The indicative route has been safeguarded from development in the Arun Local Plan 2018 because it is considered necessary to increase economic activity and support the strategic development allocated in the Plan. The bypass would improve highway capacity and journey times and divert traffic away from Lyminster village, and so is considered to be beneficial in strategic highway terms. The proposed bypass is considered to be acceptable in terms of its alignment and linkages to the surrounding road network.*

## ***Impacts on the Environment***

- 9.13 The proposed bypass would be a large-scale, linear feature across an area that is currently countryside and includes areas containing water features. Therefore, it has the potential to be detrimental to the environment, both temporarily during construction, and permanently, once in use.
- 9.14 There is the potential for significant visual impacts and impacts on the landscape as a result of a large, linear feature being introduced to open countryside, particularly as it would involve the removal of trees, tree groups and hedges.
- 9.15 However, as confirmed in the Landscape and Visual Impact Assessment submitted with the application, views of the site are relatively constrained by topography, vegetation, and development. The area is largely flat and relatively contained by the built development at Lyminster to the west and the rapidly-encroaching Littlehampton to the south. Vegetation, particularly along field boundaries, breaks up views from many of the public vantage points in the area as does the undulating land which falls generally away to the south. Views from the South Downs National Park are limited by distance (some 750m), vegetation, the visual barrier of the A27, and topography, with undulating fields breaking up closer views of the site.
- 9.16 Therefore, although the bypass would be a noticeable feature in the landscape, it is not considered to be dominant or to change the landscape character of the area. The impact would be softened through the provision of landscaping, including a belt of native trees east of the viaduct, individual trees at the junction with the existing A284, and wildflower, wetland and grassed areas elsewhere. Although this would not entirely mask the development from view, it would help to blend it in to the landscape.
- 9.17 The visual envelope affected by the bypass would be limited to the immediate area, notably users of the public right of way, those travelling along abutting roads, and residents that back onto the site. However, impacts on road and footpath users would be transient and an improved crossing point would be provided for those on foot/cycle/horse. The impact on dwellings backing onto the site would be mitigated by the 2.5m high acoustic fencing and, over time, planting.
- 9.18 On balance, therefore, it is considered that the development is acceptable in terms of its visual impact, and impact on the landscape.
- 9.19 The proposed bypass has the potential to affect ecological features and biodiversity by developing an area that currently contains pasture, waterbodies, scrub, trees and hedgerows. It would, therefore, result in the loss of habitat, including that relating to protected species, such as water voles, bats, and badgers.
- 9.20 However, mitigation measures would be secured to ensure that although there would be temporary impacts during construction and immediately afterward, long-term impacts are avoided and habitat introduced to provide overall biodiversity enhancement. Although large-scale physical development would be introduced, areas of arable land (considered to be of low ecological value)

would be replaced with high-quality habitat alongside the bypass to provide improved habitat connectivity. Through securing the ecological mitigation and enhancement measures, and their maintenance, the scheme is acceptable in terms of its impact on biodiversity.

- 9.21 Similarly, the scheme has the potential to affect the water environment through creating large areas of impermeable surfacing on a greenfield area, some of which is considered at high risk of flooding.
- 9.22 Surface water run-off from the bypass would drain into Brookfield Stream at the northern end of the road and Black Ditch towards the south. It would also drain via various attenuation measures located to the east of the carriageway including swales, a wetland area, balancing pond and below-ground cellular storage. These measures would restrict the rate of run-off and improve water quality. With the inclusion of these measures in the scheme, WSCC Drainage has raised no objection to the proposal, subject to conditions, 'welcoming' the inclusion of the sustainable urban drainage system (SuDS) elements in the scheme, and noting that it meets the requirements of the NPPF.
- 9.23 Subject to the imposition of the conditions requested by WSCC Drainage, the scheme is acceptable in terms of its impact on the water environment.
- 9.24 The scheme would have a positive impact on Lyminster Conservation Area and the historic features within it, including seven Listed Buildings, as traffic would be diverted from travelling through it. Furthermore, given the distance, it is not considered that the new bypass would affect the setting of the conservation area or any listed buildings.
- 9.25 The Old Vicarage and Vicarage Cottage are locally listed and located close to the junction of the new bypass with the existing A284, so there may be some impact on their setting, albeit this is already affected by the existing road. The District Council's Conservation Officer considers that, on balance, the impact would be neutral, taking into account the 'relocation' of the busy road from one side of the asset to the other and the mitigation provided by planting and the noise barrier.
- 9.26 The route of the bypass is primarily greenfield, so has the potential to contain features of archaeological interest. However, the WSCC Archaeologist has raised no objection, subject to securing a Written Scheme of Investigation to ensure the recording of any archaeological features that are found. Subject to this condition, the development would not be detrimental to any buried archaeological features.
- 9.27 Overall, the development is considered to be acceptable in terms of its impact on landscape and visual amenity, ecological features, water features, and the historic environment, subject to appropriate conditions being imposed.
- 9.28 *Although the proposed bypass would introduce a large, linear feature to an area of greenfield countryside, the area is relatively constrained in visual terms by vegetation, undulating topography, and physical development including Lyminster to the west and Littlehampton to the south. The landscape impact would, therefore, be limited and softened by planting, and visual impacts would be minimal and generally transient for users of public rights of way and roads. Although there would be some ecological impact, the existing arable fields,*

*currently of low ecological value, would be replaced with high quality habitat alongside the bypass, considered to provide improved habitat connectivity. A range of measures would be provided east of the bypass to maintain the water environment, including swales, attenuation ponds, and below-ground cellular storage. It is considered that subject to these measures being secured by condition, the development would not increase flood risk, or affect water quality. There would be minimal impact on heritage features, subject to archaeological features being recorded. Overall, therefore, the development is considered to be acceptable in terms of its impact on the environment.*

### **Impact on Local Residents**

- 9.29 The scheme has the potential to affect local residents both positively and negatively.
- 9.30 There would be positive impacts for residents living along the route of the existing A284 through Lyminster, significantly reducing the amount of traffic travelling through the village, helping to improve noise and air quality in the area, and benefitting cyclists and pedestrians using the existing road. The provision of a pedestrian/cycleway along the new bypass, linked to the existing bridleway, would also help to encourage non-motorised travel in the local area.
- 9.31 However, the scheme would also introduce a new road to the rear (east) of dwellings that already front the existing A284, with an associated increase in noise. This would be mitigated by the provision a low noise surface on the road in its entirety and a 2.5m high, 317m long noise barrier to the rear (east) of the Old Vicarage, Fairfields, and Wolstanton, curving around the north of Wolstanton at the new junction.
- 9.32 Overall, the scheme is expected to result in a negligible impact in noise terms for most properties. There would be a 'moderate' (5 – 9.9dB) noise increase for 57 dwellings, all of them in the new development at Toddington Park to the south of the scheme. However, this conclusion does not take into account a noise barrier required as part of that scheme that would reduce noise to what is considered to be an acceptable level. The District Council's Environmental Health Officers have raised no concerns in this regard.
- 9.33 The Local Plan notes that properties north of the proposed junction with the existing A284 (Cherwell, Oak Cottage and Cobweb Cottage) are within a 'Noise Important Area', where mapping has shown that they are subject to some of the highest noise levels from roads, at least 76dB. As the bypass would begin south of these properties, traffic would not be diverted away from them. However, it is proposed to provide a low noise surface along this part of the road, which is expected to have some benefit.
- 9.34 Although there would be some noise impact during the construction period, particularly on dwellings immediately west of the site, it would be limited to daytime operations and over a temporary period of time. It is considered, that subject to securing a Construction Management Plan by condition, the impacts would be acceptable.
- 9.35 The bypass has the potential to result in impacts on air quality during both construction and once it is in use. During construction, there would be significant earth works with the resulting potential for dust emissions as well as

fumes from vehicles. However, it is considered that the potential impact on air quality could be effectively controlled through a Construction Management Plan.

- 9.36 During operation, the new bypass is considered to have an overall positive impact on National Air Quality Objectives relating to nitrogen dioxide and particles (PM10) because it would eliminate some exceedances along the existing A284, and in basic terms, would divert vehicles away from the residential properties in Lyminster village. There would be negligible impact in terms of the emission of particles and while there would be a 'moderate adverse' impact at three sensitive locations (north of the new junction) and 'slight adverse' impact at four locations, there would be no major adverse impacts, and varying degrees of beneficial impact at 19 locations. Overall, therefore, it is considered that the development would be beneficial in terms of its impact on the air quality of local residents, and the wider environment.
- 9.37 *The proposed bypass would have a positive impact on residents living along the route of the existing A284 through Lyminster village as fewer vehicles would be travelling through the village. Although, it would introduce a new road to the rear (east) of several dwellings, a 2.5m high, 317m long noise barrier would be provided to reduce the noise impact. The development would have an overall beneficial impact on air quality by moving vehicles away from Lyminster village. A Construction Management Plan would be required by condition, which would minimise noise and air quality impacts.*

## 10. Overall Conclusion and Recommendation

- 10.1 Planning permission is sought for the northern part of Lyminster bypass, extending between a point some 600m south of the A27 Crossbush Junction, and the southern part of the bypass, approved under a separate consent for a mixed-use development north of Littlehampton.
- 10.2 The indicative route of the bypass has been safeguarded in planning policy and so is considered acceptable in principle, and the provision of the bypass is considered to be beneficial to highway capacity and to meet requirements for road safety. The development would include a number of mitigation measures such as wetland provision and planting that would help to ensure that the impact on the water environment, landscape, biodiversity and the historic environment would be acceptable. The bypass would divert traffic away from the existing A284 through Lyminster village, with resulting benefits in terms of noise and air quality for these residents, and studies have demonstrated that the wider residential impact would be acceptable.
- 10.3 Overall, the scheme is considered to be acceptable in principle and in terms of impacts on the environment and local residents.
- 10.4 It is **recommended**, therefore, that planning permission be granted subject to:
- (a) the conditions and informatives set out in **Appendix 1** of this report; and
  - (b) the Secretary of State not calling-in the application.

## 11. Crime and Disorder Act Implications

- 11.1 There are no implications.

## 12. **Equality Act Implications**

- 12.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and the representations made by third parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

## 13. **Human Rights Act Implications**

- 13.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic well-being of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 13.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The planning considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 13.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington  
Head of Planning Services

**Background Papers:** As set out in Section 6.

### **List of Appendices**

Appendix 1 - Conditions and informatives  
Appendix 2 – Site Location Plan  
Appendix 3 – Site Plans  
Appendix 4 - Visualisations

Contact: Jane Moseley, ext. 26948

## **Appendix 1 - Conditions and Informatives**

### **GENERAL**

#### **Commencement**

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

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

#### **Vegetation clearance**

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

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

#### **Approved Plans and Documents**

3. The development hereby permitted shall not take place other than in accordance with the particulars of the application, as set out in the following approved plans and documents:

- Site Plan Sheet 1 (ref. A284LY-CAP-HGN-00-DR-C-0146, Rev P03);
- Site Plan Sheet 2 (ref. A284LY-CAP-HGN-00-DR-C-014, Rev P04);
- Combined Planning Information (Sheet 1 ref. A284LY-CAP-HGN-00-DR-C-0190 Rev. P02; Sheet 2 Ref. A284LY-CAP-HGN-00-DR-C-0191 Rev. P02; Sheet 3 Ref. A284LY-CAP-HGN-00-DR-C-0192; Sheet 4 Ref. A284LY-CAP-HGN-00-DR-C-0193 Rev. P02);
- 1725 Black Ditch Viaduct (Sheet 1 ref. A284LY-CAP-SBR-01-DR-C-0136 Rev P04; Sheet 2 ref. A284LY-CAP-SBR-01-DR-C-0137 Rev. P04; Sheet 3 ref. A284LY-CAP-SBR-01-DR-C-0138 Rev. P05);
- NPPF Flood Risk Assessment (including Appendices: ref. WSP project no. 70048270; 48270-FRA-001, November 2018);
- Landscape, Planting and Seeding Layout (Sheet 1 ref. A284LY-CAP-EXX-00-DR-L-0027 rev. P05; Sheet 2 ref. A284LY-CAP-EXX-00-DR-L-0028 rev. P05; sheet 3 ref. A284LY-CAP-EXX-00-DR-L-002 rev. P05; sheet 4 ref. A284LY-CAP-EXX-00-DR-L-0030 rev. P06);

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

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

### **PRE-COMMENCEMENT CONDITIONS**

#### **Construction Environmental Management Plan**

4. No development shall be carried out until a Construction Environmental Management Plan (CEMP), according with the mitigation/enhancement measures set out in Section 8, and Section 6 of Appendix J to the Ecological Impact Assessment (ref. WSP project no. 70048270, 001, November 2018), and the Arboricultural Method Statement (Appendix A to the Detailed Arboricultural Report ref. WSP project no. 70048270-E05, October 2018) has been submitted to and approved in writing by the County Planning Authority. The scheme shall address the management of any environmentally sensitive areas, their aftercare and maintenance, and include a plan showing how the environment, including trees, will be protected during the works.

Such a scheme shall include the following:

- a) The timing of works/vegetation removal, and how this will be undertaken to avoid ecologically-sensitive periods;
- b) Details of the location and type of protection measures to be provided for retained hedgerows, trees and woodland;
- c) Details of the location and type of protection measures, such as herras fencing, to be provided to protect sensitive habitats from construction activities;
- d) Details of the location and type of pollution control measures to be provided to protect watercourses;
- e) Details of precautionary working methods as outlined in the great crested newt technical report (EIA Appendix J).

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

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

#### **Construction Management Plan**

5. No development shall be carried out until a Construction Management Plan, has been submitted to and approved in writing by the County Planning Authority (who shall consult with Highways England). The Plan shall include the following:
- a) The anticipated number, frequency and types of vehicles used during construction,
  - b) The method of access and routing of vehicles during construction,
  - c) The location of temporary contractors' compounds, including parking for site operatives and visitors, and site offices and facilities;
  - d) Details of where plant and material (including waste) will be stored, during construction, and provision for its loading and movement;
  - e) Details of construction hours;
  - f) Measures to prevent dust and debris from being blown or otherwise deposited beyond the site, particularly onto the A27, including the location of any wheel washing or other facilities; and

- g) Details of measures to minimise noise impact, in general accordance with Section 5 of the submitted Noise and Vibration Assessment, including the locations of hoardings and screens; the location of any concrete crushing plant;
- h) Details of works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, temporary traffic management, commitment to repair any parts of the highway deemed damaged by contractors vehicles as a consequence of the construction process and street-cleaning facilities); and
- i) Details of public engagement both prior to and during construction works.

The construction of the development shall be carried out in accordance with the approved Construction Management Plan.

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

### **Archaeological Written Scheme of Investigation**

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

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

### **PRIOR TO FIRST PUBLIC USE OF ROAD**

#### **Detailed Landscaping Scheme**

7. Prior to the first public use of the road, a detailed scheme of landscaping for the site shall be submitted to and approved by the County Planning Authority in writing. The scheme shall specify the types, size and species of all trees and shrubs to be planted, including measures for biosecurity; details of all trees to be retained; and details of fencing/enclosure of the site, phasing and timescales for carrying out the works, and provision for future maintenance.

The approved landscape scheme shall be fully implemented in the first growing season following commencement of the development hereby permitted unless agreed by prior arrangement in writing with the County Planning Authority. Any trees or shrubs which, within a period of five years from the date of planting,

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

### **Landscape and Ecological Management Plan**

8. A Landscape and Ecological Management Plan (LEMP), in accordance with the approved Landscaping Plans (ref. Landscape, Planting and Seeding Layout (Sheet 1 ref. A284LY-CAP-EXX-00-DR-L-0027 rev. P05; Sheet 2 ref. A284LY-CAP-EXX-00-DR-L-0028 rev. P05; sheet 3 ref. A284LY-CAP-EXX-00-DR-L-002 rev. P05; sheet 4 ref. A284LY-CAP-EXX-00-DR-L-0030 rev. P06), shall be submitted to, and approved in writing by the County Planning Authority prior to the first public use of the road. The Plan shall include:

- a) A description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence its management;
- c) The aims and objectives of management;
- d) Prescriptions for management actions to achieve the aims/objectives;
- e) Details of initial aftercare and long-term maintenance;
- f) Details of ongoing monitoring and remedial measures: how (where monitoring results show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme;
- g) A work schedule, including a 5 year project register, an annual work plan, and the means by which the plan will be rolled forward annually;
- h) a full planting specification (including measures for biosecurity);
- i) details of facilitation pruning;
- j) a management and maintenance plan for planting and ecological mitigation/enhancement measures;

The approved LEMP shall thereafter be implemented in full.

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

### **Drainage Verification Report**

9. Prior to the first public use of the road, a Verification Report pertaining to the surface water drainage system, carried out by a Chartered Engineer, has been submitted to and approved by the County Planning Authority. The Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets

and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

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

### **SuDS System**

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

*Reason: To ensure that the SuDS scheme set out in the submission, and which made the development acceptable in terms of impact on the water environment, is implemented and maintained.*

### **Informatives**

1. Environment Agency Advice

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

2. Lead Local Flooding Authority Advice

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

3. Temporary Works Required During Construction.

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

4. Temporary Developer Signage.

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

5. Traffic Regulation Order.

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