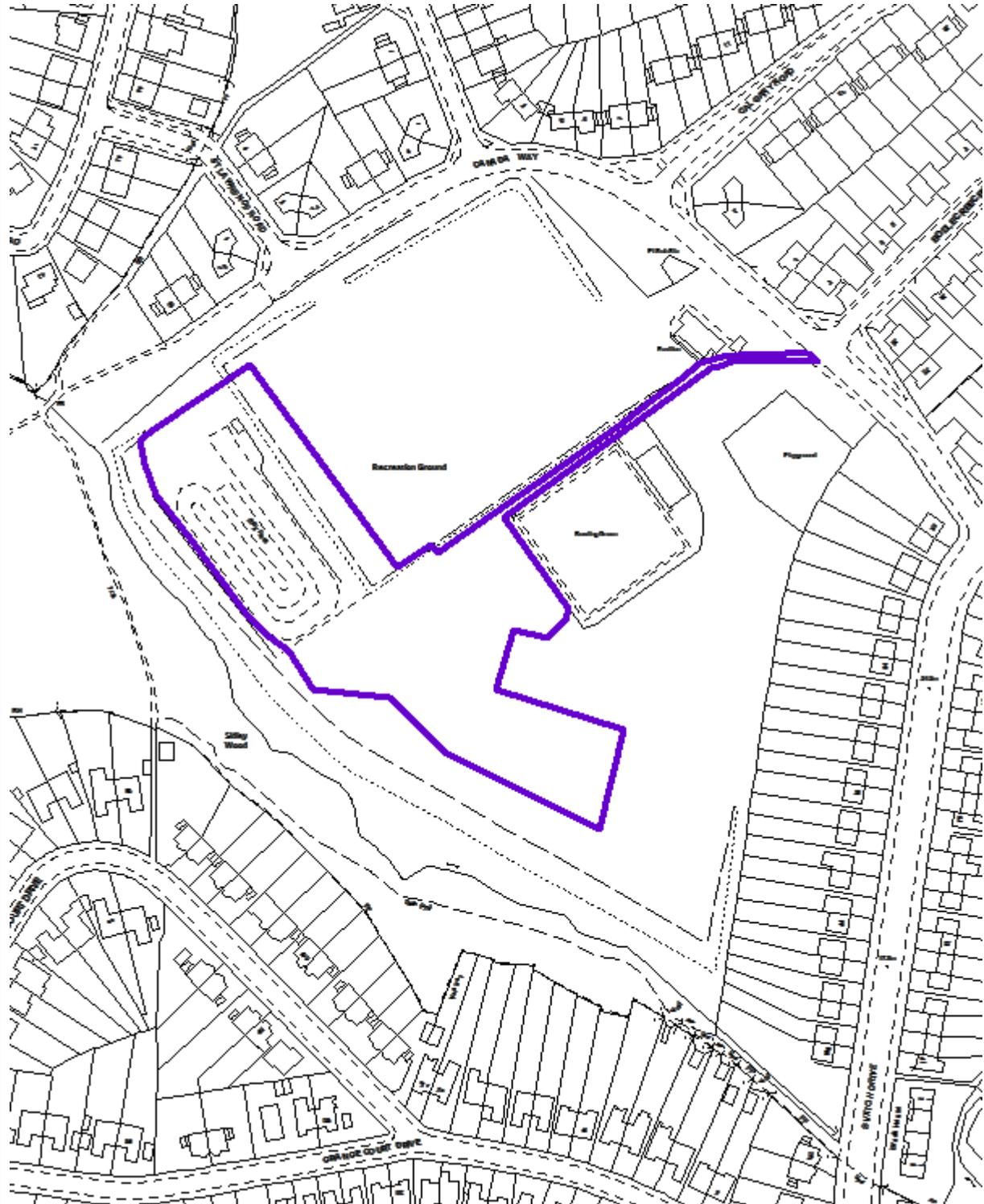


SITE PLAN

BEXHILL

RR/2021/1759/P

SIDLEY RECREATION GROUND, CANADA WAY



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Not to Scale

## Rother District Council

Report to	-	Planning Committee
Date	-	9 September 2021
Report of the	-	Director of Place and Climate Change
Subject	-	Application RR/2021/1759/P
Address	-	Sidley Recreation Ground Canada Way BEXHILL
Proposal	-	Construction of new and improved public outdoor sport and recreation facilities comprising a reinforced concrete skatepark with floodlighting constructed in-situ, a new dirt BMX jump park (jump area), a remodelled dirt BMX 6-rider race track with tarmac berms and floodlighting and an extended access path with in-ground lighting.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT (FULL PLANNING)**

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**Director: Ben Hook**

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**Applicant:** Rother District Council  
**Agent:** Rother District Council (Ms R. Owen)  
**Case Officer:** Mr M. Cathcart (Email: [mark.cathcart@rother.gov.uk](mailto:mark.cathcart@rother.gov.uk))

**Parish:** BEXHILL

**Ward Members:** Councillors J.J. Carroll and S.J. Coleman

**Reason for Committee consideration:** Rother District Council is the Applicant.

**Statutory 8-week date:** 23 September 2021

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 The application has been submitted by Rother District Council (RDC). It relates to the existing recreation ground located within a residential area, at Sidley, in north Bexhill. It is a Council project, supported in part by external funding to improve facilities for young people in relation to BMX cycling and skateboarding. It proposes (i) the construction of a skateboard park, incorporating ramps, jumps, bars and other features; (ii) the construction of a BMX freestyle practice area with feature jumps etc; and (iii) the complete

replacement and upgrade of the existing BMX race track within the recreation ground to a competitive standard. (i) and (ii) are additional facilities and would be located within an area of the recreation ground presently comprising amenity grassland. It is proposed that the facilities at (i) and (iii) [skateboard park and BMX racetrack] would be floodlit and new lighting columns are proposed as part of the application. Issues for consideration are the provision of additional sports and recreation facilities within the community, the need to assess any potential impacts of the development on the residential amenities of those living within the vicinity of the recreation ground, particularly from activity related noise and the impacts of the proposed lighting. Other issues relate to the historic use of the land as a landfill site and the potential for ground contamination; wildlife impacts, particularly in relation to the adjacent woodland; and matters in relation to highways (access and parking).

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## **2.0 SITE**

- 2.1 The Recreation Ground is a large open space located within a residential area to the south-west of Sidley High Street. Dwellings in Canada Way front the northern boundaries of the site and the rear gardens of properties within Buxton Drive back on to its eastern boundary. At the western boundary is an area of woodland (Sidley Wood), with properties within Windmill Drive, Deans drive, and Grange Court Drive beyond.
- 2.2 The recreation ground itself is mainly laid-out to grassland and contains a football pitch, an enclosed bowling green, pavilions, a children's play area, an existing BMX track, and a zip-wire; there is also a general open amenity space.
- 2.3 The existing BMX track is within the north-western part of the site, set against the woodland with a row of mature trees separating it from Canada Way properties just to the north.
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## **3.0 PROPOSAL**

- 3.1 There are three facilities proposed within the application:
- (i) A new skate-board park, sited to the south of the existing bowling green (this is presently an area of amenity grass land, part of which contains a zip-wire - to be removed).
  - (ii) A new BMX jump track located adjacent to the above (this is also presently an area of amenity grassland).
  - (iii) A replacement and upgraded BMX race track, sited in the same location as the existing feature.

External lighting is proposed for two of the facilities:

- (i) The skate-board park lighting proposal comprises 5 columns (2 x 6m high & 3 x 8m).
- (iii) The BMX race track lighting proposal consists of 14 columns (9 x 10m high & 5 x 8m).

- 3.2 Supporting information says that the new lighting system would only be used when there is insufficient daylight and would be controlled by sensors to operate the system within an agreed curfew time.
- 3.3 Documents submitted with the application form, plans and drawings, include: Lighting Impact Assessment Report for Bike BMX Track; Lighting Impact Assessment Report for Skatepark; BMX and Jump Track Visual Appraisal; Ecological Survey Report: Reports into potential land contamination and remedial measures; Drainage Design and Sustainable Drainage System (SuDS) Report; Noise Impact Assessment Report; Transport Report; Tree Survey Report, and Pre-Planning Community Engagement Report.
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#### 4.0 HISTORY (relevant):

- 4.1 B/50/171 Extension layout of Sidley Recreation Ground - Approved.
- RR/78/0207 Use of land as skateboard park - Approved.
- RR/89/2541/P Erection of storeroom for use with BMX track - Approved.
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#### 5.0 POLICIES

- 5.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General development considerations
  - BX1(ii): Overall strategy for Bexhill
  - CO3: Improving sport and recreation provision
  - CO4: Supporting young people
  - TR3: Access to new development
  - TR4: Car parking
- 5.2 The following policies of the Development and Site Allocations Local Plan (DaSA) are relevant to the proposal:
- DEN1: Maintaining landscape character
  - DEN7: Environmental pollution
- 5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, particularly:
- Section 8: 'Promoting healthy and safe communities' (Paragraphs 92 to 103 – including 'Open space and recreation' (98-103)
  - Section 12: 'Achieving well-designed places'
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#### 6.0 CONSULTATIONS

- 6.1 Highway Authority: **NO OBJECTION** (summarised):

- 6.1.1 There are no major concerns regarding the development proposal and therefore the Highway Authority do not wish to object; however, it is recommended that any grant of consent includes appropriate highway conditions.
- 6.1.2 *The Site:* In addition to its use for general recreation, the site accommodates a senior football pitch and pavilion which is used primarily by Bexhill AAC during the football season with around 15-25 home games being booked per season. There is also a public bowls green with its own pavilion which is home to the Sidley Martletts Bowls Club who currently have a membership of 72 people and play in club, county and league matches hosting around 30 fixtures with visiting teams during the bowls season as well as using the green for casual play. The dirt BMX track in the southwest corner of the site has been in-situ for around forty years and has been used informally by the community, for organised coaching sessions also for racing although it has not been possible to hold official races for some years as the track falls below the standards required today.
- 6.1.3 *Site Accessibility:* in terms of pedestrian access, cycle access, and bus, overall, the site is considered to be relatively well-located from an accessibility perspective.
- 6.1.4 *On-site Parking Provision:* There is no existing car park or parking provision on site and there are no plans to introduce a car park. However, parking on site can be accommodated for events where parking demands are likely to be higher (as detailed below).
- 6.1.5 *Trip Generation and Highway Impact:* A majority of the site would continue to operate as existing and the primary use of the new facilities, which would to some extent only replace and improve those currently available, would be for casual sport and recreation. As a result, the majority of those using the facilities for this purpose would be residents of Sidley and the wider town of Bexhill-on-Sea and it is expected that most of these users would arrive by bike, skateboard or on foot, rather than private car. Therefore, for a majority of the time the level of traffic and parking demands generated by the site are unlikely to increase significantly.

However, in addition to this informal use, there would be various organised activities, particularly in connection with the BMX racetrack and during these periods additional traffic would be attracted to the site. Also, coaching sessions are currently held year-round at the existing BMX track on Saturdays between 9:00am and 1:30pm. During this time, four sessions are held with ten to fourteen people children and young people attending each. The submitted Transport Report estimates that typically, the existing profile of those attending the sessions is 20% Sidley residents, 30% Bexhill residents and 50% from elsewhere including Rother and neighbouring towns. Typically, around 20% ride or walk to the sessions and 80% arrive in a vehicle equating to up to eleven vehicles per session. The improved facilities would enable the BMX coaching programme to be expanded and a key target audience for the programme would be children and young people from Sidley. It is therefore suggested that this would alter the user profile for these organised sessions reducing the percentage travelling to the facility from outside Bexhill and consequently, it is expected that there would be a decrease in the number of participants arriving by vehicle, per session.

The improved BMX facilities would enable races to be hosted at the site, as has been done in the past. Most events would be part of two annual race series: a summer series and a winter series. The summer series would likely involve races on one midweek evening on two to six occasions during the summer months. The winter series would likely involve races on Sundays on three to six occasions over the winter months. It is anticipated that between 40 and 100 riders would participate on each occasion. These events would attract participants and potentially also spectators who would travel to the site by vehicle. However, as no more than 100 riders can be accommodated per event and with some visitors' car sharing and others arriving by foot or public transport it is likely that traffic flows would remain relatively low, with the smaller events generating a level of traffic and parking demand not too dissimilar to those when a football match is played where up to 30 players plus staff and spectators would attend.

During the busiest periods measures would need to be put in place to accommodate the additional parking demands that are likely to be generated. Therefore, in the case of such events being held during the period April to September inclusive it is intended that parking will be permitted, under supervision, on the grass. It is understood that this has worked successfully in the past with regional level events, even in wet conditions. The submitted information indicates that there is ample room to park at least 100 vehicles and potentially 150 to 200 depending on the mix of cars and larger vehicles transporting bikes. The football pitch area would be used to accommodate parking, and this would be accessed via the main entrance opposite Bodle Crescent. On such occasions the access would be stewarded to protect the safety of other site users and to avoid conflict between vehicles entering and leaving the site and other road users.

It is not anticipated that a comparable programme of events would be developed for the skatepark, but occasional events may be held. It is unlikely that this would be more than two or three per annum.

6.1.6 *Highway Impact:* Although a majority of dwellings in the area have off-street parking available it is noted that on-street parking pressures do increase on some roads during periods when the recreational ground is busy. However, it is considered likely that the parking demands associated with the proposed use would only increase significantly during periods when the larger races are held at the recreational ground and on which occasions it is proposed parking will be permitted within a defined grass area of the recreation ground as detailed above.

## 6.2 ESCC – Lead Local Flood Authority: **NO OBJECTION** (summarised):

6.2.1 It is proposed that surface water runoff from the site would be attenuated in granular blankets of gravel beneath both proposed BMX tracks, before discharging to the nearby watercourse at a calculated rate. This is an acceptable approach in principle and the drainage strategy demonstrates that it will be possible to limit run-off from the site to avoid increasing flood risk elsewhere. There would, however, be a need for standard conditions which are outlined in the LLFA's response

See application website for full text of comments.

6.3 County Ecologist: **NO OBJECTION** (summarised):

6.3.1 The information provided is satisfactory and enables the Local Planning Authority to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions which are outlined in the consult response.

See application website for full text of comments.

6.4 Sport England: **NO OBJECTION** (the Sport England assessment is set out below):

6.4.1 Statutory Role and Policy: It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

*'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

*unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'*

6.4.2 The Proposal and Impact on Playing Field: The proposal is for the improvement of the existing BMX track in the north west corner of the recreation ground and the extension of the facility into the central and south eastern part of the ground to also provide a skatepark area and a BMX jump park. Although the recreation ground already accommodates both a football pitch and a bowling green, neither area is affected by the proposal.

6.4.3 Assessment against Sport England Policy: This application relates to the provision of a new outdoor sports facility on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

*'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'*

Sport England assesses the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

- meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
- fully secures sport related benefits for the local community;
- helps to meet identified sports development priorities;
- complies with relevant Sport England and NGB design guidance; and
- is accessible by alternative transport modes to the car.

Proposals will also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:

- other users would be displaced without equivalent replacement provision; and
- it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or the area of playing field is significant in meeting local or strategic needs.

The provision of expanded and improved BMX and skatepark facilities is a longstanding aspiration of the Council, that is the Applicant. The Council has worked in partnership with a steering group including representatives of Heart of Sidley, Sussex Police, Bexhill Skatepark Action Group and Jumpclub BMX amongst others to deliver the scheme, and the project has attracted significant grant funding from Sport England and British Cycling through a joint funding programme. The facility will provide a modern floodlit skate park to replace the outdated existing facility adjacent to Bexhill Leisure Centre and enhanced floodlit BMX race track on the application site together with a new unlit BMX jump park to meet modern competition standards.

The proposed facilities would not impact on the existing pitch or bowling green on the recreation ground, the Football Association has confirmed that it has no comments on the proposal. The area into which the proposed facilities would expand is somewhat irregular in shape and therefore not particularly disposed to alternative playing pitch provision.

As they are at present, the facilities will be open to and available to the local community as well as to the respective local skate and BMX clubs. They will contribute towards the Council's and clubs' commitment to increase participation in these sports that have a long tradition in the Bexhill area. A programme of use for the facility is a requirement of Sport England's and British Cycling's award agreement. It will ensure that across the week there is an appropriate mix of club and open access to the new facilities. The recreation ground is accessible by walking and also by bike and skateboard.

In preparing this response I have consulted with British Cycling. It confirms that it fully supports the project that is backed by the existing BMX club on site and would provide a good fit, providing both race and freestyle jump elements, with the increased demand for participation expected following Team GBs success in both at Tokyo 2020. British Cycling considers that the blended approach of race and freestyle proposed is a good way of ensuring progression and access to other disciplines of cycling, while also allowing the club BMX riders to train locally instead of making long journeys to Cyclopark in Gravesend that involves a three-hour round trip.

British Cycling has provided technical support via Abacus CM during the design stage of the project to try to ensure that the designs are appropriate in the context of relevant Union Cycliste Internationale (UCI) design guidance notes, British Standards and good practice. It says however that it does still have some concerns with aspects of the design detail that have been fed back through Sport England's grant officer. Our grant officer has advised that some changes to the lighting scheme and to safety features may be required. It is recommended that should planning permission be granted, that this should be subject to a condition requiring the final full details of all of the facilities being approved in consultation with Sport England before any development commences.

- 6.4.4 Conclusions and Recommendation: Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 5 of the above policy. The absence of an objection is subject to the following condition being attached to the decision notice should the Local Planning Authority be minded to approve the application:

*Condition: 'Before any development commences the final full details of the proposed BMX race track, skatepark and BMX jump park and the associated sports lighting shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England.'*

- 6.5 Environmental Health: **NO OBJECTION** subject to conditions.

- 6.5.1 With respect to potentially contaminated land, the reports with the application are considered acceptable. Conditions are recommended, however, in relation to the need for a verification report (a professional report outlining in detail that the outlined remediation strategy has been fully implemented on site) and a discovery strategy (in the event that potential contaminants of concern are discovered during works, which were not envisaged, then work should stop on site and the contaminants of concern should be investigated, risk assessed and potentially made safe).
- 6.5.2 With respect to noise issues and neighbouring residential amenity; an acoustics report has been submitted with the application and Environmental Health has undertaken discussion with the Applicant's acoustics consultant. Further modelling was undertaken with a 2m high acoustic barrier in place instead of the originally proposed 1.5m barrier as seen in the submitted drawing (450-P01-01). This has resulted in improved noise levels at receptors and consequently, the assessment complies with planning guidance. Therefore, a condition for a 2m acoustic barrier to be placed between the bowls green and skatepark, along the length of the hedgerow, is recommended.
- 6.5.3 With respect to the proposed lighting and neighbouring residential amenity; the submitted reports contain horizontal lux contours (maps), outlining the light spillage outside of the areas of the skatepark and BMX tracks respectively. The reports have assessed the lighting in line with the Institute of Lighting Engineers Guidance. For these schemes, light spillage on the horizontal plane seems to be acceptable (it will be zero lux where nearby properties are located). This implies that there will not be significant amounts of intrusive light affecting neighbouring properties.

Environmental Health notes, however, that complaints about the lights may possibly still occur simply because they will be visible and will light up an area which was once fairly dark: there will be a noticeable change seen by some residents when they are on. This is a visual – view type of impact on which Environmental Health is unable to comment. Environmental Health is only concerned about light intrusion into properties.

## 6.6 Planning Notice

### 6.6.1 38 letters of **SUPPORT** (from 37 addresses) (summarised):

- This will be such a huge benefit for the wider Sidley, Bexhill and Rother community.
- The BMX track has been a big part of the childhood of many locals and getting it updated insures this legacy will go on for today's youngsters.
- The present track is far overdue an update.
- Biking in general has become so much more popular over the last few years with more and more people turning to all disciplines of cycling so having a place like this can surely only be a benefit.
- If it was not for BMX, my mental health would have suffered during the lockdowns.
- Renovating the thirty-year old track, bringing it up to national level standard as well creating a skatepark and jump area, will be such a boost to the local area and community - we could even see future Olympians coming out of Sidley such as has been the case in Peckham.
- The recreation ground will still continue to serve the wider community and the only space changed is rarely used anyway - the main field remaining largely untouched.
- If you look at the success of the Source Park and Falaise Skatepark in Hastings, the pump tracks in Battle and Newhaven it is clear to see what a positive effect they have on the local community - offering somewhere for children and adults to engage in sport and exercise in a relatively safe environment designated for that use, rather than them having to find places to ride or skate in other areas which could be prohibited or frowned upon.
- The project not only uplifts the appearance of the area but will also have a positive effect on the local economy; with bike shops, local shops and the hospitality sector benefitting from increase in visitors to the area to ride or compete at the facilities, such as is the case in Hastings, Battle and Newhaven.
- The facility has been designed incredibly well to allow riders of all ages and abilities to access and enjoy every area. There is already a strong community of BMX racers who use the tired existing track, with many competing at national races. Imagine how good it would be for those riders and the new riders taking up the sport to have a world class facility on their doorstep.
- This is a much-needed facility to get all ages onto bikes and to help build skills, especially now in light of government guidelines around staying active.
- A brilliant initiative that will enable people to work together to encourage community involvement.
- I have read though some objections from neighbours about losing a place to walk dogs etc. but looking at the plans I cannot see much space will be

lost anyway and we have to remember that this recreational ground is not just for immediate neighbours it is for the whole local community.

- A good idea but where is the parking area, with a cycle event and a bowls match at the same time, both possibly with coaches?
- Just wondered about the wildlife, and how it will be affected; there are badger sets and wildlife that thrive in mature woodland with rotting trees.
- A great idea for all ages to enjoy the outdoors rather than just using a phone or gaming device.
- A letter from Cllr Christine Bayliss: *'I am writing in support of this planning application. Since the 2017 general election I have become aware that the existing skate park facilities on the Downs are 'past their sell by date'. They are in the wrong place; the construction is steel framed with timber ramps. The ride is noisy, it's old fashioned and at the end of its useful life. I have been working with a group of skateboarders, scooter riders and BMXers since 2017 on campaigning for new facilities. Together with the Bexhill Lions I run the Bexhill Skatepark Action Group Facebook Group with over 500 members. In a survey we ran in 2017 96 respondents completed the survey with a clear majority favouring the Sidley Recreation Group as the base for a new concrete constructed skatepark together with enhanced and new BMX facilities. The completed project will provide facilities which will be the envy of neighbouring towns. It will provide a quality and safe replacement for the Skatepark at the Downs. I know that there are objectors to the project who are concerned about an increase in crime and anti-social behaviour. We want the facilities to be available to all - from young children and their families to adults. The action group want everyone to feel welcome and safe and have encouraged the designers to factor in features like CCTV and lighting which will deter anti-social behaviour. The group of skateboarders have worked so hard to get to this stage - I am convinced that users will self-police the facility and ensure that complaints are minimised. The new facilities will encourage participation in what is now an Olympic Sport in both BMX and Skateboard disciplines. With state of the art facilities - we can grow our own gold medallists of the future as well as provide recreational facilities for the community. I hope the committee will support this project.'*

#### 6.6.2 Three letters of **GENERAL COMMENT** (from 3 addresses) (summarised):

- We live in Canada Way we're very happy to see the new development, but we don't have off road parking, this concerns us as it's really hard to park and get a toddler, baby, OAP out of the car and into the path, especially when there's only parking against the hedge left. Can the two spaces at the end of road be left for residents' parking?
- This would be a fantastic opportunity to act upon the Council's tree planting strategy. Perhaps with engagement with local groups such as the Bexhill environmental group. As was suggested in the attached documents, this would assist the restriction of view from Buxton Drive. It would also assist in maintaining the 'green' look of the area and increase the low canopy level in Bexhill and improve the fight against climate change. I would like to know when the lights would turn off at night please? It would be good if this would not be too late given the make-up of the population with older residents and young families with children.
- Great idea and needed for a long time. Only recommendation I would make is to have decent mini ramp incorporated into design, which is not only a good use of space, but its space for kids to learn.

### 6.6.3 Two letters of **OBJECTION** (summarised):

- The whole area surrounding the recreation ground on all sides is densely populated with homes, many with gardens backing onto the area where the proposed development would take place. It is a mixture of older people on the Deans Drive end and younger families opposite the BMX track entrance and beyond and in Canada Way.
- There is barely parking for those who reside in these roads and when there is an event on in the area, the road is totally blocked leaving residents unable to park their vehicles.
- There is not the infrastructure to encourage huge numbers of people into this area without causing huge issues to the residents.
- We should be allowed to enjoy our homes without constant noise, lights, traffic and the extra anti-social behaviour that this will entail.
- This ground is used by the local community for dog walking, picnics, cricket, exercise classes, regular football matches, families playing games together and the much-loved zip wire, which apparently will be removed if this scheme goes ahead.
- The recreation ground was built for this community and is an area where the residents can improve their health with exercise and was used extensively for these purposes during lockdown and was essential for residents' mental health. serious consideration should be given before a huge area is taken away for these uses.
- Whilst I think it's great for the local area to be provided with up to date and relevant services, I am concerned that we are using another green habitat to do it. There are existing sites for BMX, Skateboarding and derelict sites that could have been upgraded to better serve local people without impacting on wildlife and green habitat .

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## 7.0 APPRAISAL

7.1 This is RDC project on Council land that is presently in use as a recreation ground. Background information has been provided by Neighbourhood Services and this is summarised below:

### 7.2 Background:

7.2.1 The Bexhill Bike and Skate Park scheme seeks to create a hub of new and improved free, accessible, inspiring community facilities at Sidley Recreation Ground for both casual and organised sport and recreational activity. Designed by specialists in the field of skateboarding and BMX in collaboration with local skateboarding and BMX communities, the proposed facilities are:

(i) A floodlit concrete skatepark, primarily for skateboarding, but also with opportunities for scootering, in-line skating and freestyle BMX-ing.

(ii) An unlit Jump Park, which could also be used by bikes other than BMX bikes. It would have more of a freestyle focus, with starter jumps for novices and challenging jump lines for more experienced riders.

(iii) A floodlit, six-rider dirt Race Track replacing the existing race track which falls below modern standards, meaning that it has not been possible to hold races for some years.

Also proposed is Improved access to the facilities, which along with the lighting is intended to promote safe, year-round use.

7.2.2 Supporting information sets out that the facilities would primarily serve residents of Sidley and the wider town, but it is also expected that they would attract interest from residents around the district, neighbouring towns and beyond, albeit to a lesser extent, including those places in the region where the BMX Club have existing established links including Peckham, home to new Olympic medal-winner Kye Whyte.

7.2.3 The proposal in its original form was approved by the Council's Cabinet in December 2017 and has since evolved as more has been understood about the opportunities and challenges of the site and the needs and expectations of the skateboard and BMX community, residents, other stakeholders and the funders.

7.2.4 It is explained that the need for the new facilities is two-fold: the existing skatepark by the Leisure Centre is old, dated and needs to be replaced having all but reached the end of its serviceable life and the BMX race track in its current layout and condition cannot be used for its intended purpose, which greatly limits its benefit and the ability to implement a sustainable model for its use and management. It is said that Bexhill has a rich history of BMX-ing and an active skateboarding community, but provision for both of these sports is poor despite their proven popularity in the area and their increasing profile in the sporting world. Finally in support, it is stated that:

*'Bexhill Bike and Skate Park will be a source of pride to those involved in taking this initiative from inception to completion and to the wider community making an invaluable contribution to engaging children and young people in positive, exciting outdoor pursuits, in delivering beneficial physical and mental health outcomes and promoting and further developing a family-orientated environment at Sidley Recreation Ground'.*

7.2.5 In addition to funding coming from RDC's capital programme and through the Community Infrastructure Levy, grants to deliver the facilities have been secured from several sources, the key ones being Sport England, British Cycling and the Heart of Sidley. The grant offers are conditional on the requirements of the funders being met and successful completion of the construction phase by the end of March 2022.

### 7.3 Main issues:

7.3.1 The main issues in the determination of the application are (i) the provision of recreation space and sports facilities with the community; (ii) neighbouring residential amenity; (iii) wildlife; and (iv) other matters, principally potential land contamination and highway matters.

### 7.4 Recreation space and sports facilities:

7.4.1 The National Planning Policy Framework at Section 8 sets out the planning objective of 'promoting healthy and safe communities'. At paragraph 93 it says that to provide the social and recreational facilities and services the community needs, planning decisions should plan positively for the provision and use of shared spaces, community facilities sports venues, open space,

and other local services to enhance the sustainability of communities and residential environments. It adds that, decisions should take into account and support the delivery of local strategies to improve health, and social well-being for all sections of the community, and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. In terms of 'open space and recreation', at paragraph 98 it states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Paragraph 99 goes on to say that existing open space, sports and recreational land, including playing fields, should not be built on unless specified criteria are met, including: the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. Section 12. 'achieving well-designed places' at paragraph 130 (f) requires that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

7.4.2 In terms of the Development Plan, the Council's Core Strategy Policy BX1(ii): includes within the 'overall strategy for Bexhill' the objective of delivering development of local amenities, including support for community activities and facilities, and improved sports and leisure facilities. Policy CO3 deals with improving sport and recreation provision and says that the provision of sufficient and well-managed and accessible open spaces, sports and recreation facilities, will be achieved by safeguarding existing facilities and permitting proposals for the improvement of existing or provision of new facilities, in localities where deficits in facilities are identified. Policy CO4 covers support for young people, including through, the provision of a good range of community, health and recreational facilities, including play areas, sports pitches and youth facilities.

7.4.3 The application relates to an existing recreation ground and no loss of the area of the recreation ground is proposed under this application. The proposed facilities would not impact on the existing football pitch or bowling green on the recreation ground. The application does, however, include the loss of some areas of informal amenity grassland within the recreation ground that would be taken up by the development of the specific facilities included here (the Skateboard Park and the BMX Jump Park). Consequently, a different kind of recreation experience would be created within those areas. The proposed BMX Race Track would be the replacement of an existing and somewhat outdated facility and as such the nature of the activity would remain the same in that part of the recreation ground. However, as the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field, consultation with Sport England is therefore a statutory requirement. Sport England has assessed the proposal and considers that the proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field and according would raise no objection to the proposal in principle.

## 7.5 Residential Amenity:

- 7.5.1 Policy OSS4 (ii) of the Local Plan Core strategy says that all development should not unreasonably harm the amenities of adjoining properties. With regard to the proposal, the potential for impacts on residential amenity would principally be in terms of any noise impacts and secondly, any significant amounts of intrusive light affecting neighbouring properties as a result of the operation of the proposed lighting. In relation to these matters Policy DEN7 (environmental pollution) of the DaSA Local Plan is relevant. This says that development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities or environmental character. In relation to noise, it says that consideration will also be given to the character of the location and established land uses; and (ii) in relation to lighting, that the proposed scheme is necessary, the minimum required, and is designed to minimise light pollution including light glare and sky glow. The application submission has been accompanied by noise and lighting reports in relation to these matters and Environmental Health has been consulted on the proposals.
- 7.5.2 Regarding the issue of potential noise: the site is within a suburban environment that is principally residential. Dwellings within Canada Way face the site (northern side) and the dwellings fronting Buxton Drive back onto the site (south-eastern side); other residential properties are located to the west beyond the area of woodland, within Windmill Drive, Deans Drive, and Grange Court Drive. The existing use of the site is as a recreation ground and therefore neighbouring residents will be aware of existing activity and background noise characteristics associated with the existing uses. These may be more noticeable at times than others, such as when a football match is being held. With regard to the proposed new development the acoustics report identifies that any potential change in the noise characteristics is likely to be in connection with the use of skateboards (impact noise which occurs when a board is launched into the air for a trick and landed. This creates a short impulsive noise that is transient in nature known as 'board-slap'). Environmental Health has undertaken discussion with the Applicant's acoustics consultant and further acoustics modelling was undertaken with a 2m high acoustic barrier in place instead of the originally proposed 1.5m barrier Environmental Health has confirmed in its consultation response that this has resulted in improved noise levels at receptors and consequently, the assessment complies with planning guidance. Therefore, a condition for a 2m high acoustic barrier to be placed between the bowls green and skatepark, along the length of the hedgerow, is recommended.
- 7.5.3 The second assessment undertaken by Environmental Health relates to the proposed lighting. There is presently no external lighting of the existing recreation ground facilities. The proposed lighting system would be for two of the proposed facilities – the BMX Race track and the Skate Park. The lighting proposals for the application submission are described within 3.2 above. It is proposed that the new lighting system would only be used when there is insufficient daylight and would be controlled by sensors to operate the system within an agreed curfew time. It has been advised that the anticipated cut-off time for the lighting would be 9:00pm. This would be a phased dimming of the lighting over a 15-minute period to allow people safely to vacate the facility. Lighting Impact Assessment Reports form part of the application submission and these have been reviewed by Environmental Health as part of the

consultation. With reference to The Institution of Lighting Professionals Guidance notes for the reduction of obtrusive light (<https://www.theilp.org.uk/documents/obtrusive-light/>) the site is in a suburban area with medium district brightness, accordingly, the recommendations for an environmental zone E3 have therefore been applied. The submitted reports contain maps showing horizontal lux contours, outlining the light spillage outside of the areas of the skatepark and BMX tracks respectively. Environmental Health has explained that in relation to both facilities the lighting has been assessed in line with the Institute of Lighting Engineers Guidance, and for these schemes, light spillage on the horizontal plane appears to be acceptable (it would be zero lux where nearby properties are located). This indicates that there would not be significant amounts of intrusive light affecting neighbouring properties. Environmental Health notes, however, that complaints about the lights may still occur simply because they will be visible and by lighting up an area which was once fairly dark would be a noticeable change seen by some residents when the light are on. Any perceived impact would be in relation to views and not within the remit of any review – Environmental Health is only concerned about light intrusion into properties. The lighting proposals are considered acceptable in relation to Policies OSS4(ii) and DEN7, however it is considered that a curfew time would be appropriate for the use of the lighting and this could be covered by an appropriate condition.

#### 7.6 Wildlife/bio-diversity:

- 7.6.1 The site, presently a recreation ground, is not designated for its nature conservation interest. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any sites designated for nature conservation. The southwest boundary slopes steeply down to Sidley Wood, which is separated from the recreation ground by a small stream. Sidley Wood is a Habitat of Principal Importance (HPI) under section 41 of the NERC Act and should be retained and protected.
- 7.6.2 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that very public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The National Planning Policy Framework sets out principles that local planning authorities should seek to apply when determining planning applications to protect and enhance biodiversity; these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for; refusing development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland); and encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity (paragraph 180). Policy EN5 of the Core Strategy states that biodiversity, geodiversity and green space will be protected and enhanced. Development must retain, protect and enhance habitats of ecological interest.
- 7.6.3 The Ecological Survey report submitted with the application identifies the presence of badger setts in the locality and secondly, of note, it identifies that several trees with bat roosting potential were found in Sidley Wood.,

7.6.4 Badgers and their setts are protected under the Protection of Badgers Act 1992. Three setts have been recorded within the site; one main sett and two outliers, all of which are in active use. The main sett (sett 2) is about 18m from the proposed works. There is therefore the potential that badgers using the sett may be disturbed during works. The Ecological Survey report submitted with the application (Martin Newcombe Wildlife Management Consultancy, 12/07/21) states that it is not possible to close the sett, and therefore recommends a licence in relation to disturbance. Pipeline excavations for the development have the potential to physically impact one of the outlier setts (sett 1). The ecology report therefore recommends the temporary closure of this sett under licence. These recommendations are supported by the County Ecologist. A licence application would require a robust mitigation strategy and ensure that best practice working methods would be employed to ensure protection of badgers during construction.

7.6.5 Bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Several trees within Sidley Wood have been assessed as offering bat roost potential. Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. The County Ecologist therefore recommends that a sensitive lighting strategy should be required by condition.

7.6.6 In light of the above, and in line with BS42020:2013 Biodiversity – code of practice for planning and development, if the Committee is minded to approve the application, the County Ecologist recommends conditions be imposed, which are set out in the report.

#### 7.7 Potentially contaminated land:

7.7.1 The application explains that there is anecdotal evidence which indicates that parts of the wider recreation ground site were used as an unlicensed landfill prior to the recreational facilities being built in 1952. It is thought that the filling works were undertaken as part of the levelling of the site to facilitate the sports pitches. This means that there is the potential for some land contamination to be present and in this regard, reports have been submitted with the application which includes investigations into potentially contaminated land and remedial measures. Environmental Health has reviewed the documentation and has confirmed that the reports are acceptable. Environmental Health recommends that conditions be imposed, however, requiring a verification report (to ensure that the outlined remediation strategy has been fully implemented on the site) together with the need for a discovery report (in the event that unforeseen contamination is unearthed during the course of the works). Subject to the additional conditions it is considered that the potential land contamination issues would be satisfactorily addressed in relation to DaSA Policy DEN7.

#### 7.8 Highways:

7.8.1 A Transport Report has been submitted with the application. The Highway Authority has been consulted and has no objection. In response to the planning notice, an objection and general comment from local residents have raised concerns about parking pressures in the residential streets around the

recreation ground and the availability of on-street parking spaces for those local residents without on-plot parking provision. The review of the Transport Report considers it likely that the parking demands associated with the proposed use would only increase significantly during periods when the larger races are held at the recreational ground. On such occasion the application proposes that stewarded car parking will be provided within a defined grass area of the recreation ground. Also, the Highway Authority notes that the use of local car parks, some of which are within a 5-minute walk will be promoted to all those coming to use the facilities for organised activities and small events including the regular coaching sessions at the BMX racetrack and/or jump park. The Highway Authority notes that the organisation of events, race meetings and activities would also be carried out in consultation with the bowls and football clubs who already use the site; this would be necessary to minimise and avoid where necessary, clashes with fixtures, tournaments or other activities involving teams and spectators visiting the site. The Highway Authority recommends that a condition is put in place to prevent events of this type occurring at the same time.

- 7.8.2 The Highway Authority recognises that some events would result in an increase in on-street parking pressures in the area; however, on most occasions the impact is unlikely to differ greatly from what is currently experienced when football matches or bowls tournaments are being held at the ground. Further, the Highway Authority has confirmed that it is satisfied that with the proposed mitigation measures in place, particularly providing on-site parking, the events likely to attract a larger attendance could be held without the increase in traffic and parking demands having a detrimental impact on highway safety.

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## **8.0 PLANNING BALANCE AND CONCLUSION**

- 8.1 The application relates to an existing recreation ground within a suburban area of the town. The proposed BMX Race Track would replace an existing out-of-date track in the same location. The overall application proposal would, however, add further features and proposes a Skateboard Park and a BMX Jump Park within other areas. These additional features would result in the loss of an area of amenity grassland within the recreation ground. The proposal has however been assessed by Sport England in relation to its Policy for playing fields and has been found to be acceptable. Sport England has no objection in principle to the proposal but requires a condition on the final design. The proposal has the potential to provide state of the art sport and recreation facilities for the community and others, and as such would be consistent with the National Planning Policy Framework and Core Strategy planning policies. The facilities would be for use by the local Sidley community, the wider town as well as attracting outside users from other areas. Within the planning balance it is recognised that the proposal may have the potential to impact upon the residential amenity of residents living within the vicinity of the recreation ground, particularly from noise disturbance and from the lighting that is proposed as part of the application submission. In this regard the potential impacts have been assessed by Environmental Health and it has been confirmed that subject to mitigation the proposals would be acceptable. In relation to planning considerations the proposals would not unreasonable harm the amenities of adjoining properties. The development, including the proposed use of external lighting also has the

potential to affect the local Sidley Woods Habitat of Principal Importance (HPI); in this regard the County Ecologist has been consulted on the proposal and has raised no object subject to conditions and the necessary licences being obtained from Natural England. The potential highway impact of the proposal, including those in relation to parking, have been assessed by the Highway Authority; this has confirmed that there would be no objection subject to appropriate conditions. The surface water drainage proposals for the development have been assessed by the LLFA, which has confirmed that the information provided is satisfactory and subject to specified conditions, indicates that the proposed development is capable of managing flood risk effectively. Finally, prior to the use of the site as a recreation ground in the 1950's, historic land use indicates the potential for land contamination. The application proposes mitigation to address this, which is considered acceptable to Environmental Health. Within the planning balance, the proposal would provide new and enhanced facilities that would greatly benefit users and any impacts can be addressed by mitigation and suitable planning conditions.

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**RECOMMENDATION: GRANT (FULL PLANNING)**

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**CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Site location plan: Drawing No. 1014-LA-01 A  
Skatepark: Proposed Site Plan: Drawing No. 450-P01-01 rev D  
Skatepark: Level & Drainage Plan: Drawing No. 450-PO1-02 rev C  
Skatepark: Civil Details: Drawing No. 450-S01-03 rev A  
BMX Track: Lighting Schedule: P155-140721-D-Final  
Skatepark: Lighting Schedule: P155-140721-D-Final  
Proposed Drainage Layout: Drawing No. 2118/01 rev P1  
Attenuation Storage Zones Sections: Drawing No. 2118/02 rev P1  
Drainage Construction Details: Drawing No. 2118/03 rev P1  
Site Wide General Arrangement BMX and Jump Track: Drawing No. 1014-LA-02 rev F  
Detailed General Arrangement BMX Track: Drawing No. 1014-LA-03 rev C  
Detailed General Arrangement Jump Track: Drawing No. 1014-LA-04 rev C  
BMX & Jump Track Area Proposed Sections: Drawing No. 1014-DT-01 rev B  
BMX & Jump Track Section Elevation Proposed Sections: Drawing No. 1014-DT-02 rev B  
BMX & Jump Track Section Elevation Proposed Sections: Drawing No. 1014-DT-03 rev B  
Typical Details BMX and Jump Track Features Double Set: Drawing No. 1014-DT-05 rev C  
Typical Details BMX and Jump Track Features Timber kicker and landing: Drawing No. 1014-DT-06 rev B

Typical Details BMX and Jump Track Features Table Top: Drawing No. 1014-DT-08 rev B

Typical Details BMX and Jump Track Features Berm: Drawing No. 1014-DT-09 rev C

Typical Details BMX and Jump Track Features Step Up Hip: Drawing No. 1014-DT-10 rev A

Typical Details BMX and Jump Track Features Rollers: Drawing No. 1014-DT-11 rev A

Typical Details Post and Rail Fence: Drawing No. 1014-DT-12 rev B

Bexhill BMX and Jump Track Visual Appraisal: June 2021

Lighting Impact Assessment Report - Bexhill Bike BMX Track: July 2021

Lighting Impact Assessment Report - Bexhill Skate Park & Access Path: July 2021

Ecological Survey - Martin Newcombe (12 July 2021);

Lankelma Limited: Soil Investigation - CPT Report - Cone penetration test – Geotechnical data interpretation;

Ashdown Site Investigation Ltd. Factual Report on Ground Investigation

Ashdown Site Investigation Ltd. Combined Geotechnical and Ground Contamination Risk Assessment

Ashdown Site Investigation Ltd Geotechnical Assessment Report

Leap Environment - Phase II Site Investigation Report

Leap Environment - Phase I Desk Study and Site Reconnaissance Report

Ashdown Site Investigation Ltd. Remediation Strategy;

Flow Drainage Design - Proposed Drainage Layout

Flow Drainage Design – SUDS Report

Anderson acoustics Noise Impact Assessment

Transport Report

Gristwood and Toms Ltd Tree Survey Report

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development, a detailed surface water drainage system shall be submitted for the consideration and approval in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
  - a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 2.8 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Hydraulics calculations should demonstrate that sufficient storage is available in the event of a surcharged outfall.
  - b) The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
  - c) A survey of the existing watercourse shall be undertaken to ensure that it is in suitable condition to receive runoff from the development.
  - d) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
  - e) The detailed design of the surface water drainage features (attenuation blankets) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed blankets. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this

cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

Reason: to ensure surface water runoff from the development is managed safely in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

4. A maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
  - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
  - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.
  - c) Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

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 surface water runoff from the development is managed safely in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

5. Prior to 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 breeding sites and resting places or along 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 sites 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 circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

6. No development shall take place until an ecological design strategy (EDS) addressing mitigation for the loss of trees and enhancement of the site for biodiversity in line with the indicative biodiversity and landscape management plan (Figure 3, Ecological Survey report, Martin Newcombe, 12/07/21) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures; and
- j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy.

7. The development shall not be occupied until cycle parking areas have been provided in accordance with the details which shall be 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 in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

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

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and egress and routeing 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 Regulation Orders);
- h) details of public engagement both prior to and during construction works; and
- i) the Applicant should detail measures to manage flood risk, both on and off the site, during the construction phase.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policies TR3 and OSS4(ii) of the Rother Local Plan Core Strategy.

9. The development hereby permitted shall not be brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a written verification report undertaken by a competent person. This report shall outline that the potential land contamination remediation scheme as approved has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation).

Unless otherwise agreed in writing by the Local Planning Authority the verification report shall include:

- a) drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is suitable for use.

A statement that: all potentially contaminative links have been severed due to the remediation methods undertaken and, that the site is safe for its intended use, must be provided with the verification report.

Reason: To prevent pollution of the water environment in accordance with the National Planning Policy Framework and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

10. If during development contamination not previously identified or expected is found to be present then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until: the developer has submitted to the Local Planning Authority for approval, a method statement to identify, risk assess and mitigate the suspected contaminants.

Reason: To prevent pollution of the water environment in accordance with the National Planning Policy Framework and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

11. Prior to the skatepark being brought in to use, a 2m high acoustic barrier shall be constructed along the length of the hedgerow that separates the proposed skate park and bowls green (specifically, within the location shown on the Skate Park layout plan Drawing No. 450-P01-01 rev D) unless otherwise varied by the approval in writing of the Local Planning Authority.

Reason: To safeguard neighbouring residential amenity in accordance with Policy OSS4 (ii) of the Local Plan Core Strategy.

12. The lighting for the facilities shall not be used later than 9:00pm each day. From 9:00pm a phased dimming of the lighting is permitted over a 15-minute period to allow people safely to vacate the facility.

Reason: To control the use of the facilities and also the presence of lighting in the late evening and night-time, in the interests of the amenities of adjoining residents and the appearance and character of the area in accordance with Policy OSS4 (ii) (iii) of the Rother Local Plan Core Strategy.

13. Prior to the use of the facilities hereby approved details of procedures to be put in place for controlling the time-table of events at the recreation ground shall be submitted for the consideration and approval of the Local Planning Authority. These shall ensure that the larger 'Race Series' events, when there

may be expected a greater number of car-borne visitors, shall not clash with other events being staged at the recreation ground (principally football matches and bowls tournaments).

Reasons: To alleviate any additional pressures for visitor car parking and to ensure that temporary car parking can be provided within the defined grass area of the recreation ground identified in the application and to accord with Policy TR4 of the Rother Local Plan Core Strategy.

14. Before any development commences the final full details of the proposed BMX race track, skatepark and BMX jump park and the associated sports lighting shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England.

Reason: To comply with the requirements of Sport England, that is a statutory consultee on the application, in relation to playing field provision.

#### **INFORMATIVE:**

- (i) With regard to condition 14 the Applicant is advised that should the requirements of Sport England require material amendment to the development that has been approved, it will require a fresh planning application or, subject to detail, an application under Section 73 of the Act for a minor material amendment.
- (ii) Breeding birds: the Applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- (iii) The Protection of Badgers Act: the Applicant is reminded of the need to obtain a licence from Natural England for any activity that affects a protected species, including badgers, such as disturbing, trapping or handling protected species, and disturbing their habitats.
- (iv) The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined the application on the basis of the information made available to it.

It is strongly recommended that in submitting details in accordance with the above conditions that the Applicant has reference to Land Contamination Risk Management, published by the Environment Agency.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.