

COUNTY OF DEVON

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992**

GRANT OF CONDITIONAL PLANNING PERMISSION

**To: Mr R C Jones, Engineering Design Group, Environment, Economy and Culture
Directorate, Matford Offices, County Hall, EXETER, Devon EX2 4QQ**

Agent for: Devon County Council, County Hall, Topsham Road, EXETER, EX2 4QQ

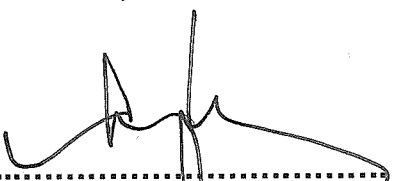
The Devon County Council hereby grants planning permission to carry out the development described in the application received on **14 November 2006**, and the plans and drawings attached thereto numbered:

Plan numbers: A05052/6; A05052/7; A05052/8

brief particulars of which are as follows:

Construction of new carriageway 21 metres inland of existing road to replace sections of A379 vulnerable to storm damage at Slapton, Devon

subject to the conditions set out in the attached sheets (numbered 1 to 4).



R Gash
County Solicitor

Date: 22 February 2007

NOTE

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

1. The development hereby permitted shall be commenced within seven years of the date of this permission.

Reason To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Highway Authority to respond to any threat to the existing carriageway.

Construction details

2. Before the development hereby permitted commences, written details of the following shall be submitted to and approved in writing by the County Planning Authority:
 - (i) The nature and volume of materials to be used in the construction of the road
 - (ii) The method of construction and sequence of operations
 - (iii) Timing of the proposed works (including any advance clearance of vegetation).
 - (iv) Arrangements for road drainage
 - (v) Location of site office, storage and disposal of materials and routing of construction traffic
 - (vi) Arrangements for ecological supervision during the construction process.
 - (vii) Details for the removal of waste materials from the site including amount of material and destination.

Reason: To minimise the environmental impact of the construction process and ensure no inadvertent harm to the adjoining parts of the SSSI.

Protection of Adjoining Habitat

3. Prior to the commencement of construction activities, a temporary fence should be installed on the line of the outer edge of the proposed carriageway. The details of this fence shall be submitted to and agreed in writing by the County Planning Authority before its construction and it shall be retained until the restoration of the previous road line is completed to the satisfaction of the County Planning Authority. Natural England to be consulted on this.

Reason: To prevent incursion into adjoining SSSI during construction process and to protect areas where it is intended to establish shingle vegetation.

Habitat Restoration on Current Line of the Road

4. Before works commence on the construction of the new road, a scheme shall be submitted to and agreed in writing by the County Planning Authority, showing a detailed scheme for the removal of the original carriageway and the subsequent restoration and maintenance of habitat (particularly shingle re-vegetation) and the timing of such works. This scheme shall be agreed in writing before works commence on the new carriageway. This scheme shall be implemented and the restoration works managed and maintained in accordance with the timescales set out in the agreed scheme.

Reason: To reinstate habitat in areas no longer required for road traffic purposes in order to minimise the overall impact upon the SSSI.

Restriction on Working Hours

5. Unless otherwise agreed in writing, all construction activities are to be confined to daylight hours (i.e. dawn to dusk) unless otherwise agreed in writing with the County Planning Authority).

Reason: To minimise disturbance to wildlife interests within the adjoining Site of Special Scientific Interest (i.e. especially nocturnal activity of otters).

Pollution and Water Control Measures

6. Before the development hereby permitted commences, a scheme shall be submitted to the County Planning Authority indicating measures to avoid possible pollution incidents from materials to be stored in the works compound or handled elsewhere on the site.

Reason: To minimise the risk of accidental spillage or pollution that may adversely affect the adjoining Site of Special Scientific Interest.

Provision of Pedestrian Access along South West Coast Path

7. Before the development hereby permitted is commenced, a scheme shall be submitted to the County Planning Authority and agreed in writing detailing the provision of pedestrian access along the South West Coast Path, including details of:
- (i) Alignment, width and surfacing of intended path including the means of its physical delineation
 - (ii) Visitor management or control measures
 - (iii) Fencing detail
 - (iv) Details of the nature and type of signage
 - (v) Implementation timescale

Reason: To provide for continued public access in a safe manner that minimises harm and disturbance to the Site of Special Scientific Interest..

Ecological Monitoring

8. Before the development hereby permitted commences, a scheme shall be submitted and approved in writing by the County Planning Authority detailing a scheme for ecological monitoring prior to and following the construction of the road, to include an assessment of:
- (i) The impact upon Cetti's Warbler
 - (ii) Monitoring of the shingle vegetation which is likely to be affected by the carriageway construction and the means for establishment and maintenance of shingle re-vegetation along the line of the existing carriageway.

Reason: To assist in the full and successful implementation of intended mitigation measures.

9. Prior to the works commencing, the applicant shall carry out pre-construction surveys with particular regard to dormice and reptiles, to ensure that there are no protected species present along the line of the new road.

Reason: To identify any isolated species that may have colonised the site in the period between pre construction monitoring and survey and the commencement of the construction works.

10. Within 5 years of the implementation of the advance mitigation measures or within 3 years of the construction of the road (whichever is the earlier), the applicant shall submit an assessment of the effectiveness of the agreed mitigation measures (including the advance mitigation measures). If this submission indicates that the mitigation has not successfully maintained the favourable conservation status of the Site of Special Scientific Interest, the applicant will submit further proposals for additional nature conservation mitigation and maintenance measures to be agreed in writing by the County Planning Authority and implemented within an agreed timescale.

Reason In order to preserve the long term nature conservation interest of this Site of Special Scientific Interest.

Archaeology

11. No development shall take place until the applicant or their agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of mitigation that has been submitted by the applicant and approved in writing by the County Planning Authority.

Reason: To ensure that archaeological information is not lost.

Advisory Note to applicant:

The County Planning Authority will undertake further consultation with Natural England on the submitted Nature Conservation mitigation measures prior to the final discharge of conditions.

INFORMATIVE NOTE

Policies and Proposals Relevant to the Decision

Article 22 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by Section 3 of the Town and Country Planning (General Permitted Development) (England) Amendment Order 2000, requires the Local Planning Authority to specify the policies and proposals contained within the Development Plan that were considered of relevance to its decision. The following were considered relevant in this case:

Regional Planning Guidance for the South West: RPG10 (September 2001): SS21 (Coastal Areas); EN1 (Landscape and Biodiversity); TRAN7 (The Rural Areas); RE2 (Flood Risk)

Devon County Structure Plan 2001-2016 (Adopted October 2004): ST3 (Self Sufficiency of Devon's Communities); ST16 (Local Centres and Rural Areas); CO1 (Landscape Character and Local Distinctiveness); CO3 (Areas of Outstanding Natural Beauty); CO5 (Coastal Preservation Area); CO6 CO8 (Archaeology); CO9 (Biodiversity and Earth Science Diversity); CO10 (Protection of Nature Conservation Sites and Species); CO13 (Protecting Water Resources and Flood Defence); TO6 (Public Rights of Way).
South Hams Local Plan 1989 - 2001 (1996): SHDC3 (Development in the Countryside); SHDC 17 (Nature Conservation Sites); SHDC20 (Archaeology and Ancient Monuments); SHDC21 (Environmental Management)

Emerging planning policy and other policy documents, which may be regarded as a material consideration include:

The Draft Regional Spatial Strategy for the South West: (June 2006):

SD1 (The Ecological Footprint); SD3 (The Environment and Natural Resources); Development Policy G (Sustainable Construction) ENV1 (Protecting and Enhancing the Region's Natural and Historic Environment); ENV2 (Landscape Character Areas); ENV3 (Protected Landscapes); ENV4 (Nature Conservation); ENV5 (Historic Environment); CO1 (Defining the Coastal Zone); CO2 (Coastal Planning) RE7 (Sustainable Land Management)

South Hams Local Plan Review - First Deposit, 1995-2011

DS3 (Development Boundaries); DEV8 (Safeguarding from Hazards); DEV23 (Protecting Landscape Character); DEV 24 (Nature Conservation); DEV25 (Protecting Nature Conservation Sites and Species); ENV1 (Landscape Character); ENV2 (Areas of Outstanding natural Beauty); ENV4 (The Coast); ENV6 (National Nature Conservation Sites); ENV18 Sites of known or potential archaeological interest.

In preparing this report regard has been had of relevant National Planning Policy Guidance and Statements, in particular:

PPS1 (Delivering Sustainable Development; PPS7 (Sustainable Development in Rural Areas); PPS9 (Biodiversity and Geological Conservation PPG15 (Planning and the Historic Environment); PPG16 (Archaeology and Planning); PPG20 (Coastal Planning);

Summary of Reasons for Granting Approval

The County Council considers that the benefits associated with the proposal (i.e. the retention of the A379 link between the south coast communities outweigh the harm to nature conservation and landscape interests. Although, in the County Council's judgement, the proposal is not in accordance with the development plan, it considers that the following matters are overriding material considerations that justify permitting the proposal in this instance:-

- (i). the likely impact on local communities which would be a result of any delay in replacing the road should it be further damaged by storms;
- (ii). the clear socio-economic benefit for the local communities which is delivered by the road has been agreed as a result of detailed study.

The County Council also considers that any harm to nature conservation and landscape interests as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.