



## REGULATORY COMMITTEE

## PLANNING COMMITTEE

**MEETING 10.30 am THURSDAY, 15 MARCH 2018**

**COUNCIL CHAMBER, COUNTY HALL, LEWES**

**MEMBERSHIP** - Councillor Claire Dowling (Chair)  
Councillors Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel,  
Darren Grover, Tom Liddiard and Pat Rodohan

## **A G E N D A**

1 Minutes of the meeting held on 14 February 2018 (*Pages 3 - 6*)

2 Apologies for absence

3 Disclosures of interests

Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.

### **County Matter Proposals - report(s) by the Head of Planning and Environment**

5 Environmental Impact Assessment application for the installation and operation of an asphalt plant, concrete batching plant and gully waste plant, together with ancillary development and access. Plots 6 & 7 North Quay Road, Newhaven, BN9 0AB - LW/789/CM(EIA) (*Pages 7 - 46*)  
Report by the Head of Planning and Environment

### **County Matter Proposals - report(s) by the Director of Communities, Economy and Transport**

6 The expansion of an existing waste management use over adjacent land to provide for a fully enclosed Materials Recovery Facility. Polegate Yard, Summerhill Lane, Hailsham - WD/796/CM (*Pages 47 - 76*)  
Report by the Director of Communities, Economy and Transport

### **Traffic Regulation Orders - report(s) by the Director of Communities, Economy and Transport**

#### **NOTES:**

- (1) *Members are reminded that copies of all representations received are available for inspection in the Members' Room*
- (2) *As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website and the record archived for future viewing. The broadcast / record is accessible at: [www.eastsussex.gov.uk/webcasts](http://www.eastsussex.gov.uk/webcasts)*

- 7 TRO - Eastbourne Parking Review (*Pages 77 - 94*)  
Report by the Director of Communities, Economy and Transport
- 8 Any other items previously notified under agenda item 4

PHILIP BAKER  
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7 March 2018

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## PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at Council Chamber - County Hall, Lewes on 14 February 2018.

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PRESENT Councillors Claire Dowling (Chair), Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel, Darren Grover, Tom Liddiard and Pat Rodohan

ALSO PRESENT Councillor Stuart Earl

### 39 MINUTES OF THE MEETING HELD ON 17 JANUARY 2018

39.1 The Committee RESOLVED to approve as a correct record the minutes of the meeting held on 17 January 2018.

### 40 DISCLOSURES OF INTERESTS

40.1 Councillor Liddiard declared a personal interest in Item 6C in that his indirect line manager was a public speaker, but he confirmed that he had not discussed the matter with his manager, and so regarded the interest as a personal interest and not prejudicial.

40.2 Councillor Taylor declared a prejudicial interest in Item 5 as the owner of a business adjacent to the application site, and agreed to leave the Chamber during consideration of the item.

### 41 REPORTS

41.1 Reports referred to in the minutes below are contained in the minute book.

### 42 THE EXPANSION OF AN EXISTING WASTE MANAGEMENT USE OVER ADJACENT LAND TO PROVIDE FOR A FULLY ENCLOSED MATERIALS RECOVERY FACILITY. POLEGATE YARD, SUMMERHILL LANE, HAILSHAM - WD/796/CM

42.1 Councillor Taylor left the Chamber during consideration of this item.

42.2 The Head of Planning and Environment informed the Committee of further information that had come to light with regards to the part of the report entitled "Screening of Application under Habitats Regulations 2010" following the publication of the agenda and report, and the need for additional time for officers to consider this.

42.3 A motion to defer consideration of the application was moved, seconded, voted on and agreed unanimously.

42.4 RESOLVED to defer further consideration of the application until further consideration is given to the part of the report entitled "Screening of Application under Habitats Regulations 2010" and if necessary, these considerations can be included in the officer's report.

42.5 Councillor Taylor returned to the Chamber.

43 TRO - PARKING RESTRICTIONS IN VICINITY OF CRADLE HILL SCHOOL, LEXDEN ROAD, SEAFORD

43.1 The Committee considered a report by the Director of Communities, Economy and Transport.

43.2 Members have considered the officer's report and agree with the conclusion and reasons for recommendation, as set out in paragraph 3 of the report.

43.3 RESOLVED unanimously to (1) not uphold the objections as set out in paragraph 2.1 of the report; and

(2) recommend to the Director of Communities, Economy and Transport that the Order be made as advertised.

44 TRO - EASTBOURNE TOWN CENTRE IMPROVEMENT SCHEME (ETCIS)

44.1 The Committee considered a report by the Director of Communities, Economy and Transport.

44.2 Mr Matthew Briggs of Specsavers, spoke to highlight the impact of the recent temporary re-location of buses on local retailers and shoppers.

44.3 Ms Christina Ewbank of the Eastbourne Chamber of Commerce spoke in support of the Eastbourne Town Centre Improvement Scheme and the report's recommendations. She set out Councillor Tutt's support for the scheme as Leader of Eastbourne Borough Council.

44.4 The Head of Planning and Environment read out the written submission by Councillor Elkin, a member of the ETCIS Project Board, in support of the scheme.

44.5 Councillor Rodohan and Councillor Taylor, as Local Members and members of the Planning Committee, spoke in support of the scheme and report's recommendations. The Chair reported the comments in support of the recommendation of Councillor Wallis, the other Local Member.

44.6 Members have considered the officer's report and comments of the public speakers and Local and other Members and agree with the conclusion and reasons for recommendation, as set out in paragraph 4 of the report.

44.7 RESOLVED unanimously to (1) not uphold the objections as set out in Appendix 5 of the report; and

(2) recommend to the Director of Communities, Economy and Transport that the Order be made as advertised.

45 TRO - BEXHILL PARKING REVIEW

45.1 The Committee considered a report by the Director of Communities, Economy and Transport.

45.2 Councillor Brian Kentfield, the local Rother District Councillor, spoke to raise concerns regarding Birkdale (Site 1), and in particular the restrictions on the northern side of Birkdale and children crossing the road.

45.3 Mr Dennis Wright and Mr Richard Coomber, local residents, spoke to request an extension to the proposed scheme, to include further restrictions at Westcourt Drive and Collington Avenue (Site 2).

45.4 Councillor Earl, the Local Member for both Sites, spoke to reinforce the concerns of the public speakers.

45.5 Members have considered the officer's report and comments of the public speakers and agree with the conclusion and reasons for recommendation, as set out in paragraph 3 of the report.

45.6 RESOLVED (1) by a majority of 5-2 not to uphold the objections in relation to Site 1 as set out in Appendix 1 of the report;

(2) unanimously not to uphold the objections in relation to Site 2 as set out in Appendix 1 of the report; and

(3) recommend to the Director of Communities, Economy and Transport that the Order be made as advertised.

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Committee: **Regulatory  
Planning Committee**

Date: **15 March 2018**

Report by: **Head of Planning and Environment**

Proposal: **The installation and operation of an asphalt plant,  
concrete batching plant and gully waste plant, together  
with ancillary development and access.**

Site Address: **Plots 6 & 7 North Quay Road, Newhaven, BN9 0AB**

Applicant: **F M Conway Limited**

Application No. **LW/789/CM(EIA)**

Key Issues: **1. Principle of development  
2. Economy (including Enterprise Zone status)  
3. Highways (including Ashdown Forest)  
4. Air Quality  
5. Noise  
6. Impact on townscape  
7. Flood risk**

Contact Officer: **David Vickers, Tel. 01273 481629**

Local Member: **Councillor Darren Grover**

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## **SUMMARY OF RECOMMENDATIONS**

- 1. The Committee is recommended that the application be approved subject to the completion of the following procedure:**
    - (i) The completion of a Legal Agreement to secure a contribution of £15000 towards initiatives in the Newhaven Air Quality Action Plan:**
    - (ii) To authorise the Head of Planning and Environment to grant planning permission, upon completion of the Legal Agreement in (i) above, subject to conditions, along the lines set out in paragraph 8.3 of the report.**
  - 2. If the Legal Agreement has not been completed by 31 August 2018, the application will be referred back to Committee for determination.**
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## **CONSIDERATION BY HEAD OF PLANNING AND ENVIRONMENT**

### **1. The Site and Surroundings**

1.1 The application site is vacant, formerly used for aggregate processing and concrete production and occupies approximately 2.5 hectares of level, concrete-surfaced ground on the western side of North Quay Road in Newhaven. In addition it includes part of the private North Quay Road alongside and as far to the south where it meets the public highway near the flyover carrying the A259. It is within an industrial area on the eastern side of the River Ouse to the north-east of Newhaven town centre with Denton Island intervening. The closest residential properties are in the town centre, 200 metres south-west of the site, at Bridge Court on the north side of Bridge Street.

1.2 The site has a number of accesses onto North Quay Road and two wharves (2 & 3) onto the Ouse neither of which are currently capable of use. It is bounded by a recycling operation to the south where there is also another wharf (1) used for the importation of aggregates. There is a metal recycling operation to the north and a coated roadstone plant with a concrete batching plant to the east, on the opposite side of North Quay Road.

1.3 Members of the Committee visited the site, the wider surroundings as well as a concrete batching plant in Hailsham in December last year.

### **2. The Proposal**

2.1 The proposal is to erect an asphalt plant, concrete batching plant and gully waste plant together with ancillary development and accesses to North Quay Road. In its entirety the proposal comprises (larger structures with dimensions);

- Asphalt plant (maximum 20.25 metres high)
- 2 no. aggregate storage bays (108m. long x 12m. high & 82m. long x 12m. high)
- Recycled asphalt products (RAP) shed included within 82m. long aggregate storage bays
- Concrete batching plant (max. 12.92 metres high)
- Acoustic barrier (67 metres long x 4.5 metres high )
- Gully waste plant
- Aggregate importation, storage and distribution
- In / out weighbridges with associated office
- Materials laboratory
- Welfare and office facilities
- Maintenance workshop
- Stores
- Water tanks and dust suppression system
- Fuel tanks (above ground)
- Utility supplies and meter housings



- Site lighting and CCTV mounted on 12 columns
- Lorry parking
- Parking for 30 cars, and
- Boundary fencing

2.2 Initial works would create a platform upon which to place the infrastructure. This would involve minor ground re-profiling with any surplus material taken off-site for recycling. Appropriate material would then be imported to form the operational area with foundations, services and drainage and, subsequently, above ground plant and infrastructure erected. The main items of plant, buildings and storage bays are modular design and will be delivered to site partially assembled. Nevertheless they will still take several months to erect on site.

2.3 The applicant's priority is to begin asphalt production as soon as possible. Concrete batching and processing of gully waste could follow approximately 12 months afterwards. Most of the proposal set out in paragraph 2.1 above would be carried out to facilitate asphalt production and would therefore happen sooner rather than later.

2.4 The applicant company, FM Conway, provides highway surfacing for many London boroughs and, since 1<sup>st</sup> May 2016, for East Sussex as well; Conway's first contract for a County Council. As a result their core infrastructure is in or close to, London. For example asphalt production is in Erith in Kent and near Heathrow and it is from these plants that the East Sussex contract is currently serviced; hence Conway's priority to commence asphalt production closer to where the contract is delivered.

### Working Hours

2.5 Broadly, it is proposed that the following operations will be able to operate unrestricted working hours:

- The manufacture of asphalt and distribution by HGV.
- The importation of road planings and returned loads by HGV.
- The importation of aggregates by ship.
- The use of the gully waste plant and associated HGV movements for deposit.

2.6 It is proposed that all other operations, including transfer of sea-borne aggregate from berth 5 (which is to the north of the application site) to the site, be limited to between:

- Monday to Friday: 0700 to 1900 Hours
- Saturdays: 0700 to 1300 Hours

2.7 The ability to operate unrestricted as set out in paragraph 2.5 does not necessarily mean that operations will be continuous. The nature of the service being provided is driven by a requirement to carry out road maintenance at night in order to minimise inconvenience to affected road users; hence the desire for unrestricted hours of the specified activities. Based on the restricted

hours set out paragraph 2.6, Bank and Public Holidays together with the traditional industry shutdown over Christmas and New Year the applicant estimates a maximum equivalent to approximately 275 working days / year operating time for these other operations.

### Operation of the Asphalt Plant

2.8 Asphalt production requires the combination of a number of aggregates with sand and filler such as stone dust in the correct proportions. The mix is then heated and finally coated with a binder, normally bitumen. The temperature of the asphalt must be sufficient to remain workable after transport to the final destination and it is typically dispatched at a temperature between 100 – 200°C.

2.9 The first phase of production moves aggregates from storage bays via a loading shovel into cold feed bins until required for use in the asphalt plant itself. The loading shovel would be fitted with a white noise reversing siren and reversing camera. The cold feed bins accurately measure out the different aggregate quantities and, once weighed, they are moved by conveyor to a rotary drying drum which dries and heats the mix with hot air. The cold feed bins are covered to prevent any wind whipping of dust during the loading process and the yard area will be equipped with dust suppression sprays to control dust emissions within the site. From this point the process is enclosed thereby further minimising potential for dust emissions.

2.10 Water content of sand varies considerably, especially when stored outdoors, and the amount of dry sand in the asphalt mix is critical to the overall balance. At this stage, water vapour is removed from the drying drum, filtered, and removed from the asphalt plant via the exhaust stack.

2.11 Heated fine particles within the drying drum are extracted at this stage and filtered, prior to temporary storage within the filler silo. Aggregates and sand contain fine particles and it is essential that these are removed so that a correct weight of single sized aggregates can be calculated for each component within the asphalt mix.

2.12 Having been heated and dried, aggregates and sand are then transferred by elevator to a screen deck housed at the top of the main structure of the asphalt plant. Oversize materials are removed from the aggregates and sand and re-used. Remaining materials which are within specified size are transferred to heated storage bins beneath the screen deck.

2.13 The next phase is mixing. Each of the heated storage bins releases a controlled amount of aggregate to a mixing drum beneath where filler and then binder is added from one of four bitumen storage tanks depending upon the required mix.

2.14 The asphalt mix is typically stored in large electrically heated insulated stainless steel bins from which it is weighed into delivery vehicles. In this case

there will be 400 tonnes of hot storage capacity. HGVs are loaded with hot asphalt and weighed on the outgoing weighbridge before leaving site.

2.15 The overall production process is computer controlled and routine on-site laboratory analysis also maintains strict quality control.

#### Operation of the Concrete Batching Plant

2.16 Cement is brought by road tanker to site and transferred via pneumatic hose into one of three silos which form part of the concrete batching plant. Silos and tankers are fitted with a negative pressure system which prevents escape of cement dust during deliveries.

2.17 With respect to production of concrete, screed and mortar a number of aggregates such as sand and cement as well as water and occasionally additives are combined in the correct proportions and mixed together into a homogenous product.

2.18 The first phase transfers aggregate from the storage bays to a ground feed hopper via a loading shovel fitted with a white noise reversing siren and reversing camera. The ground hopper will be covered to prevent wind whipping of dust and from this point the process is enclosed eliminating the possibility of dust emissions. From the ground hopper aggregates are transferred by conveyor into storage hoppers within the structure of the concrete batching plant.

2.19 Storage hoppers measure out the different aggregate quantities required in any particular mix and, once weighed, aggregates are moved by conveyor to a mixing drum where cement and water are mixed with additives. This takes about one minute and is then discharged via a wet chute into a truck mixer which transports the concrete from the Site.

2.20 In common with asphalt production precise control is integral to concrete batching with the process largely automated.

2.21 An essential part of the operation of any concrete batching plant is the need to clean the drums of the truck mixers. This is usually done with water discharged into purpose built settlement pits. Periodically, these pits are emptied and any sediment taken for recycling if it cannot be reused on site.

#### Operation of the Gully Waste Plant

2.22 The gully waste plant will be serviced by a site based fleet of up to 15 street cleaning road tankers. It is proposed to have the facility to operate 24 hours / day so street sweepers would deposit gully waste on arrival at site although in reality this will be predominantly during the week. Waste would only be removed from the gully plant during the day.

2.23 Street sweepers deposit collected gully waste into a shallow dewatering pad where, under gravity, water within the waste is filtered before

final draining to the sewer or offsite via discharge point. Once residual waste is dry it will be moved during the day by loading shovel onto HGV and transported off site for onward treatment at a third party facility or for final disposal.

### Aggregate Imports

2.24 Conways intend to import aggregates by ship directly onto one of the site's two wharves. However neither are currently operational and investigations to bring one back into use are ongoing. Until such time as a decision is made as to the financial and operational viability aggregates will be imported over berth 5. This is adjacent to the Energy from Waste facility approximately 350 metres to the north with sea-borne aggregate moved to site by HGV along North Quay Road.

2.25 It is anticipated that approximately 120,000 tonnes of aggregate will be imported by ship annually. Assuming an average vessel capacity of 3000t, this would give rise to 40 ship unloadings each year and 80 swing bridge openings. Port permitted development rights allow for ship unloading and distribution of material round the clock without need for planning permission from a Local Authority. Aggregate will be stored on berth 5 for no more than 24 hours before the transfer to the application site along North Quay Road commences. The aggregate will be stored in maximum 5 metres high stockpiles with the whole unloading operation taking up to 3 days to transfer to site. Assuming an HGV has a 26t payload an annual total of approximately 4640 loads (9280 movements) could be expected along North Quay Road were berth 5 to be used. However this arrangement would not be necessary if one of the wharves alongside the application site were to be brought back into use.

### Other Imports

2.26 In terms of other imports of materials to site these would be largely by road in 30t HGV and include sand, cement, bitumen, fuel and additives. These imports will give rise to around 1070 loads per year (2140 HGV movements).

2.27 Additionally imports of asphalt planings and returned loads for recycling in the RAP shed will amount to around 40,000t imported in 20t loads. Annually therefore, this could give rise to around 2000 loads in (4000 HGV movements) but it is more than likely these items will be brought to site on a back haul basis i.e. by HGV that has exported asphalt. Clearly though if this is not achieved then that quantum of movements would be higher.

2.28 Road sweepings and non-hazardous gulley waste will be imported via street cleansing road tankers and it is likely this would amount to 24 loads / day (48 movements). The applicant is requesting to operate this element on a 24/7 basis but expects such movements will be largely during the weekday or night with occasional weekend working on a Saturday morning giving rise to around 6600 loads (13,200 HGV movements per annum).

2.29 The overall quantum of HGV movements associated with other imports is therefore likely to be approximately 7670 loads (15,340 movements per annum) allowing for all imports of asphalt plantings and returned loads on a back haul basis.

### Exports

2.30 Exports from site are likely to include asphalt, concrete, recycled aggregates and treated waste from the street sweeping activities.

2.31 Annually, it is envisaged there will be 125,000t of asphalt, 20,000m<sup>3</sup> of concrete, 20,000t of recycled aggregates and around 2000t of street sweepings and non-hazardous dried gully waste exported from the site.

2.32 Concrete is transported in 6m<sup>3</sup> loads, giving rise to 3335 loads (6670 HGV movements per annum). Asphalt and recycled aggregates will be exported in average 20t loads giving rise to 7250 loads (14,500 HGV movements per annum) and street sweepings will be exported in 30t loads amounting to 67 loads (134 HGV movements)

2.33 When combined, imports and exports to and from the site are likely to generate estimated total annual HGV movements as follows:

- Importation of aggregate from berth 5; 9280
- Other Imports; 15,340
- Concrete Exports; 6670
- Asphalt and Aggregates exports; 14,500
- Road Sweepings, etc. exports. 134
- Gross Total; 45,924 including use of berth 5
  - Net Total; 36,650 excluding use of berth 5

2.34 The net total is the approximate figure for development related HGVs using the public highway network whether aggregate is landed at berth 5 or at a wharf adjacent to the application site. On the assumption of 275 working days each year and a 12 hour working day this figure averages 135 HGV movements each working day / 12 movements each hour / or 1 movement every 5 minutes.

2.35 The nature of the service is such that exported materials will need to be moved throughout the County to where needed. Unless this is in western Newhaven or beyond in Peacehaven or to the east in Seaford where HGVs would naturally use the A259 coast road the bulk of HGV movements into and out of Newhaven are going to be via the A26. Based on the contract so far the applicant estimates 90% of HGV movements will be along the A26, i.e. approximately 34100 in total, or an average 125 movements / working day.

### Employment and Shift Pattern

2.36 There will be 8 site based staff associated with the asphalt plant and recycling employed on a 24 hour shift pattern if night supplies are required.

Otherwise day time activity from 05:30 onwards, initially starting plant up with first deliveries/or collections from 06:00 - 07:00 onwards. If no night work is programmed then site activity would normally finish by 16:00 apart from any maintenance works etc.

2.37 In addition, there will be 14 HGV drivers associated with the asphalt plant and recycling operating a similar shift pattern/activity to that of the site based staff above. The number of working HGVs will be proportional to delivery requirements so sometimes they will be busy and at other times quiet. Site based HGVs would be used both day and night with a different driver.

2.38 Eight site based staff would be associated with gulley waste typically working from 07:00 – 17:00 weekdays. In addition there would be 24 drivers associated with gulley waste collection and 12 site based vehicles operating across the County. Typically there are 2 shifts; between 07:00 - 16:00 and between 17:00 - 04:00 arranged over five and a half days per week plus incident call outs.

2.39 Six HGV drivers would be associated with concrete production working daytime only usually between 07:00 to 17:00 on five and half days per week.

2.40 Finally there would be additional staff involved in the transfer of aggregate from ship to land. Some or all of these staff may well drive to work at the site particularly if on a night shift when alternative transport would be very limited.

### Appearance

2.41 The larger structures such as the asphalt and concrete plants and the covered storage bays are to be clad in an attempt to visually unify the appearance of the site. The lower portions of the storage bays will comprise a concrete kicker wall, 2.5 metres high, topped by a sleeper wall, 4.5 metres high. Above that will be a combination of horizontal cladding sections of varying widths and two colours; Dark Grey and Grey White with elements of vertical cladding in a third, tonal, Dark Blue colour also proposed.

2.42 The plant structures are to be horizontally clad, again in panels of varying widths with the same main grey colours as the storage bays. Other ancillary buildings arranged around the site such as the offices, workshop and laboratory will be single storey approximately 4 metres high and finished in a green colour.

## **3. Site History**

3.1 Planning permissions from 1977, 1984 and 2010 for concrete production and marine sand and gravel processing appear to relate to this site or part of it (planning references LW/77/0393, LW/84/1824 and LW/616/CM).

3.2 Notification was received in 2013 to remove the weighbridge and office together with plant associated with the aggregates processing and concrete production that had been carried out on part of the site. These were removed in 2014 and the whole site has remained vacant since.

#### 4. Consultations and Representations

4.1 Lewes District Council; The application site is located within the North Quay area, which is covered by policy NH24 in this Council's Lewes District Local Plan, which is 'saved' within the adopted Joint Core Strategy. Policy NH24 states that:

"Planning permission will be granted by the District Council only for port-related uses (B1-B8) at North Quay".

Although there is some reference in the application to the use of berth 5 to import aggregates, and "at a later stage" to use one of the wharves located at Plots 6 & 7 should it be practical and financially viable....", the emphasis is on the use of HGVs to transport aggregates associated with the use. This factor, together with the nature of the proposed use itself, confirms that the proposal is not for a "port-related" use in the terms of policy NH24, and that the proposal is in conflict with this adopted, site-specific, policy.

The proposal also appears to conflict with the East Sussex, Waste and Minerals Sites Plan (Feb 2017), wherein the site (as part of the wider North Quay area) is identified as a potential location for future waste facilities.

The objection already raised by the Council's Head of Regeneration is supported in planning terms.

Newhaven Town Council has "strongly objected" to the application on grounds which are material planning considerations, and the Town Council's concerns have been reflected in objections from many Newhaven residents. These material objections should be given appropriate weight by the County Council in deciding the application.

Finally, technical discussions have been ongoing between officers about limiting the environmental impact of the proposal. These discussions have been aiming to minimise the impact of the proposal, if permission is granted. The discussions do not imply that this Council supports the proposal.

In conclusion, Lewes District Council **object** to the application on grounds that the proposal conflicts with site specific planning policy NH24 in the adopted Joint Core Strategy, and on grounds that the proposal compromises the delivery and aims of this part of the Newhaven Enterprise Zone.

4.2 Newhaven Town Council; The Town Council strongly objects to the application on the following grounds:

- The significant adverse effect on traffic congestion locally which would be created by the large numbers of HGVs servicing this development.

- The significant adverse effect on traffic congestion locally which would be created by the increased number of swing bridge openings.
- The effect of these traffic movements on air quality; also the effect on air quality of the operation of the plant.
- Noise pollution issues, both from HGVs and loading, unloading and the operation of the plant, especially during night working.
- The adverse effect of odours and dust on Paradise Park, Newhaven's most visited tourist attraction, which is very close to this site
- The height of the proposed building and its visual impact on the townscape.
- The detrimental effect of all of these factors on the town's regeneration. This development is in conflict with the "Clean, Green and Marine" vision for the regeneration of the town and with the aspirations of the town's draft Neighbourhood Plan to see marine engineering businesses attracted to the town.

4.3 Enterprise Zone Programme Manager, Regeneration Team, Lewes District Council: The Newhaven Enterprise Zone commenced in April 2017, with the aim of increasing investment and regeneration to create new employment floorspace, jobs and homes on eight key sites.

Over a 25-year lifespan, the Enterprise Zone is forecast to create and sustain around 2,000 jobs, create 55,000m<sup>2</sup> of new commercial floorspace and refurbish a further 15,000m<sup>2</sup> of commercial floorspace. The Enterprise Zone will make Newhaven a more attractive destination for business and investors, with some small-scale financial incentives available.

This application is on the North Quay site, which is one of the eight sites included within the new Enterprise Zone. This site is constrained by the Minerals and Waste policy designation, meaning that only related uses will be considered acceptable by East Sussex County Council. The Enterprise Zone does, however, retain an ambition to re-allocate this policy designation in the medium term. This would potentially free the site up for new and higher value development.

In line with the Enterprise Zone submission to Government, these proposals will create a limited amount of new employment floorspace in a sector linked to recycling and green technologies. The current proposals are also estimated to create and sustain up to 60 FTE jobs, albeit we understand that a number of these positions may be transferred from existing sites elsewhere.

However, it is also noted that this scheme will be likely to restrict future development opportunities on the rest of the North Quay site and so we would recommend consideration is given to the site's long-term potential (subject to the removal of the existing policy designation) in determining this application.

Enterprise Zones are at the heart of the Government's long-term economic plan, supporting businesses to grow (and therefore increasing demand for commercial land). As noted by Government, Enterprise Zones are "*establishing themselves as the driving force of local economies as they*



*unlock key development sites, consolidate infrastructure, attract businesses and create jobs.*” The focus of Newhaven Enterprise Zone is on supporting the town’s shift to a higher-value economy, as well as offering new training and upskilling opportunities for local residents.

The proposed development on North Quay does link with the new Enterprise Zone status affecting the site. The scheme will create a limited level of new employment floorspace and will bring a redundant site back into economic use. The level of new employment provision is, however, relatively limited and we question whether the site could accommodate a greater level of employment provision in an alternative commercial use.

We are also concerned about the potential for increased traffic movements on the A259 as well as increases in the number of bridge openings, and would expect the applicant to work with the local community and local businesses to minimise the disruption created by these proposals.

The proposed development will restrict future development opportunities on North Quay. This will impact upon delivery of the Enterprise Zone, although we recognise that development is already constrained by the existing Minerals and Waste policy designation. Nonetheless the Enterprise Zone harbours an ambition to re-allocate this policy in the medium term, with a view to bringing forward higher value development on North Quay over a longer time period.

In **summary**, the District Council’s Regeneration team recognises that this application will create new employment space on North Quay within the new Enterprise Zone. Nonetheless, we are concerned at the impact on delivery of the Enterprise Zone and our ambitions. As such, **we object to this application.**

We also note that the proposals are forecast to generate a limited number of new employment opportunities and, if approved, we would like to see a commitment from the applicant to offering apprenticeship and training opportunities for local young people to maximise the benefit of the development to the local economy.

4.4 Coast to Capital Local Enterprise Partnership: In partnership with Lewes District Council we successfully bid for an Enterprise Zone across eight sites in Newhaven which formally launched on 1 April 2017. Enterprise Zones are designated areas across England that provide tax breaks and additional support for new businesses. The project aims to facilitate the economic regeneration of Newhaven and shift the town to a higher value economy over the next 25 years. As part of this bid a vision for the development and regeneration of the town was set out which sees Newhaven as having the potential to be the fastest growing business location in the South East. We do not believe that an asphalt plant on this site will help achieve this aspiration. This application is on the North Quay site, which is one of the eight sites included within the new Enterprise Zone. We are concerned that the proposed development will severely restrict future development opportunities on North Quay. This will impact upon the potential success of the Enterprise Zone,

although we recognise that development is already constrained by the existing Minerals and Waste policy designation. Nonetheless the Enterprise Zone harbours an ambition to re-allocate this policy in the medium term, with a view to bringing forward higher value development on North Quay.

We are also concerned about the potential for increased traffic movements on the A259 as well as increases in the number of bridge openings, and would expect the applicant to work with the local community and local businesses to minimise the disruption created by these proposals.

We also note that the proposals are forecast to generate a limited number of new employment opportunities and, if approved, we would like to see a commitment from the applicant to offering apprenticeship and training opportunities for local young people to maximise the benefit of the development to the local economy.

Coast to Capital recognises that this application will create new employment space on North Quay within the new Enterprise Zone. Nonetheless, we are concerned at the impact on our ambitions for the Enterprise Zone. As such, **we object to this application**. However, if successful we offer our support to the applicant to ensure that the investment brings maximum benefit to Newhaven, the Enterprise Zone, and the residents of the town.

4.5 Environment Agency: An initial objection was withdrawn following submission of further information. The Agency now has no objection subject to specified conditions being attached to any permission.

4.6 Natural England: Natural England considers the proposed development will not damage or destroy the interest features for which the Brighton to Newhaven SSSI has been notified and has no objection.

4.7 Lead Local Flood Authority: The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively although there will be need for standard conditions to be attached to any permission.

4.8 South Downs National Park Authority: No response received.

4.9 South Heighton Parish Council: The Parish Council wish to make a **strong objection** to the above application.

Whilst the Council appreciates that the proposed development proposes to make use of a waterside location to receive sea won aggregates for part of its future operation, the proposed development does not initially use its own waterside frontage for this, but relies on another wharf. Indeed there is no firm commitment to use the sites wharf and the size and location of the proposed covered storage bays would seem to limit this opportunity and there appears to be no indication in the application as to how this might be achieved in the future. Instead the material is to be imported to the site from the wharf via heavy Goods Vehicles (HGVs). This development is therefore not making appropriate use of this scarce waterside resource.

Similarly, whilst the opportunity to achieve new jobs in the local area would normally be welcomed the proposed level of employment, with 38 jobs being HGV drivers, only 22 will be employed on this site of 2.63 hectares.

Nor is there any attempt to use the proximity of the railway to facilitate the import or export of materials to and from the site. Consequently the development is wholly reliant on HGV movements for the import and export of all materials and according to the application summary will total 45,874, of which 90% (according to the applicant) would probably use the A26 and A27.

With restricted use of the A259 and the A26 being the only principal road into the town from the A27 and wider road network the site is effectively at the end of a cul-de-sac on the southern most edge of the area (the south east of England) it intends to serve. If 90% of the HGVs are to use the A26 this means in the order of 41,287 additional HGV movements along a single carriageway, twisting and undulating road that is already crumbling from current levels of use and onto an infrastructure that suffers significant congestion centred on the main access point to the proposed development at North Quay Road.

This will be further exacerbated by the proposed 40 ship movements a year servicing the site, resulting in an additional 80 bridge openings, which individually cause substantial disruption to traffic and long queues. The development's location is therefore wholly unsuited for this particular type of operation.

The applicant has also proposed elements of the development have unrestricted working hours namely the manufacture and distribution of asphalt, import of road planings and return loads (which could give rise to 4000 HGV movements), import of aggregates (the unloading from ships) and use of the gully waste plant and associated HGV movements. This consequently would relate to potentially significant movement of HGVs at all hours and continuous other noise and odour creating activity.

Although the site may be within an industrial area its access routes pass through and are adjacent to elevated residential areas and it is situated in close proximity to the Newhaven town centre. Other developments in the area have specifically had their working/delivery hours and volume of HGV movements controlled in an attempt to reduce their impact on the amenities of residents and negative effect on the town centre that already suffers pollution levels above the maximum European standards.

Unfortunately, experience has shown that despite assurances about mitigation measures and supposedly rigorous environmental measurements and controls for odours, noise, dust etc. in respect of similar activities in the area; as local residents we have experienced numerous incidents of excessive noise, odorous smells and disturbing activities at night and the weekend. The latest incident was only a few weeks ago, when noxious smells persisted for several days, but the Environment Agency, although

recognising there was a problem, appear to have been unable to identify the source and take remedial and/or punitive action.

Whilst within an industrial area the proposed mass and height of elements of the proposed development (20.254m asphalt plant, 12.920m concrete batching and 15.707m covered storage bays) means there will be a significant visual impact on this prominent riverside site which is overlooked from the town centre, raised residential areas to the west in Newhaven and to the east in South Highton and Denton.

There is a continuing escalation of these types of dirty/nuisance developments being allowed in Newhaven and their accumulative effect is increasingly detrimental to the town, surrounding residential areas and restricted infrastructure. The town is striving to improve its image and attract appropriate investment and develop the port as the gateway to The South Downs National Park and south east England, but this development would have nothing but a negative effect.

In addition to this potential development and its resultant impact on the local infrastructure the town is the focus for major residential allocations to meet the housing needs of the Lewes District Council, so not only will there be additional demand on the road network, but additional residents who's amenity will be effected.

Consequently the Parish Council wish to register their strong objection to the proposed development on the following grounds:

- The significant adverse effect on local traffic congestion and infrastructure and the amenities of local residents, particularly those within the vicinity of the A26, created by the large numbers of HGVs servicing this development, especially with unrestricted working hours.
- The significant additional adverse effect on traffic congestion and pollution levels locally created by the increased number of swing bridge openings and subsequent traffic queues.
- The negative effect of these traffic movements and plant operation on air quality.
- The additional noise pollution, from HGVs, the loading/unloading and the operation of the plant, especially during night/weekend working, when ambient noise levels are lower.
- The mass and height of the proposed buildings and their visual impact on the townscape.
- The accumulative and detrimental effect of all of these factors and similar developments on the town's potential and wider regeneration.

In conclusion this development would have a significant detrimental impact on the amenities, health, wellbeing and quality of life of our local residents for all the reasons referred to above and the Parish Council believes this application should be refused.

4.10 Highways England; Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the

provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A26 into and out of Newhaven which links to the A27 to the north.

Having examined the above Transport Assessment and Design and Access Statement, we are satisfied that the proposals are unlikely to have a demonstrable adverse impact on the safe and efficient operation of the A26 and A27 at Newhaven which form part of the SRN.

4.11 Highway Authority; There is port related operation established in principle for this site with associated vehicle trip generation. Information supporting the application sets out evidence of port operation over the last 10 years and anticipated traffic generation associated with the proposal. Transport related information from the contract so far has also been provided which show the transport modelling for the proposal is robust although tends towards the 'worst-case scenario' in terms of traffic generation. Consequently anticipated trips associated with the proposal at peak periods are unlikely to have measurable impact on the local highway network between the site and the A26.

The Highway Authority does not consider the impact of development will be 'severe' in NPPF terms and therefore does not object.

4.12 Network Rail; Network Rail's Level Crossing team are concerned by the potential impact that additional HGV movements will have on the condition of Newhaven Town Level Crossing and its associated equipment. Network Rail would therefore be grateful if further discussion could take place between the applicant, East Sussex County Council and Network Rail in regards to potential funding to help mitigate against the impact of the proposed development on the level crossing equipment.

4.13 Southern Water; The applicant is advised to consult the Environment Agency directly regarding the use of septic tanks which dispose of effluent to sub-soil irrigation. The owner of the premises will need to maintain the septic tank to ensure its long term effectiveness.

The applicant has indicated that dewatering will result in foul sewage disposal to the sewer. The proposed development is some distance from the nearest public foul sewer and the applicant should confirm adequate rights to use any intervening private drainage systems.

Southern Water requires a formal application for a connection to the public foul sewer. No trade effluent can be discharged either directly or indirectly to any public sewer without the formal consent of Southern Water

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

#### 4.14 Newhaven Port Authority; No response received

4.15 Maria Caulfield MP; The major objection concerns the increase in traffic movements caused by HGVs and access to the swing bridge and the resulting congestion and increase in pollution this will cause residents in and around Newhaven. Whilst new business in the area is welcomed the necessary supporting infrastructure is also needed and currently the ring road would not be able to do so.

An estimated additional 45000 HGV movements (nearly 900 per week) along with 80 additional openings of the swing bridge per year would cause traffic chaos on the roads in Newhaven, which can already be very busy, particularly at peak times, due to the ring road.

The additional HGVs and general static traffic would greatly increase pollution as would operation of the site itself. Newhaven already has some of the highest pollution levels in Sussex which will only be made worse by this proposal.

While Newhaven is a working port and the new business will create new employment opportunities, this should not be at the expense of the health and wellbeing of the sizeable resident population in Newhaven, Denton and South Heighton.

4.16 Local Representations; 127 letters of objection received. The main points raised can be summarised as follows:

- Unsuitable for the town
- Newhaven needs regeneration not degeneration
- Out of scale with its environment
- The benefits of a few jobs will be far outweighed by increased congestion, pollution and general inconvenience
- Existing infrastructure cannot cope with an additional 45000 HGV movements
- Additional swing bridge openings will add to congestion
- Dust, noise, odour and light pollution
- Will ruin iconic views along a popular walking route
- Newhaven has an Air Quality Management Area and this proposal will make things worse
- Unrestricted hours of operation would lead to nuisance at unsociable hours
- Access to East Beach will be hampered
- Water / air quality will be made worse

- The applicant has assessed the proposal using inadequate information and subjective judgements
- At odds with the Neighbourhood Plan vision for a 'clean, green and marine' Newhaven and will therefore stifle regeneration
- Cumulative impacts have not been considered
- Newhaven is already gridlocked with vehicles
- The town is a place of work but one where people also live
- Newhaven will not be enhanced by this proposal
- Another nail in Newhaven's coffin
- New business is welcomed provided the supporting infrastructure is improved
- The visual impact will be overwhelming and is too industrial
- Newhaven is gridlocked already and this proposal will only make it worse
- It will only worsen existing health problems among the population – already among the worst in Sussex
- Will ruin views
- It will have a negative impact on tourism
- It will have a negative effect on house prices (*not a planning issue*).

65 copies of a circular letter have also been received setting out most of the points above. It should be noted that a couple of the issues raised in the representations, and summarised above, are likely to relate to a current application at Fisher's Wharf (ref: LW/799/CM(EIA)) and not this application. One such example is the summarised comment "access to East Beach will be hampered".

## **5. The main Development Plan and other policies of relevance to this decision are:**

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: WMP1 (Presumption in favour of sustainable development), WMP3b (Turning Waste into a Resource), WMP3d (Minimising & Managing Waste During Construction, Demolition & Excavation), WMP6 (Safeguarding Waste Sites), WMP7a (Sustainable Locations for Waste Development), WMP7b (More detailed criteria for waste development), WMP15 (safeguarding wharves), WMP18 (Transport – road, rail and water), WMP19 (Co-location of Complementary facilities), WMP20 (Community Involvement and Benefits), WMP23a (Design Principles for Built Waste Facilities); WMP23b (Operation of Sites); WMP25 (General Amenity); WMP26 (Traffic Impacts); WMP28a (Flood Risk).

5.2 Lewes District Local Plan 2003: Saved Policies ST3 (Design, Form & Setting of Development), ST30 (Protection of Air and Land Quality) and NH24 (North Quay, Newhaven)

Lewes District Council undertook a review of its Saved Local Plan Policies (2007) to determine their consistency with the NPPF (2012) and produced a table indicating the extent to which the policies are fully consistent, partly

consistent or not consistent. These Saved Policies are considered by the District Council to be fully consistent with the NPPF and remain part of the Development Plan post adoption of the Core Strategy.

5.3 Lewes District Joint Core Strategy 2016: Core Policy 4 (Encouraging Economic Development and Regeneration), Core Policy 9 (Air Quality), Core Policy 11 (Built and Historic Environment and High Quality Design), Core Policy 12 (Flood Risk, Coastal Erosion, Sustainable Drainage and Slope Stability)

5.4 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan, February 2017: Policy SP2 (Areas of Opportunity on Previously Developed or Allocated Land) including Map 9: SP-O/F North Quay, Newhaven; Policy SP9 (Safeguarding wharves and railheads within the Plan Area) including Map 72: SP-RSA/A North Quay, Newhaven

5.5 National Planning Policy Framework (NPPF) 2012

The NPPF does not change the status of the Development Plan as the starting point for decision making and constitutes guidance as a material consideration in determining planning applications. It does not contain specific waste policies but regard should be had to NPPF policies so far as relevant. Parts 4 (sustainable transport), 7 (Requiring good design) and 10 (Meeting the challenge of climate change, flooding and coastal change) are particularly relevant in this case as are paragraphs 123 (noise) and 124 (air quality)

5.6 National Planning Policy for Waste (NPPW) 2014

The NPPW sets out detailed waste planning policies and regard should be had to them when planning authorities seek to discharge their responsibilities to the extent that they are appropriate to waste management.

## **6. Considerations**

### Principle of Development

6.1 The Waste and Minerals Plan 2013 supports, in principle, development that accords with the waste hierarchy (Policy WMP3b) and is located in an Area of Focus (Policy WMP7a) with more detailed criteria set out in Policy WMP7b. Policy WMP6 seeks to safeguard waste management sites and Policy WMP15 seeks to achieve the same for wharves (and railheads). Policy WMP19 offers encouragement for proposals which co-locate facilities and WMP20 states applicants should demonstrate how host communities have been involved in development of a proposal and how their concerns have been addressed. Proposals also need to demonstrate that waste is minimised during construction and demolition works (Policy WMP3d) and that a working programme accompanies the proposed operation of a given development (Policy WMP23b). Policy WMP25 requires all proposals to ensure there is no unacceptable effect on the standard of amenity appropriate to the local community; there is no significant adverse impact on air quality or the local



acoustic environment with adequate means of controlling emissions to be secured.

6.2 Saved Policy NH24 in the Lewes District Local Plan 2003 states that planning permission will be granted (by the District Council) only for port related uses at North Quay. The policy recognises the suitability of North Quay to accommodate business uses generally regarded as un-neighbourly, e.g. scrap merchants, aggregate wharves etc. This is despite the constraints presented by river depth at this point and the swing bridge which limits the size of ships that can use North Quay.

6.3 Paragraph 7.48 in the Lewes District Joint Core Strategy adopted in 2016 recognises Newhaven Port as a strategic asset for Lewes District and beyond and identifies port related development and job creation opportunities as vital to the regeneration of Newhaven and the surrounding area. This objective is embodied in Core Policy 4 which supports the continued use of Newhaven port for freight and passengers including plans for expansion and modernisation of the port as identified in the Port Authority's Masterplan. The Masterplan was issued in January 2012 and in respect of North Quay sets out key proposals to maintain and encourage shipping to the Quay including the Energy Recovery Facility and to develop a cluster of new business focussed on materials recycling and the environmental sectors.

6.4 Policy SP2 in the Waste and Minerals Sites Plan adopted in early 2017 supports the principle of using North Quay for waste management development (Map 9; SP-O/F) and Policy SP9 safeguards facilities and capacity for landing, processing and handling minerals at wharves in Newhaven (as well as Rye and Shoreham).

6.5 The application site is within an Area of Focus and therefore the aspects of the proposal that involve the gully waste plant, the processing of the asphalt plantings and returned loads for recycling are supported in principle by Policy WMP7a. In addition these aspects of the proposal are also considered to gain support from Policy WMP7b which prefers proposals for development that are on general industrial, employment, previously developed or land already in waste management use. Furthermore the site is on North Quay, an area identified in the Sites Plan as being suitable in principle for waste management purposes.

6.6 The proposal intends to combine aggregate processing, asphalt production, concrete batching, gully waste processing and recycling on the site and would therefore satisfy the aims of Policy WMP19. Policy WMP15, which applies to the application site, safeguards capacity for landing, processing, handling and storage of minerals at wharves including at Newhaven. The applicant has set out in outline how plant would operate, thereby according with Policy WMP23b, although it has not demonstrated how waste resulting from any demolition and construction would be managed and minimised in accordance with Policy WMP3d. However, in terms of this policy it is apparent that much of the plant and many of the structures will be wholly

or partially pre-fabricated elsewhere and simply assembled once delivered to site thereby inherently minimising construction waste.

6.7 The District Council's comments are noted, particularly those about the nature of the proposed use being unrelated to port use. However the explanatory text to Saved Policy NH24 cites scrap merchants and aggregate wharves as the types of uses suited in principle to North Quay owing to its relatively isolated nature. The proposed use will rely on sea borne aggregate to carry out its core business and in that respect is considered to comply with Saved Policy NH24.

6.8 The Town Council and some local representations received object to the proposal on grounds that it is in conflict with the 'clean, green and marine' vision for the town's regeneration and also that it will stifle the draft Neighbourhood Plan objective to attract marine engineering business. Whilst these points are noted, as is the broad thrust of the emerging Neighbourhood Plan, it should be pointed out that the Plan area does not include North Quay, or indeed much of the waterfront on the east bank, and so the Plan's influence in this part of Newhaven is extremely limited. Furthermore Neighbourhood Plan preparation is at a relatively early stage. Public consultation closed in July 2017 and a draft plan has yet to be formally submitted to Lewes District Council, so very little weight can be attached to the policies within it, even if North Quay was within its Plan area.

6.9 In principle the proposed development accords with waste and minerals related as well as employment type policies set out in relevant parts of the Development Plan. However, many of these policies contain qualifications to the effect that any support is subject to detailed assessment of the proposal in terms of its impacts on neighbours, communities and the environment as well as consideration against other relevant policies elsewhere in the Development Plan. This is discussed in the following sections.

#### Economy (including Enterprise Zone status)

6.10 It is recognised that the application site falls within the package of sites designated as the Newhaven Enterprise Zone. Both the District Council's Regeneration Team and the Coast to Capital LEP have objected to the application, primarily because they are of the view that the proposal does not tie in with their ambitions for the Enterprise Zone.

6.11 As with any planning application, it is for the determining authority to consider the proposal against the relevant policies in the Development Plan. The existing Development Plan policies (with the exception of the Waste and Minerals Sites Plan) of relevance to this site and proposal were adopted prior to the Enterprise Zone designation coming into place. Hence, the ambitions referenced by the District Council and Coast to Capital LEP are not currently articulated in Development Plan policy. Given the primacy of the Development Plan it would not be appropriate to resist the proposal on the basis that it does not support the ambitions of the Enterprise Zone.

6.12 Nevertheless, the proposal would still result in the creation of 60 employment opportunities and therefore make a contribution to the employment growth targets for the Enterprise Zone.

#### Highways (including Ashdown Forest)

6.13 Waste and Minerals Plan Policy WMP26 will permit proposals where site specific issues related to road transport and traffic are fully addressed. Policy WMP18 seeks to minimise transport movements and expresses a preference for movement by modes other than road where practicable.

6.14 In supporting provision of complementary facilities Policy WLP19 requires that overall effects on communities or the environment of such co-location are within acceptable limits including transport movements. Saved Policy ST3 in the Local Plan expects development, *inter alia*, to not result in detriment to the character or amenities of the area through increased traffic levels, congestion or hazards.

6.15 Expected traffic related to the proposal is described above in paragraph 2.33. At this point it is worth emphasising that whilst the figure of 45000 HGV movements each year has been frequently quoted in representations, approximately 8500 of these will be between the application site and berth 5 at the north end of North Quay Road. Therefore approximately 36650 HGV movements will be on the public highway with an estimated 90% of these between North Quay Road and the A26 and not using the flyover, swingbridge or roads around Newhaven Town Centre but instead North Quay Road and the A26.

6.16 The applicant has assessed the anticipated impact of development related traffic on the highway network in the vicinity. The findings are that this will be within currently accepted theoretical tolerances and will therefore be acceptable. Furthermore the applicant points out that adding likely future development traffic to current recorded volumes results in expected cumulative volumes below historic peaks. For example, according to Department for Transport (DfT) figures the highest average annual daily traffic (AADT) figure on the A26 (counted at a point near Tarring Neville) in 2015 (the most recent year for which counts are available) was 9103 vehicles of which 1074 were HGVs. However the highest recorded figure was in 2001 with a total of 12049 vehicles including 1269 HGVs. Adding proposed development traffic to the 2015 figures results in an AADT of 9241 movements including 1212 HGVs, still less than the 2001 peak. Furthermore the amount of material expected to be imported and exported to and from the site would be comparable to the volumes handled at the application site in 2009 and 2010 but significantly less than those handled between 2006 and 2008. It follows, according to the applicant, that the development impact on the highway could not be considered unacceptable because the proposal will result in site activity and associated highway movements at overall levels common between 5 and 10 years ago.

6.17 In terms of the swing bridge the applicant points out that the site is within a working port and swing bridge activity is integral to that. Having said that, numbers of openings have declined from 539 in 2005 to 148 in 2016 and 133 in 2017. In that context, the applicant suggests that 80 additional openings attributable to the proposed development will increase the number of openings to 2012 levels which cannot be considered unacceptable.

6.18 The applicant goes on to point out that sea borne aggregate and other minerals could be landed and distributed from the site by HGV under port related 'permitted development rights', i.e. without need for planning permission from the local authority, and that such activity could occur at any time of day or night. Based on this the applicant concludes that highway activity associated with the application proposal would be little different from that which could theoretically be generated by 'permitted development' or from levels and types of traffic that have been recorded on the local highway network in recent years and so planning permission should not be withheld for highways impact reasons.

6.19 The Highway Authority does not dispute the broad thrust of the applicant's analysis and adds that the vacant state of the application site since 2013 together with the recent historically low levels of port related activity may have contributed to an under-representation of the highways impacts of port related traffic on its surroundings. The Highway Authority notes Highways England raise no objection to the proposal insofar as it would impact on the Strategic Road Network i.e. the A26 and A27. The Highway Authority goes on to note that the applicant's assessment of the impacts of the proposal on the parts of the highway network for which it is responsible i.e. between the southern end of North Quay Road and the southern end of the A26 represent the 'worst case scenario' and when assessed at peak periods for the wider network any impacts are unlikely to be so severe as to be considered unacceptable.

6.20 The coast road between Newhaven and Peacehaven is subject to a weight restriction prohibiting vehicles greater than 7.5 tonnes. Other than requiring access locally such vehicles are expected to use trunk roads at the earliest opportunity and to avoid the Town Centre ring road. In the case of the proposal there is also a geographical dimension. As the applicant company will be fulfilling a highway surfacing contract throughout the County most associated HGV movements will be as direct to the A26 as possible and would naturally avoid the A259 and the flyover. The A26 links to the A27 at Beddingham roundabout from where the wider County is accessible. The applicant estimates this route will account for 90% of movements (up to approximately 34100 / annum) with the remaining 10% westwards through Newhaven and beyond or eastwards towards Seaford because that will be where surfacing is needed. In reality therefore the direct impacts of development related traffic on Newhaven town centre will be minimal.

6.21 Furthermore while there will be an estimated additional 80 swing bridge openings each year this would result in the number of openings comparable with those when the application site was last operational. Figures provided by

the Port Authority show the majority of openings occur during daytime and the whole operation of the bridge swinging open and shutting typically takes approximately 10 minutes. Standing traffic, mainly cars, does build up on both sides of the swing bridge at these times causing delays which is understandably frustrating. However advance warning is given at the bridge and online notwithstanding vessel requests take priority over road users and are sometimes made at short notice with a minimum period of 3 hours. Occasionally therefore advance warning to the general public may only be given the same day as opening.

6.22 It is clear that the highways impact of the proposed development will result in increased traffic, particularly from HGV movements compared to current levels of traffic. This is likely to result in traffic on the public highway comparable to levels recorded between 5 and 10 years ago co-incidentally when the application was site was last fully operational. In addition the application site could operate under port 'permitted development rights' with no restrictions but with consequential traffic generation. Moreover the site lies within an area identified by the Development Plan as being suitable for waste type uses; implicit within that is an expectancy of some level of traffic generation.

6.23 For these reasons the impact of the proposal on the public highway is not expected to be 'severe' as envisaged by the NPPF and therefore planning permission should not be withheld on these grounds.

6.24 In order to satisfy the requirements of the Habitats Regulations, consideration has been given as to whether or not the proposal could give rise to additional vehicle movements across the Ashdown Forest Special Area of Conservation (SAC). It is important that nitrogen depositions in the Forest are not increased to levels which might adversely impact the protected heathland. One of the main sources of nitrogen is from vehicle emissions.

6.25 As stated in paragraph 2.4 the applicant is already fulfilling the highway surfacing contract but from bases in Heathrow and Erith in Kent. Currently the preferred route to jobs in East Sussex is via the A21, the A22 (across the Ashdown Forest) or the A23/A27 depending where in the County a particular job is. Were the fleet to be based in Newhaven then access to the Forest would only be necessary for highway works in the Forest itself. Hence there would be a reduction in trips across the Forest, particularly by HGVs should this proposal be permitted and implemented. Nitrogen levels in the Ashdown Forest would therefore not be increased by the proposal, both by itself and in combination with other plans and projects, and the need for any further assessment can be screened out

### Air Quality

6.26 Saved Local Plan Policy ST30 states that in considering applications for potentially polluting development the location is appropriate in terms of surrounding land uses and that development will have an acceptable impact

on its surroundings in terms of effects on health, natural environment or general amenity and will not adversely affect other land uses.

6.27 Policy WMP25 in the Waste & Minerals Plan requires that all proposals ensure there is no unacceptable effect on the standard of amenity appropriate to (existing and proposed) land uses likely to be affected by the development; there is no significant adverse impact on air quality; adequate means of controlling dust, litter, odours and other emissions including those arising from traffic generated by the development are secured and there is no unacceptable effect on the recreational or tourist use of an area or use of areas for public access.

6.28 In supporting provision of complementary facilities Policy WMP19 requires that overall effects on communities or the environment of such co-location are within acceptable limits including emissions to air. Core Strategy Policy 9 seeks to improve air quality with applications that could impact on an Air Quality Management Area (AQMA) required to have regard to any relevant Air Quality Action Plan (AQAP) and seek improvements to air quality through implementation of measures in the AQAP and provide mitigation where development and / or associated traffic would adversely affect an AQMA.

6.29 Paragraph 124 in the NPPF advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants taking into account AQMAs and cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure new development in AQMAs is consistent with the local air quality Action Plan.

6.30 There is long-standing and wide ranging European and UK legislative framework underpinning a national strategy aimed at improving air quality and protecting human health from the effects of pollution. One outcome of this has been the declaration in 2014 of an Air Quality Management Area (AQMA) around Newhaven Town Centre and the swing bridge because of recorded levels of Nitrogen Dioxide (NO<sub>2</sub>). Air pollution is a dynamic phenomenon that can be affected by weather as well as other factors such as traffic congestion. Measurements of air pollution can therefore bring varied results but according to Lewes District Council in 2013 on average 45% of the NO<sub>2</sub> on roads running into and across the AQMA was background from residential, industrial and other non-traffic sources. 55% was from vehicles including diesel cars (24%), diesel LGV (13%) petrol cars (6%) buses/coaches (6%) and HGV (6%). By far the greatest proportion of vehicle movements in the AQMA is cars (82%), then LGV (15%) with buses, HGV and motorcycles accounting for 1% each.

6.31 In view of the scale of the proposed development, its likely traffic generation and the presence of the AQMA nearby, an Air Quality Assessment (AQA) supports the application. This considers the potential impacts on air quality of the proposed development during construction as well as in operation including the unloading of ship borne aggregates and the increased swing bridge openings.

6.32 The AQA acknowledges the influence of meteorological conditions over pollutant concentrations and dispersion. It identifies traffic movements as likely to be the most significant local source of pollutants affecting the site and surroundings and goes on to identify 14 specific residential and commercial 'receptors' along roads in the vicinity of the site predicted to experience the increased traffic flows.

6.33 The main impacts during construction are expected to be from dust and other particulate matter. Particulates is the term used to describe tiny particles in the air, made up of a complex mixture of soot, organic and inorganic materials having a particle size less than or equal to 10 microns diameter, also known as PM10s. (1 micron = one millionth part of a metre or 0.001millimetres). Particulate matter is one of the eight substances for which the government has established an air quality standard as part of its national Air Quality Strategy. Dust is a form of particulate although it tends to be larger than 10 microns and therefore heavier so will settle out relatively quickly. As such its impacts tend to be more geographically limited.

6.34 The AQA sets out a range of generic measures that can be taken to manage and minimise potential nuisance during construction which could be used to inform preparation of a Construction Management Plan as is common on large projects. It is recommended such a Plan be secured by condition attached to planning permission.

6.35 Turning to the operational aspects of the proposal the main pollutant source is expected to be from road traffic. The AQA creates an air quality model using national monitoring data to give a baseline picture of the current situation in the vicinity of the site. The Transport Assessment is then fed into the model together with assumptions about any background traffic growth and cumulative impact of future development (extant permissions and unimplemented allocations) elsewhere in the area. The model is verified and enables evaluation of the scale of future emissions with and without the proposed development. It includes assessment of the impacts of additional swingbridge openings as well as those of ships unloading aggregate. Judgements can then be made about the potential impacts of the modelled emissions likely to arise from the proposed development.

6.36 The conclusion of the AQA is that the significance of the changes in traffic flows associated with the proposed development with respect to future annual mean exposure to NO<sub>2</sub> and particulates of PM<sub>10</sub> or less will be negligible at all identified receptors. Similar conclusions are made about the additional swingbridge openings and aggregate unloading

6.37 The AQA has been independently assessed and reviewed. The core modelling and assumptions are considered to be robust and over a course of refinement its conclusions and latest recommended mitigation corroborated. Mitigation is set out in Dust and Odour Emissions Management Plan which includes a range of control measures and, importantly, the circumstances under which these controls would be used. In recognition of the wider air

quality issues centred on the 'ring road' the applicant is offering a contribution of £15000 towards improving air quality via the Newhaven Air Quality Action Plan which should be secured by agreement linked to the issue of planning permission.

6.38 Subject to that contribution and the implementation of the mitigation measures set out in the Dust and Emissions Management Plan the proposal is considered acceptable in its impacts on air quality and therefore complies with Saved Local Plan Policy ST30 in the Lewes Local Plan 2003, with Policy WMP25 in the Waste & Minerals Plan 2013 and with Core Strategy Policy 9.

### Noise

6.39 Policy WMP25 in the Waste & Minerals Local Plan requires that all proposals ensure there is no unacceptable effect on the standard of amenity appropriate to (existing and proposed) land uses likely to be affected by the development; there is no significant adverse impact on the local acoustic environment; adequate means of controlling noise are secured and there is no unacceptable effect on the recreational or tourist use of an area or use of areas for public access.

6.40 In supporting provision of complementary facilities Policy WMP19 requires that overall effects on communities or the environment of such co-located facilities are within acceptable impacts, including noise levels. Saved Policy ST3 in the Lewes District Local Plan expects development, *inter alia*, to not result in detriment to the character or amenities of the area through noise levels and paragraph 123 in the NPPF states that planning policies and decisions on new development should aim to avoid noise giving rise to significant adverse impacts on health and quality of life and minimise other adverse impacts including through use of conditions.

6.41 The proposal has the potential to generate noise from the servicing and operation of plant, other associated activities and from HGV and other vehicle movements within, as well as to and from, the site.

6.42 The application is supported by a Noise Assessment which identifies 9 mainly residential 'sensitive receptors' around the site. The nearest residential use is Bridge Court on the edge of the town centre some 200 metres to the south-west with others including at New Road and Beresford Road also assessed. In addition educational uses on Denton Island to the west and to the south of the flyover have also been included. Day and night-time noise surveys were carried out at these sensitive receptors in late 2016 and early 2017 to establish baseline measurements and then anticipated noise levels from proposed site activity were calculated. These calculations are based on a combination of recorded noise levels from other similar sites, for example of vehicle movements and loading shovels in operation as well as manufacturers data about plant. Assumptions were made about the times when certain operations would be likely to take place on site, for how long and whether these would be in combination. This provided calculated site noise, or rating, levels which could inform an assessment of mitigation that may be necessary.



This includes site layout, the height of the storage bays and the noise barrier along the river and southern boundaries. Voluntary restrictions on the hours of operations of certain operations such as concrete batching and gully waste processing have also been included in the overall assessment.

6.43 The calculated rating levels (including mitigation) have then been set against the measured baselines and assessed in the context of relevant World Health Organisation (WHO) guidelines, British Standards and local 'Sussex: Planning Noise Advice' document. The WHO guidelines set out absolute values for different environments (e.g. indoors, outdoors, bedroom, living area, garden etc.) which, if exceeded, are likely to result in a degree of annoyance, sleep disturbance or speech interference. These guidelines are health based rather than levels set out in current Government legislation. The British Standards, on the other hand, set out a methodology for assessing the impact of calculated sound levels in the context of existing baseline background levels. The greater the difference between the two, the greater is the magnitude of the impact, e.g. a difference of around +5 decibels (dB) is likely to indicate an adverse impact and a difference of around +10dB is likely to indicate a significant adverse impact depending on the context. Very broadly, the Sussex Noise Advice document starts with the premise that industrial / commercial development should minimise noise 'as far as possible' and ideally to levels no greater than existing background. Where this is not attainable the applicant should explain what measures will be implemented to control noise in order to satisfy the Local Planning Authority that development is acceptable (in its noise impacts).

6.44 The Noise Assessment discusses the various sources and potential impacts and concludes that impacts in terms of WHO guidelines will not exceed the absolute criteria at any of the sensitive receptors. In terms of British Standards calculated night-time noise levels were greater than measured background for all selected sensitive receptor locations by between +1dB and +4dB i.e. close to adverse impact. During daytime similar assessments and conclusions were made but only at three of the receptors. For others, at Bridge Court to the south-west of the application site and at Avis Road to the east the difference was assessed as negative, probably because these two points already experience high levels of traffic noise during the daytime.

6.45 In common with the AQA the Noise Assessment has been independently reviewed and assessed. In response the proposals have been amended. The storage bays along the west and south boundaries have been reduced in height but without compromising their noise limiting properties and the specification of the asphalt plant improved in terms of noise suppression with better exhaust silencers and noise insulation at the upper levels.

6.46 As a result the modelled night-time rating levels of the proposal (when only the asphalt and gully waste plant will operate) are predicted to be between +2dB and +4dB above existing background levels at nearest sensitive receptors. In BS4142 terms a 4dB increase is approaching an impact likely to be adverse although the Standard is qualified in that it advises

context should also be considered. Given the context of the site within an industrial area containing similar uses to the proposal and other activities that could operate on an unrestricted basis in planning terms the outcome of the noise modelling for the proposal is now considered acceptable. It is not expected to result in the significant adverse impact that would constitute a conflict with Policy WMP25 in the Waste & Minerals Plan. However, to ensure the plant operates as predicted, monitoring and review conditions are recommended to trigger further mitigation of the plant if monitoring suggests this to be necessary and to secure a Noise Management Plan.

6.47 This approach is therefore considered to satisfy the aims of Policies WMP19 and WMP25 in the Waste & Minerals Local Plan as well as Saved Policy ST3 in the Lewes Local Plan 2003.

#### Impact on Townscape

6.48 Waste Local Plan Policy WMP23a requires all buildings associated with waste development to be of a scale, form and character appropriate to its location and to allow sufficient space for effective operations. In urban locations design should complement the existing or planned scale or built form of the local area and take account of local landscape character and distinctiveness.

6.49 Saved Policy ST3 in the Lewes District Local Plan expects development, *inter alia*, to respect the overall scale, height, massing and character of neighbouring buildings and the local area more generally and use materials appropriate to the character of the local area. Additionally development should respect the amenities of adjoining properties and the wider area in terms of traffic, noise, visual amenities and other environmental considerations.

6.50 Core Strategy Policy 11 seeks high quality design in all new development by ensuring, *inter alia*, that it respects the character and distinctiveness of built heritage and responds sympathetically to the site and its local context.

6.51 The site is within an area that can be characterised as industrial. Sites on both sides of North Quay Road comprise yards of varying sizes containing an assortment of typically industrial type buildings and structures, covered and open storage bays, plant, aggregate stockpiles, scrap metal and vehicles.

6.52 The northern end of North Quay Road is dominated by the Energy Recovery Facility (ERF) sitting within its own landscaped site. The ERF building is 170m long, 55.5m wide and measures 24m and 27m high with a stack height of 65m. The storage bays at the Incinerator Bottom Ash (IBA) facility to the south-east of the ERF measure 120m long x 9m high x 10m deep. The most prominent structures evident towards the southern end of North Quay Road are the Colas Roadstone plant opposite the application site on the east side of North Quay Road. This site includes a mixing tower (18.5 metres high) and venting stack (19.2 metres high) to the south with covered

aggregate storage bays (9 metres high x 73 metres long) to the north. Immediately to the north of the application site there is EMR metal recycling with attendant piles of scrap metal and a recently erected storage shed (12.4 metres to its ridge). Further north again is a waste transfer station which includes a building approximately 12m high on its western boundary with the River Ouse. To the south of the application site is a materials recovery facility (Sussex Skips) which includes a building with a double pitched roof, again sited close to the top of the river bank. The building is used to manage the materials recovery process and is 8.5 metres high to the ridges with a footprint measuring approximately 90m x 40m. Slightly further afield other prominent buildings include the University Technical College to the south of the swing bridge which is approximately 15m at its tallest and has a 65m frontage to the river. To the west, opposite the application site on Denton Island, is the Basepoint Business Centre which includes a 3 storey element standing 11m above ground and measuring 51m in length.

6.53 Prior to its clearance in 2014 a part of the application site adjacent to North Quay Road was used for concrete production and contained a batching tower 11.5m tall and cement silos 15.6m high. For convenience the relevant dimensions of the larger structures proposed and set out in paragraph 2.1 above are repeated here. The asphalt plant would be 20.25m high, the concrete batching tower 12.92m and the aggregate storage bays 108m long x 12m high and 82 m long x 12m high.

6.54 These are therefore comparatively large structures although no adverse impact will arise in terms of loss of daylight or sunlight to neighbours. As noted earlier in the report the nearest residential uses are those on the north side of Bridge Street in the town centre some 200 metres to the south-west. There are offices and educational uses on Denton Island closer to the application site but none of these will be adversely affected by the proposed development in terms of their light, privacy etc.

6.55 The planning application is supported by a Landscape and Visual Impact Assessment (LVIA) which sets out a structured framework with which a judgement can be made about the visual impact of the proposal. The LVIA sets out an analysis of the baseline, or current, components of the site and its wider surroundings including the National Park. It identifies the major characteristics of each landscape component; their sensitivities to change and the magnitude of the change with regard to the application proposals. The main areas identified as being most susceptible to visual influence of the proposals are the site itself and its immediate surroundings including Denton Island and North Quay. Secondary areas include the Town Centre and residential areas on the valley sides to the east and west. The National Park is clearly, by definition, sensitive in landscape terms but is of sufficient distance from the application site as to not be judged as being severely adversely affected. The distant residential areas are judged similarly, as being moderately adversely affected.

6.56 The LVIA identifies that Denton Island, in particular the receptors at Basepoint Business Centre and Sussex Downs College on its eastern side,

could be judged to be subject to notable adverse visual change / impact. The reasons for this are the proximity of this side of Denton Island to the application site; the unobstructed views across the intervening distance and the mass, scale and height of the proposals. However the LVIA concludes that the mitigation afforded by the location of the proposals within an industrial zone; the reduction of the height of the asphalt tower by 10 metres at design stage (before the application was submitted) and the use of cladding and colour in the proposals allow it to be integrated into its townscape setting without significant detriment to landscape character, quality or visual amenity.

6.57 The conclusions of the LVIA are shared insofar as Denton Island could be affected and longer views from higher ground to the east and west being comparatively unaffected. There are however additional close viewpoints of the application site; from North and South Way, from the swingbridge, from the northern end of West Quay and from a public footpath along the riverbank north of Denton Island which are considered important and which do not appear to have been specifically included in the LVIA.

6.58 In these views and from Denton Island the asphalt tower and concrete batching plant are undoubtedly high and will be prominent. Certain elements such as the conveyors have a skeletal quality which in the wider context of North Quay is considered acceptable. The covered storage bays will also be prominent being very bulky structures, one of which is parallel to the riverbank and will therefore be widely visible in the identified viewpoints. As originally submitted these were up to 15.5 metres high however following negotiations and a review of the proposals the bays have been reduced to 12 metres high; comparable to the height of other structures in the vicinity and which is considered acceptable in this context in an industrial area which is surrounded by other built development.

### Flood Risk

6.59 Policy WMP28a in the Waste Local Plan requires that proposals address their flood risk and are not detrimental to the integrity of existing flood defences. Core Strategy Policy 12 seeks to reduce the impact and extent of flooding by a combination of appropriate location of development and on-site management of surface water.

6.60 The application site lies within Zone 3, an area identified by the Environment Agency as being at high risk of flooding however the proposed use is classed as being 'less vulnerable' which can normally be undertaken within Zone 3. In addition the Environment Agency is constructing defences in Newhaven to increase protection from river and sea flooding. Part of these defences are being constructed along the application site river boundary with the whole project due to be completed in spring 2019.

6.61 The Denton Sewer crosses the site and the proposed method of surface water disposal is to use the site itself for floodwater storage in extreme events and to discharge to the Sewer at an agreed maximum controlled rate. Discussions between the applicant, the Lead Local Flood

Authority and the Environment Agency have clarified site levels and the fine details of surface water management to the extent that the authorities are now satisfied that flood risk will be managed effectively. The overall approach is now agreed (subject to conditions) and so relevant Development Plan policies are complied with.

## **7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise.

7.2 The proposal is considered acceptable in principle, in its impact on the local and strategic highway network, air quality, odour, the local acoustic environment and its visual impact. It therefore complies with Policies WMP1 (Presumption in favour of sustainable development), WMP3b (Turning Waste into a Resource), WMP3d (Minimising & Managing Waste During Construction, Demolition & Excavation), WMP6 (Safeguarding Waste Sites), WMP7a (Sustainable Locations for Waste Development), WMP7b (More detailed criteria for waste development), WMP15 (safeguarding wharves), WMP18 (Transport – road, rail and water), WMP19 (Co-location of Complementary facilities), WMP20 (Community Involvement and Benefits), WMP23a (Design Principles for Built Waste Facilities); WMP23b (Operation of Sites); WMP25 (General Amenity); WMP26 (Traffic Impacts) and WMP28a (Flood Risk) in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013; with Saved Policies ST3 (Design, Form & Setting of Development), ST30 (Protection of Air and Land Quality) and NH24 (North Quay, Newhaven) in the Lewes District Local Plan 2003; with Core Policy 4 (Encouraging Economic Development and Regeneration), Core Policy 9 (Air Quality), Core Policy 11 (Built and Historic Environment and High Quality Design), Core Policy 12 (Flood Risk, Coastal Erosion, Sustainable Drainage and Slope Stability) in the Lewes District Joint Core Strategy 2016 and with Policies SP2 (Areas of Opportunity on Previously Developed or Allocated Land) SP9 (Safeguarding wharves and railheads within the Plan Area) in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan, February 2017.

7.3 In determining this planning application, the County Council has worked with the applicant in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered those received in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

## **8. Recommendation**

8.1 The Committee is recommended that the application be approved subject to the completion of the following procedure:

- (i) The completion of a Legal Agreement to secure a contribution of £15000 towards initiatives in the Newhaven Air Quality Action Plan:
- (ii) To authorise the Head of Planning and Environment to grant planning permission, upon completion of the Legal Agreement in (i) above, subject to conditions, along the lines set out in paragraph 8.3 of the report.

8.2. If the Legal Agreement has not been completed by 31 August 2018, the application will be referred back to Committee for determination.

8.3 The grant of planning permission shall be subject to the following conditions:

1. The development hereby permitted shall be commenced 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.

2. The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans.

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

3. Construction and subsequent development shall be carried out in accordance with the conclusions and recommendations in Section 8.7 to the 'Report on Preliminary Ground Investigation', Issue 3, dated March 2017 by Applied Geology Limited (ref. AG2519-16AA17).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ST30 in the Lewes District Local Plan 2003.

4. If, during construction, contamination not previously identified is found to be present at the site then no further construction (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until the applicant has submitted and obtained the written approval of the Head of Planning and Environment for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ST30 in the Lewes District Local Plan 2003. Construction shall be carried out in accordance with the approved remediation strategy thereafter.

5. Piling, or any other foundation designs, using penetrative methods shall not be permitted other than with the written consent of the Head of Planning and Environment, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Construction shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ST30 in the Lewes District Local Plan 2003.

6. Development of each phase of works shall not commence until a Construction Management Plan has been submitted for the written approval of the Head of Planning and Environment. The construction details to be submitted shall include but not be restricted to;
  - a) Phasing, sequencing, duration and hours of works within the individual phases of works.
  - b) Proposals to attenuate noise during each phase of the works,
  - c) Dust suppression measures during each phase of the works
  - d) Measures to manage flood risk, both on and off site
  - e) Construction vehicle routeing and wheel washing facilities

For the duration of construction the Construction Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. Prior to commencement of development details of the construction of the recycled aggregate product (RAP) shed and the aggregate storage bays shall be submitted for the written approval of the Head of Planning and Environment. Construction shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. Prior to the commencement of the construction or erection of any building, structure or means of boundary enclosure hereby approved, details of its external materials and finish including colour shall be submitted for the written approval of the Head of Planning and Environment. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: To help ensure an appropriate appearance of the development in accordance with Policy WMP23a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

9. Prior to erection of the acoustic barrier parallel to the riverbank details of its construction shall be submitted for the written approval of the Head of Planning and Environment. Its construction shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. Construction shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Feb 2017) and the following mitigation measures detailed within the FRA:-  
Landscaping or ground works are kept to the limits shown on drawings numbered `CWY51-EW-00-003 P1, Existing Site drainage` and `CWY51-EW-00-004 P2 Proposed Surface Levels` in order to minimise impact on flood levels and flows.

The mitigation measures shall be fully implemented prior to first occupation and subsequently retained in accordance with the timing and phasing arrangements within the scheme or within any other period as agreed in writing by the Head of Planning and Environment.

Reason: To ensure risk of flooding is adequately managed and minimised in accordance with Policy WMP28a in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. Prior to the commencement of the development, a detailed surface water drainage scheme for the site, based on the approved Flood Risk Assessment (FRA, February 2017) shall be submitted to and approved in writing by the Head of Planning and Environment. The approved scheme shall subsequently be implemented in accordance with the approved details and confirmation provided to the Head of Planning and Environment before the development is brought into use.



The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA and, where possible, shall incorporate sustainable urban drainage measures. Additionally the approved scheme will:

- i. provide details of the surface water design and how it will be implemented to ensure no increase in flood risk from commencement of construction and during any phased approach to building.
- ii. provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime.
- iii. provide details of the body responsible for the implementation of the management and maintenance plan. The scheme shall also demonstrate the use of methods to minimise the use of potable water, and will:
  - incorporate water saving measures and equipment.
  - provide details of water collection facilities to capture excess rainwater;
  - provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and operated in accordance with the approved details.

Reason: To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding in accordance with Policy WMP28 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013

12. Prior to first use of the development hereby approved, a Noise Management Plan for the control and management of noise from the site operations and vehicle movements shall be submitted for the written approval of the Head of Planning and Environment. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

13. Prior to first use of the development hereby approved, an Environmental Fleet Management Plan for the control and management of vehicles associated with site operations shall be submitted for the written approval of the Head of Planning and Environment. The Plan shall include, but not be confined to, details of the fleet, maintenance and servicing regime as well as driver training and development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

14. Prior to first use of the site lighting and CCTV, details of the column heights, lighting units and calculated light contours shall be submitted for the written approval of the Head of Planning and Environment. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

15. The rating noise levels from the site shall not exceed those predicted at locations shown in WBM Technical Note (Ref. 4611, dated 28 February 2018), Appendix A, Table titled 'Night-time (with additional mitigation measures for top of asphalt plant and stack)' at any time.

Reason: To safeguard the amenities of the occupiers of residential properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3 of the Lewes Local Plan 2003.

16. Within two months of the asphalt plant becoming operational, a noise survey ("Survey") shall be undertaken in accordance with BS 4142: 2014 (Methods for rating and assessing industrial and commercial sound) and within one month the results reported (the "Report") in writing to the Head of Planning and Environment. The Report shall:
  - a) demonstrate whether the noise levels required by condition 15 are being achieved;
  - b) if the Survey does not demonstrate such compliance the Report must include measures to reduce noise such that the levels stipulated by condition 15 will be met;
  - c) Such measures as are agreed shall be carried out within a time period to be approved by the Head of Planning and Environment and compliance demonstrated by further Survey, which must be reported to the Head of Planning and Environment within a further two months of the measures being implemented.

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3 of the Lewes Local Plan 2003.

17. Transfer of aggregate via North Quay Road between berth 5 and the application site shall not take place at any time other than between 0700 and 1900 hours Monday (excluding Bank and Public Holidays) to Friday

and between 0700 and 1300 on Saturday unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

18. HGVs shall not use the site routes between the covered storage bays and the site boundaries at any time other than between 0700 and 1900 hours on Monday to Friday (excluding Bank and Public Holidays) and between 0730 and 1300 on Saturdays unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

19. Concrete production and distribution shall not take place at any time other than between 0700 and 1900 on Monday to Friday (excluding Bank and Public Holidays) and between 0730 and 1300 hours on Saturday unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

20. Gully waste shall not be removed from plant at any time other than between 0700 and 1900 hours on Monday to Friday (excluding Bank and Public Holidays) and between 0730 and 1300 hours on Saturday unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

#### Informative

1. Consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. The applicant's attention is drawn to 'Improving the Flood Performance of New Buildings', issued in May 2017 by the Department for Communities and Local Government (ISBN 9781859462874 )

#### Schedule of Approved Plans

EW-00-002 P3 - Existing Site Layout, GA-00-001 P12 - Proposed Site Layout, GA-00-005 P3 - Asphalt Plant, GA-00-006 P3 - Concrete Batching Plant, GA-

00-008 P2 - Gully Waste Plant, GA-00-009 P2 - Office Buildings, EW-00-001  
Rev P4 - Location Plan, Dust and Odour Emissions Management Plan  
(Second Issue), February 2018, Air Quality Assessment (Third Issue),  
February 2018, Technical Note, WBM Ref:4611

EDWARD SHEATH  
Head of Planning and Environment  
7 March 2018

**BACKGROUND DOCUMENTS**

Planning Application File

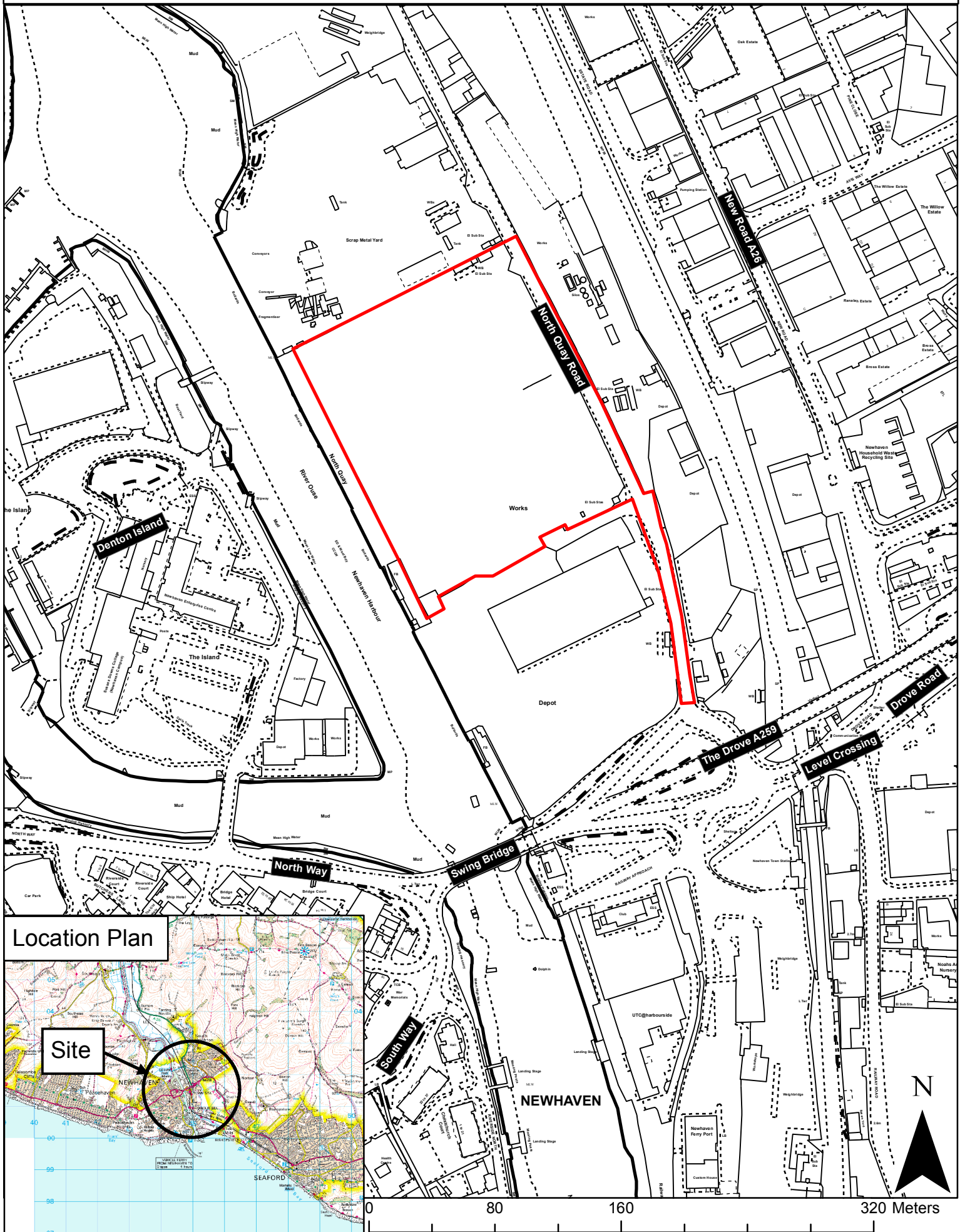
Development Plan

The National Planning Policy Framework 2012

The National Planning Policy for Waste 2014

Newhaven Air Quality; Further Assessment, Lewes District Council 2014

# LW/789/CM(EIA) Plots 6 & 7 North Quay Road, Newhaven



Location Plan

Site

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Committee: **Regulatory  
Planning Committee**

Date: **15 March 2018**

Report by: **Director of Communities, Economy and Transport**

Proposal: **The expansion of an existing waste management use  
over adjacent land to provide for a fully enclosed  
Materials Recovery Facility**

Site Address: **Polegate Yard, Summerhill Lane, Hailsham**

Applicant: **Haulaway Limited**

Application No. **WD/796/CM**

Key Issues: **(i) Waste management and Principle of Development  
(ii) Highway matters  
(iii) Landscape and design  
(iv) Effect on amenity  
(v) Intensification of use  
(vi) Screening of Application under Habitats Regulations  
2010**

Contact Officer: **Sarah Iles – Tel: 01273 481631**

Local Members: **Councillor Daniel Shing and Councillor Gerard Fox**

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## **SUMMARY OF RECOMMENDATIONS**

- 1. The Committee is recommended that the application be approved subject to the completion of the following procedure:**
  - (i) The completion of a Legal Agreement to require: (1) details for the works to the public highway on Summerhill Lane/A22 junction; (2) the extension of the vehicle passing bay on the access track and the widening of the track; and (3) details for the continuation of the routing of vehicles travelling to and from the site via the A22 and Summerhill Lane;**
  - (ii) To authorise the Director of Communities, Economy and Transport to grant planning permission, upon completion of the Legal Agreement in (i) above, subject to conditions, along the lines set out in paragraph 8.3 of the report.**

**2. If the Legal Agreement has not been completed by 14 October 2018, the application will be referred back to Committee for determination.**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

### **1. The Site and Surroundings**

1.1 The application site at Polegate Yard, Summerhill Lane, Hailsham, is 2.26 hectares in area and comprises two main parts. The eastern part consists of a concreted yard, which is currently being used for waste management purposes and the storage of aggregates, and includes a building and surface water drainage infrastructure. The storage of aggregates occurs on an elevated area on this part of the site, which is approximately 3 metres higher than the floor level of the building. An electricity sub-station and portacabin office are also located at this part. The western part of the site is undeveloped, although areas within it have been used for the unauthorised storage of soils and plant. The application site includes a shared private track which allows access from Summerhill Lane some 240 metres to the north-west.

1.2 As well as the areas of the application site noted above, the site also includes an area of woodland and agricultural land to the north-west of the proposed building to host a drainage pond and tree planting, and land to enable changes to be made to the access track and along Summerhill Lane to its junction with the A22. Summerhill Lane is bordered by a hedgerow on its southern side, recognised as 'important' under the Hedgerow Regulations 1997, and a Tree Preservation Order (TPO) protects trees along its northern boundary.

1.3 The area surrounding the application site largely comprises woodland, hedgerows and fields. Several ponds are on adjacent land to the south-east, which form part of the Amazon Wood Fishery. The nearest residential properties involve 'Cliff Coombe' and 'Nightingale Place' about 220 metres to the west, 'Nightingale Farm' about 210 metres to the south-west, 'Coppards', which comprises Grade II Listed Buildings, about 180 metres to the north and 'Brownings', some 280 metres to the north-west. The Hailsham Roadways Depot, which adjoins the A22, is located on the north and east sides of 'Brownings', about 215 metres from the application site.

1.4 Footpath Hailsham 53b is located just to the east of the application site and tracks north-westwards, although becomes Footpath Polegate 3 as it enters the Fishery to the south-east. Footpath Polegate 9a tracks north-westwards across the field to the west of the application site and enters Summerhill Lane a short distance from the Lane's junction with the A22. Other public footpaths are present in the vicinity of the site, including the Cuckoo Trail, which is about 380 metres to the east and runs north-eastwards into Hailsham. The Pevensey Levels Site of Special Scientific Interest, Special



Area of Conservation and Ramsar Site, is located about 1.6 kilometres to the east.

## **2. Site History**

2.1 A ready mixed concrete plant was approved in 1962 covering the eastern part of the application site (reference K/62/45) and this use continued up to 2008.

2.2 In 2011, an application for a change of use from the concrete plant and depot use (part B2 and B8 uses) to an inert recycling operation (45,000 tonnes per annum), dry recyclables storage and skip storage area with acoustic screening bunds was approved (reference WD/662/CM), subject to the completion of a legal agreement and to conditions. The legal agreement was completed in 2013 and planning permission issued in April that year. The planning permission requires that no use takes place on the western part of the application site, and the recycling operation is restricted to sorting and storage only with no other waste processing allowed.

2.3 In 2015, planning permission (reference WD/739/CM) was granted for a new building for waste management purposes, an area for the storage of recycled aggregates and the provision of surface water infrastructure, subject to the completion of a legal agreement and to conditions. The development has been implemented and the permission allows for up to 25,000 tonnes per annum (tpa) of waste to be managed at the site.

## **3. The Proposal**

3.1 The proposal is for the expansion of an existing waste management use on adjoining land to provide for a fully enclosed Materials Recovery Facility (MRF), together with associated development. Various surveys and assessments have been undertaken to accompany the application. The main elements of the proposed development comprise:

3.2 The creation of a level area throughout the eastern and western parts of the site to 15.0 metres AOD, which would involve the removal of some 13,280 cubic metres of material. In addition, 890 cubic metres of soils would also need to be removed to enable the excavation for the drainage attenuation pond.

3.3 The construction of a large MRF building within the western part of the site, which would house specialised plant and equipment and would process dry mixed recyclable wastes into individual waste streams. The building would be irregular in shape to fit the site and would comprise about 4,200 square metres of floor space. It would be up to 90 metres long and 45 metres wide. A further building linking the proposed MRF building to the existing building is also proposed, which would be open-fronted, and measure about 35 metres in length and between 15-25 metres in width. The proposed buildings would stand 9.5 metres to the eaves and 13 metres to the ridge to complement the

existing building. In addition, the proposed new buildings will be finished to generally match the existing building on the site.

3.4 The site currently receives construction and demolition (C&D) waste processed at the applicant's site in Hailsham, including card, carpet, metal and plastics, and this would continue to be accepted. In addition, the application site is proposed to accept dry mixed recyclable (DMR) waste, which would originate from source segregated collections, including local authority kerbside collections, and include card, glass, metal, paper and plastic bottles. Currently, the site receives up to 10,000 tpa of C&D material into the building and 15,000 tpa of recycled aggregates. The applicant is now proposing to abandon the importation of recycled aggregates and instead accept up to 30,000 tpa of DMR waste together with the existing 10,000 tpa of C&D waste, resulting in 40,000 tpa of material in total. This would be 15,000 tpa more waste overall than is currently accepted at the site, but less than originally approved in 2013 (45,000 tonnes per annum).

3.5 It is proposed that inputs into the MRF building would be undertaken by articulated heavy goods vehicles (HGVs) and inputs to the existing building will continue to be made by hook loader HGVs. Exports from the MRF building or the existing building would be made by articulated bulker or other type HGVs. The existing planning permission allows for up to 40 HGV movements (20 in, 20 out) per operational day. The proposed development would result in a further 26 HGV movements (13 in, 13 out). The combined total of HGVs movements per operational day would therefore be 66. All HGVs would continue to turn left from the access onto Summerhill Lane and then left onto the A22.

3.6 Surface water drainage from the roof of the MRF would require storage for flow attenuation to enable discharge to the ditch to the north of the site at the greenfield rate runoff. Consequently, an attenuation pond is proposed to be excavated on agricultural land to the north-west of the developed site.

3.7 Works to the public highway and access track are proposed to facilitate an increase in the numbers of HGVs and to accommodate articulated vehicles. Works to Summerhill Lane and the junction of the Lane with the A22 would necessitate the removal and replacement of a length of hedgerow. The existing passing place along the access track would also be enlarged.

3.8 A weighbridge is proposed to be installed with a control cabin and an existing single storey office would be replaced with a two storey cabin and additional car parking spaces would be provided. Tree planting is proposed on agricultural land to the west of the site to mitigate the loss of trees within the site and for screening purposes.

3.9 Construction activities would take place between the hours of 07.30 and 17.00 on Mondays to Fridays and 07.30 and 13.00 on Saturdays, with audible activities commencing from 08.00 on those days. Operational hours would be similar to the above, namely between 07.30 and 17.00 hours on Mondays to Fridays and between 07.30 and 13.00 hours on Saturdays. On

Bank and Public Holidays, should local authority contracts require it, the site would be open only for the receipt of local authority collected DMR waste between the hours of 07.30 and 17.00.

#### **4. Consultations and Representations**

4.1 Wealden District Council raises no objections subject to the County Council being satisfied that the impacts to the wider character of the area, highway safety and residential/rural amenities are acceptable. Also, until the necessary compensation/mitigation measures are in place for the protection of the Ashdown Forest Special Area of Conservation (SAC), developments which might affect the SAC can only proceed where it can be demonstrated that they will not damage it. Essentially, this would mean demonstrating that the development would provide no more vehicle emissions than is currently the case along the affected roads in the SAC.

4.2 The District Environmental Health Officer has considered the noise impact assessment accompanying the application and additional information provided by the applicant. Thorough consideration has also been given to the noise report submitted by an independent consultant on behalf of the occupiers of 'Coppards'.

In summary, no objections are raised, although if planning permission is granted, a suite of conditions is recommended covering noise and air quality, including matters on the construction of the buildings, hours of use, dust suppression, reverse alarms and the submission of a noise management plan. It is also noted that because HGVs arriving at the site early in the morning might be particularly noticeable by residents on Bank Holidays, it is recommended that the hours of use on these days are reduced compared to what is being proposed.

4.3 Hailsham Town Council supports the application.

4.4 Polegate Town Council raises no objections, although some concern is noted regarding the potential pollution to the nearby fishing lakes if surface water flooding occurs and that adequate screening should be provided to nearby residential properties.

4.5 Long Man Parish Council has not submitted any observations.

4.6 The Highway Authority raises no objections. However, it notes that the proposal will result in a significant increase in the use of the site and introduce a large number of slow moving vehicles onto the A22 and the relatively narrow width of Summerhill Lane is not ideal. Despite this, the proposed changes to the A22/Summerhill Lane junction satisfy the relevant latest standards for a dual carriageway and appropriate visibility sight lines and stopping distances for a high speed road. The ESCC Road Safety Team has also assessed the proposal and is satisfied that the proposed works to this junction are acceptable and sufficient to mitigate the impact of the development. A legal agreement would be required for works to be

undertaken within the public highway and to maintain the routing of HGVs and conditions are recommended regarding works to the access track, provision for additional car parking and a turning area and a limit on the amount of waste transported to the site.

4.7 The Environment Agency has not submitted any observations.

4.8 ESCC Flood Risk Management considers the proposals for the management of surface water runoff to be acceptable, subject to the inclusion of conditions if planning permission is granted. These should cover matters on detailed design, ground investigations, maintenance and management of the entire drainage system, management of flood risk during construction and evidence that the drainage system has been constructed in accordance with the agreed drainage designs.

4.9 Representations: Objections have been received from the occupier of a property in Coldthorn Lane and the occupiers of the 'Coppards' property in Summerhill Lane. The main reason for the objections relates to an increase in the levels of noise from the site resulting in a loss of amenity. Other reasons relate to the hours of use and dust emissions, which are considered to affect health. A representation of support has also been received from a member of the public who notes that the presence of a materials recovery facility at this location offers future opportunity for recycling materials to be handled locally, reducing the need to transport the materials out of Sussex for processing.

Planning consultants, Parker Dann, have also submitted an objection, on behalf of the residents of 'Coppards', which states that the proposal does not accord with Parts 11 and 12 of the National Planning Policy Framework, nor policies in the Wealden Local Plan in relation to protecting the wider countryside setting of the residents' home, the setting of the heritage assets and residential amenity. It is also noted that the results of a noise report commissioned by the residents found that under the existing operating practices the noise levels from the site exceed the background level. A further matter is raised regarding the development constraints set by the District Council regarding Ashdown Forest, particularly in relation to an increase in vehicle movements.

One other representation, supporting the proposal, was received: The Joint Waste and Recycling Committee decision in September 2017 was to continue collecting a wide range of dry recycling from domestic households in Hastings, Rother and Wealden. Eastbourne and Lewes collect a similarly wide range of recycling materials which also requires sorting and processing. The presence of a materials recovery facility at this location offers future opportunity for recycling materials to be handled locally, reducing the need to transport recycling out of Sussex for processing.

## **5. The Development Plan and other policies of relevance to this decision are:**

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP3b (Waste hierarchy); WMP6 (Safeguarding waste sites); WMP7a (Areas of focus); WMP22 (Increased operational capacity within existing facilities); WMP23a (Design principles for built waste facilities); WMP25 (General amenity); WMP26 (Traffic impacts); WMP28a (Flood risk) and WMP28b (water resources and water quality).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Sites Plan 2017: Policy SP6 (Safeguarding waste sites) - Map 28, SP-WCA/J Cophall Wood, Polegate Yard and Woodside Depot, Polegate.

5.3 Wealden Local Plan 1998: Saved Policies: GD2 (Development outside development boundaries); EN1 (Sustainable development); EN12 (Protection of trees and woodlands); EN14 (Landscaping); EN27 (Design and amenity); TR3 (Traffic impact of new development); TR10 (Heavy goods vehicles).

5.4 Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013: WCS12 (Biodiversity); WCS14 (Sustainable development).

### 5.5 National Planning Policy Framework (NPPF) 2012

The NPPF does not change the status of the Development Plan as the starting point for decision making but does constitute guidance as a material consideration in determining planning applications. In this case, the relevant parts are: 1 (Delivering sustainable development), 7 (Requiring good design) and 11 (Conserving and enhancing the natural environment).

### 5.6 National Planning Policy for Waste (NPPW) 2014

The NPPW sets out detailed waste planning policies and regard should be had to them when planning authorities seek to discharge their responsibilities to the extent that they are appropriate to waste management.

## **6. Considerations**

### **Waste Management and Principle of Development**

6.1 The applicant is seeking to expand the existing Polegate Yard waste management facility, to include a fully operational MRF, by developing adjoining land and by making changes to the existing operational site and access arrangements. Policy WMP23a of the Waste and Minerals Plan supports, in principle, buildings which allow sufficient space for the effective sorting, recycling, recovery and storage of waste. The expansion would involve an increase in the throughput of waste from 25,000 tpa to 40,000 tpa and involve up to 66 HGV movements per day compared to the existing permitted 40.

6.2 The existing facility is safeguarded as a waste management site under Policy WMP6 in the Waste and Minerals Plan and is identified as such in the Waste and Minerals Plan Sites Plan at Map 28. However, the site of the proposed extension in the western part is not allocated in the Sites Plan.

6.3 Works to increase the operational capacity of the existing facility are supported, in principle, by Policy WMP22 of the Waste and Minerals Plan and in general terms, the management of waste further up the waste hierarchy, as proposed, is supported by Policy WMP3b. However, the site is not identified in the Waste and Minerals Sites plan as an extension to an existing waste management facility. Notwithstanding this, the application site is within an Area of Focus identified under Policy WMP7a of the Waste and Minerals Plan in which expansions to existing waste facilities are considered to offer benefits in sustainability terms. Consequently, the site is considered to be acceptable for the expansion of the existing facilities.

6.4 Therefore, in terms of managing waste, the Waste and Minerals Plan supports, in principle, the increase in operational capacity of the existing waste management facility and its expansion under Policy WMP7a.

6.5 Although the application site is within an Area of Focus identified in the Waste and Minerals Plan, it is not within the development boundaries of either Hailsham or Polegate and is therefore within the countryside. The Wealden Local Plan, under Saved Policy GD2, states that development outside development boundaries will be resisted, unless it is in accordance with specific policies in the Plan. Although there are no such policies in the Wealden Local Plan, or site specific policies in the Waste and Minerals Plan, as identified in the previous paragraph the provisions of Policy WMP7a does support the principle of the proposed use in this locality. In addition, the use of the existing eastern part of the site has been established under a previous planning permission (WD/662/CM) which is now safeguarded by Policy WMP6 in the Waste and Minerals Plan and Policy SP6 in the Waste and Minerals Sites Plan.

### **Highway matters**

6.6 Policy WMP26 of the Waste and Minerals Plan requires proposals to, *inter alia*, have adequate access arrangements, generate no unacceptable safety hazards for other road users, not to exceed the capacity of the local road network and provide suitable on site manoeuvring and parking areas. Saved Policy TR3 of the Wealden Local Plan requires development not to create or perpetuate unacceptable traffic conditions and to provide a satisfactory means of access and Saved Policy TR10 of the same Plan seeks to control the movement of HGVs which would have a detrimental impact on the environment by reason of a material increase in the generation of HGVs within villages and along unsuitable country roads.

6.7 A Highways Statement has been submitted to inform the application. The proposal would generate up to 26 additional daily HGV movements on top of the existing 40 movements, which are currently permitted, thereby

resulting in a total of 66. The proposed additional movements would involve articulated HGVs, a type not currently used at the site. The average number of HGVs is approximately 7 per hour (based on a 9.5 hours operational day), equivalent to one movement every 9 minutes. The applicant considers that at its most intensive, the peak rate might be twice the average rate and hence a peak rate of 14 movements per hour would result in approximately one movement every 4.5 minutes. It is anticipated that a peak would most likely occur in the afternoon, reflecting the completion of the day's activity and the wish to organise activities for the next working day. These HGV movements would be along a short section of Summerhill Lane to/from the A22 to the west, and would not impact on the highway network to the east of the site. Vehicles associated with the current use of the site are required, through a routeing agreement secured by a legal agreement, to only access/egress the site along this short section of Summerhill Lane to the A22. It is proposed that this arrangement continues and would, again, be secured through a legal agreement prior to planning permission being granted.

6.8 To accommodate the largest HGVs, it is proposed to provide highway improvements involving: (1) The widening of the site access near the junction with Summerhill Lane; (2) The widening of a section of Summerhill Lane to enable the passage of articulated HGVs; and (3) The widening of the junction of Summerhill Lane with the A22 to enable HGVs to exit the A22 onto Summerhill Lane without being impeded by a vehicle waiting to access the A22 on the Lane. It would also enable an articulated HGV to exit the Lane without crossing the centre line of the existing dual carriageway so the vehicle can stay within lane 1 and allow vehicles already on the A22 to overtake, if required. A Stage 1 Safety Audit of the proposed highway works has been carried out. In addition, the existing site access track passing bay would be widened to better facilitate movements of HGVs, particularly articulated vehicles.

6.9 The Highway Authority has considered the proposal and noted that it would result in a significant increase in the use of the site and introduce a large number of slow moving vehicles on to the A22, as well as increasing traffic flows on Summerhill Lane. Given the relatively high speed of vehicles on the A22 and the relatively narrow width of Summerhill Lane, this is not considered to be ideal. However, the proposed improvements to the A22/Summerhill Lane junction satisfy the latest Design Manual for Roads and Bridges standards for a dual carriageway and provide appropriate visibility sight lines and stopping distances for a high speed road. The ESCC Road Safety Team has also assessed the proposal and is satisfied that the proposed works have addressed any potential road safety issues at the junction. Taking into account the very good negative crash record on this stretch of the A22, the Highway Authority considers that the proposed improvement works to this junction are acceptable and sufficient to mitigate the impact of the development generated traffic. The other proposed works to Summerhill Lane and its junction with the site access are also considered to be acceptable from a Highway Authority perspective. The acceptability of the works is subject to the completion of a legal agreement covering works to the highway and HGV routeing, and to conditions, if the proposal is approved. As

such, the proposal complies with Policy WMP26 of the Waste and Minerals Plan and Saved Policy TR3 of the Wealden Local Plan.

6.10 As a result of the proposed works to the highway on Summerhill Lane, sections of the hedgerow will need to be removed. Whilst this is unfortunate, a replacement hedgerow is proposed and full details of this will be required by condition. With appropriate replanting of the hedgerow and the improvements to Summerhill Lane, it is not considered that the proposal will have a detrimental impact on the environment and does not conflict with Saved Policy TR10 of the Wealden Local Plan.

6.11 In addition to HGV movements, it is anticipated that the proposal will also result in an additional 16 people working at the facility, bringing the total to 19, thereby generating up to 38 traffic movements per day. The applicant has confirmed that 85% of its current workforce at its sister site in Hailsham come from the local towns of Eastbourne, Hailsham and Polegate. The applicant anticipates that the additional jobs that will be created as a result of the current proposal would also be likely to be filled by people living within the immediate locality and should not result in an excessive number of commuter journeys from further afield and will not, therefore, have a significant affect on the wider highway network.

### **Landscape character**

6.12 Policy WMP23a of the Waste and Minerals Plan requires the design of development in rural areas to take account of local landscape character and distinctiveness. Saved Policy EN14 of the Wealden Local Plan requires, in appropriate cases, landscaping to be carried out as part of development proposals, including the retention of significant hedgerows. Saved Policy EN27 of the same Plan requires new development to reflect local character and distinctiveness. The NPPF also requires development to be of good design and contribute positively to making places better for people.

6.13 A Landscape and Visual Appraisal (LVA) of the proposal accompanies the application. This relates the findings of a desk top study and field appraisal, describing the relevant landscape planning context as well as other relevant designations and environmental constraints. The settlement character of the area is of scattered and isolated farms and residential properties. The local landform undulates and the application site is topographically lower lying than the surrounding area. The new building, though substantial, would be set generally on the lowest part of the application site which would reduce its visibility within the surrounding area. The site is also well screened on all sides by mature trees and vegetation. Longer views from the north of the site would be largely screened by woodland and vegetation located both on the site boundary and between the boundary and public viewpoints such as along footpaths. Visitors to the Fishery would see the new building and other proposed development when passing along the access road but once they have passed the site and entered the Fishery, the surrounding vegetation would largely obscure the development. Some planting is proposed along the western part of the site



which would soften views from this direction, particularly for users of Footpath Polegate 9a, which lies to the west of the site.

6.14 The LVA concludes that the proposed building would be similar in character to the existing development and would not introduce features which are uncharacteristic of the locality. Moreover, it states that there would only be very limited and localised effects on the local landscape character, resulting in little change to the character of the site and no significant change to surrounding landscape character areas. However, this assessment of landscape character does not take into account the impact that the increased scale of operations would have on the site and surrounding area, including along Summerhill Lane.

6.15 In this context, the assessment of landscape character and visual effects does not fully take into account: (1) The fact that the proposed building is more than double the size of the existing building and would significantly increase the scale of the overall built development on the site; (2) The impact of the increase in the size and movements of HGVs on the rural character of Summerhill Lane and the access track into the site; and (3) The impact of works to Summerhill Lane, which requires its straightening, the likely requirement to crown lift large overhanging branches to avoid damage from HGVs, and the loss of sections of a mature and important hedgerow. Whilst impacts on Summerhill Lane could have an adverse effect on its rural character, the proposed replanting of the hedgerow with mixed native species is considered to provide an opportunity to retain the local landscape character and it is recommended that details of the planting to be carried out are secured by a condition attached to any grant of planning permission. Additional planting to the north western boundary of the site is also proposed, which will increase screening of the site. Although the proposed building is large, it has been designed to complement the existing building on the site. In addition, it has been stated by the applicant that the new buildings will be finished to generally match the existing building. It is recommended that a condition is included requiring the external finishes of the building to be in accordance with the details provided by the applicant, which will ensure appropriate development in the countryside location.

6.16 The existing uses on the site have had an influence on the rural character of the locality, together with the presence of the A22. However, the proposed increase in activity at the site and the resulting changes to accommodate an increase in HGVs, should not adversely impact on the local character, particularly given the relatively short length of Summerhill Lane that HGVs will be travelling on. The proposed location of the building is on ground which, although currently undeveloped, does not consist of rich grassland or support mature planting and the proposal will not, therefore, result in the loss of valuable trees, vegetation or landscape. Any trees that it is necessary to remove will be replaced by new planting to the north west of the new building. Furthermore, given the topography of the area, the setting of the proposed building and the existing dense screening, on balance, it is not considered that the proposal will have an unacceptable impact on the landscape character of the area. The proposal thereby accords with Policy WMP23a of

the Waste and Minerals Plan and Saved Policies EN14(1) and EN27(1) of the Wealden Local Plan.

### **Effect on amenity**

6.17 Policy WMP25 of the Waste and Minerals Plan requires development to have no unacceptable effect on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development including transport links, no significant impact on air quality or the local acoustic environment, adequate means of controlling noise, dust and other emissions and no unacceptable effect on use of existing public access or rights of way. Saved Policy EN27 of the Wealden Local Plan requires development not to create an unacceptable adverse impact on the privacy and amenities of adjoining developments and the neighbourhood by reason of, *inter alia*, scale, noise and traffic movements.

6.18 Representations have been received from three local residents who object to the proposal, largely on the grounds of noise. An independent noise assessment was also commissioned by two of these residents (the occupiers of 'Coppards'), the results of which were submitted for consideration. A Noise Impact Assessment has also been submitted by the applicant to inform the planning application.

6.19 The effect of noise emissions from the site is an important consideration and emissions are currently controlled by a condition which identifies a maximum level at the boundary of the Amazon Wood Fishery. The District Council's Environmental Health Officer (EHO) has considered the findings of the assessments undertaken by both the applicant and the independent consultant. However, the two cannot be usefully compared, as the latter only considers the existing operation and does not assess the effect of the proposed development. As such, it is not considered to be beneficial in assessing the effects of noise.

6.20 The applicant has set out various measures, which seek to attenuate noise from the site, including the enclosure of the MRF within a sound proofed building, the inclusion of a link building between the existing building and MRF building to maximise screening from on-site vehicle movements to the Fishery and the lowering of site levels also to provide for acoustic screening from vehicles. Moreover, the new building would be located further to the south compared to the existing building, which would have some benefit in reducing noise emissions experienced at the 'Coppards' property. The EHO considers that the impact of the new development on residential amenity will be low and does not raise an objection to the proposal.

6.21 It is acknowledged that as noise levels do fluctuate, there are times when operations would be likely to be audible in the locality, including from HGVs using the access track and idling at the site. This is of particular concern in the early mornings and on Bank Holidays when noise is likely to be sensitive to receptors. However, the potential receptors of such noise are

residential properties to the north-east that are a minimum of 180 metres from the site, including its access track. Given this, the fact that the site already generates lorry movements, and that the A22 is closer to the properties that lie to the west and south of the application site, it is not considered that the noise generated by these additional vehicle movements is going to have an adverse effect on the amenity of occupiers of nearby properties and on the amenities of the locality more generally. Therefore, the proposal is considered to accord with Policy WMP25(a) of the Waste and Minerals Plan and Saved Policy EN27(2) of the Wealden Local Plan.

### **Intensification of use**

6.22 The proposal is seeking to expand the operations at the site so that up to 40,000 tpa of waste can be treated compared to the currently permitted 25,000 tpa, an increase of 15,000 tpa, or a 60% increase in volume. To accommodate this, substantial works would be required at the site, including the construction of a building, which would occupy the entire western part of the application site. The number of HGV movements needed to service the facility would increase from the existing permitted 40 movements to 66 movements, and the type of lorries that would need to be used for this change would need to be of a larger, articulated design. These changes represent a significant increase in the intensity of operational activity.

6.23 Access to the operational site from the public highway (Summerhill Lane) is via a shared private track, which is of single width. Although there is an existing passing bay about half way along the track, this is proposed to be extended and the width of the track widened, to accommodate the articulated HGVs, so vehicles can pass. Taking account of the length and alignment of the track and the proposed increase in the number of HGVs using it, and the improvements to the track to be made, it is unlikely that an increase in the potential vehicle movements would be an issue with other users of the track, particularly visitors to the Amazon Wood Fishery. The proposed works to the existing passing bay would be secured through a legal agreement prior to planning permission being granted.

6.24 The increase in HGVs, particularly involving articulated vehicles, requires changes to the access near to its junction with Summerhill Lane, which would involve widening the track. Further changes are also proposed to widen Summerhill Lane by removing parts of the existing hedgerow on its southern side, involving sections of about 38 metres towards the eastern end and about 46 metres at the western end. Although the applicant proposes to re-plant the parts of the hedgerow which would be removed, the changes would nevertheless result in an urbanising effect to the Lane, specifically in its widening and straightening to accommodate a regular passage of articulated HGVs. As a consequence, there could be an adverse change to the character of Summerhill Lane. However, the increase in use of Summerhill Lane is only over a relatively short section and links with the A22 dual carriageway to the west. In addition, as referred to previously, the replanting of the hedgerow with an appropriate mix of native species has the potential to enhance the

landscape character of this section of Summerhill Lane, which would minimise any perceived urbanisation of this part of Summerhill Lane.

### **Screening of Application under Habitats Regulations 2010**

6.25 The representation made by Wealden District Council states that developments that might affect the Ashdown Forest Special Area of Conservation (SAC), can only proceed where it can be demonstrated that they will not damage it. This is required in order to satisfy the Conservation of Habitats and Species regulations 2010 (known as the Habitats Regulations). As the competent authority in this case, it is for the County Council to consider whether this proposal alone, or in combination with other plans or projects, is likely to have a significant effect on the Ashdown Forest SAC, as well as any other sites designated under the Habitats Regulations.

6.26 The nearest Habitats Regulations designated site to the application site is the Pevensey Levels SAC and Ramsar site. Further afield and to the north of the application site lies the Ashdown Forest SAC and Special Protection Area (SPA).

6.27 The proposal is not directly connected with, or necessary to the management of either the Ashdown Forest SAC and SPA, or the Pevensey Levels. Nevertheless, it is still necessary to consider whether the proposal is likely to have a significant effect on the interest features of the designated sites, alone or in combination.

6.28 Due to the nature of the proposal, its location and the interest features of the Pevensey Levels SAC and Ramsar site, there is considered to be no significant effect from the proposal on the Pevensey Levels. In addition, due to the distance of the site to the Ashdown Forest, as well as its proposed use, it is considered that the proposal will not give rise to any recreational impact upon the Ashdown Forest, which could be deemed to undermine its SPA designation.

6.29 With regards to the Ashdown Forest SAC designation, this is sensitive to the effects of pollution associated with vehicles movements on the roads that pass through and immediately adjacent to the Ashdown Forest. No vehicle movements associated with the current use of the site go across Ashdown Forest, or adjacent to it. However, this proposal is going to give rise to additional vehicles movements being generated from and to the site. Consideration has therefore been given as to whether or not these movements will be on the roads that pass through, or adjacent to the Ashdown Forest.

6.30 The applicant has confirmed that should permission for this scheme be granted, it is likely to lead to a reduction in HGV and other lorry movements across the Ashdown Forest. This is because existing waste transfer stations in Uckfield and Hastings receive unsorted dry mixed recyclable waste, as part of an existing contract with the East Sussex Waste Collection Partnership (ESWCP), which is then dispatched for treatment in the London area. The

vehicle routing between the waste transfer station in Uckfield and the current receiving facility in the London area is understood to be through or near the Ashdown Forest SAC, although exact details are not known. However, the use of both Google Maps and the AA Route Planner suggests that the routes to be taken between Uckfield and Crayford are those that go across the Ashdown Forest. It is a known fact that the current contract the ESWCP has will come to an end in June next year. The proposal therefore has the potential to allow the diversion of some of that same material (currently taken to Uckfield and Hastings) to the Polegate facility, which is south-east of both the Uckfield waste transfer station and the Ashdown Forest SAC. The proposal could therefore reduce movements through or near Ashdown Forest SAC because the unsorted waste would no longer be sent to a facility in London. Notwithstanding this, in the event that dry mixed recyclables continue to be taken to Uckfield and Hastings for onward transfer to London, this will result in no change to what currently occurs and would therefore maintain the status quo in terms of vehicle movement across or near Ashdown Forest. Should the waste go elsewhere for sorting, the majority of facilities in the south east region which are capable of handling this type of waste would involve vehicles travelling north to the M25 and onwards, hence there would be a likely increase in HGV movements across the Ashdown Forest. Consequently, if the proposal is approved a local facility capable of taking a significant amount of locally generated waste would be provided, thereby alleviating the need for waste to be transported further afield, including across the Ashdown Forest. As highlighted in one of the representations received, a MRF in this location provides an opportunity for recycled materials to be handled locally and close to the source where they arise.

6.31 If planning permission is granted and the proposal goes ahead, there will be an increase of 13 HGV movements into the site, and 13 HGV movements out of the site per day. The applicant has stated that deliveries to the site will continue to be from the Hailsham Depot, with HGVs travelling south down the A22 and along Summerhill Lane. In addition, other sources of waste are likely to arise from within the locality of the site. Onward transfer of sorted waste from Polegate Yard will be to a number of different locations. The routes taken to each of these locations from the site will be as follows:

- Dover: head south using the A22, take A27 east, at Pevensey take A259, follow A2690, A28, B2089, at Rye re-join A259, at Brenzett take A2070, at Ashford take M20 south, continue A20 to Dover;
- Hailsham depot: head south using the A22, go around the roundabout at Polegate, head north, then turn off A22 to Hailsham;
- Portsmouth: from Polegate head south, take A27 west;
- Southampton: from Polegate head south, take A27 west;
- Thurrock: head south using the A22, go around the roundabout at Polegate, head north, then turn off A22 and take A267 to Tunbridge Wells, then A21, continue on to M25, turn east on to A1306.

6.32 These routes have been confirmed by the applicant and are, in all instances, the most appropriate and quickest routes to take. All these routes

avoid the Ashdown Forest and its immediate area. Consequently, the proposal will not result in an increase in vehicle movements across Ashdown Forest.

6.33 Consideration also needs to be given to the vehicle movements that will be generated from the additional 16 jobs that will be created on the site, should permission be granted. Due to the nature of the jobs that will be created and the location of the proposed facility, prospective employees will almost certainly be drawn from the nearby towns of Hailsham, Polegate and Eastbourne. Prospective employees are extremely unlikely to come from areas that will involve having to commute on roads through the Ashdown Forest in order to get to and from work. This view can be supported through information supplied by the applicant that shows that almost all employees (85%) at both this site and their premises in Hailsham commute from nearby locations and that no employees commute from a location and distance away that involves having to drive through the Ashdown Forest. In the unlikely event that the additional jobs did give rise to even one additional trip being made across the Ashdown Forest, this would be offset by the fact that there will be a reduction in HGV movements and hence still an overall reduction in vehicle trips.

6.34 The above demonstrates that the proposal will not increase vehicle movements across Ashdown Forest and indeed has the potential to reduce such movements. Consequently, it is not likely to result in an impact; either alone or in combination, on the Ashdown Forest SAC and the need for any further assessment can therefore be screened out.

## **7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The proposal is for an expansion to the existing waste management facility at Polegate Yard to include a fully enclosed operational MRF. The proposed throughput of waste material would increase by 15,000 tpa and the numbers of daily HGV movements would increase by 26. Changes are proposed to the access arrangements from the site to the A22, including along the public highway to accommodate the introduction of articulated vehicles. The proposed development will result in the creation of up to 16 new jobs, which will be a clear benefit in economic terms.

7.3 In planning terms, the proposal is not one-sided. Some policies support the development, others do not. While it is recognised that there would be advantages in the development of new facilities for managing waste, it is also recognised that such facilities need to be located in appropriate places. It is considered that with appropriate mitigation and controls the proposal will accord with Development Plan policies.

7.4 This proposal represents a significant development, which would involve an increase in both waste throughput and HGV movements, compared to existing permitted levels. Ordinarily, an extension of this scale would usually only be proposed in a location that has been allocated in the Waste and Minerals Sites Plan. However, although the proposed building would be large, the site is well screened due to existing vegetation and the topography. In addition, the site does fall within an Area of Focus, where expansions to existing waste facilities are considered acceptable in principle.

7.5 The increase of activities would necessitate the removal of parts of a hedgerow along Summerhill Lane and the straightening of the Lane to accommodate the passage of articulated HGVs. Although this increase would be permanent, the imposition of a vehicle routing agreement and works to the highway will not result in an unacceptable impact on the general amenities of the locality. The hedgerow is to be replanted and therefore any adverse impact on the landscape character of the area is likely to be only short term.

7.6 Despite the scale of the development, with the proposed planning conditions and controls, the benefits of the proposal in waste management terms are considered to outweigh any potential adverse effects which would arise within the locality. Therefore, on balance, it is considered that the proposal can be supported.

7.7 The proposal therefore complies with Policies WMP3b, WMP6, WMP7a, WMP22, WMP23a, WMP23b, WMP25, WMP26, WMP28a and WMP28b of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan 2013; Saved Policies GD2, EN1; EN2, EN12, EN14, EN27, TR3 and TR10 of the Wealden Local Plan 1998; and Policies WCS12 and WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013.

7.8 In determining this planning application, the County Council has worked with the agent in an appropriate manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.9 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

## **8. Recommendation**

8.1 The Committee is recommended that the application be approved subject to the completion of the following procedure:-

- (i) The completion of a Legal Agreement to require: (1) details for the works to the public highway on Summerhill Lane/A22 junction; (2) the extension of the vehicle passing bay on the access track and

the widening of the track; and (3) details for the continuation of the routeing of vehicles travelling to and from the site via the A22 and Summerhill Lane;

- (ii) To authorise the Director of Communities, Economy and Transport to grant planning permission, upon completion of the Legal Agreement in (i) above, subject to conditions, along the lines set out in paragraph 8.3 of the report.

8.2 If the Legal Agreement has not been completed by 15 November 2018, the application will be referred back to Committee for determination.

8.3 The grant of planning permission shall be subject to the following conditions:

Time Limit

1. The development hereby permitted shall be commenced 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.

General Operations

2. The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans.

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

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that Order with or without modification) no plant, building or machinery, whether fixed or moveable, shall be erected other than as expressly authorised by this permission unless with the prior written approval of the Director of Communities, Economy and Transport.

Reason: To enable the Waste Planning Authority to control the development in the interests of the amenity of the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN27 and EN8 of the Wealden Local Plan 1998.

4. Unless otherwise agreed in writing by the Director of Communities, Economy and Transport the total amount of waste imported to the site shall not exceed 40,000 tonnes per annum, as specified in paragraph 3.11 of the Planning Supporting Statement Document, Reference WIE 11671-100-R-1.2.2-PlanStmt, dated August 2017.



Reason: To enable the County Planning Authority to control the development in the interests of the amenity of the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

5. Details of the tonnage imported to the site shall be recorded and within 2 weeks of the receipt of a request from the Head of Planning and Environment, details of the amount, source and type of waste imported to the site for the requested period shall be provided in writing.

Reason: To assist the County Council as the Waste Planning Authority in the monitoring of waste movements.

6. Unless otherwise agreed in writing by the Director of Communities, Economy and Transport, the site shall only be used for the importation, sorting, packing, storing and distribution of waste materials, including dry mixed recyclable waste. All waste handled at the site shall be in accordance with paragraphs 3.9 to 3.11, inclusive, of the Waterman Planning Supporting Statement dated August 2017 (reference WIE11671-100-R-1.2.2-PlanStmt). There shall be no crushing, grading, screening or processing of any other waste materials at the site.

Reason: In the interests of the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

7. All sorting of waste materials shall take place wholly within the buildings on the site. No loading, unloading, storage or processing of waste shall take place outside the buildings whatsoever.

Reason: For the avoidance of doubt and in the interests of protecting amenity of nearby residential properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. No skips or containers shall be stored outside the building to a height which exceeds 3 metres.

Reason: In the interests of amenity of the locality and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

#### Construction Programme

9. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted and approved by the Director of Communities, Economy and Transport. In addition to the details identified in Paragraph 5.1.3 of the Waterman Ecological Impact Assessment (Reference WIE11671-102-R-1-1-7-EcIA) dated August 2017, the CEMP shall include:
- (i) Wheel washing facilities;
  - (ii) Working hours and site lighting during construction;
  - (iii) Measures to minimise impacts to air quality;
  - (iv) How complaints will be dealt with; and
  - (v) A travel plan;

The CEMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing, and maintained for the duration of construction works.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and to protect the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

10. Unless otherwise agreed in writing, the MRF building and link building hereby approved shall be finished in Moorland Green, RAL 100 60 20 to match the existing buildings as specified in the Waterman Landscape and Visual Appraisal report, reference WIE11671-102-R-2.1.8-LVIA, dated August 2017.

Reason: To ensure an appropriate appearance of the new link and MRF building, in accordance with Policy WMP23a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. The MRF building and link building hereby approved shall be constructed as outlined in Section 3.2 (pages 4 to 6) of the Waterman Noise Impact Assessment, dated August 2017, document reference WIE11671-101-R-1.1.4-NIA.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

12. Prior to the installation of any photovoltaic panels at the site, details of the design and extent of the panels shall be submitted to the Director of Communities, Economy and Transport for approval. The approved details shall be implemented in full.

Reason: To ensure the appropriate appearance of the development in the locality, in accordance with Policy WMP23a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

#### Hours of Operations

13. No audible works shall take place except between the hours of 08.00 and 17.00 Mondays to Fridays inclusive and between the hours of 08.00 and 13.00 on Saturdays and no such works shall take place on Sundays, Bank and Public Holidays.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

14. Subject to Condition 13 no activities associated with the development hereby approved shall take place except between the hours of 07.30 and 17.00 on Mondays to Fridays inclusive and 07.30 and 13.00 on Saturdays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport. Subject to the provisions of Condition 15, there shall be no activities on Sundays, Bank and Public Holidays.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

15. Notwithstanding conditions 13 and 14, and excluding Christmas Day and Boxing Day, on Bank and Public Holidays only local authority collected dry mixed recyclable waste shall be imported to the site, unless otherwise agreed in writing by the Director of Communities, Economy and Transport. Such activity shall only take place between the hours of 07.30 and 17.00. There shall be no processing of waste on these days.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

#### Highways

16. No more than 66 heavy goods vehicle movements (i.e. 33 in and 33 out) shall take place to and from the site per day without the prior written agreement of the Director of Communities, Economy and Transport.

Reason: In the interests of safeguarding the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and

Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

17. The development hereby approved shall not be occupied until the car parking, including a space for drivers with disabilities, has been marked out and made available based on the approved plans and shall be retained thereafter.

Reason: To ensure additional car parking is provided in accordance with Saved Policy TR3 in the Wealden Local Plan 1998.

18. The visibility splay to the east of the access road junction with Summerhill Lane shall be kept clear of all obstructions within the verge exceeding 600mm in height at all times.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

#### Rights of Way

19. Unless otherwise agreed in writing, within 1 month of the date of this planning permission being granted the details of a replacement for the stile, including any proposals to reuse the existing stile where its deemed to be in serviceable condition, on public footpath Polegate 9a shall be submitted to and approved by the Director of Communities, Economy and Transport. The approved works shall thereafter be implemented in full within one month of the completion of the planting of the hedgerow.

Reason: To ensure appropriate access to the public right of way.

#### Noise

20. Noise emitted from the site shall not result in a noise level exceeding 46 dB LAeq 1hr (freefield) when measured at the application site boundary with the Amazon Wood Fishery.

Reason: To safeguard the amenity of users of the Amazon Wood Fishery and persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

21. The development hereby permitted shall not be brought into use until the measures for the minimisation of noise at source and of 'break-out' noise have been fully implemented in accordance with the details submitted in paragraph 4.3 of the Waterman Noise Impact Assessment, dated August 2017 (Reference WIE11671-101-R-1.1.4-NIA. These measures shall be maintained thereafter throughout the duration of the development, unless

otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To protect the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

22. Prior to the first use of the development hereby permitted, a Noise Management Plan to control noise associated with the facility shall be submitted for approval by the Director of Communities, Economy and Transport. The approved Noise Management Plan shall thereafter be fully implemented and maintained throughout the use of the development.

Reason: To safeguard the amenity of users of the Amazon Wood Fishery and persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

23. On completion of the building and within 3 months of the first use of the development hereby permitted, a noise monitoring report shall be submitted to the Director of Communities, Economy and Transport for approval. The report should demonstrate that the development complies with the noise restriction of Condition 20. If the development does not comply, the report should propose further measures for noise mitigation and a timetable of implementation to reduce noise to meet the restriction of Condition 20. The mitigation measures shall be fully implemented in accordance with the approved timetable.

Reason: To safeguard the amenity of users of the Amazon Wood Fishery and persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

24. Any machinery on site fitted with a reversing alarm shall only use a non-intrusive 'white noise' reversing alarm, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To reduce the potential for noise nuisance from the site and to protect amenity, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

Dust

25. The management of dust from site operations and vehicle movements shall be undertaken in accordance with the details set out in sections (4.6) and (4.11) of the Planning Supporting Statement, reference WIE11671-100-R-1.2.2-PlanStmnt, dated August 2017.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

#### Lighting

26. The existing and proposed lighting shall not create light spillage beyond the site boundary. No additional artificial external lighting shall be installed or used at the site other than in accordance with details first submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To protect amenity in the locality and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

#### Contamination and Pollution Control

27. If during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Director of Communities, Economy and Transport for a remediation strategy detailing how the contamination shall be dealt with. The approved remediation strategy shall thereafter be implemented in full.

Reason: To ensure that risks from land contamination are minimised and to protect groundwater in accordance with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

#### Drainage

28. Prior to construction of the development hereby permitted, ground investigations shall be undertaken to establish the depth to groundwater at the development site. The results from the investigations shall be used to confirm the design of the proposed attenuation basin.

Reason: To protect the quality and quantity of groundwater resources in accordance with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

29. Prior to construction of the proposed development, a detailed design for the drainage system informed by the principles of surface water management outlined in Waterman Flood Risk Assessment (August 2017) document reference WIE11671-103-R-1.2.3-FRA, shall be submitted to and approved by the Director of Communities, Economy and Transport. The details shall be supported by evidence in the form of hydraulic calculations taking into account the connectivity of the different surface water drainage features and shall include detailed drainage drawings. The development shall thereafter be implemented in accordance with the approved details prior to the use of the development hereby permitted, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure surface water runoff is managed appropriately in accordance with Policies WMP28a and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

30. Prior to the use of the development hereby permitted, a maintenance and management plan for the entire drainage system associated with the development hereby permitted, shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The Plan shall include details of responsible persons for the management of all aspects of the surface water drainage system, including piped drains. The plan shall thereafter be implemented in full throughout the lifetime of the development.

Reason: To ensure the drainage system is managed appropriately in accordance with Policies WMP28a and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

#### Landscaping and Retention of Trees

31. The development hereby permitted shall be landscaped in accordance with the Waterman Landscape Management Plan, dated August 2017 (reference WIE11671-102-R-5.1.6-LMP) and the following further details:
- (i) the replacement hedgerow species mix shall include standard oak;
  - (ii) honeysuckle shall replace the proposed blackberry in both the native tree and shrub planting to the north west of the new MRF building, and in the native understorey planting to the north of the site.

Prior to the development hereby permitted being brought into use a revised Landscape Proposals Plan incorporating these details shall be submitted to and approved by the Director of Communities, Economy and Transport.

The planting shall be undertaken during the first available planting season following the approval of the Landscape Proposals Plan. The programme for implementation and maintenance, including the management and maintenance of existing woodland at the site in the control of the operator, including the mature trees along the access track

shall be undertaken in accordance with the Waterman Landscape Management Plan, dated August 2017 (reference WIE11671-102-R-5.1.6-LMP).

Reason: To integrate the development effectively into the surrounding environment, and to ensure the surrounding woodland is protected so that it can continue to provide appropriate visual screening to the development and ensure the appearance of the surrounding area is protected in accordance with Policies WMP23a, WMP23b and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN8 and EN12 of the Wealden Local Plan 1998.

32. In this condition `retained trees` means an existing tree which is to be retained in accordance with the approved plans and particulars and paragraphs (a) and (b) below shall have effect until the completion of the development hereby permitted.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Director of Communities, Economy and Transport. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 Tree Works.
- (b) If any retained tree is removed, uprooted or destroyed, becomes seriously damaged or diseased or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Director of Communities, Economy and Transport.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and to BS 5837: 2012 Trees in Relation to Design, Demolition and Construction before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor any fires lit, and the ground levels within those areas shall not be altered, nor shall any excavation be made, or operations carried out without the prior written consent of the Director of Communities, Economy and Transport.

Reason: In the interests of visual amenity and in accordance with Saved Policy EN27 of the Wealden Local Plan 1998.

### Ecology

33. During the course of the development hereby permitted, detailed ecological mitigation measures shall be undertaken as set out Waterman Ecological Impact Assessment (Reference WIE11671-102-R-1-1-7-EcIA) dated August 2017.



Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and to protect the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

#### INFORMATIVES

1. The applicant is advised that he should liaise with the Environment Agency regarding his responsibilities under the Environment Permitting Regulations.

2. The Applicant's attention is drawn to the provisions of:-

The Wildlife and Countryside Act 1981  
(Protection of certain wild animals in particular nesting birds and bats.)

3. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally February to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, clearance must stop until the fledglings have left. If protected species are encountered during clearance or construction, work should stop and advice should be sought from an ecologist on how to proceed.

4. The applicant is advised that should public footpath Polegate 9a need to be closed or temporarily diverted during the works to Summerhill Lane, it will be necessary to contact the County Council's Rights of Way Team at least 10 weeks in advance of any works commencing. The applicant should contact the Rights of Way Team at:  
rightsofway@eastsussex.gov.uk.

#### NOTE TO MEMBERS

5. Subject to further discussions between the applicant and the County Archaeologist, it may be necessary to include a condition(s) relating to archaeological investigations taking place.

#### Schedule of Approved Plans

Planning Supporting Statement and Appendices A-M, Appendix A - 001/A06 - Location Plan, Appendix A - 0003/A01 - Planning Application Boundary and other Land in Applicants Ownership, Appendix B - 0650/A01 - Section Plan, Appendix B - 0651/A01 - Sections Sheet 1, Appendix B -0652/A01 - Sections Sheet 2, Appendix C - 10112 Proposed Building Elevations, Appendix D - 0001/A02 - Vehicle Tracking On-site artic Movements, Appendix B - Carriageway Widening & Adjustments to Hedges WIE-SA-90-0110-A01, Appendix B - 02 Proposed General Arrangement WIE-11671-SA-90-0100-A02, Appendix B - 04 Proposed Contours WIE-11671-SA-90-0610-A02,

Appendix B - 05 Cut and Fill (Existing to Proposed Ground Surface) WIE-11671-SA-90-0620-A02

RUPERT CLUBB

Director of Communities, Economy and Transport

7 March 2018

**BACKGROUND DOCUMENTS**

Application file WD/796/CM

Planning permissions K/62/45, WD/662/CM and WD/739/CM

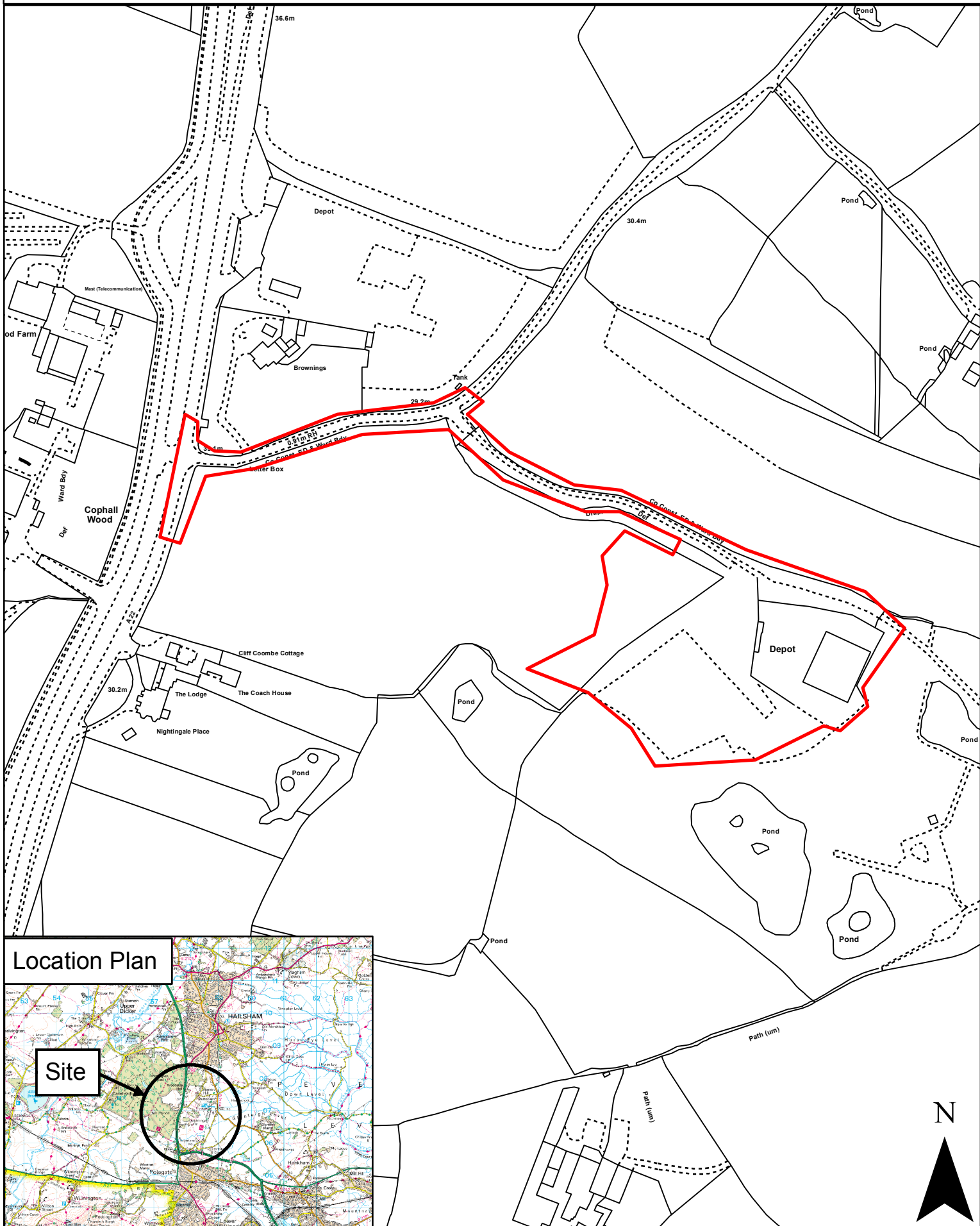
The Development Plan

The National Planning Policy Framework 2012

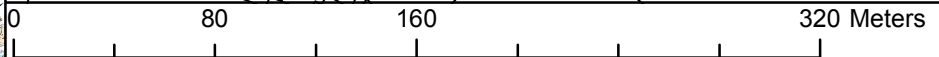
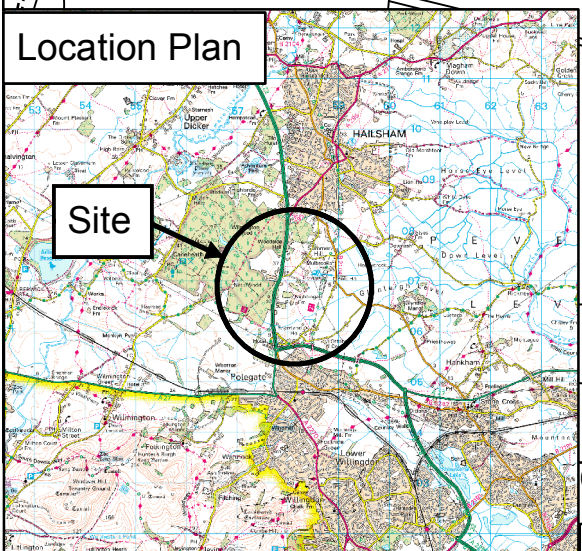
The National Planning Policy for Waste 2014

# WD/796/CM

## Polegate Yard, Summerhill Lane, Hailsham



**Location Plan**



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Committee:	<b>Regulatory Planning Committee</b>
Date:	<b>15 March 2018</b>
Report by:	<b>Director of Communities, Economy and Transport</b>
Title of Report	<b>Traffic Regulation Orders – Eastbourne Parking Review 2017-18</b>
Purpose of Report	<b>To consider the objections received in response to the formal consultation on the draft Traffic Regulation Orders associated with the Eastbourne Parking Review</b>
Contact Officer:	<b>Michael Blaney -Tel. 01424 726142</b>
Local Members:	<b>Councillors Belsey, Elkin, Rodohan, Taylor, and Wallis</b>

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## **RECOMMENDATION**

**The Planning Committee is recommended to:**

- 1. Uphold the objections to the draft Order as set out in Appendix 1 to this report.**
  - 2. Not uphold the objections to the draft Order as set out in Appendix 2 of this report**
  - 3. Recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order be made in part.**
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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.**

### **1. Introduction**

- 1.1** Requests for new or for changes to existing parking and waiting restrictions in Eastbourne are held on a priority ranking database, with those requests ranking high enough being progressed to consultation. Informal consultations began in August 2017 to see whether there was enough public support to introduce controls such as double yellow lines or changes to permit parking schemes in Eastbourne.
- 1.2** Feedback from the consultations led to formal proposals being developed. These formal proposals were advertised, together with the draft Traffic Regulation Order (TRO) (a copy of which is attached at Appendix 3) in the Eastbourne Herald on 1 December 2017. Notices and copies of the relevant plans were placed on posts and lamp-columns in the affected areas. Approximately 791 letters were delivered to local addresses and the consultation was placed on the Council's Consultation Hub for any member of the public to comment. The formal period for representations to be made ended on 22 December 2017.

- 1.3 Copies of the formal proposals were sent to relevant Borough Councillors, County Councillors and statutory consultees including the emergency services. Copies of all supporting correspondence are available in the Members' Room.
- 1.4 During the formal consultation 96 items of correspondence were received. These include 35 objections and 61 items of support. Three of the objections have now been withdrawn.

## **2. Comments and Appraisal**

- 2.1 Each item of correspondence has been considered individually and a summary of the objections and officer comments are included in Appendices 1 and 2. Plans and photographs showing the areas objected to are included in the Additional Information Pack.
- 2.2 Following consideration of the responses, the recommendation is to withdraw the following proposal (summarised in Appendix 1):
- Aylesbury Avenue – withdraw the proposal to install new double yellow lines.
- 2.3 With regard to objections relating to Arundel Road, Bolsover Road, Callao Quay, Carew Road, Eversfield Road, Longstone Road, Prince William Parade, St Anne's Road and Upper Kings Drive it is not considered that these objections provide sufficient grounds to warrant the modification or withdrawal of the proposals. The proposals provide for the most efficient use of parking space and address highway safety concerns in a number of instances. It is considered that these objections should not be upheld. Appendix 2 provides further rationale for these recommendations.
- 2.4 It is also recommended that all other proposals that did not draw an objection should be implemented as advertised.

## **3. Conclusion and reasons for recommendation**

- 3.1 The approach in trying to resolve objections to the Order has been to appraise the concerns raised by residents and other road users, whilst not compromising road safety or other factors. On balance, some objections can be upheld and some minor modifications can be incorporated into the Order, whilst with the rest of the objections, it is felt for highway and road safety reasons, that they should not be upheld and the proposals in these areas should proceed as per the TRO as advertised.
- 3.2 It is therefore recommended for the reasons set out in this report, that the Planning Committee upholds the objections in Appendix 1, does not uphold the objections in Appendix 2, and to recommend to the Director of Communities, Economy, and Transport that the draft Order be made in part.

RUPERT CLUBB  
Director of Communities, Economy and Transport

## **BACKGROUND DOCUMENTS**

None

## Appendix 1 – Proposal where objections are upheld

### **1. Site 1 Aylesbury Avenue (Councillor Elkin)**

- 1.1 The proposal at this location is to install double yellow lines (no waiting at any time) in Aylesbury Avenue near to and opposite Nos 46a/46b. The proposal follows a request from a member of public that parked vehicles are severely restricting visibility for drivers emerging onto Aylesbury Avenue.
- 1.2 Ten objections have been received from local residents on the grounds that the double yellow lines are not required. The majority of residents feel parked vehicles do not cause any issues and some residents have access to off road parking.
- 1.3 Officers are satisfied that the proposal can be withdrawn without any safety risks.
- 1.4 Councillor Elkin has confirmed his agreement with the recommendation.
- 1.5 **Recommendation:** To uphold the objections and to withdraw the proposal.



## **Appendix 2 – Proposals where objections are not upheld and are proposed to be implemented as advertised**

### **2 Site 2 Arundel Road, Carew Road (Councillor Rodohan)**

- 2.1 The proposal at this location is to extend the existing double yellow lines at the junctions of Arundel Road and Carew Road.
- 2.2 One objection has been received to the proposals on the grounds that valuable parking spaces will be removed from outside Bendigo Nursing Home.
- 2.3 The proposal to extend the existing double yellow lines from five metres to ten metres is in accordance with the Highway Code. This will keep the junctions clear from inconsiderate parking and will improve safety and visibility for motorists and pedestrians.
- 2.4 Recommendation:** To not uphold the objections and install the proposals as advertised.

### **3 Site 3 Bolsover Road (Councillor Taylor)**

- 3.1 The proposal at this location is to install double yellow lines on the south western side of Bolsover Road.
- 3.2 Five objections have been received from local residents. The grounds for the objections are: that the proposals will restrict available parking; the existing double yellow lines should be reduced in length on the south western side of the road to provide more parking spaces; the proposal will restrict an objector from being able to park outside their house; and one objector believes that the entrance to South Cliff Tower flats should be widened instead, to allow suitable access for emergency vehicles.
- 3.3 The proposal follows a risk assessment carried out by the East Sussex Fire & Rescue Service (ESFRS) in 2017. This highlighted issues with their vehicles accessing South Cliff Tower when cars are parked opposite. Extending the existing double yellow lines will allow fire engines to safely access South Cliff Tower in the event of an emergency.
- 3.4 Recommendation:** To not uphold the objections and install the proposals as advertised.

### **4 Site 4 Callao Quay (Councillor Elkin)**

- 4.1 The proposal at this location is to introduce double yellow lines on the entrance to Callao Quay and the outer side of the crescent, and to introduce a ban on stopping on the pavement and verge on the inner side of the crescent.
- 4.2 Three objections and sixteen items of support have been received from local residents. The objections are on the grounds that the proposals will cause displacement of parking and the availability of on street parking would be reduced.

4.3 The proposals follow concerns raised by local residents, members of Sovereign Harbour Residents Association, and Councillor Elkin that vehicles are being left in potentially unsafe positions. ESFRS had difficulty attending a fire last year due to parked vehicles reducing the available road width. The proposed double yellow lines on the outer side will keep the area clear and accessible, while the proposed footway and verge ban on the inner side will restrict displaced vehicles from parking on the footway, causing damage to the footway and obstruction to pedestrians.

4.4 Councillor Elkin has confirmed his agreement with the recommendation.

4.5 **Recommendation:** To not uphold the objections and install the proposals as advertised.

## **5 Site 5 Eversfield Road (Councillor Rodohan)**

5.1 The proposal in Eversfield Road is to reduce the length of the double yellow lines to 10 metres.

5.2 Two objections have been received along with one item of support: one of the objections has since been withdrawn. The outstanding objection is on the grounds that the objector feels that the existing yellow lines in Eversfield Road are not enforced properly when vehicles are parked in contravention.

5.3 Eastbourne is a civil parking enforcement area and the County Council's enforcement contractor is NSL. CEOs (civil enforcement officers) employed by NSL regularly patrol this area and will issue a penalty charge notice to any vehicle parked in contravention. Members of the public can also report vehicles parked in contravention to NSL. They can do this by telephoning the Parking Information Centre on 03456 801129 (option 1).

5.4 **Recommendation:** To not uphold the objection and to implement the proposal as advertised.

## **6 Site 6 Longstone Road (Councillor Wallis)**

6.1 The proposal at this location is to remove the double yellow lines at the entrance to the new housing development at the northern end of Longstone Road.

6.2 Before the new housing development was built, the northern end of this road gave access to a factory and provided a turning area at the top of the road. The factory no longer exists and the road has been continued in to the new housing development.

6.3 Four objections have been received on the grounds that the proposal will prevent residents, disabled users and emergency vehicles from using the end of the road as a turning head to safely turn around.

6.4 The existing markings going across the road have already been removed as part of the site development. The remaining markings are still visible on-street (outside 107 – 109 and outside 162). Further investigations have shown that these markings do not have an entry in the Traffic Regulation Order (TRO).

- 6.5 Since these lines no longer serve any purpose and do not have a Traffic Regulation Order, it is proposed to remove them.
- 6.6 Councillor Wallis has confirmed his agreement with the recommendation.
- 6.7 **Recommendation:** To not uphold the objection and to implement the proposal as advertised.

## **7 Site 7 Prince William Parade (Councillor Elkin)**

- 7.1 The proposal at this location is to extend the existing section of double yellow lines on the south side of Prince William Parade to keep the dropped kerb clear, and to extend the double yellow lines on the northern side of Prince William Parade to improve visibility for vehicles exiting Blake's Way.
- 7.2 Three objections have been received on the grounds that it is difficult to exit Blake's Way due to vehicles parked at the end of the double yellow lines. Objectors feel that the proposal on the north side will make no difference to improve visibility to motorists turning on to Prince William Parade. Other grounds were that the proposed extension to the double yellow lines on the south side does not go far enough.
- 7.3 The proposed extension on the north side will improve safety by increasing visibility both for motorists travelling along Prince William Parade and for motorists exiting Blakes Way. The proposal on the south side will increase visibility for pedestrians wishing to cross at this point. Both proposals have been assessed and if installed, will continue to be monitored to see if any further changes are needed. At this part of the process the current advertised proposals on the south side cannot be increased.
- 7.3 Councillor Elkin has confirmed his agreement with the recommendation.
- 7.5 **Recommendation:** To not uphold the objections and to implement the proposals as advertised.

## **8 Site 8 St Annes Road, Mill Gap Road (Councillor Rodohan)**

- 8.1 The proposal is to extend the existing double yellow lines in St Annes Road at its junction with Mill Gap Road.
- 8.2 One objection has been received on the grounds that the proposals do not address the most dangerous aspect of this junction and that when exiting Mill Gap Road it is only possible to see traffic from the north when the driver is already half way across the junction.
- 8.3 Although the objector did not specify what he thought the most dangerous aspect of this junction was, it is recognised that an extension on the northern side of St Anne's Road would be beneficial. This would need to be considered in a future review.
- 8.5 **Recommendation:** To not uphold the objection and to install the proposals as advertised.

**9 Site 9 Upper Kings Drive (Councillor Belsey)**

- 9.1 The proposal at this location is to extend the existing double yellow lines in Upper Kings Drive.
- 9.2 Three objections have been received on the grounds that the amount of parking for residents and visitors will be severely reduced and that the existing double yellow lines in Upper Kings Drive are not being enforced properly when vehicles are parking over these lines.
- 9.3 The proposal follows concerns from local residents that inconsiderately parked vehicles were making it difficult for them to access their driveways, and they also believed emergency vehicles would have difficulty accessing this part of Upper Kings Drive.
- 9.4 The proposed double yellow lines at this location will improve access for local residents. They will also increase visibility and facilitate safe movements in both directions for motorists, emergency vehicles, and larger vehicles to pass through safely. Members of public can also report vehicles parked in contravention to NSL. They can do this by telephoning the Parking Information Centre on 03456 801129 (option 1).
- 9.5 Councillor Belsey has confirmed his agreement with the recommendation
- 9.5 Recommendation:** To not uphold the objections and install the proposals as advertised.

## **Appendix 3 – Proposed Traffic Regulation Order (TRO)**

### **EAST SUSSEX COUNTY COUNCIL**

### **ROAD TRAFFIC REGULATION ACT 1984, ROAD TRAFFIC ACT 1991 & TRAFFIC MANAGEMENT ACT 2004**

### **The East Sussex (Eastbourne Town Centre) (On-Street Parking Places and Prohibition of Waiting) Order 2008 Amendment Order 201\* No \***

East Sussex County Council, in exercise of their powers under Sections 1(1), 2(1) to (4), 3(2), 4(2), 32, 35(1) and (3), 45, 46, 49, 51, 52 and 53 of, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the Act”), as amended, the Road Traffic Act 1991, as amended, Part 6 of the Traffic Management Act 2004, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

#### **Part 1 Preliminary**

##### **1. Commencement and citation**

This Order may be cited as “The East Sussex (Eastbourne Town Centre) (On-Street Parking Places and Prohibition of Waiting) Order 2008 Amendment Order 201\* No \* and shall come into effect on xx xxxx xxxx

The East Sussex (Eastbourne Town Centre) (On-Street Parking Places and Prohibition of Waiting) Order 2008 as amended is hereby amended as follows:

##### **2. Interpretation**

In so far as any provision of this order conflicts with a provision which is contained in an Order made or having effect as if made under the 1984 Act, and existing when this Order comes into effect, the provisions of this Order shall prevail.

Reference to any statute or statutory provision includes a reference to that statute or statutory provision as from time to time amended, extended, re-enacted or consolidated or modified whether substantial or not and whether before or after the date of this Order and all statutory instruments or orders made pursuant to it

In this Order all references to measured distances are approximate, and unless otherwise stated, are measured from the prolongation of the kerblines of the indicated junction adjacent to the direction as described.

#### **Part 2 Articles and Schedules**

##### **3. The East Sussex (Eastbourne Town Centre) (On-Street Parking Places and Prohibition of Waiting) Order 2008 as amended is hereby amended as follows:**

##### **4. Schedule 1 Part A, No Waiting At Any Time, that the following items are deleted:**

1902	Addingham Road	South side	From its junction with Latimer Road, north-westwards for a distance of 10 metres
248	Longstone Road	South side	From the boundary of Nos.105/107 Longstone Road, following the kerblin around the end of the road to the northern building line of No.162 Longstone Road.
1597	Wharf Road	South-east side	From its junction with Station Parade north-eastwards to a point 26 metres south-west of the south-western building line of No. 2 Wharf Road.

5. Schedule 1 Part A, No Waiting At Any Time, that the following items are inserted:

1901	Addingham Road	North side	From its junction with Latimer Road, north-westwards for a distance of 7 metres
1902	Addingham Road	South side	From its junction with Latimer Road, north-westwards for a distance of 10 metres
1903	Arundel Road	North-east side	From its junction with Carew Road north-eastwards for a distance of 5 metres
1904	Arundel Road	South-east side	From its junction with Carew Road south-westwards for a distance of 5 metres
1905	Arundel Road	South-west side	From its junction with Carew Road south-westwards for a distance of 5 metres
1906	Arundel Road	South-west side	From its junction with Carew Road north-westwards for a distance of 5 metres
1907	Aylesbury Avenue	East side	From the south eastern boundary of number 46a, north-eastwards, eastwards then south-eastwards for a distance of 49.5 metres
1908	Aylesbury Avenue	North east side	From the south western fence line of number 48, north westwards, then northwards to the eastern boundary of number 48 for a distance of 18 metres
1909	Aylesbury Avenue	West side	From the boundary of numbers 41/43, north-westwards for a distance of 30 metres
1910	Bolsover Road	North-east side	From a point 76 metres north-west of its junction with the northwestern kerblin of King Edwards Parade, north-westwards for a distance of 24 metres

1911	Bolsover Road	South-west side	From a point 65 metres north-west of its junction with King Edwards Parade, in a north-eastern direction for 71 metres
1912	Callao Quay	North side	From its junction with Pacific Drive eastwards, then northwards for a distance of 93 metres, measured around the kerbline
1913	Callao Quay	South side	From its junction with Pacific Drive eastwards, then southwards for a distance of 94.5 metres, measured around the kerbline
1914	Carew Road	North-east side	From its junction with Arundel Road south-eastwards for a distance of 5 metres
1915	Carew Road	North-west side	From its junction with Arundel Road north-westwards for a distance of 5 metres
1916	Carew Road	South-west side	From its junction with Arundel Road north-westwards for a distance of 5 metres
1917	Carew Road	South-east side	From its junction with Arundel Road south-eastwards for a distance of 5 metres
1918	Charleston Road	North-east side	From its junction with Milton Road, north-westwards for a distance of 18 metres
1919	Charleston Road	South-west side	From its junction with Milton Road, north-westwards for a distance of 32 metres
1920	Eversfield Road	South-west side	From its junction with the Churchfield Square Service road, south-eastwards for a distance of 10 metres
1921	Farlaine Road	North side	From a point 6.8 metres east of its junction with Victoria Drive, eastwards for a distance of 128.5 metres
1922	Mill Gap Road	North-east side	From its junction with St Anne's Road for a distance of 5 metres in a northern direction
1923	Mill Gap Road	North-west side	From its junction with St Anne's Road for a distance of 5 metres in a northern direction
1924	Milton Road	South-west side	From its junction with Charleston Road, north-westwards for a distance of 11 metres
1925	Naomi Close	West side	From a point 5 metres north of its junction with Carlisle Road, north-eastwards for a distance of 20 metres
1926	Newick Road	Both sides	From its junction with Victoria Drive westwards, for a distance of 10 metres

1927	Ocklynge Road	South-west side	From its junction with Lower Road in a south eastern direction to a point 9.5 metres south east, from the junction with Motcombe Lane.
1928	Pensford Drive	South-east side	From its junction with The Rising north-westwards, for a distance of 15 metres
1929	Pensford Drive	South-west side	From its junction with The Rising north-westwards, for a distance of 15 metres
1930	Prince William Parade	North side	From a point 34 metres west of its junction with Blake's Way eastwards to a point 106.5 metres east of that junction
1931	Prince William Parade	South side	From a point 413 metres east of its junction with Sovereign Roundabout eastwards for a distance of 143 metres
1932	St Anne's Road	South side	From its junction with Mill Gap Road for a distance of 5 metres in a south - eastwards direction
1933	St Anne's Road Service Road	North-east side	From its junction with Avenue Lane, south-eastwards for a distance of 11.5 metres
1934	St Anne's Road Service Road	South-east side	From its junction with St Anne's Road, north-eastwards, for a distance of 29.5 metres
1935	St Anne's Road Service Road	North-east side	From its junction with Avenue Lane, north-westwards for a distance of 10 metres
1936	St Anne's Road Service Road	North-west side	From its junction with St Anne's Road, north-eastwards for a distance of 29 metres
1937	The Rising	West side	From its junction with Pensford Drive, south-westwards for a distance of 15 metres
1938	The Rising	West side	From its junction with Pensford Drive, north-eastward, for a distance of 15 metres
1939	Upper King's Drive	South side	From its junction with Crossways roundabout, north-westwards for a distance of 106 metres
1940	Victoria Drive	West side	From its junction with Newick Road, northwards for a distance of 5.5 metres
1941	Victoria Drive	South-west side	From its junction with Newick Road, south-westwards for a distance of 10 metres
1942	Wharf Road	South-east side	From its junction with Station Parade north-eastwards for a distance of 29 metres

6. A new Schedule 1 Part F is inserted as follows:



Schedule 1 Part F, No waiting - 9am to 5pm, Monday to Friday:

1701	Naomi Close	East side	From a point 8.5 metres north of its junction with Carlisle Road, north-eastwards to and including the turning head at its northern end
1702	Naomi Close	West side	From the northern building line of No 12, northwards to its northern end

7. Schedule 2 Part A, Permit Holder Parking Places, Monday to Saturday, 8am to 6pm, that the following items are deleted:

4	Calverley Road	South-east side	From a point 4 metres south of the kerbline of Hyde Road, southwards for a distance of 58 metres
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8. Schedule 2 Part A, Permit Holder Parking Places, Monday to Saturday, 8am to 6pm, that the following items are inserted:

1801	Calverley Road	East side	From a point 5 metres south of its junction with Hyde Road, south-westwards to a point 6.6 metres north-east of the boundary of Nos. 14/16
1802	Claverley Road	East side	From the boundary of Nos. 14/16, south-westwards for a distance of 34 metres
1803	Wharf Road	South-east side	From a point 29 metres north-east of its junction with Station Parade, north-eastwards for a distance of 9 metres

9. Schedule 5 Part A, Disabled Persons Parking Places At Any Time, that the following items are deleted:

1501	Calverley Road	South-east Side	From the boundary of Nos. 14 and 16 Calverley Road north-eastwards for a distance of 13 metres.
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10. Schedule 5 Part B, Disabled Persons Parking Places At Any Time, that the following items are inserted:

1801	Beechy Avenue	North side	From the boundary of Nos. 4/6, westwards for a distance of 6.6 metres
1802	Calverley Road	East side	From the boundary of Nos. 14/16 Calverley Road, north-eastwards for a distance of 6.6 metres
1803	Command Road	South-west side	From the boundary of Nos. 17/19, south-westwards for a distance of 6.6 metres

1804	Longland Road	West side	From the western boundary of No. 73, north-westwards for a distance of 11.1 metres
1805	Salehurst Road	South-east side	From the boundary of Nos. 11/13, south-westwards for a distance of 6.6 metres
1806	Seaside	West side	From the boundary of Nos. 22/24, northwards for a distance of 6.6 metres

**11.**A new Schedule 5 Part C is inserted as follows:

Schedule 5 Part C, Disabled Persons Parking Places, Monday to Friday 8am-6pm:

1801	Upperton Gardens	North-east side	From the boundary of Nos. 42/44, north-westwards for a distance of 6.6 metres
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**12.**A new Schedule 5 Part D is inserted as follows:

Schedule 5 Part D, No waiting at any time by vehicles over 5 tonnes:

1701	Hide Hollow	South side	From a point 40 metres north east of the north-eastern property boundary of 3 Eastons Cottages, north-eastwards for a distance of 61 metres
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**13.**Schedule 6I Loading Only 8am-6pm, Monday to Saturday, that the following item is inserted:

1701	Seaside	West side	From the boundary of Nos.84/86, northwards for a distance of 10 metres
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**14.**Schedule 20, No Stopping on the Footway or Verge, At Any Time, that the following item is inserted:

1712	Callao Quay	East-side	From a point 7.5 metres northwest of the north-east access to Trujillo Court, westwards then southwards for 60 metres, measured around the kerbline
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**15.**A new Schedule 21 is inserted as follows:

Schedule 21, No Loading or Unloading at any time:

1	Wish Road	South-west side	From its junction with Blackwater Road, south-eastwards for a distance of 15 metres
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Revocations

The Eastbourne (Prohibition of Waiting) (Consolidation No. 2) Order 2008

1. Schedule 1: Prohibition of Waiting, Part G No waiting – Monday to Friday 8am to 9.30am and 12.30 to 2.30pm and 4pm to 6pm, that the following item is deleted:

1	Willingdon Road	West Side	From a point 11 metres north of a line taken from a point opposite the north side of Mill Road to a point 40 metres south of the junction with Ebdon Road
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The Eastbourne (On-Street Parking Places) (Consolidation No 2) Order 2008

1. Schedule 1: Ambulance Bays (No Stopping at any time except Ambulances):

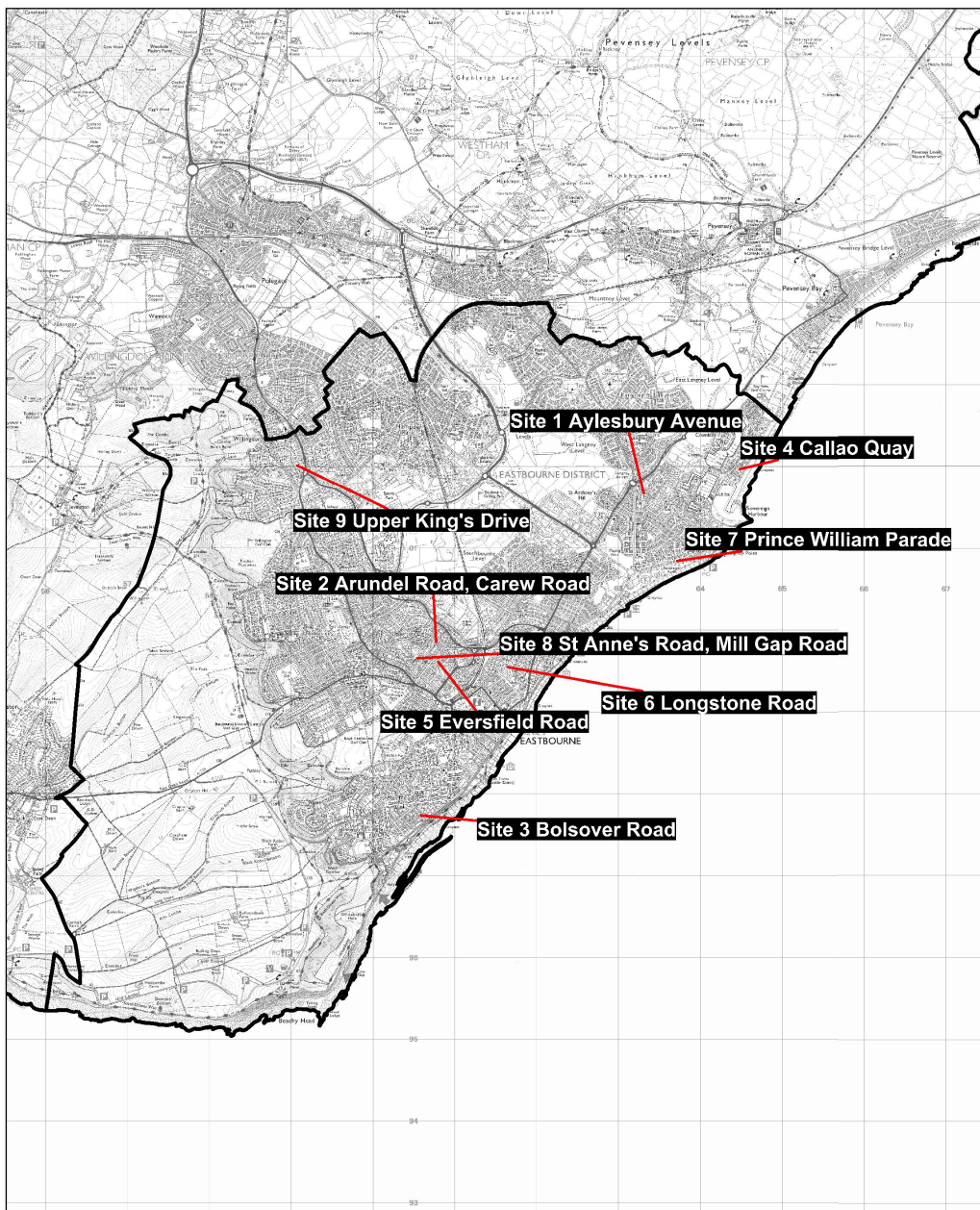
10	Dursley Road	East Side	From its junction with Bourne Street to the southern boundary of No 11 Dursley Road, a distance of 176 feet
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THE COMMON SEAL of )  
 EAST SUSSEX COUNTY COUNCIL )  
 was affixed hereto )  
 on the xx<sup>th</sup> day of xxxxx )  
 Two Thousand and Eighteen )  
 in the presence of:-

AUTHORISED SIGNATORY

H & T Ctte. 2.4.74 – para 4.2 joint report of Director of Legal & Community Services & County Engineer - Para 4.

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Eastbourne Parking Review -  
sites attracting objections

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