



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 10.00 am WEDNESDAY, 25 JULY 2018

COUNCIL CHAMBER - COUNTY HALL, LEWES

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

A G E N D A

- 1 Minutes of the meeting held on 23 May 2018 (*Pages 3 - 8*)
- 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 Director of Communities, Economy and Transport

- 5 Environmental Impact Assessment application for the construction and use of plant, namely aggregate processing plant, aggregate bagging plant, concrete batching plant and buildings, ancillary offices and stores for processing and utilising aggregates landed at Newhaven Port and distribution of the products by road and rail together with access to the public highway and the extension of an existing rail siding. Fisher's Wharf, Newhaven Port, Newhaven - LW/799/CM(EIA) (*Pages 9 - 44*)
Report by the Director of Communities, Economy and Transport

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

- 6 Demolition of existing single storey building. Construction of 2no single storey blocks plus 1no two storey block to provide supported living accommodation for adults with complex needs; accommodation to comprise 6 self-contained flats (long term occupancy) and 4 studio apartments (short term occupancy) with associated ancillary staff & external spaces. Greenacres, Mill Lane, Chailey, BN8 4PY - LW/3393/CC

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*

(Pages 45 - 58)

Report by the Director of Communities, Economy and Transport

- 7 Development Management Matters: Quarterly Report *(Pages 59 - 68)*
Report by the Director of Communities, Economy and Transport

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

NOTE: Consideration of these items is unlikely to commence before 1.00pm

- 8A TRO - Eastbourne (Devonshire theatre area) Parking Review - TRO 414 *(Pages 69 - 122)*
Report by the Director of Communities, Economy and Transport
- 8B TRO - A2100 London Road, Battle - proposed extension of 40mph Speed Limit *(Pages 123 - 130)*
Report by the Director of Communities, Economy and Transport
- 9 Any other items previously notified under agenda item 4

PHILIP BAKER
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17 July 2018

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PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 23 May 2018.

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

1 MINUTES OF THE MEETING HELD ON 18 APRIL 2018

1.1 The Committee RESOLVED to approve as a correct record the minutes of the meeting held on 18 April 2018.

2 APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from Councillor Field.

2.2 It was noted that Councillor Rodohan had been re-appointed to the Planning Committee, in place of Councillor Philip Daniel.

3 DISCLOSURES OF INTERESTS

3.1 Councillors Claire Dowling and Bob Bowdler declared personal interests in Item 5, in that they are members of Wealden District Council, one of the consultees. They did not consider the interest to be prejudicial.

3.2 Councillor Claire Dowling declared a prejudicial interest in Item 6, in that she is a member of the Uckfield Regeneration Board, and confirmed that Councillor Barry Taylor would chair that item. She indicated that she would leave the Chamber after having spoken as the Local Member.

4 REPORTS

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

5 CONSTRUCTION OF A TWO STOREY EXTENSION TO THE SOUTH-WEST OF THE MAIN SCHOOL BUILDING TO PROVIDE A NEW ENTRANCE LOBBY, TEACHING ACCOMMODATION, KITCHEN AND HALL WITH ASSOCIATED HARD AND SOFT PLAY AREAS, A MULTI-USE GAMES AREA AND A NEW CAR PARKING AREA PROVIDING 8 ADDITIONAL SPACES TO THE EAST OF THE SCHOOL SITE ENTRANCE. POLEGATE PRIMARY SCHOOL, OAKLEAF DRIVE, POLEGATE, BN26 6PT - WD/3388/CC

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

5.2 Sean Hambrook of Business Services, East Sussex County Council, spoke on behalf of the applicant in support of the recommendation.

5.3 The written comments of Councillor Daniel Shing, the Local Member, were circulated to the Committee.

5.4 Councillor Bob Bowdler disclosed a prejudicial interest, as being in possession of information not available to other members of the Committee, and left the Chamber for the remainder of the item.

5.5 A motion to defer the determination of the application pending a site visit was proposed, seconded, voted on and lost.

5.6 Members have considered the officer's report and comments of the public speaker and Local Member, and agree with the conclusion and recommendation as set out in paragraph 7 of the report.

5.7 RESOLVED, by a majority of three to one with one abstention, and subject to consultation with the Secretary of State for Housing, Communities and Local Government (as set out in paragraph 5.8 below), to grant planning permission 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. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan, has been submitted to and approved in writing by the Director of Communities, Economy and Transport. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The plan shall provide details as appropriate but not be restricted to the following matters;
 - the anticipated number, frequency, access, egress and routeing of vehicles during construction
 - the management of flood risk
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the protection of retained trees during construction
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interest of highway safety and amenity of the area.

4. Prior to the commencement of the development hereby permitted, including any demolition, a condition survey of the surrounding highway network is required to be undertaken and submitted and approved in writing by the Director of Communities, Economy and Transport. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interest of Highway safety and amenity of the area.

5. Prior to commencement of development a detailed surface water management design shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The design shall include hydraulic calculations which take account of connectivity with different surface water drainage features together with details of maintenance and management. Before the development is occupied the approved drainage system shall be made available for use and written confirmation provided to the Director of Communities, Economy and Transport.

Reason: To ensure appropriate management of surface water in accordance with Saved Policy EN27 in the Wealden Local Plan 1998.

6. Prior to commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The Plan shall include details of dust and noise controls during demolition as well as how construction waste will be minimised. Development shall be carried out in accordance with the approved Site Waste Management Plan.

Reason: To minimise disruption and construction waste to be removed from site in accordance with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. Construction work shall not take place at any time other than between the hours of 0730 and 1800 Mondays to Fridays and between the hours of 0800 and 1400 on Saturdays and not at any time on Sundays, Bank and Public Holidays other than with the prior written approval of the Director of Communities, Economy and Transport.

Reason: To strike a balance between the need to carry out construction as speedily as possible but at the same time to minimise the impact of construction on the occupiers of properties in the vicinity of the site and to comply with Saved Policy EN27 of the Wealden Local Plan 1998.

8. Before first use of the MUGA details of a noise barrier including modelling of its expected effectiveness shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved noise barrier shall be installed and retained as part of the MUGA in operation.

Reason; To comply with Saved Policy EN27 in the Wealden Local Plan 2003.

9. No part of the approved development shall be occupied until a Draft Framework Travel Plan has been submitted to and approved in writing by the Director of

Communities, Economy and Transport. Thereafter the approved Travel Plan shall be implemented and reviewed as specified within the approved document.

Reason: To encourage and promote sustainable transport options in accordance with Saved Policy TR3 in the Wealden Local Plan 2003.

10. Prior to completion of the development hereby approved the car parking shall be constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development in accordance with Saved Policy TR3 in the Wealden Local Plan 2003.

11. Notwithstanding details shown on approved plans prior to construction above ground samples of the materials to be used in the construction of the extension hereby permitted shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Saved Policy EN27 in the Wealden Local Plan 1998.

12. Within 12 months of first occupation of the approved development the approved external planting shall be carried out in full.

Reason: To ensure planting is carried out as approved.

13. The Multi Use Games Area (MUGA) hereby permitted shall not be used at any time other than between the hours of 0830 and 1800 Monday - Friday inclusive during school terms.

Reason: To safeguard the amenity of neighbouring residents from noise in accordance with Saved Policy EN27 of the Wealden Local Plan 1998.

Schedule of Approved Plans

0001 Rev P1 - Site Location Plan, 007 Rev P2 - Existing Site Layout and Location Plan, 0021 Rev P1 - Existing Building Proposed Refurbishment Works, GA0100 Rev P6 - GA Plans - Ground Floor, GA0101 Rev P6 - GA Plans - First Floor, GA0102 Rev P3 - GA Plans Roof Plan, 0020 Rev P1 - Existing Building Floor Plan, GA0400 Rev P4 - North East and South East Elevations, GA0401 Rev P4 - South West and North West Elevations, GA0402 Rev P2 - Context Elevations, GA0500 Rev P2 - Sections AA and BB, 0403 Rev P1 - Proposed Street Elevation, G29/01/502 Rev B - External Lighting Layout, LLD1281-LAN-FIG-001-01 - Landscape Masterplan, 0410 Rev P2 - Existing Building Elevations, 0411 Rev P2 - Existing Building Proposed Elevations, 008 Rev P6 - Proposed Site Layout and Location Plan, LLD1281-LAN-REP-001 Rev03 - Landscape Design Strategy and Outline Plant Specification, 010 Rev P10 - Proposed Detailed Site Layout Plan

5.8 The consultation with the Secretary of State for Housing, Communities and Local Government:

- (i) allows a period of 21 days from the date of acknowledgement, or as extended, to expire; or
- (ii) allows 21 days for the Secretary of State to notify the County Council that it is not intended to call-in the application; or
- (iii) allows 21 days for the Secretary of State to notify the County Council that it is intended to call-in the application.

5.9 Councillor Bob Bowdler returned to the Chamber.

6 TRO - 20MPH SPEED LIMIT SCHEME - HIGH STREET AND VARIOUS ROADS IN UCKFIELD

6.1 Councillor Barry Taylor took the chair for the remainder of the meeting.

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

6.3 Councillor Claire Dowling, the Local Member and member of the Uckfield Regeneration Board spoke in support of the recommendation, and then left the Chamber for the remainder of the meeting.

6.4 Members have considered the officer's report and comments of the Local Member, and agree with the conclusions and reasons for recommendation, as set out in paragraph 3 of the report.

6.5 RESOLVED unanimously to (1) not uphold the objections to the draft Traffic Regulation Order as set out in Appendix 2 of the report, and

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

The meeting ended at 12.17 pm.

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Committee: **Regulatory
Planning Committee**

Date: **25 July 2018**

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

Proposal: **The construction and use of plant, namely aggregate processing plant, aggregate bagging plant, concrete batching plant and buildings, ancillary offices and stores for processing and utilising aggregates landed at Newhaven Port and distribution of the products by road and rail together with access to the public highway and the extension of an existing rail siding.**

Site Address: **Fisher's Wharf, Newhaven Port, Newhaven**

Applicant: **Brett Aggregates Ltd.**

Application No. **LW/799/CM(EIA)**

Key Issues: (i) **Principle of minerals development at the Port**
 (ii) **Economy (including Enterprise Zone status)**
 (iii) **Road transport capacity**
 (iv) **Air quality**
 (v) **Noise**
 (vi) **Landscape and visual effects**
 (vii) **Effect on nature conservation interests**
 (viii) **Flood risk and drainage**

Contact Officer: **Jeremy Patterson – Tel: 01273 481626**

Local Member: **Councillor Darren Grover**

SUMMARY OF RECOMMENDATIONS

The Committee is recommended:

1. That the application be approved and the Director of Communities, Economy and Transport be authorised to grant planning permission subject to the conditions set out in paragraph 8.3 of the report and the following matters:

(i) The Secretary of State for Housing, Communities and Local Government having confirmed that the application will not be called-in; and

(ii) A s.106 Town and Country Planning Act Planning Obligation securing a contribution of £20,000 towards the Sussex Local Wildlife Sites Initiative and a contribution of £15,000 towards initiatives in the Newhaven Air Quality Action Plan having been completed.

2. That should the Planning Obligation referred to in 1. (ii) above not be completed by 31 March 2019, then the application will be referred back to Committee for determination.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT:

1. The Site and Surroundings

1.1 The application site comprises an area of approximately 3.5 hectares, although the overall development area, including land which benefits from permitted development rights, comprises about 4 hectares. Material would be discharged from ship on the River Ouse at Fisher's Wharf at East Quay and the proposed use and development area would extend eastwards into the Port's existing operating area. The site extends from the edge of the River Ouse through a quadrant bounded on its southern side by rail sidings which are not currently in use to a rectangular plot extending from Mill Creek in the north to the existing boundary fence line in the south. The site is approached from the A259 via Railway Road, Clifton Road, Beach Road and the gated internal port access road.

1.2 The existing operating areas within the site are surfaced with either concrete or asphalt and laid to fall to facilitate a purpose built drainage system. An existing building is present within the site (proposed to be used for bagging aggregates), measuring 73.7 metres by 45.6 metres and occupying some 3360 square metres in area, and standing 8 metres in height. An area to the north of the building is currently used for boat repairs and would remain in that use. An access road is present, together with long established lighting towers located mainly along the boundaries of the site, which would be retained. The application site boundaries are generally secured by 1.8 metres high galvanised steel palisade fencing, which would also be retained.

1.3 East Quay is currently used by a metal recycling company and Rampion Offshore Wind (ROW) in connection with the maintenance of an offshore wind farm in the English Channel. Part of the development site is currently occupied by ROW for industrial, office and car parking purposes. The land between the quay and the southern part of the site is generally open and unoccupied, save for the Port office. To the north of the site is a tidal waterbody known as Mill Creek, which separates the site from the Newhaven East Marine Wastewater Treatment Works and the Brighton to Seaford railway line.

1.4 The open area of the beach and the Tide Mills Site of Nature Conservation Importance, or Local Wildlife Site, lie adjacent to the site to the south and east and East Pier extends into the sea at the mouth of the Port just to the south-west. The South Downs National Park boundary lies to the east and north-east, some 200 metres and 400 metres away, respectively. The Port is within the Brighton and Lewes Downs UNESCO World Biosphere Region. Public footpath Newhaven 7b runs directly along the eastern boundary of the site, which connects via a footbridge to a long distance footpath, the Vanguard Way/Sussex Ouse Valley Way, alongside Mill Creek. A second public footpath, Newhaven 40a, currently tracks east/west along the southern boundary of the site, although is subject to a confirmed Footpath Diversion Order. The nearest residential properties to the east of the River Ouse are located alongside Railway Road, Clifton Road and Beach Road with the nearest estates on the outskirts of Seaford about 1 kilometre to the east and at Denton in Newhaven, some 1.5 kilometres to the north. The application site lies on the fringes of Flood Zones 1 and 2 (a low to medium probability of river or sea flooding).

1.5 To the west of the River Ouse, the area is more densely populated than in the east. Residential properties, some of which are multi-storey apartment blocks, stand close to the river and the closest properties are on Fort Road near The Hope Inn, some 250 metres from the site. Newhaven Marina is within the river some 200 metres north of The Hope Inn and is accessed from the west bank. North of the marina, towards the A259, the Port's fishing vessels operate. About 400 metres south-west of the site on land overlooking the Port is Newhaven Fort, a Scheduled Ancient Monument. An Air Quality Management Area (AQMA) is present about 1 kilometre to the north-west of the site.

2. The Proposal

2.1 The applicant is part of a construction and building materials group of businesses (the Brett Group), which is the largest independent company in the sector in the UK. The supply of aggregates and ready mixed concrete are core businesses. The applicant supplies products from quarries and wharves by road, rail and water and has interests in extracting aggregates from the marine environment, which is undertaken under licence.

2.2 The proposal is for the construction and use of an aggregate processing plant, aggregate bagging plant, concrete batching plant and buildings, ancillary offices and stores for processing and using aggregates landed at Newhaven Port and for distribution of the products by road and rail, together with access to the public highway and the extension of an existing rail siding. The proposal would use only land that has already been developed for Port related purposes and is anticipated to generate 31 jobs.

2.3 Whereas the proposal had originally included the development of a concrete block making plant as the fourth of four stages of development, this stage was withdrawn by the applicant in February 2018. Stages 1-3 remain unchanged and the applicant anticipates construction would take place

between 2018 and 2020 if planning permission is granted. These Stages, which comprise the proposed development, are as follows:

2.4 Stage 1 development would involve the importation of unprocessed marine dredged sand and gravel, its off-loading and processing to produce construction aggregates, their distribution by road and rail and their bagging and distribution by road. The proposed infrastructure would include: water holding tanks and silt recovery; an aggregate processing plant equipped with feed hopper, conveyors, and washing, screening, crushing and sand dewatering plant, which would stand up to 18.5 metres high; aggregate storage bays formed from precast concrete wall segments secured to the ground; a series of feed hoppers, conveyors, weighing, bagging and palletising equipment mainly sited within an existing building; and a weighbridge, office and welfare facilities.

2.5 It is estimated that about 100,000 tonnes of aggregates would be exported by road annually: 50,000 tonnes in bags and 50,000 tonnes in bulk. Loading of material in bulk would be by loading shovel into tippers whilst bagged materials would be either in small bags on pallets, or in single reusable bulk bags. At this stage, a daily average of 17 lorry loads (34 movements) would be exported by road with no more than 8 movements per hour. There would be self-imposed restrictions employed along the existing access road to the Port to minimise potential conflict with nursery drop-off times.

2.6 It is estimated that 100,000 tonnes of aggregates would be exported in bulk by rail annually. Stored products or products taken directly from the processing plant would first be loaded by loading shovel and transported by dump truck and stored alongside the rail track. The temporary stockpile, which would be the equivalent of a trainload, would be loaded into the waiting train by hydraulic excavator or high lift loading shovel. The use of rail for distribution of aggregates in bulk would be maximised, although it is not envisaged that more than two trains would arrive and leave in any one day.

2.7 The total aggregate processed during Stage 1 would be about 200,000 tonnes annually.

2.8 Stage 2 development would be little changed from the Stage 1 development. The extension of the available land, following the relocation of development associated with Rampion Offshore Wind, would improve the efficiency of ship discharging and train loading, as well as making more space available for aggregate storage.

2.9 Additional infrastructure would involve: a feed hopper sited on the quay and a rising conveyor with a tipper discharge attached, which would stand up to 12 metres in height; additional storage bays to accommodate dredged sand and gravel and imported crushed rock, mainly sub-base material; additional product storage bays in the south of the application site; and an extension of the rail track.

2.10 In the main, the dredgers used to transport the sand and gravel to the quay would be self discharge vessels which would transfer the aggregate direct to storage bays via a feed hopper on the quay and a tipper conveyor. Crushed rock probably imported in vessels which are not self discharging would be re-handled before being placed in the feed hopper and transported by the tipper conveyor to the stockpile. The extension of the rail track into the application site would enable wagons to be loaded by high lift loading shovel direct from the storage bays.

2.11 When this stage is in operation, distribution by road would remain the same as in Stage 1 but it is predicted that aggregates exported by train could increase by an annual 50,000 tonnes. So, the total aggregate processed during Stage 2 could rise to 250,000 tonnes annually.

2.12 Stage 3 development comprises the additional manufacture of ready-mixed concrete from the processed sand and gravel, cement, cement substitute and additives. The proposed infrastructure involves: a surface mounted feed hopper with an inclined radial conveyor designed to be fed by loading shovel, standing 12.5 metres high; aggregate storage bays; cement and cement substitute silos, standing at 18.5 metres high; water storage tanks; aggregate and cement weigh hoppers; a control cabin; a water recycling system; welfare facilities; and a storage area for consumables including space for cycles.

2.13 The basic operation of a concrete batching plant is the controlled discharge of measured quantities of sand, stone, cement (and cement substitute), any admixtures and water into a mixing unit with the mixed material, loaded in batches into a truck mixer waiting beneath. Annual output of ready-mixed concrete would be about 25,000 cubic metres requiring 50,000 tonnes of aggregates.

2.14 Stage 3 operations would commence only when the Newhaven Port Access Road is open to traffic. This would, according to the applicant, allow for the constraints on vehicle movements to be lifted enabling the overall business to grow. It is estimated that annual distribution of bulk aggregates by road would increase to 150,000 tonnes and bagged aggregates to 70,000 tonnes. From this time, all traffic associated with the proposed development would use the Port Access Road. The total tonnage of aggregates managed at the site would be 420,000: 150,000 in bulk by road, 150,000 in bulk by rail, 70,000 in bags by road and 50,000 as part of ready-mixed concrete by road.

2.15 The proposed hours of working are between 07.00 and 18.00 Mondays to Fridays inclusive and between 07.00 and 13.00 on Saturdays, except for train loading, which is proposed to take place between the hours of 06.00 to 20.00 Mondays to Saturdays inclusive. There would be no workings on Sundays or Bank and Public Holidays.

2.16 The application is supported by an Environmental Statement, following the undertaking of an Environmental Impact Assessment. In December 2017, the County Council advertised the application as not according with Saved

Policy NH20 of the Lewes Local Plan, which allocates land at East Quay and East Beach for the upgrading and expansion of the Port, and Core Policy 4 (7) of the Lewes District Local Plan Core Strategy which supports the continued use of the Port for freight and passengers, including plans for expansion and modernisation of the Port, as identified in the Port Authority's Port Masterplan. However, as already noted above, Stage 4 no longer forms part of the proposals and it is now considered that the proposed development accords with the aforementioned policies in providing appropriate port related development.

2.17 As a result of some confusion regarding the Brett proposal and the Lewes District Council planning permission for the expansion of the port, including a deep water berth (see paragraph 3.3 below, ref. LW/15/0034), it needs to be made clear here that the current proposal does not include any development that would fall within the areas of the East Pier, the East Beach, any public footpath, or any part of the Tide Mills which is not already developed.

3. Site History

3.1 Lewes District Council (LDC) granted planning permission in 2014 (ref. LW/13/0731) for works to the existing warehouse, extension to roof and erection of a new warehouse on land within the application site. The existing and new buildings were proposed to be used for boat building and port related storage.

3.2 The following planning permissions have also been granted on land adjacent to the application site, which are of relevance to the current application:

3.3 Planning permission was granted by LDC in 2016 (ref. LW/15/0034) on land to the south and south-west of the site for the: Refurbishment of the existing multi-purpose berth at East Quay including the construction of a new multi-purpose berth and slipway at the southern end of the East Quay; Levelling the backshore area to the east of the new multi-purpose berth to create a new Land Development Area (LDA) and establishment of a 3.5ha nature reserve above mean high water springs to the east of the LDA. Capital dredging of the existing approach channel (deepening and localised widening and extension); Demolition of part of the East Pier structure; Use of dredged material, where possible, as fill for levelling the LDA. Material not suitable for use as fill or for an alternative use would be disposed of at Newhaven Port and Properties Limited's existing licensed offshore disposal ground.

3.4 Planning permission was also granted by LDC on land to the west of the site for 'onshore operations and a maintenance facility for the Rampion offshore wind farm, with parking, storage and small vessel loading and unloading facilities'. The development includes a 10 metres high building with 2,300 square metres of floor space.

3.5 In 1996, the County Council granted permission (ref. LW/1751/CC) for the construction of a new road between the A259 Drove Road roundabout and the port area south of the Newhaven to Seaford railway and creek, including an environmental buffer and landscaping. This road is known as the Newhaven Port Access Road (NPAR). In 2002, this permission was renewed (ref. LW/2061/CC). In 2007, a variation to Condition 3 of permission LW/2061/CC was granted (ref. LW/2565/CC), which sought the submission and approval of details relating to the proposed bridge, which would span the railway and Mill Creek, before the construction of Stage 2 of the road. At the time of writing, the submission of these details remains outstanding. The first section of the road has been constructed and work to complete the remaining section is expected to commence in autumn 2018, subject to the approval of details relating to the bridge and to the confirmation of Government funding, with an anticipated completion in early 2020.

4. Consultations and Representations

4.1 Copies of the consultee responses and public representations have been made available to the Planning Committee members and are also available to view on the Council's website. Many of these are substantial in length and have not been included in their entirety in this report and so summaries are set out below. Many of the representations were made prior to the withdrawal of Stage 4, or have implied that this stage still forms part of the proposed development.

4.2 Lewes District Council raises objections, following the withdrawal of Stage 4 of the proposal, for the following reasons: (1) There is no over-riding need for the development; (2) The application would be contrary to Lewes DC's Joint Core Strategy Policy CP4 (Encouraging Economic Development and Regeneration); (3) The character of the development would be general industrial and would not accord with the aims of providing 'clean, green' enterprises at the Port. The proposal would hinder the regeneration of Newhaven by discouraging more appropriate non-polluting uses and would constitute an unattractive and inappropriate development at the entrance to Newhaven Port, which is the 'gateway' to the National Park from the Continent; (4) The application would generate relatively few jobs; (5) The general industrial character of the development would be a deterrent to investment in appropriate planned developments in Newhaven; (6) The development would generate undue noise and dust in the locality adversely affecting the ambience of the area, including the beach, Tide Mills and existing housing on the opposite side of the river; and (7) Lorry traffic generated by the development would worsen air quality in Newhaven, which already suffers relatively high pollution levels, which would conflict with Policy CP9 of the Joint Core Strategy.

4.3 Newhaven Town Council raises objections on matters relating to health and well being, transport, visual impacts, coastal impacts, footpath and leisure use, safeguarding sites for minerals, environmental impact on fauna and flora, employment generation and impact on the regeneration of Newhaven. The Town Council also commissioned an independent report looking at highway,

noise and air quality matters. The representation sets out, on a without prejudice basis, various controls it considers should be included if planning permission is granted.

4.4 South Highton Parish Council considers that the development would have a significant detrimental impact on the amenities, health and well-being and quality of life on local residents and objects on the following grounds: (1) The proposed development is in a totally inappropriate location; (2) No attempt has been given to mitigate the buildings; (3) No landscaping measures have been included; (4) No indication of the development's impact on the long term plans for the Port to use the improved deep water berth; (5) The number of jobs generated is low and would not complement economic initiatives; (6) Use of rail would cause further disruption; (7) Increase in HGVs along A26 through the Parish would have a catastrophic effect on the local road infrastructure; and (8) This type of development is notorious for air and dust pollution and noise.

4.5 Seaford Town Council raises objections, following the withdrawal of Stage 4 of the proposal, on the following grounds: The detrimental impact on views of Newhaven and the Harbour from Seaford which could affect the town's tourist economy; Interference with the use of adjacent beaches and footpaths; The detrimental impact on the local environment, in particular Tide Mills and the National Park, through noise, dust and increased heavy traffic; And, it is contrary to the 'clean green' aims for new industrial activities at the Harbour as specified in the Lewes Local Plan.

4.6 The Environment Agency (EA) has submitted comments only in relation to flood risk. As such, it raises no objections to the proposal subject to the inclusion of a condition on any permission for appropriate flood risk management measures to be carried out.

4.7 The Highway Authority notes that supplementary information has been provided on traffic modelling, which has overcome an initial objection. Consequently, no objections are raised, subject to the inclusion of relevant conditions.

4.8 Natural England raises no objections regarding any effects to statutory nature conservation sites.

4.9 South Downs National Park Authority raises an objection due to the landscape and visual impact, with particular focus on the National Park, its purposes and special qualities. The Park Authority was also consulted directly on the withdrawal of Stage 4 but did not wish to comment further.

4.10 Highways England has not submitted any observations.

4.11 Newhaven Port & Properties (NPP) supports the proposed development as it will help secure the long term viability of the Port, as well as generate 30+ jobs. New projects such as the Brett proposal are considered critical in being able to deliver long term financial viability. The importance of

the Port to the economy of the Newhaven area is recognised in Local and County policy. Additional benefits will include the reopening of rail access to the Port and minerals supply to East Sussex.

4.12 Flood Risk Management ESCC raises no objections, although recommends that a survey of the existing private sewer network should be undertaken and any problems rectified.

4.13 Network Rail welcomes the investment by Brett in the reactivation of long moribund rail freight infrastructure at Newhaven Marine. This approach accords with the Department of Transport's policy on encouraging modal shift whereby each train load would displace some 50+ HGV movements.

4.14 Coast to Capital Local Enterprise Partnership (LEP) has not submitted any observations.

4.15 Marine Management Organisation sets out what its functions and responsibilities are as the Marine Planning Authority for England. However, no specific comments are made in relation to the planning application.

4.16 ESCC Public Health Department does not consider that a Health Impact Assessment is required as part of the application as the application is accompanied by an Environmental Impact Assessment which considers matters such as air quality, noise and dust.

4.17 Open Spaces Society objects as it considers that Footpath 40 would be obstructed by the development and that access to the beach would be lost.

4.18 Southern Water Services Ltd raises no objections, although recommends that a condition is included, which requires the proposed means of foul and surface water sewerage disposal to be submitted for approval.

4.19 Representations:

Nearly 1100 (1070) representations have been received from members of the public objecting to the proposal. One letter of support has been received. In summary, these objections refer to the following matters:

- The visual effect of the development on views from people entering the Port, on Seaford Bay and the general area of the Port and from the National Park.
- The impact of the development on the environment of the Tide Mills, including its wildlife and habitats and the archaeological resource and the loss of recreational space.
- The increase in dust and emissions, the affect on air quality and the resulting pollution that will occur as a result of the development. The increase in noise and the general environmental damage.

- The increase in traffic, particularly by HGVs, will cause congestion, damage to roads, increased bridge openings and pollution.
- The development is contrary to policy. It is industrial development which does not fit in with the regeneration aims of Newhaven and does not provide many jobs. There is a lack of infrastructure to cope with the development.
- The negative impact on tourism and loss of beach.
- The negative effect on general health and well-being.

Other issues include: destruction of the coastline, water quality/pollution, light pollution, odour, effect on marine habitats and angling, effects on residential amenity, effects on Newhaven Fort, Seaford Head and the UNESCO Biosphere area, effects on footpaths and open space, design of building, hours of operation and the effect on the economy and house prices.

An online petition has also been submitted to 'Save the Western End of Seaford Bay and Tide Mills from inappropriate development to object in the strongest possible terms to the application by Brett Aggregates, Planning Application LW/799/CM (EIA)'. This has attracted approximately 3300 (3268) signatures.

The letter of support notes that the development would bring benefits to Newhaven and the surrounding area, including through job creation, the re-use of the rail sidings, improving the appearance of the site and helping other companies through knock-on effects.

4.20 Keith Taylor, Green MEP for the South East, objects to the proposal on the grounds that: (1) the site is not identified in the Waste and Minerals Plan; (2) the effects of air quality from vehicle emissions in the locality and on health; (3) the negative visual effect along the coastline, particularly from the National Park, Newhaven Fort and Seaford Head and effects on amenity through dust and fumes; (4) the effects of an increase in heavy traffic on the local infrastructure especially at peak times; (5) the effects on vegetated shingle and biodiversity in the area including on the 'Living Coast' UNESCO Biosphere area; (6) concrete manufacture is notoriously dirty and a contributor to global warming; (7) harmful to the setting of the National Park; (8) effects on the existing public right of way; and (9) although employment generation is welcomed, but not for industry that increases pollution.

Several organisations have also made representations, as follows:

4.21 The Friends of Tide Mills object on the grounds that the Tide Mills is an increasingly valuable asset locally and beyond and that the proposal would affect it in relation to tranquillity, safe bathing, ecology, history and tourism. The development will change the western Tide Mills environment regarding loss of open space, wildlife diversity, increased noise levels, vehicular traffic and increase in pollution. The type of development proposed is at total

variance with the Newhaven Port Masterplan and will result in increased congestion and air pollution.

4.22 The Sussex Wildlife Trust objects, as it considers that the level of development proposed for the area and the interdependent nature of the various applications requires the developments to be looked at holistically with a robust assessment of cumulative impacts. It also objects on the grounds that the development would compromise resources that have been designated for their biodiversity value and that insufficient information has been provided. Various controls are sought if planning permission is granted.

4.23 The Sussex Ornithological Society objects, as it considers the development would result in detrimental effects on the Tide Mills Local Wildlife Site due to, *inter alia*, dust, noise and water pollution, effects on East Pier, failure to implement previously agreed mitigation measures and links to the Port Access Road.

4.24 The Angling Trust, Sussex Marine Region, raises concerns as it considers that the development would adversely affect the Tide Mills and East Beach and that there would be contamination of the water column into the River Ouse.

4.25 The Access in Seaford and Newhaven Committee considers that the sweeping view of Seaford Bay should not be ruined.

4.26 Community Action Newhaven objects on the following grounds: (1) Incompatibility with local policies, plans and strategies for the area; (2) Incompatibility with approved development for the Port expansion under LDC permission LW/15/0034; (3) Incompatibility with policies on traffic, pollution and air quality; (4) Inadequate use of railway and railhead; (5) Impacts on health and well-being; (6) Cumulative impact of other development including housing; (7) Incompatibility with Enterprise Zone Plans and other policies for employment; (8) Visual impact; and (9) Damage to wildlife, habitats and species loss.

4.27 Newhaven Chamber of Commerce objects and considers that the proposal will have a detrimental effect on the regeneration of Newhaven. The Chamber works closely with businesses but considers that it is essential that new business fits in with the 'clean, green and marine' outlook necessary to attract the construction of new hotels, retail outlets and leisure facilities. The visual and environmental effects of this business will deter companies from all these sectors from investing in the area. The running of the plant would not create many jobs and the road system will be further congested and there will be more pollution. The Chamber is keen to promote the leisure use of the marina in association with the management of wildlife along the coast.

4.28 The South Downs Society objects as the proposed concrete plant would be too overwhelming for this attractive part of the Sussex coast that is enjoyed by many people. Thousands of people from the local area use the beach and adjoining areas for recreation. The natural beauty of the area

improves the quality of life of the local community and encourages tourism with benefits to local businesses. The preservation of a natural coastal area and beaches should be a high priority for local government. The development would also be visible from the National Park.

4.29 A representative for Surfers Against Sewage, a national coastal and environmental charity, notes that permission should not be granted until the impacts on the Tide Mills surf break and beach access in general have been assessed. The proposed link road should also be assessed as a cumulative effect in relation to the application.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013: Policies: WMP4 (Sustainable provision and use of minerals in the Plan Area); WMP15 (Safeguarding railheads and wharves); WMP18 (Transport – Road, rail and water); WMP20 (Community involvement and benefits); WMP23a (Design principles for built and minerals waste facilities); WMP23b (Operation of sites); WMP25 (General amenity); WMP26 (Traffic impacts); WMP27 (Environment and environmental enhancement); WMP28a (Flood risk).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017: No specific policies relate to the application site.

5.3 Lewes District Local Plan Part 1, Joint Core Strategy 2010-2030, 2016: Core Policies: 4 (Encouraging economic development and regeneration) 9 (Air quality); 10 (Natural environment and landscape character); 12 (Flood risk and sustainable drainage).

5.4 Lewes District Local Plan 1998: Saved Policies: ST3 (Design, form and setting of development); ST30 (Protection of air and land quality); NH20 (Upgrading and expansion of the Port); NH22 (Rail transport links to the Port).

Lewes District Council undertook a review of its Saved Local Plan Policies to determine their consistency with the NPPF and produced a table indicating the extent to which the policies are fully consistent, partly consistent or not consistent. The above 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.

5.5 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 national policy as a material consideration in determining planning applications. Parts 1 (Building a strong competitive economy), 4 (Promoting sustainable transport), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving

and enhancing the natural environment) and 13 (Facilitating the sustainable use of minerals) are particularly relevant in this case.

5.6 Marine Planning Authority (Marine Management Organisation)

There is currently no adopted South Marine Plan (a draft was published for consultation in November 2016) and so the policy guidance on development affecting the marine environment is taken from the UK Marine Policy Statement (MPS) 2011, by the Department of Environment, Farming and Rural Affairs (DEFRA). The MPS is the framework for preparing marine plans and taking decisions affecting the marine environment and the chapters on ports and shipping and marine aggregates are relevant to this application.

5.7 Newhaven Draft Neighbourhood Plan 2017-2030 Pre-submission and Publicity, 2017

The Neighbourhood Plan is currently under preparation and has yet to be formally submitted to Lewes District Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. In light of this, it is considered that the draft Plan prepared under Regulation 14 of the aforementioned regulations can be afforded very little weight in the determination of this application. This is in accordance with paragraph 206 of the NPPF and the associated Planning Practice Guidance. The Plan does not include land owned by NPP and excludes the application site.

6. Considerations

Principle of minerals development at the Port

6.1 National policies require Mineral Planning Authorities (MPAs) to assess the need for existing, planned and potential wharf and rail facilities to be safeguarded and to encourage and promote the use of sustainable transport modes for the movement of minerals. Sustaining imports of marine aggregates through local wharves is particularly important in the Waste and Minerals Local Plan (WMLP) because of the scarcity of land based mineral resources in this area. Policy WMP15 in the WMLP safeguards existing, planned and potential railheads and minerals wharf facilities, including rail sidings, and their consequent capacity in order to contribute towards meeting local and regional supply of aggregates and other minerals as well as supporting modal shift in the transport of minerals. The capacity for landing, processing and handling and the associated storage of minerals at wharves in Newhaven will be safeguarded. The co-location of railheads and minerals wharves with processing capacity is supported.

6.2 Although minerals (and waste) related transport activity comprises a very small proportion of total traffic in the plan area, the Waste and Minerals Plan seeks to minimise its environmental and amenity impacts. As such,

Policy WMP18 of the Plan seeks to maximise the use of railheads and rail links and proposals which will enable minerals to be carried on the rail network or by water will be permitted, subject to other relevant policies of the Plan.

6.3 Due to the nature of the development, the UK Marine Policy Statement should also be considered. This is the framework for preparing marine plans and taking decisions affecting the marine environment and sets out the planning objectives for the key activities, including ports and shipping and extracting marine aggregates. Ports and shipping play an important role in the activities taking place within the marine environment and are an essential part of the UK economy, providing the major channel for the country's imports and exports. Such imports include marine aggregates, of which the UK has some of the best material in the world and marine sand and gravel makes a crucial contribution to meeting the nation's demand for construction aggregate materials. Land-based and marine-based construction aggregate resources are unevenly distributed and many regions are heavily dependent on supplies from other areas. Consequently, marine imported aggregates contribute to the diversity of mineral supply and can deliver high quality aggregates into the centre of areas of high demand with minimum disruption.

6.4 This proposal is a significant minerals development in the plan area, with approximately 420,000 tonnes per annum of aggregates being processed and transported from the site. With low production and remote resources of sand and gravel in the plan area and currently little contribution from rail imports, the plan area must continue to rely heavily on the contribution of marine imported aggregates in order to meet the commitment of ensuring an adequate and steady supply of aggregates is being made.

6.5 The County Council, as MPA, is required to plan for a steady and adequate supply of aggregates and this principle is incorporated into the WMLP. While the application site is not specifically identified in the WMLP for safeguarding, any proposal which assists in meeting the supply needs of construction aggregates is supported in principle. Moreover, given the volume of material identified for this proposal, its implementation would make a very significant contribution to the aggregate needs of the plan area, particularly as most aggregate consumed in the area is imported from outside.

6.6 The Lewes District Joint Core Strategy recognises Newhaven Port as a strategic asset for the District and beyond, which is vital for the regeneration of Newhaven and the surrounding area. The applicant also considers the Port, specifically Fisher's Wharf at East Quay, to be of strategic importance. This is because it benefits from deep water berth facilities which allow some of the largest dredgers operating in UK waters, including those available to the applicant, to land aggregates and represents the only rail-connected deep water port on the south coast east of Southampton. Consequently, this facility is a significant asset for Newhaven and the surrounding area and its use for importing marine aggregates would be supported by the UK Marine Policy Statement.

6.7 The WMLP at Policy WMP18 seeks to minimise the environmental and amenity effects of the transport of minerals by promoting rail and water transport as an alternative to road transport and maximising the use of existing railheads and rail links. This policy also states that proposals which enable minerals to be carried on the rail network or by water will be permitted, subject to other policies. The proposal seeks to do this and is therefore strongly supported, particularly as the existing, currently unused, railhead would be extended for use. Saved Policy NH22 of the Lewes Local Plan requires development at the Port to provide for links to the rail network for freight and passengers.

6.8 Saved Policy NH20 of the Lewes Local Plan allocates land at East Quay and East Beach for the upgrading and expansion of the Port and Core Policy 4 (7) of the Lewes District Local Plan Core Strategy supports the continued use of the Port for freight and passengers including plans for expansion and modernisation of the Port, as identified in the Port Authority's Port Masterplan. The Port Masterplan has been developed by NPP to form a strategic framework from which the Port will develop over the next 20 to 30 years. While the Plan identifies East Quay as being suitable for clean technology and renewable energy businesses (Rampion Offshore Wind is now located there), it also recognises that this part of the Port is important for trade, with a principal focus on aggregates and metal recycling. Indeed, the Port is seeking to increase the volume of trade as part of its strategic objectives and there is no suggestion in the Plan that the importation of aggregates would not feature as part of that process.

6.9 Despite this, the District and Town Councils and a number of other third parties, have raised objections to the proposal on the grounds that it conflicts with the vision for the Port and town's regeneration in providing businesses associated with 'clean, green and marine' technologies and jars with the vision of the Newhaven Draft Neighbourhood Plan. While it is recognised that the Neighbourhood Plan is an emerging document, it does not include the application site (except for the northern part of the access leading from Beach Road into the Port) and most of East Quay and so the Plan's influence in this part of Newhaven is very limited. Moreover, 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 the District Council, so very little weight can be attached to the policies within it, even if the application site was within its plan area. Notwithstanding this, the adopted District Council's Joint Core Strategy does not mention the 'clean, green and marine' approach, and focusses instead on supporting the continued use of the Port for freight and passengers as part of the Port's expansion and modernisation.

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 (EZ). Enterprise Zones form part of the Government's wider Industrial Strategy and are primarily established to support businesses through tax relief and simplified planning

procedures. Reference has been made to the Newhaven EZ by a number of third parties who have commented on the application. Whilst this is the case, as with any planning application, it is for the determining planning authority to consider the proposals against the relevant policies in the Development Plan. The main existing Development Plan policies of relevance to this site and proposal were adopted prior to the Enterprise Zone designation coming into place. Hence the references made by representations to the EZ are not currently articulated in Development Plan policy and it would be inappropriate to give them undue weight when set against Development Plan policies.

6.11 Concerns have also been raised by a number of respondents, including Lewes District Council, that the proposal will create relatively few jobs (approximately 30). Whilst it is acknowledged that this is a relatively low number of jobs for the size of the site, it is a level that would be expected by the type of development being proposed. In addition, the site is not allocated in the Development Plan for a use that would be expected to deliver a higher jobs to floor space ratio (e.g. an office use) and therefore this proposal would not undermine the Development Plan targets for employment land and the provision of jobs.

6.12 Nevertheless, the proposal would still result in the creation of 30 employment opportunities and therefore make a contribution to the employment growth targets for the Enterprise Zone.

Road transport capacity

6.13 In terms of traffic impacts, Policy WMP26 of the Waste and Minerals Local Plan requires that access arrangements are appropriate or could be made suitable and that no unacceptable safety hazards for other road users would be generated. The level of traffic generated should not exceed the capacity of the local road network and no unacceptable adverse impact upon existing highway conditions in terms of traffic congestion should arise. Suitable arrangements for on site vehicle manoeuvring, parking and loading/unloading areas should be made. Saved Policy ST3(e) of the Lewes Local Plan also requires that there are suitable access and parking arrangements within development. The NPPF requires all developments that generate significant traffic movements should be supported by a Transport assessment. Decisions should provide safe and suitable access and should only be refused on transport grounds where the residual cumulative impacts are severe.

6.14 Due to the nature of the proposed development, a Transport Assessment (TA) has been included to inform the application and provide an overview of vehicle movements and access in terms of the existing operations in the vicinity of East Quay. Both HGV and other types of vehicles (light goods vehicles and cars) have been looked at as part of the overall assessment. The TA has demonstrated that the local highway network has a good provision of pedestrian facilities with street-lit footways on the surrounding roads providing excellent pedestrian connectivity between the site and throughout Newhaven. Due to the proximity of the site to the A26 Trunk Road and the existing

environmental weight restrictions to the west at Peacehaven, all HGVs would route to and from the site via the A26 (except for access). For Stages 1 and 2 of the development, the HGV route would be via Beach Road, Clifton Road and Railway Road, the B2109 Drove Road and the A26. For Stage 3, all vehicular traffic would use the Port Access Road onto the A259 or B2109 Drove Road before accessing the A26.

6.15 The TA has described the proposed stages of development in traffic terms. For Stages 1 and 2, it is predicted that there would be a total of 9,524 HGV movements per annum (over 275 working days), amounting to 34 movements per day (17 in, 17 out) over an 11 hours working day, resulting in an average of 3 movements per hour. Stage 3 operations would only commence once the NPAR is in use and total HGV movements for the three stages would be 29,866 per annum, amounting to 109 movements per day resulting in an average of 10 movements per hour. The TA has assessed the impact of traffic flows using 2017 Traffic Survey Data. Overall, the daily peak hour threshold analysis demonstrates that the net increases in flows associated with the stages of development are low and would not have a material impact on the local highway network.

6.16 The Highway Authority has evaluated the findings of the TA, following the requirement of additional information on junction modelling, in order to be able to fully understand the effects of each stage of the development. The modelling, which has been included to 2025, looks in detail at the effects of Stages 1 and 2 on the B2109 Drove Road / Railway Road junction; at Stages 1-3 of the proposal at the B2109 Drove Road / A26 New Road roundabout junction; and at Stages 1-3 at the B2109 Drove Road / A259 The Drove / Retail Park (including the NPAR) roundabout junction. Traffic assessments have been carried out to inform the modelling and approved developments in the locality have been included to inform baseline data.

6.17 For Stages 1 and 2 at the B2109 Drove Road / Railway Road junction, the AM peak is unaffected (as the applicant would not run HGVs from 08.00 – 09.00 to avoid conflict with peak drop off times at the Noah's Ark Nursery in Railway Road) and the PM peak is shown to operate with spare capacity. Modelling to 2025 does not raise any significant issues for capacity. For Stages 1 and 2 at the B2109 Drove Road / A26 New Road roundabout junction, the peak period operates with spare capacity in both the morning and afternoon. Modelling to 2025 maintains an acceptable level of capacity at this junction.

6.18 For the A259 The Drove / B2109 Drove Road / Retail Park (including the NPAR) junction, this would be unaffected by Stages 1 and 2, while Stage 3 would only be implemented when the NPAR is in use. When considering the 2025 baseline modelling, this suggests that there are capacity issues at this junction before the proposed development traffic is included. Despite that, the inclusion of the proposed traffic in the AM peak results in only very minor growth, which does not materially change how the junction operates. In the PM peak, the model predicts that up to 5 vehicles would join the queue on the

B2109 arm but this would not result in a measurable difference when added to the overall highway network.

6.19 The Highway Authority considers that the applicant's modelling has been applied robustly. The results demonstrate that the predicted 109 daily HGV movements spread over the course of a working day will not affect the operation of the critical junctions within peak times, as the projected difference is negligible. Moreover, although there would be a corresponding increase in the numbers of HGVs using the A26 as the primary route to the A27, this would amount to an average of only 10-11 movements per hour as a worst case (i.e. all predicted 109 movements using this road and not any diverting to the A259 for access purposes) during a working day. Highways England has not provided any observations on the application but the numbers involved are relatively small and are not considered to raise any capacity issues for a Trunk Road.

6.20 Therefore, from a highway capacity view, the proposal is considered to be acceptable and accords with relevant Development Plan policies and the provisions of the NPPF. The proposed development does not result in transport effects which are considered to be 'severe' and therefore a recommendation for refusal of these grounds cannot be justified. However, conditions are recommended to reduce the overall effects of traffic, which should cover matters regarding a staff travel plan, a transportation strategy, securing on site parking and turning areas and the submission of a construction traffic management plan.

Air quality

6.21 Policy WMP25 of the Waste and Minerals Local Plan requires that all proposals should ensure that there is no unacceptable effect on the standard of amenity appropriate to the land uses of the local and host communities likely to be affected by the development; there is no significant adverse impact on air quality; there is 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.

6.22 Policy 9 of the Lewes Local Plan Core Strategy 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. Saved Policy ST30 of the Lewes Local Plan states that in considering applications for potentially polluting development the location needs to be 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.

6.23 Paragraph 109 of the NPPF states that the planning system should prevent new development from contributing to or being adversely affected by unacceptable levels of air pollution. Paragraph 124 advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan. There is a long standing European and UK legislative framework underpinning a national strategy aimed at improving air quality and protecting human health from the effects of pollution. One consequence of this has been designating an AQMA around Newhaven Town Centre and the swing bridge because of recorded levels of Nitrogen Dioxide (NO₂).

6.24 Due to the nature and scale of the proposed development, including traffic generation, the applicant has undertaken an Air Quality Assessment (AQA) to inform the application. The AQA considers the acceptability of the land use for the proposed development by considering the operational impact of the development, incorporating appropriate controls and mitigation, on surrounding users of the land. The AQA also sets out the methodology for assessing dust and traffic pollution, including the use of meteorological data, and discusses the element of uncertainty that is associated with such methods. However, the potential effects on air quality during construction appear not to have been addressed.

6.25 The applicant identifies the potential key air pollutants resulting from the proposed development being from road traffic and dust. From road traffic, the main impacts are NO₂ and particulate matter, specifically PM₁₀ (particle size less than or equal to 10 microns diameter where 1 micron is equal to one millionth of a metre or 0.001 of a millimetre), although finer particulates have also been considered. The applicant has a rolling replacement programme of all its plant and vehicles and its HGVs would have the latest Euro 6 model engines fitted (which are mandatory in the ultra low emission zone in London). The main potential sources of dust would be from the movement of vehicles and plant and the handling and transfer of aggregates.

6.26 In terms of HGVs entering the AQMA, it is currently unknown what numbers would be involved. However, such vehicles would only travel west from the site if access is required to facilitate local development with such events being confined to temporary time periods. Modelling has been used to predict air quality impacts from changes in traffic on the local road network in the years 2018, 2019 and 2020. The results indicate that with the development, the predicted NO₂, PM₁₀ and finer particle concentrations are below the relevant short-term and long-term National Air Quality Strategy objectives.

6.27 Assessments have also been undertaken on the potential sources of dust, the controls proposed to be used and the extent of residual emissions. The main potential sources of dust involve the offloading and storage of aggregates, sand and gravel processing, aggregate bagging and distribution

by road and rail. Taking account of the proposed mitigation, such as drop heights being minimised, the imposition of speed limits for vehicles and the damping down of surfaces, as well as inherent suppression through material being wet from initial transfer from ship and the containment of bagging operations within the existing building, the overall assessment of residual dust emissions for the site is considered to be small.

6.28 The proposed development also includes the installation and use of a concrete batching plant, which has the potential to result in dust emissions if not properly operated. However, this plant will be subject to control through a 'Part B' Environmental Permit from Lewes District Council and is therefore subject to separate operational regulation.

6.29 The AQA has been assessed independently, which has resulted in the applicant submitting further information to clarify certain matters. One of these matters relates to the use of meteorological data from the Herstmonceux Meteorological Station, rather than from the Shoreham Station. The applicant has noted that the former was used as it provided the most recent data and shows the prevailing wind to be similar to that of Shoreham in terms of south-westerly winds. The main difference is the contribution of winds from the north at Shoreham, which is considered unlikely to change the conclusions of the dust assessment in Newhaven.

6.30 A number of representations have been received which refer to air quality and the potential effects of dust and emissions from the proposed development. It is important that any dust and emissions are kept to a minimum. Therefore, conditions are recommended for controlling emissions during construction works and operations. Moreover, in recognition of the wider air quality issues in Newhaven with particular reference to the AQMA, the applicant has agreed to contribute £15,000 towards improving air quality via the Newhaven Air Quality Action Plan, which should be secured by legal agreement. This is to provide appropriate mitigation to offset the movement of vehicles through the AQMA that are generated from this proposal. Such an approach is considered to accord with Policy 9 of the Lewes Local Plan Core Strategy.

6.31 Subject to that contribution and the implementation of measures set out in the conditions seeking to control dust and emissions, the proposal is considered acceptable in terms of the effects on air quality, and does not conflict with relevant Development Plan policies.

Noise

6.32 Policy WMP25 of the Waste and Minerals Local Plan requires that all proposals should ensure there is no unacceptable effect on the standard of amenity appropriate to 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. Saved Policy ST3 of the Lewes Local Plan expects development not to be detrimental to

the character or amenities of the area through noise levels and paragraph 123 of 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. The use of conditions should be used to minimise any adverse effects.

6.33 The proposal has the potential to generate noise from construction works, the use of plant and equipment following construction, and through vehicle movements. Consequently, the applicant has submitted a Noise Assessment Report to accompany the application. This sets out the context for considering noise and development, referring to the Sussex Planning Noise Advice Document, relevant British Standards (BS) and the World Health Organisation guidelines. The Report also sets out the scope of the noise assessment, baseline noise surveys undertaken, calculated site noise levels and the noise assessment using BS 4142:2014 ('Methods for rating and assessing industrial and commercial sound').

6.34 The Noise Assessment Report identifies four receptor location sites near to the application site (The Hope Inn, Newhaven Marina, cycle paths to the east of the site adjacent to the A259 and Marine Drive), which were the subject of short-term attended survey work, and two receptor sites (Newhaven Marina and Marine Drive) for longer-term unattended survey work. The surveys took place in 2016. The applicant considered that the scope of the surveys was proportionate for the application, particularly when compared to other developments in the locality (for example, the Port expansion development under Lewes District reference LW/15/0034), which relied on less intensive survey work.

6.35 This report has been thoroughly assessed, leading to the undertaking of additional noise monitoring. This has culminated in extensive noise monitoring having been undertaken by two different acoustic consultancies, which broadly agree on the current background noise levels for the site. Subsequently, predicted noise levels from the proposed site activities have been calculated using the relevant British Standard which includes specific noise sources such as the aggregate crusher and screener. The calculations provide for the rating levels (that is, the specific sound level plus any adjustment for the characteristics of the sound) for the use of the site during both the day time and night time. The lower the rating level with respect to the background sound level, the less likely it is that the specific sound source will have an adverse impact. Where the rating level does not exceed the background sound level, it is indicative of the specific sound source having a low impact, depending on the context.

6.36 The rigorous monitoring has led to an extensive range of mitigation measures being put forward by the applicant, which is intended to ensure that the operational noise rating level (i.e. the noise from the site when it is in use) would not exceed the measured background level at the nearest noise sensitive receptors. To ensure this happens and the use of the site is managed appropriately, conditions for both the construction and use phases of the development are recommended. Despite this, it is important to place

the proposed development in the context of the site, which forms part of a working port and where permitted development activities generally are likely to be noisier than the proposed development.

6.37 As such and subject to the recommended conditions, it is considered that there would be no unacceptable adverse effect from noise in the locality and that the development would not conflict with relevant Development Plan policies or the NPPF.

Landscape and visual effects

6.38 The NPPF requires development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes, with particular weight given to nationally designated landscapes. The NPPF requires development to be of good design and respond to local character and distinctiveness. The Waste and Minerals Local Plan also requires that development should complement the built form of the area and take account of local landscape and distinctiveness (Policy WMP23a).

6.39 A Landscape and Visual Impact Assessment (LVIA) was undertaken as part of the EIA supporting the application and an Addendum to the LVIA was submitted following the withdrawal of Stage 4 of the development. Given the type and scale of the proposed development, a study area of about 3 kilometres from the site boundary was adopted which was considered to be a suitable distance to assess the baseline situation (i.e. landscape setting character and designations) and within which viewpoint locations were identified.

6.40 The LVIA provides a comprehensive review and considers landscape designations, landscape character, visual effects and landscape capacity in relation to the proposed development. A review of the published landscape character assessments (including the East Sussex Landscape Character Assessment), which relate to the site and the surrounding area, has also been undertaken. The individual stages of development were assessed separately in the evaluation of landscape character and visual effects and cumulative effects were reviewed taking account of the different stages of the development and other types of development nearby.

6.41 At a national level, the site is located on the edge of the South Downs National Character Area (NCA). However, the LVIA considers that the proposed development is not of a scale whereby it would notably modify any key characteristics of the NCA. Given the context of the development within the area of the Port, only limited views of the new structures would be available from the NCA and it is not considered that they would be harmful.

6.42 In relation to the East Sussex Landscape Character Assessment, the site is within the Newhaven Urban Landscape Character Area, which includes being a working port. With respect to direct effects on landscape character, the site has an industrial character and features existing buildings including

sheds and large areas of hardstanding. For Stages 1-3, given the type and scale of the development, the LVIA considers that there will be virtually no effect on the existing baseline situation in terms of landscape character and quality. Due to the low landscape sensitivity in this area, there would be a negligible magnitude of impact and significance of effect. A similar assessment applies to the indirect effects on the landscape character of the Firle Bishopstone Downs Landscape Character Area, which extends eastwards from Newhaven.

6.43 The withdrawal of Stage 4 has removed the element of the original proposal which was considered to have a potentially unacceptable impact on local landscape character and views due to the scale and height of the building in the open location. This Stage also resulted in a large number of objections to the proposal on the grounds of its visual effect on Seaford Bay and Tide Mills. Although Stages 1-3 of the proposed development include structures which stand relatively tall, for example, the aggregate processing facility and the cement silos at 18.5 metres high, their land take, or 'footprints', are relatively small, particularly when compared to nearby buildings. These structures are located centrally and at the western part of the site in the vicinity of other existing development. While they represent new plant, their industrial nature and scale is not considered to be out of keeping with other port related development at East Quay. Views of the larger structures from the west at ground level would either be largely obscured by existing development or be seen as a natural extension to development at East Quay, while at more elevated levels, the higher structures would be seen chiefly against rising land east of the A259. From the east, the development would be seen within the existing port area with the taller elements being viewed against a backdrop of rising ground comprising residential development, trees and grassland to the west of the river. Close views of the development from all directions would be likely to result in plant being seen against the sky, but that remains the case for existing buildings and structures within the Port.

6.44 The proposal will introduce new plant and structures which will be visible from various viewpoints, including the adjacent and nearby footpaths, both close to the site and further afield. However, these are not considered to cause harm or be unacceptable given the context of the Port and its existing activities. As such, the proposed development is considered to be acceptable in relation to landscape character and effects on views and to accord with relevant Development Plan policies and the provisions of the NPPF.

6.45 Given the location of the application site at the eastern side of the Port, with the open expanse of the beach and Tide Mills beyond, the use of artificial lighting has been considered by the applicant as a necessary part of the assessment of the proposal. The existing application site lighting consists of high mast lighting columns, about 30 metres in height, each complete with four high output floodlights, along with a small number of building/fence mounted floodlights. Adjacent to the site along Clifton Road and Beach Road, there are a number of industrial facilities that use a combination of column mounted (10 metres high) street type lights, and a small number of floodlights mounted on high mast columns (20-30 metres high) similar to those used

within the Port. The urban industrial area of the Port is a dominant source of light, particularly from more rural views both from the east and west.

6.46 The fundamental considerations for the lighting scheme both during construction and operations are to satisfy health and safety requirements and to minimise the potential impact on the surrounding area with regard to amenity and the environment. An advantage for the proposal is that the external lighting requirements for the site are generally already in place and therefore any proposed lighting will seek to complement the existing. The assessment of the proposed lighting effects has not identified any significant effects resulting from the use of lighting during either the construction or operational phases of the development. Despite this and to provide the most up to date information on the proposed lighting arrangements, it is recommended that a condition is included which requires relevant details for both the construction and operational phases.

Effect on nature conservation interests

6.47 Policy WMP27 of the Waste and Minerals Local Plan seeks to conserve and enhance the local natural environment and permission will not be granted where the development would have a significant adverse effect on sites of national or local importance for nature conservation, including SNCIs. Policy 10 of the Lewes Core Strategy also seeks to conserve and enhance the natural environment in the district, including locally designated sites. Part 11 of the NPPF takes a similar line on development being required to minimise impacts on biodiversity.

6.48 The Tide Mills Site of Nature Conservation Importance (SNCI) or Local Wildlife Site (LWS) adjoins the application site to the north, south and east, although does actually cover land within the application site itself, specifically the existing building and land to the south of the building. This part of the application site is already developed and the area of the LWS designation requires the boundaries to be re-drawn to take account of this, and other anomalies, such as the inclusion of the waste water treatment works to the north of Mill Creek. A review of LWSs is currently taking place, which will provide an opportunity for the re-drafting of the site boundaries for Tide Mills.

6.49 The Tide Mills LWS is designated in part for its vegetated shingle habitat and associated plant and animal communities. The site also includes Mill Creek to the north of the application site, which is tidal and is an important area for wading birds.

6.50 An Ecological Impact Assessment (ECIA) was carried out as part of the EIA, which accompanies the application. Its findings included the identification of a small population of Common Lizard on land to the west of the application site within the former railway sidings. This area would be subject to redevelopment and a condition is recommended which requires appropriate measures to be taken to protect the reptiles prior to the commencement of development. The ECIA identified no other significant issues relating to the proposal.

6.51 The proposal involves no development on land which has not already been developed but concerns have been raised on the impacts of the development, for example, by the Sussex Ornithological Society, on the potential effects of dust on Tide Mills. The issue of potential dust emissions has been covered elsewhere in this report and conditions are recommended to require the submission of dust mitigation schemes during both the construction phase and throughout operations, while the use of the concrete batching plant would be subject to separate control under the Environmental Permitting Regulations. With appropriate mitigation, it is not anticipated that dust emissions would create conditions beyond the application site boundary which would have an adverse effect on the wildlife or habitats of Tide Mills. Consequently, there is no conflict with relevant Development Plan policies or the provisions of the NPPF in protecting nature conservation interests on adjoining land.

6.52 However, given the location of the proposal, there is an opportunity for the applicant to contribute to the Sussex Local Wildlife Site Initiative. The aim of this is to establish and maintain a functioning LWS system for Sussex, the purpose of which is to ensure LWSs can be accurately represented in Local Plans, given due consideration in the planning and development process, and receive targeted management advice, with the ultimate aim of conserving biodiversity. Being mindful of the proximity of the application site to Tide Mills LWS and the requirements of aforementioned Policy WMP27 and Policy 10 (in terms of the need to enhance the natural environment, including locally designated sites), the applicant has agreed to contribute £20,000 to the Initiative, which would be secured through a legal agreement.

6.53 Consideration has also been given to any potential impact on sites designated under the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Sites in the region that are designated as such include the Lewes Downs Special Area of Conservation (SAC), Castle Hill SAC, the Pevensey Levels SAC and Ramsar site and the Ashdown Forest SAC and Special Protection Area. 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 such sites.

6.54 Due to the nature of the proposal, and more importantly its location, it is not considered that it would be likely to give rise to significant effects on the interest features of the designated sites. This position is supported by the representation made by Natural England, which raises no objection in terms of potential impact on statutory nature conservation sites, which includes sites designated under the Habitats Regulations.

Flood risk and drainage

6.55 Policy WMP28a of the Waste and Minerals Local Plan requires development to, *inter alia*, adequately provide for the implications of flood risk, have no significant adverse impact on the nature conservation and amenity

value of rivers and the marine environment and have appropriate measures in place to reduce surface water run-off, including the provision of sustainable drainage systems. Core Policy 12 of the Lewes Core Strategy also seeks to reduce the impact of flooding, including requiring the appropriate management of surface water run-off. The NPPF states that inappropriate development in areas at risk of development should be avoided by diverting development away from areas at highest risk but where development is necessary, making it safe without increasing flood risk elsewhere.

6.56 Mill Creek is adjacent to the northern boundary of the application site and the River Ouse is a short distance to the west. Both discharge into the English Channel and are classified as Main Rivers by the EA.

6.57 A Flood Risk Assessment (FRA) was carried out by the applicant to inform the application. This considers the risk of flooding to the site and its users as well as the potential for the proposed development to increase the risk of flooding off site and to third parties. The site is within Flood Zones 1 and 2, as defined in Planning Practice Guidance (PPG) to the NPPF, whereby Zone 1 has a low probability of river or sea flooding and Zone 2 has a medium probability of such flooding. With reference to the PPG, the proposal is considered to be 'water compatible development' and therefore represents an appropriate form of development in this location.

6.58 A detailed review of the potential sources of flood risk to the site has been considered, along with the potential effects of climate change, and tidal and river flooding is shown to present the greatest risk. The FRA proposes safeguards to ensure vulnerable site infrastructure is located above potential flood levels and that a site specific flood emergency plan is prepared, including subscribing to the EA flood warning service. Subject to these safeguards, the FRA concludes that flood risk can be appropriately managed.

6.59 The investigations at the site also looked at surface water drainage and two surface water sewers were identified to the west of the site which form part of the surface water sewer network serving the western and northern parts of East Quay. The investigations also appear to show that the surface water sewer serving the existing building on the site outfalls to Mill Creek. There are also a number of gullies and channels across the site which appear to drain in a northerly direction towards Mill Creek and a number of outfalls are present along the southern bank of the Creek which are likely to be associated with the drainage of the site. In the event of these outfalls becoming surcharged, surface water would be likely to flow overland to the Creek and would be unlikely to accumulate to significant depths across the site.

6.60 The EA has considered the FRA and raises no objections, subject to appropriate flood risk management measures being carried out in accordance with those set out in the FRA. Furthermore, the County Council, as Lead Local Flood Authority, and Southern Water also raise no objections, subject to the inclusion of a condition to require the submission of details on the proposed means of water disposal and drainage. Contingent on these

measures, the proposal is considered to be acceptable with regard to flood risk and surface water drainage and accords with Development Plan policies and the provisions of the NPPF.

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 represents a significant development within Newhaven Port for the importation, processing and transfer of aggregates, including the production of ready mixed concrete, and relies on marine aggregates being offloaded from ship at Fisher's Wharf. This wharf is a deep water facility and is of strategic importance in the South East of England, as it enables aggregate importation by large dredgers into the Port. The importation of aggregates in this way is supported by the Waste and Minerals Local Plan. The proposal also involves the repair, re-use and extension of the existing dilapidated railway siding at East Quay, which would allow the transfer of aggregates by rail, a significant addition to the Port infrastructure and supported by Development Plan policies.

7.3 A proposal of this sort will inevitably result in concerns being raised regarding the potential for adverse effects. In this case, such effects include noise emissions, dust emissions and changes to air quality, an increase in lorry movements and changes to views within the locality. Consequently, it is important that any effects are mitigated as far as possible to minimise the potential for harm. The ES accompanying the planning application considers the potential effects, which have been assessed by other parties. Following this, a set of controls or conditions has been formulated which is considered to provide appropriate checks on the proposed development. Of particular note is that conditions regarding noise and dust emissions have been included for both the construction and operational phases of the development.

7.4 Taking all matters into account, it is considered that the development will contribute to and be of benefit to the Port and therefore, to Newhaven and the surrounding area more generally. Subject to the terms of the Recommendation, the proposal is considered to be acceptable and to accord with Policies WMP4, WMP15, WMP18, WMP23a and WMP23b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, Core Policy 4 (7) of the Lewes District Local Plan Part 1, Joint Core Strategy 2010-2030, 2016, and Saved Policies NH20 and NH22 of the Lewes District Local Plan 1998, together with the provisions of Parts 1 and 13 of the National Planning Policy Framework 2012 and the relevant provisions of the Marine Policy Statement 2011. Moreover, it is not considered that the proposed development raises a conflict, which cannot be overcome by condition, with Policies WMP25, WMP26, WMP27 and WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, Core Policies 9, 10 and 12 of the Lewes District Local Plan Part 1, Joint

Core Strategy 2010-2030, 2016, and Saved Policies ST3 and ST30 of the Lewes District Local Plan 1998, and the provisions of Parts 4, 10 and 11 of the National Planning Policy Framework 2012.

7.5 In determining this planning application, the County Council has worked with the applicant and 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.

7.6 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

8.1.1 The application be approved and the Director of Communities, Economy and Transport be authorised to grant planning permission subject to the conditions set out in paragraph 8.3 of the report and the following matters:

(i) The Secretary of State for Housing, Communities and Local Government having confirmed that the application will not be called-in; and

(ii) A S.106 Town and Country Planning Act Planning Obligation securing a contribution of £20,000 towards the Sussex Local Wildlife Sites Initiative and a contribution of £15,000 towards initiatives in the Newhaven Air Quality Action Plan having been completed.

8.2 That should the Planning Obligation referred to in 1.(ii) above not be completed by 31 March 2019, then 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 drawings and documents listed in the Schedule of Approved Plans.

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

3. The site shall not be used for the development hereby permitted other than between the hours of 07.00 - 18.00 on Mondays to Fridays inclusive and 07.00 - 13.00 on Saturdays, except for the loading of train wagons with aggregate material, which shall take place between the hours of 06.00 - 20.00 on Mondays to Saturdays inclusive, excluding on Bank and Public Holidays. There shall be no activities outside these times except in an emergency or unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of safeguarding the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

4. The movement of vehicles associated with the use of the concrete batching plant hereby approved shall not take place except via the pending Newhaven port access road to the east of the site. No such vehicles shall use the existing port access via Railway Road, Clifton Road and Beach Road.

Reason: In the interests of safeguarding the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

5. Development of each stage of works (that is, Stages 1-3) as set out in the submitted Planning and Environmental Statement accompanying the planning application shall not commence until a Construction Management Plan has been submitted to the Director of Communities, Economy and Transport for written approval and such approval shall have been obtained. The construction details to be submitted for each stage shall include but not be restricted to:

- a) The phasing, duration and hours of works, including for piling;
- b) Measures to attenuate noise, dust and artificial light;
- c) Provision to manage any contaminated land;
- d) The anticipated number, frequency and types of vehicles to be used;
- e) The method of access and egress and routeing of vehicles;
- f) The parking of vehicles by staff and visitors;
- g) The storage of plant and materials;
- h) The installation and maintenance of any security fencing;
- i) The use of wheel washing facilities; and
- j) The measures to minimise the effects of the use of vehicles along Beach Road, Clifton Road and Railway Road.

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 Local Plan 2013.

6. During construction works, noise levels shall not exceed 65 dBL_{eq}, 12 hour (freefield) at any time at the nearest noise sensitive receptors at The Hope Inn, Newhaven Marina and Marine Drive, as shown at Appendix B in the Noise Assessment Report (ref. 4598), dated 12 October 2017, by WBM Acoustic Consultants.

Reason: In the interests of safeguarding the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. Before the use of the site commences an Operational Travel Plan shall be submitted to the Director of Communities, Economy and Transport for written approval and the use of the site shall not commence until such written approval has been received. The Plan shall include measures to effectively minimise and manage the effects of the development on air quality in Newhaven. The Plan shall include details of:
 - a) A monitoring scheme to record and show the number of journeys using the A259 in the Air Quality Management Area;
 - b) The use of low emission vehicles, their maintenance, replacement programme and training of drivers; and
 - c) Rail freight timing schedules to be used for the transport of materials.

The Operational Travel Plan shall be carried out in accordance with the approved details.

Reason: In the interests of safeguarding the amenities of the locality in accordance with Policy WMP 25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

8. Before the use of the site commences a dust mitigation scheme shall be submitted to the Director of Communities, Economy and Transport for written approval and the use of the site shall not commence until such written approval has been received. The scheme shall include:
 - a) Measures for minimising dust at the site;
 - b) Provision to monitor the measures for dust mitigation to assess their effectiveness; and
 - c) Provision for reviewing the dust mitigation scheme.

The dust mitigation scheme shall be implemented in accordance with the approved details.

Reason: In the interests of safeguarding the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

9. No heavy goods vehicles associated with the use of Stages 1 and 2 of the development hereby permitted shall make deliveries to the site or transfer materials from the site within the hour of 08.00 and 09.00 on Mondays to Fridays inclusive.

Reason: In the interests of highway safety and amenity, with particular reference to the avoidance of the peak hour for drop off times for children at the Noah's Ark Nursery in Railway Road, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

10. Before the use of the site commences an external lighting scheme shall be submitted to the Director of Communities, Economy and Transport for written approval and the use shall not commence until such written approval has been received. The approved scheme shall be implemented throughout the course of the development, unless otherwise agreed in writing with the Director.

Reason: To protect the general amenities of the area in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

11. The Flood Risk Management measures, including proposed mitigation, as set out in Section 8.0 of the submitted Water Environment and Flood Risk Assessment report by SLR Consulting Limited, dated October 2017, shall be carried out as part of the development. The measures shall be fully implemented prior to the commencement of the use hereby permitted and subsequently maintained throughout the duration of the development.

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

12. No development shall commence until details of the proposed means of foul water disposal and surface water drainage have been submitted to the Director of Communities, Economy and Transport for approval and such written approval shall have been given. The approved details shall be implemented in full, unless otherwise agreed in writing with the Director.

Reason: To provide for appropriate means of water disposal and to reduce the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

13. 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 to the Director of Communities, Economy and Transport for written approval and such approval shall have been obtained. The Noise Management Plan must include the mitigation measures set out at Appendices 1 and 2 (Summary of Noise Mitigation Measures and Location and Height of Acoustic Barriers, respectively) in the Technical Note, dated 11 July 2018 (ref. 4598), by WBM Acoustic Consultants. The development shall

thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Director.

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

14. The noise rating level from the site shall at all times not exceed the measured background noise level at the nearest noise sensitive receptors at The Hope Inn, Newhaven Marina and Marine Drive, as shown at Appendix B in the Noise Assessment Report (ref. 4598), dated 12 October 2017, by WBM Acoustic Consultants, as measured in accordance with BS 4142:2014.

Reason: In the interests of safeguarding the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

15. Within three months of the first use of the site a noise survey shall be undertaken by the applicant in accordance with BS 4142:2014 and the results submitted forthwith in a report to the Director of Communities, Economy and Transport. The survey shall:
 - (a) Demonstrate whether the noise levels required by Condition 14 are being achieved;
 - (b) If the survey does not demonstrate such compliance then the report must include measures to reduce noise, which shall at first be agreed in writing with the Director, such that the noise levels required by Condition 14 will be met;
 - (c) These measures shall be implemented within a time period to be agreed with the Director and compliance shall be demonstrated by a follow-up noise survey, which must be submitted to and agreed in writing with the Director within two months of the measures being implemented; and
 - (d) This process shall continue until the approved noise criteria have been met.

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

16. Before the commencement of works within the area of the railway sidings, details for the protection of reptiles shall be submitted to the Director of Communities, Economy and Transport for written approval and such approval shall have been obtained. The details shall include proposed methods of trapping and provision for translocation. The approved details shall be carried out in full.

Reason: To protect reptiles in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

17. Before the commencement of the use of the site a Staff Travel Plan shall be submitted to the Director of Communities, Economy and Transport for written approval and such approval shall have been obtained. The Staff Travel Plan shall include measures for reducing the need for staff to use private motorised vehicles and provide for the monitoring of the effectiveness of these measures. The Staff Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce dependence on the car to accord with the provisions of Part 4 of the National Planning Policy Framework 2012.

18. No part of the development shall be occupied until the proposed car parking spaces have been constructed and provided in accordance with the approved drawings. The areas shall thereafter be retained for that use and shall not be used for any other use.

Reason: To secure appropriate parking arrangements in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

19. No part of the development shall be occupied until the vehicle turning and loading areas have been constructed within the site in accordance with the approved drawings. These areas shall be retained at all times for these uses and shall not be obstructed.

Reason: To secure appropriate turning and loading arrangements in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

Informatives

1. The applicant will require an Environmental Permit from the Environment Agency for any flood risk activities proposed to be undertaken as part of the development and should contact that body accordingly.
2. The applicant is reminded of the requirements of Southern Water regarding the protection of sewer infrastructure. No development or tree planting should be located within 3 metres either side of the external edge of the public foul sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer.
3. A formal application for connection to the public sewerage system is required in order to service this development. The applicant should contact Southern Water in Otterbourne, Hampshire on 0330 303 0119, or via its website, to discuss the matter. The applicant should also contact Southern Water regarding the disposal of any trade effluent from the site.

4. The applicant will require a 'Part B' Environmental Permit from Lewes District Council to operate the concrete batching plant.

Schedule of Approved Plans

Figure 10 - Elevations of proposed aggregate bagging facility, Figure 11 - Elevations of the proposed office (excluding inset Location Plan), Figure 13 - Elevation of the discharge hopper and conveyors, Figure 1 Rev A - Location of the application site, Figure 2 Rev A - Local Planning Permissions, Figure 3 Rev A - Photographs of the application site, Figure 4 Rev A - Occupation of Newhaven Harbour, Figure 5 Rev A - Visualisation of the buildings on the LDA and the Rampion Land, Figure 6 Rev A - Landscape Features, Figure 7 Rev A - Nearby noise sensitive receptors, Figure 8 Rev A - Stage 1 Development, Figure 12 Rev A - Stage 2 Development, Figure 14 Rev A - Stage 3 Development, Figure 18 Rev A - Extract from LDC Proposals Map, Figure 9 - Elevations of proposed aggregate processing plant, Figure 15 - Elevations of proposed concrete batching plant (excluding inset Site Plan)

RUPERT CLUBB

Director of Communities, Economy and Transport

17 July 2018

BACKGROUND DOCUMENTS

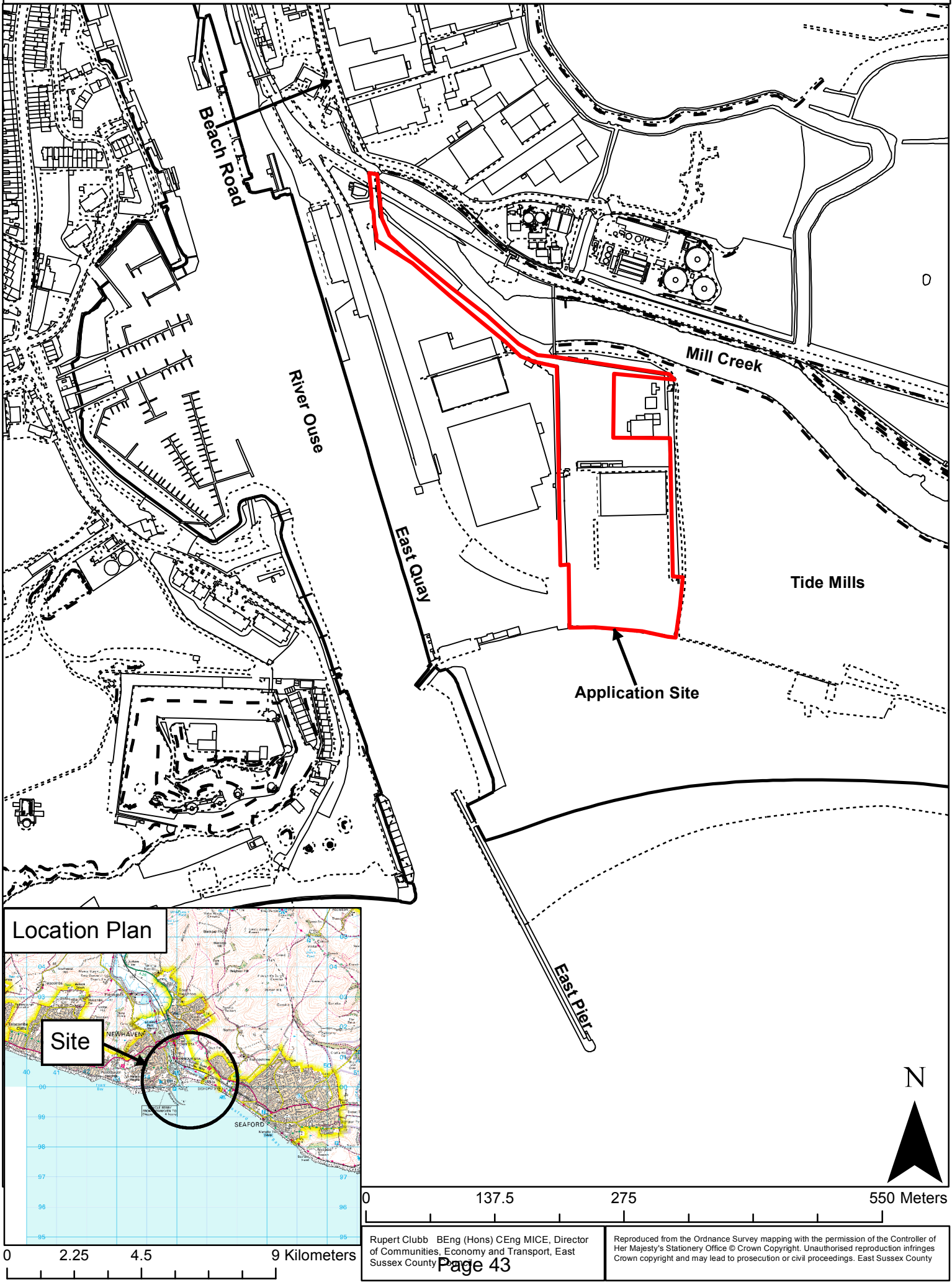
Application file LW/799/CM(EIA)

The Development Plan

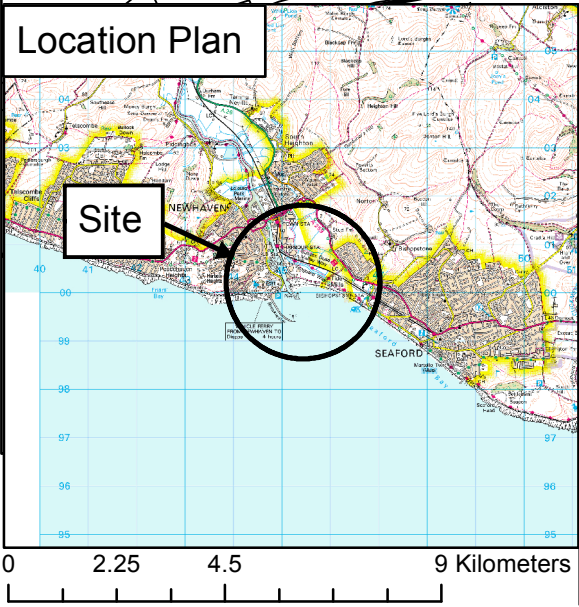
National Planning Policy Framework 2012

Marine Policy Statement 2011

LW/799/CM(EIA)
Fisher's Wharf, Newhaven Port, Newhaven



Location Plan



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Committee: **Regulatory Planning Committee**

Date: **25 July 2018**

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

Proposal: **Demolition of existing single storey building. Construction of 2no. single storey blocks plus 1no. two storey block to provide supported living accommodation for adults with complex needs; accommodation to comprise 6 self contained flats (long term occupancy) and 4 studio apartments (short term occupancy) with associated ancillary staff & external spaces. Provision of 15 car parking spaces, cycle and motorcycle parking.**

Site Address: **Greenacres, Mill Lane, Chailey, BN8 4PY**

Applicant: **Director of Adult Social Care**

Application No. **LW/3393/CC**

Key Issues: **1. Need
2. Principle of development
3. Design, appearance and impact on neighbouring amenities
4. Impact on local highway network**

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

Local Member: **Councillor Jim Sheppard**

SUMMARY OF RECOMMENDATIONS

- 1. To grant planning permission subject to conditions as indicated in paragraph 8.1 of this report.**

CONSIDERATION BY DIRECTOR OF COMMUNITIES ECONOMY AND TRANSPORT.

1. The Site and Surroundings

1.1 This is a triangular shaped site of approximately 0.24 hectares on the south side of Mill Lane on the western fringe of South Chailey. The site is flanked to the east by Gradwell End, a cul-de-sac comprised of 2 storey houses erected in the early 1990s, which also provides access to land to the

south that has planning permission for a retirement village. To the east of Gradwell End is The Martlets, further residential development as well as Chailey School, a large secondary school. To the west of the application site is a private road leading south which includes a bridleway. Access to the application site, the neighbouring medical surgery and a 2 storey detached dwelling at Honeypot House (formerly Orchard View) is via a shared bellmouth. Further to the west, Mill Lane becomes Honeypot Lane, with a mixture of 1 and 2 storey residential developments arranged around private cul-de-sacs. On the north side of the road is open countryside.

1.2 The application site is set slightly below Mill Lane and has a frontage of approximately 55 metres, the boundary being marked by a high hedge which largely hides views into the site. There is a gap in this hedge allowing pedestrian access to the site with vehicular access being from the westernmost corner of the site onto a small car parking area. Greenacres sits behind, and slightly below, this car park and resembles a large bungalow dating probably from the 1970s judging by its appearance. It has recently become vacant having provided supported living accommodation since 1987 for up to 7 residents with learning difficulties. Prior to that residents would have been cared for in hospital on a long term basis.

1.3 The garden then falls away from Greenacres by approximately 3.5 metres and the site narrows over a depth of approximately 70 metres. The site is densely vegetated with shrubs, small trees and more mature specimens such as Field Maple and Eucalyptus which contribute to the wider streetscene. There is also a prominent Oak in the neighbouring surgery which overhangs the application site.

2. The Proposal

2.1 The proposal is to demolish the existing building and, by extending and retaining the floor slab, to construct new supported living accommodation comprising 2 no. single storey and 1 no. 2 storey buildings. The single storey buildings provide 3 flats each on long term tenancy basis and will face one another across a shared landscaped courtyard. The 2 storey building provides 4 no. studio apartments for short term respite care. In addition it will include a lift, facilities and accommodation for up to 13 staff providing 24 hour support for up to 10 residents. Staff will work shifts with as few as 6 working nights.

2.2 The buildings would be clad in fair faced brickwork, probably Hamsey Stock from the local Ibstock works with the first floor of the 2 storey block clad in a proprietary fibre-cement cladding intended to replicate the appearance of grey stained timber boarding. Windows would be aluminium framed powder coated in a grey colour. Roofs are to be monopitched and covered in a dark grey sheet with applied standing seam. The increased site coverage by new buildings will result in removal of shrubs and small trees within the site but the more mature specimens on the site boundaries are to be retained and protected during construction. Additional planting is also proposed as part of redevelopment.

2.3 The accesses to the site are to remain but the parking area is to be extended across the frontage and marked out to provide for up to 15 cars (including 2 spaces for those with disabilities). Dedicated parking for 4 cycles and 1 motorcycle is also proposed as is bollard lighting for the whole car park.

2.4 Security is a key consideration in the design with residents having individual outdoor space as well as access to a shared, and lit, courtyard under supervision. 2 metres high fencing is to be erected around the site boundary as well as to residents' garden spaces with site security arranged to separate residents from the short term respite care accommodation. This will be by means of access control, cctv and lighting.

3. Main Planning History

3.1 LW/1796/CC – Granted – 1996; Single storey extension and 2 new pairs of external doors in place of windows.

4. Consultations and Representations

4.1 Lewes District Council; Lewes District Council support the principle of the proposed development in the application, but trust that the County Council will fully consider the issues raised by Chailey Parish Council in its representation, prior to granting any planning permission.

4.2 Chailey Parish Council; Councillors agreed that they were in principle supportive of the redevelopment. However, they had objections to aspects of the current proposals. Councillors agreed with comments made by residents objecting to the siting and general appearance of the proposed buildings. The proposed two storey building would be sited in a prominent position and consideration should be given as to whether the layout could be reconfigured to repositioning this building. As to appearance, the proposed buildings would be out of character with the type of buildings that predominate in Chailey. Evidence obtained whilst developing the Neighbourhood Plan suggested this was a preference of residents. Pitched roofs with tiles would be more in keeping. Councillors also considered that the use of softer more sympathetic colours than those proposed would make the development less obtrusive. Concerns have been expressed by residents about the traffic implications for Mill Lane. The position would be greatly exacerbated if either or both of the proposed developments at Chailey School and Gradwell End were to be underway at the same time as the development under consideration. Mill Lane is a busy road, particularly when the school is open. Councillors shared the concerns expressed and considered that coordinated traffic management plans for all sites (including Greenacres) would need to be in place to reduce the effect of the increased traffic in Mill Lane and to minimise disruption to other users and local residents.

4.3 Highway Authority: The Transport Report accompanying the application confirms that traffic generated by the proposal is unlikely to lead to severe impact on the local highway network. The proposed internal access

arrangements represent a significant improvement compared to the existing situation. Therefore there are no highway grounds for objection to the proposal, subject to conditions.

4.4 Lead Local Flood Authority: The applicant has addressed concerns about the impermeable area associated with the existing car park, and also about the calculations for different storm durations from 15min to 48hours. However, the applicant has not submitted the information confirming that Southern Water has agreed to the proposed discharge rate. Therefore approval is recommended with appropriate conditions.

4.5 Sussex Police, Designing Out Crime Officer: In noting the crime prevention measures to be included in the proposal Sussex Police support the proposal from a crime prevention point of view.

4.6 Local Representations: 15 representations have been received from 9 addresses in the vicinity of the application site. All object to the proposal and the main points are summarised as follows:-

- Poor design which does not respect its site or surroundings
- Not a good environment for the scheme's occupiers
- Current dark skies in the vicinity will be adversely affected by the proposed lighting in the layout
- Will cause loss of privacy and sunlight and overshadowing
- Contrary to Policy ST3 in the Local Plan
- Cumulative impact of construction with other developments in the vicinity
- There is no overriding need locally for this development. It should be in a more urban environment with better infrastructure
- The site is at a dangerous blind bend on a busy road
- Building work has already commenced

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

5.1 Lewes District Local Plan 2003: Saved Policies ST3 (Design, Form & Setting of Development), CT1 (development in the countryside)

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. Saved Policy ST3 is considered by the District Council to be fully consistent with the NPPF and remains part of the Development Plan post adoption of the Core Strategy. Saved Policy CT1 is considered to be partially consistent with the NPPF because some of the sub parts of the original policy no longer exist, having been deleted as they were no longer NPPF compliant. The deleted parts relate to new residential development, re-use of rural buildings and certain forms of sport, recreation and leisure development in the countryside.

5.2 Lewes District Joint Core Strategy 2016: Core Policy 11 (Built and Historic Environment and High Quality Design), Core Policy 13 (sustainable travel)

5.3 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013; Policy WMP3d (waste minimisation during construction)

5.3 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. Regard should be had to NPPF policies so far as relevant. Part 6 encourages provision of a wide choice of quality homes and Part 7 attaches great importance to the design of the built environment.

5.4 Chailey Neighbourhood Plan; The Neighbourhood Area was designated in March 2015 and a draft Plan yet to be published. No weight can therefore be given to it in decision making.

6. Main Considerations

Need

6.1 The need for the type of secure accommodation provided in partnership with the NHS is ongoing however the premises are outdated and increasingly inhibit the ability to provide the desired quality of personalised care and support tailored to individual needs.

6.2 The applicant considers the best approach is to demolish and rebuild. This presents the opportunity for purpose built premises which is preferable to an adaptation and extension of the existing premises.

Principle of development

6.3 Saved Policy CT1 in the Local Plan directs development to within defined planning boundaries. Outside of such boundaries, as is the case with this site, permission will not be granted other than for specified types of development, one of which is institutional sites / uses such as this.

6.4 In addition, indirectly related to Saved Policy CT1, the site is already developed and used for institutional purposes underpinning the policy support for the principle of development.

Design, Appearance and impact on neighbouring amenities

6.5 Saved Policy ST3 in the Local Plan sets out a range of design criteria with which development should comply. These criteria include consideration of the siting design and appearance of a proposal and its impact on its

surroundings. This approach is carried forward in Core Policy 11 of the Core Strategy.

6.6 Notwithstanding the application site is within defined countryside the immediate surroundings to the south of Mill Lane / Honeypot Lane are characterised as low density housing of varying styles but with an altogether larger scale of development at Chailey School. The size, scale and height of nearby development is therefore diverse varying from small domestic to large institutional. Within that context it is considered the scale of the proposal, including the 2 storey element which would be seen from outside the site, will not be out of character with neighbouring development.

6.7 Furthermore the varying styles of neighbouring development combine in a mixed character with no one style being dominant. The proposal does not copy any of these styles but adds to the variety. The combination of brick and stained timber-like cladding for the elevations are not considered to be alien materials to a semi-rural setting such as this and whilst monopitched roofs are not apparent that is not a reason in itself to resist the design. It is the proposed 2 story block that would be visible from outside the site but it would be seen in a setting of retained mature trees which will partially soften its appearance in the streetscene in the same way as the 2 storey detached house to the west, at Honeypot House (formerly Orchard View).

6.8 Some representations express concern about loss of light, overshadowing and privacy. However due to the separating distances of at least 30 metres, the orientation and existing vegetation between the proposal and neighbouring residents, amenities will be mutually respected. The most affected property could be the surgery to the south-west but as a medical practise any amenities it enjoys are less sensitive to change than for residential occupiers.

6.9 The proposal will be lit in order to provide for security and maintain safety for residents. Mill Lane is not street lit although the retirement village to the south will be lit. Any proposed lighting at Greenacres needs to balance the needs of its residents with the character of the wider area which is not street lit. The majority of external light fittings proposed are either bollards for the parking areas or small units fixed to buildings. All of these will be movement sensitive so would not be on permanently with fittings shrouded to prevent light from the bulbs being directed skywards. Furthermore all units will be LED with low power consumption. However, 2 no. column lights are required in a communal area between the single storey flats. These will also be shrouded to prevent upward spill but they are required to be 'on' from dusk until dawn. They could however be lower than the proposed height of 4 metres in order to contain illumination to within the communal area. For this reason the final details of external lighting should be agreed through a condition attached to any permission.

6.10 Overall the proposal is not considered to be out of character with its surroundings nor is it expected to harm the amenities of neighbouring

occupiers and therefore satisfies Saved Policy ST3 in the Local Plan and Core Policy 11 in the Core Strategy.

Impact on local highway network

6.11 As mentioned in paragraph 6.5, Saved Policy ST3 in the Local Plan seeks to avoid detriment to the character or amenities of an area through increased traffic levels, congestion or hazards. Access, circulation and parking should be provided in accordance with relevant policies which are also set out in Policy CP13 in the Core Strategy.

6.12 The current site access arrangements will not change as a result of the proposed redevelopment. The speed limit on Mill Lane at this point is 30 mph with visibility from the shared bellmouth in accordance with recommended standards (contained in Manual for Streets). The most recent recorded collision in the immediate vicinity of the access was in October 2010 involving 2 vehicles and slight injuries to 2 occupants. Whilst any accident is regrettable that record would suggest there are no significant road safety issues on this stretch of road.

6.13 The proposed 15 car parking spaces, 2 cycle racks and a motorcycle space in an enlarged car parking area is consistent with Highway Authority standards. The intention to mark out the car parking spaces is welcomed as it will help the parking area to be used more efficiently as well as enabling vehicles to easily turn around within the site.

6.14 Traffic generation attributable to the development can be estimated with a good degree of reliability because the proposal is essentially a more concentrated version of the recently ceased service. For 7 residents, that facility employed up to 3 carers and a manager during the day with 2 carers on night shift, i.e. an estimated 22 movements on a typical day. The proposal increases the capacity to 10 residents and likely maximum of 13 staff on site on a normal day (i.e. weekday 9 - 5) with a reduced overnight staff of 6 (8 pm – 8 am). The total number of staff will be 32, generating approximately 64 vehicle movements over the course of a typical day. This is probably realistic as the village is not particularly well served by public transport and the site itself even less so. Alternatives to the car are therefore limited although there is the possibility that some staff might live locally and opt to walk or cycle.

6.15 The Transport Report supporting the application therefore assumes a net increase of 42 movements on a typical day concentrated between approximately 7.30 am and 8.30 pm although not evenly spread over that 13 hour period. Instead they will be clustered around shift changes either side of 8 am, 2 pm and 8 pm with a potential maximum of 11 movements in each cluster or an increase of 8 movements when compared to the recently vacated operation.

6.16 This is not considered to be a significant increase either on its own or in the context of overall traffic flows on Mill Lane / Honeypot Lane. For example on Tuesday 23rd April 2018 a total of 389 movements were counted

in the morning peak between 8 am and 9 am, 267 between 7 am and 8 am (on Thursday 26th April) and 305 between 5 pm and 6 pm (on Thursday 19th April). The traffic generation of the proposed retirement village off Gradwell End is anticipated to generate 26 two-way movements in the morning peak (8 – 9 am) and 21 in the evening peak (5 – 6 pm) but this does not change the Highway Authority's opinion about the insignificance of traffic generation by the redevelopment of Greenacres.

6.17 The application is accompanied by a draft Construction Management Plan (CMP) which broadly sets out the type of information expected to be included in such a document. However in view of two other relatively large construction projects nearby; namely the aforementioned retirement village and potentially a major refurbishment at Chailey School the approval of a CMP at Greenacres should be the subject of a condition. This would allow the CMP to take into account any construction related cumulative implications on these other sites at the time construction on Greenacres begins.

6.18 The proposal is considered to be acceptable in its impacts on the local highway network and therefore complies with Saved Policy ST3 in the Local Plan and CP13 in the Core Strategy.

7. Conclusion and reasons for approval

7.1 In accordance with Section 38(6) 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 acceptable in its location, design, appearance, impact on neighbours and the local highway network. It therefore complies with Saved Policies CT1 (development in countryside), ST3 (design, form and setting) in the Lewes Local Plan 2003 and with Core Policies 11 (Built and Historic Environment and High Quality Design) and 13 (sustainable travel) in the Lewes District Joint Core Strategy 2016 and Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

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, the Parish Council and neighbours and has considered responses 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 plans.

8. Recommendation

8.1 To recommend the Planning Committee to grant planning permission 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. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan, has been submitted to and approved in writing by the Director of Communities, Economy and Transport. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The plan shall provide details as appropriate but not be restricted to the following matters;

- the anticipated number, frequency, access, egress and routeing of vehicles during construction taking account of other construction projects in the vicinity.
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the protection of retained trees
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and use of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interest of highway safety and amenity of the area.

4. Prior to commencement of development a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The SWMP shall include details of dust and noise controls during demolition as well as how construction waste will be minimised. Development shall be carried out in accordance with the approved SWMP.

Reason: To minimise disruption and construction waste to be removed from site in accordance with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. Prior to commencement of development a detailed surface water management design shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The design shall include hydraulic calculations which take account of connectivity with different surface water drainage features together with details of maintenance and management. Before the development is occupied the approved drainage system shall be made available for use and written agreement of Southern Water for any connection to the public sewer provided to the Director of Communities, Economy and Transport.

Reason: To ensure appropriate management of surface water in accordance with Saved Policy ST3 in the Lewes District Local Plan 2003.

6. Construction work shall not take place at any time other than between the hours of 0800 and 1800 Mondays to Fridays and between the hours of 0800 and 1400 on Saturdays and not at any time on Sundays, Bank and Public Holidays other than with the prior written approval of the Director of Communities, Economy and Transport.

Reason: To strike a balance between the need to carry out construction as speedily as possible but at the same time to minimise the impact of construction on the occupiers of properties in the vicinity of the site and to comply with Saved Policy ST3 in the Lewes District Local Plan 2003.

7. No development, excluding demolition, shall take place until plans and full details of both hard and soft landscaping works have been submitted to and approved in writing by the Director of Communities, Economy and Transport and these works shall be carried out as approved. These details shall include:

Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, refuse or other storage units, signage etc).

Soft Landscaping

- Protection of retained trees
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation programme
- Management Plan

Planting shall be maintained thereafter in accordance with the approved Management Plan.

Reason: To secure appropriate landscaping of the site in the interests of the amenity of the locality in accordance with Saved Policy ST3 in the Lewes District Local Plan 2003

8. Prior to commencement of development, excluding demolition, details of external lighting (including numbers, type of luminaires and isolux calculations) shall be submitted to and approved in writing by the Director of Communities, Economy and Transport and installed lighting shall be implemented in accordance with the approved details.

Reason: In the interests of safety, security and the amenities of the area and to accord with Saved Policy ST3 in the Lewes District Local Plan 2003.

9. Notwithstanding details shown on approved plans, prior to construction above ground samples of the external materials to be used in the construction of the buildings hereby permitted shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Saved Policy ST3 in the Lewes District Local Plan 2003.

10. The development shall not be occupied until the vehicle and cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that purpose and shall not be used other than for the parking of vehicles and cycles.

Reason: To ensure an appropriate level of parking is available for vehicles and cycles at the site, in accordance with Core Policy 13 of the Lewes District Joint Core Strategy 2016.

11. The operational noise rating level from plant shall not exceed 35 dBLAeq, 1hr (freefield) at the nearest noise sensitive receptor as measured in accordance with BS 4142:2014'

Reason: To minimise the noise impact from plant in accordance with Saved Policy ST3 in the Lewes District Local Plan 2003.

Schedule of Approved Plans

HBS-DR-(10)-A-200 P1 - Site Location Plan, HBS-DR-(10)-A-201 P1 - Existing Site Block Plan, HBS-DR-(10)-A-202 P3 - Proposed Site Block Plan, HBS-DR-(10)-A-310 - Proposed Ground Floor Plan, HBS-DR-(10)-A-311 P4 - Proposed First Floor Plan, HBS-DR-(10)-A-312 P4 - Proposed Roof Plan, HBS-DR-(10)-A-400 P3 - Proposed Elevations, HBS-DR-(10)-A-500 P2 - Indicative Site Sections

RUPERT CLUBB

Director of Communities, Economy and Transport

16 July 2018

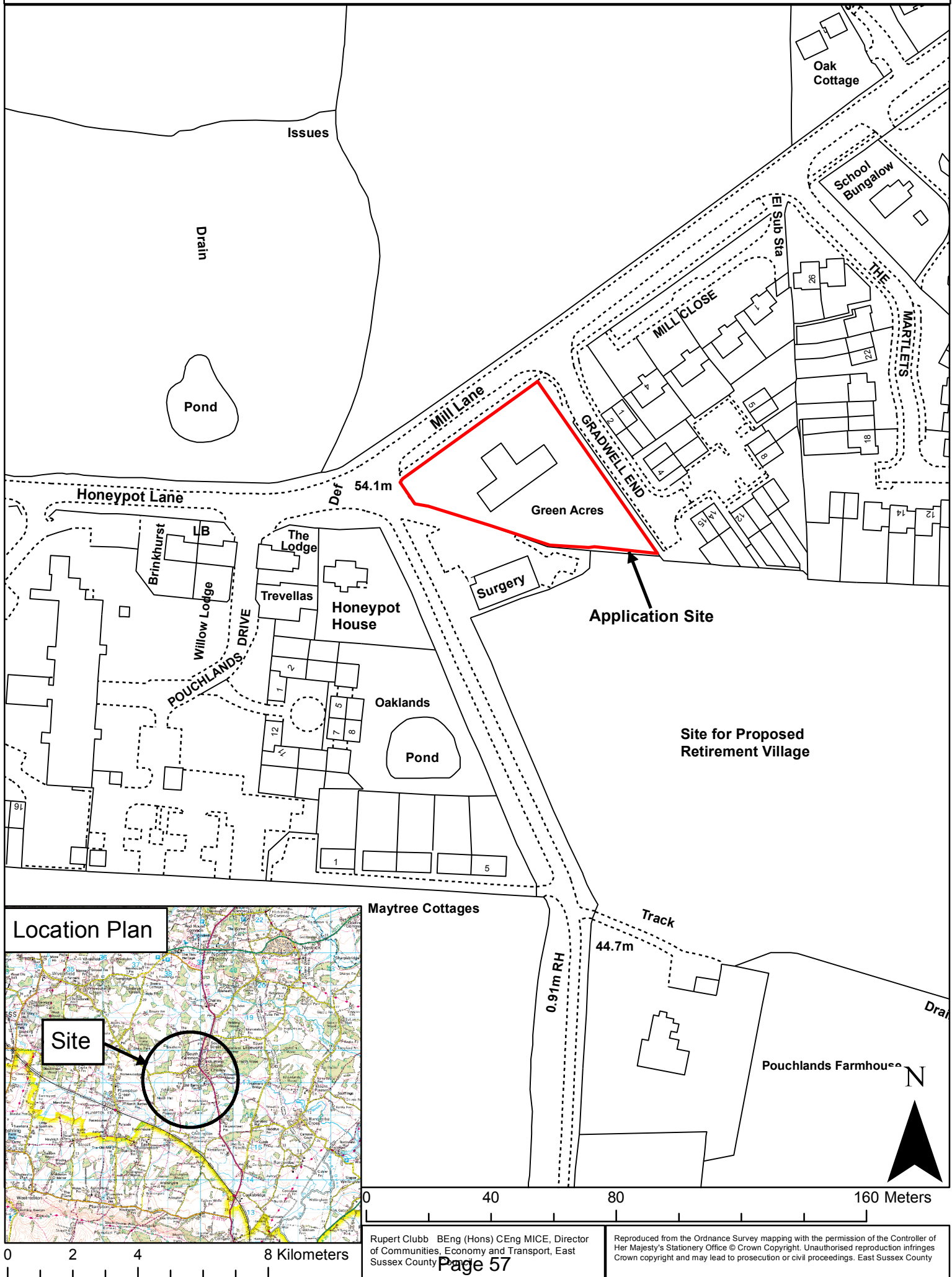
BACKGROUND DOCUMENTS

Development Plan

National Planning Policy Framework

Application File

LW/3393/CC Greenacres, Mill Lane, Chailey



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Committee	Regulatory Planning Committee
Date	25 July 2018
Report by	Director of Communities, Economy and Transport
Subject	Development Management Quarterly Update
Purpose	To inform Members about development management matters relating to enforcement and site monitoring, undertaken under delegated powers for the three month period between 1 April and 30 June 2018.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 April and 30 June 2018, there were seventeen new alleged breaches of planning control. Of the new cases, ten were resolved within the reporting period and two older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of June 2018 was eleven. This represents an increase of five in the number of cases that were outstanding at the end of the previously reported quarter. Whilst the last quarter has seen an increase in the number of outstanding cases, this still remains very low compared to previous periods.

1.2 One of the key aspects that assists with the investigation and resolution of enforcement cases is working closely with colleagues in other organisations, agencies and also within the Department. This includes other local authorities, the Environment Agency, Police and Trading Standards. This provides a most useful information sharing and intelligence gathering opportunity, particularly as often the same persons are of interest to the various parties. In addition, multi-agency working has the benefit of being able to make better use of resources and often it is the case that the level of scrutiny of a site by numerous regulatory bodies has prompted unauthorised activities to cease. To support this joint working and cooperation, officers also attend various inter-agency regional and national groups as well as locally arranged liaison groups.

1.3 Appendix 1 of this Report provides details of cases resolved and received within the period 1 April and 30 June 2018, together with details of the status of all current cases. Additional details and information on these cases can be obtained from the relevant officers listed at the end of this Report.

2. Site Monitoring

2.1 Site monitoring of all minerals and waste sites has continued, but has to be accommodated within limited resources and alongside the enforcement service. During the last quarter forty six non-chargeable site monitoring visits were carried out. For the majority of sites visited, no substantive breaches of planning control were found to be occurring. However, four sites were identified as having breaches which warranted them being categorised as enforcement cases and further investigations/action into these sites is being progressed. Details of these sites and the issues are contained within the tables at Appendix 1 to this report.

3. Appeals

3.1 There is currently one appeal being dealt with. As previously reported, this appeal relates to an Enforcement Notice that was served regarding the unauthorised importation, deposit and processing of waste materials (UPVC window frames) at Upper Lodge Farm, The Broyle, Ringmer. The Notice required the cessation of the activity and the clearance of the site. The appellant appealed on "Ground (a)": that planning permission should be granted for the activity. The Planning Inspectorate has now formally "started" the appeal and confirmed that it will be dealt with at a Hearing. The Hearing has been set for 9 October 2018. Interested parties have been notified of the appeal and how they can make representations. The Council has submitted its questionnaire and supporting documentation already and must then submit its Statement of Case by 3 August 2018. Members will be advised of the outcome of the appeal in future reports.

4. Contact Officers

4.1 Members with any queries about site monitoring or enforcement matters should contact either Sarah Iles (01273 481631) or Robert Shapter (01273 335218). Members with queries relating to County Matter and Regulation 3 applications should contact either Jeremy Patterson (01273 481626) or David Vickers (01273 481629).

RUPERT CLUBB
Director of Communities, Economy and Transport
16 July 2018

Local Members: All

BACKGROUND DOCUMENTS

Current Enforcement, Monitoring, Planning Application and Appeal Files.
MasterGov Database.

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE APRIL 2018

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
December 2017	Land adjacent to The Downs View, Hailsham Road, Stone Cross	Importation and deposit of waste (wood and green waste)	<p>Whilst in the area dealing with another matter, officers noticed a significant quantity of waste in the field adjacent to this residential property. Contact was made with the landowners who stated that the waste, comprising wood and green waste, had originated from their adjoining property. A timescale for the removal of the waste was agreed and although progress of getting the site cleared was hampered by poor weather and very wet ground conditions earlier in the year, contact was maintained with the landowner.</p> <p>A further site visit has now been carried out, which confirmed that the site has been cleared of all waste materials. Breach of planning control resolved and no further action is required.</p>
March 2018	Sacred Heart R.C. Primary School, Old London Road, Hastings	Unauthorised development - Timber outdoor classroom	<p>A complaint was received that unauthorised development on County Council land had taken place at this site. A site visit was undertaken which confirmed that a timber building had been erected on the site. Enquiries were undertaken, which ascertained that due to its size and location, the development was considered to benefit from permitted development rights by virtue of Class A(a) to Part 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and does not require specific planning permission.</p> <p>No breach of planning control and no further action is required.</p>

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE APRIL 2018 AND RESOLVED

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
April 2018	Laurel Tree Fruit Farm, Boars Head, Crowborough	Breach of Conditions (Hours of operation, noise and vehicle movements)	<p>A complaint was received that operations at the site, which has planning permission for the infilling of a disused quarry, were not being carried out in accordance with the conditions attached to the relevant planning permission (WD/692/CM). The issues raised related to noise, operating outside of the permitted hours and exceeding the permitted number of vehicle movements.</p> <p>A site visit was carried out and discussions held with the relevant parties. Documentation for the total number of loads imported to the site were provided and examined by officers. It was noted that a couple of minor breaches of the permitted hours had occurred, and there were two instances where the permitted number of loads delivered to the site were exceeded (by one on each occasion). In respect of the noise issues raised by the complainant, these were found to be caused by the operational activities on the fruit farm and not the infilling of the quarry. All parties associated with the development were reminded of the restrictions regarding hours and vehicle movements.</p>

			Targeted monitoring of the site was carried out and no further breaches of planning control were identified. No further enforcement action is required and the site will continue to be monitored in accordance with the Council's Site Monitoring Policy.
April 2018	Overshaw, Batemans Road, Burwash	Importation, deposit and burning of waste.	<p>A complaint was received that waste was being imported into the site, deposited and then burnt.</p> <p>A site visit was undertaken which did not clarify the situation and a site meeting was therefore arranged with the landowners, where the matter was fully discussed. The landowners stated that no waste had been imported into the site and deposited or burnt. During the initial site visit and the subsequent site meeting no evidence was seen which appeared to contradict the landowner's contention that no waste had been imported. They did, however, admit to having bonfires on the site, on more than one occasion, in order to burn green waste generated from within the site itself. The landowners were advised to contact the Environment Agency regarding the burning and also that excessive burning at the site could be considered to constitute a statutory nuisance, which would be a matter for Environmental Health at Rother District Council.</p> <p>No breach of planning control identified and no further action required by this Authority in its capacity as the Waste Planning Authority.</p>
April 2018	Lansdowne Secure Children's Home, Hawks Road, Hailsham	Breach of Condition (Tree protection)	<p>A complaint was received that a tree at the site, which was supposed to be protected during the development (under planning permission WD/3387/CC), was in the process of being felled. Contact was immediately established with the developer and a site visit carried out. Further works to the tree were stopped and it transpired that a workman had failed to read the approved plans correctly.</p> <p>The tree concerned was examined by an arboriculturist and it was considered that the tree should regenerate and therefore should not be felled. The situation will be monitored by officers and the developer, and should the tree not recover then compensatory planting at the site will be undertaken.</p> <p>No further action required at this stage and the site/tree will continue to be monitored.</p>
April 2018	Greenacre Recycling, New Road, Newhaven	Breach of Conditions (Dust)	<p>The site is an authorised waste transfer station and a complaint was received that dust was being allowed to escape from the site.</p> <p>A site visit was undertaken and no evidence of dust escaping from the site was observed. Notwithstanding this, there are no conditions attached to the planning permission for the site (LW/767/CM) relating to dust and, therefore, there is no breach of planning control insofar as the Council is concerned. However, the site also operates under an Environmental Permit issued by the Environment Agency and the permit has requirements for dust management. Consequently, details of the complaint have been passed to the Environment Agency for their information/action as they deem appropriate.</p> <p>No breach of planning control and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
April 2018	Cues Meadow, Military Road, Playden, Rye	Importation and deposit of waste (hardcore)	<p>A complaint was received that waste materials, comprising hardcore, were being imported into the site and deposited on the access track.</p> <p>A site visit was undertaken, which confirmed the substance of the complaint. However, the material consisted of</p>

			<p>clean hardcore, with no contaminants mixed in with it, and was clearly being used to maintain/repair the existing access track. Whilst on site, officers spoke to a mooring tenant who confirmed the nature of the works.</p> <p>The works undertaken are considered to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 and do not require specific planning permission. No breach of planning control and no further action required.</p>
May 2018	Burnt Oak Farm, Burnt Oak, Crowborough	Importation and deposit of waste materials (soils)	<p>A complaint was received that waste materials were being imported into the site and deposited, and other waste was being deposited on the highway.</p> <p>A site visit was undertaken, during the course of which a meeting was held with the landowners who explained that they were in the process of partially demolishing a barn on the property prior to rebuilding it. Some of the waste materials that had been generated from the demolition were to be used in the maintenance and repair of field gateways on the property, which was where the waste had been deposited.</p> <p>With regard to the demolition of the farm building, investigations revealed that it is not a listed building and the landowners have been advised to check with Wealden District Council as to whether planning permission or prior approval is required for the rebuilding of the barn.</p> <p>In respect of the farm gateway repairs, this is considered to be permitted development and there is no breach of planning control. No further action is required.</p>
June 2018	Allied Waste Management, Squires Farm Industrial Estate, Easons Green, Uckfield	Breach of Condition (Noise and permitted hours of operation)	<p>A complaint was received that operations at the site were creating excessive noise and work was being undertaken outside the permitted hours.</p> <p>A site visit was undertaken and discussions held with the operator, who denied that the site was being operated outside the hours permitted by the planning permission for the site (WD/737/CM). There are no noise controls attached to the planning permission and activities at other units on the Industrial Estate were observed to be generating far more noise than this particular site. The site has been monitored regularly, including before this complaint was received, and no breaches of the permitted hours of operation, or other controls have been noted.</p> <p>No breach of planning control and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
June 2018	Pipers Farm, East Hoathly	Importation and deposit of waste (soils)	<p>A complaint was received that waste materials, comprising soils, were being imported into and deposited at this site.</p> <p>A joint site visit was undertaken with an officer from the Environment Agency, where it was found that a small quantity of clean top soil had been imported into the site. Following discussions with the landowner, it was established that the soils were intended to be used to repair an existing moto-cross track on the farm. The track has the benefit of a lawful development certificate from Wealden District Council.</p> <p>No breach of planning control identified and no further enforcement action required.</p>
June 2018	52 Railway Road, Newhaven (Former Parker Pen factory)	Importation, deposit and processing of waste (soils and hardcore)	<p>A complaint was received that waste materials were being imported into, deposited and processed at this site. A site visit was undertaken and it was confirmed that the site is part of the Eastside development and the materials were being used in that development. No other evidence was found of any importation, deposit and processing of waste.</p>

			In the absence of any other information, no further action is required by this Authority.
June 2018	Witherenden Farm, Stonegate	Importation and deposit of waste (soils)	<p>A complaint was received that waste materials, comprising soils, were being imported into and deposited at this site.</p> <p>A site visit was carried out and a meeting held with the landowner, who explained that the soils were imported into the site in order to improve a stony bank which posed a risk to the health of the farm animals. This was supported by the fact that a calf had recently injured itself when running down over the bank. Once complete, the bank will be seeded with a wild flower seed mix to improve the area visually.</p> <p>The works are considered to be permitted development and no further enforcement action is required.</p>

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE APRIL 2018 AND AS YET UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
April 2018	Skip It Containers, North Quay Road, Newhaven	Breach of Conditions (height of stockpiles)	<p>A site monitoring visit was undertaken, during which it was noticed that the height of the waste stockpiled on the site exceeded the structures that were containing it and, where there were no retaining structures, the height of stockpiled waste exceeded 4 metres. Conditions attached to the planning permission for the site (LW/539/CM) limit the height of stockpiled waste and the levels of waste noted on the site were found to be in breach of these conditions.</p> <p>Despite meetings with the site manager and operator the situation has not improved and it is likely that formal enforcement proceedings will be instigated. In addition, the Environment Agency is involved with the site in connection with this issue and officers will be working with the Environment Agency in this regard.</p>
May 2018	Skilton Skips, AS Farm, Crowborough	Unauthorised Waste Transfer Station	<p>A site monitoring visit was undertaken on an adjacent site and it was noticed that the operator was depositing waste on this site and processing it by sorting. Discussions were held with the operator, who admitted that he knew planning permission was required but due to the small nature of the operation was unsure whether it would be commercially viable to seek authorisation in planning and Environmental Permitting terms. The operator was given a short period of time to consider his options and has recently contacted officers to indicate that he will pursue a planning application seeking to regularise this unauthorised use.</p> <p>The operator has been given until 2 August 2018 to submit an application and the site will continue to be monitored by officers in the meantime.</p>
May 2018	Sussex Skips, North Quay Road, Newhaven	Breach of Conditions (outside storage and processing of waste)	<p>Officers undertaking a monitoring visit to the site noted that baled waste was being stored in the yard to the north of the waste transfer building, and that hardcore was being processed in the south east corner of the site, both of which are in breach of conditions attached to the planning permission for the site (LW/680/CM).</p> <p>Discussions have been held with the site operator and the stored waste in the yard to the north of the building has now been cleared. The operator has been allowed a short time period in which to consider whether an application to regularise the hardcore crushing operation will be pursued.</p>

			In the meantime, the site will continue to be monitored by officers.
June 2018	AM Skips, London Road, Maresfield	Breach of Condition (boundary treatment)	<p>A complaint was received that a fence on the northern side of the site had collapsed and had not been replaced/repared, which was a breach of a condition attached to the planning permission for the site (WD/327/CM).</p> <p>A site visit was carried out which confirmed the substance of the complaint. A meeting was also held with the operator who stated that the Environment Agency had recently carried out a monitoring visit and identified the same issue and had given him until 15 July 2018 in which to carry out the required repairs.</p> <p>The information supplied by the operator was confirmed by the Environment Agency and it was considered that their agreed timescale would also be adequate in planning terms. The site will be monitored to ensure that the repairs are carried out.</p>
June 2018	R.T. Salvage, Horselunges Industrial Estate, Hailsham	Unauthorised importation and processing of End of Life Vehicles	<p>A complaint was received that end of life vehicles were being imported into the site, and the engines removed with the bodies of the vehicles then being scrapped.</p> <p>A joint site visit was undertaken with the Environment Agency, which confirmed the substance of the complaint. A meeting was subsequently held with the operator and the planning and environmental permitting regulations explained. A timescale until 31 July 2018 has been agreed with the operator for a pre-application advice application to be submitted in order to assess whether a full planning application to seek to regularise the unauthorised operation has merit and can be supported.</p> <p>Officers will continue to monitor the site and maintain contact with the operator.</p>
June 2018	D.R.S. Pattenden, Little Exceat Farm, South Chailey	Breach of Condition (buffer zone)	<p>A site monitoring visit was undertaken, during the course of which it was noted that the scheme to maintain a buffer zone on the western and northern boundaries of the site had not been maintained and had failed. A meeting was held with the operator and a timescale for re-establishing these buffer zones was agreed.</p> <p>A further site visit will be undertaken after the agreed time period to ensure that the buffer zone has been re-established and the site brought back into compliance with the planning permission (LW/492/CM).</p>
June 2018	Bexhill to Hastings Link Road (Combe Valley Way)	Breach of Conditions (fencing/animal protection)	<p>During a site monitoring visit, it was noticed that several sections of the badger fencing alongside the carriageway have been knocked down and not replaced. This has previously been raised informally, but given the inaction to remedy the matter is now being recorded as a formal enforcement case.</p> <p>Contact was made with the applicant and a date set for the repairs to the fencing. The site will be monitored to ensure that the works are completed, alongside general site monitoring of the overall scheme.</p>

TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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July 2015	Holleys Yard, Squires Farm Industrial Estate, Easons Green	Importation, deposit and storage of waste wood	<p>This matter originally came to the Council's attention in 2012 when an operator imported a significant quantity of waste wood into this site and then vacated the site without clearing the waste wood. The Environment Agency undertook a prosecution against a director of the company, and the County Council supported this prosecution and gave evidence in court. One of the Directors of the company was convicted of the offence and was sentenced to a Community Service Order of 200 Hours of unpaid work. There was no requirement for the Director to pay for the costs of clearing the land. Consequently, the waste wood remained on the site.</p> <p>In order to protect the County Council's position, it was considered appropriate to serve an Enforcement Notice on the landowners, and interested parties, requiring the removal of the waste wood. An Enforcement Notice was therefore served on 2 February 2016. No appeal was made against the Enforcement Notice and it took effect on 4 March 2016. Following the service of the Enforcement Notice, the Environment Agency made further progress in their case against the company that was responsible for importing the waste wood into this site. The outstanding company Director was arrested on a warrant and appeared at Lewes Crown Court on 22 August 2016 for sentence, after he had entered a guilty plea at an earlier hearing. He was sentenced to one year's imprisonment.</p> <p>The site has been regularly monitored and the landowners have been in contact with officers concerning a proposal for an operation at the site which would provide the finance to help with the disposal of the waste wood. They engaged in seeking pre-application advice and a formal response was provided, which was that their proposal was considered to have some merit.</p> <p>A further site meeting has recently been held with the landowners and it was noted that some of the chipped waste had been removed from the site. The landowners have now appointed a planning consultant and a planning application regarding their proposals is due to be submitted in the near future.</p>
May 2016	Land to the North of Leeds Lane, Five Ashes	Importation and deposit of waste materials	<p>A complaint was received that waste materials were being imported into and deposited at the site. A site visit was undertaken which confirmed the substance of the complaint. Contact was made with the occupier who stated that the purpose of the importation was to improve the track through the wood for his animals in order to be able to move them across the land and not across roads, which would incur expensive veterinary costs for tuberculosis testing.</p> <p>The position regarding the requirement for planning permission was explained to the tenant farmer, and he was requested to cease any further activity until a joint site meeting with all the regulatory authorities concerned had been arranged. A further joint site meeting took place, and it was noted that the tenant farmer had completed the works to the track. The imported waste did not have any stability and was noted to have started to slip. It was considered that the works to the track were excessive and unnecessary, and amounted to a waste disposal operation. The tenant farmer was therefore requested to remove the imported waste from the site.</p> <p>Some materials were removed and officers continued to liaise with all the regulatory authorities in order to provide the landowner with a cohesive view of what is required in order to resolve this matter. A phased programme of works was agreed and a further site meeting held with the landowner's agent and the tenant. It was hoped that the agreed programme of works would be completed before the onset of poorer weather, but ground conditions made it difficult for machinery to access the site.</p> <p>Some of the agreed remedial works were carried out, but ground conditions then deteriorated to such an extent that machinery was completely unable to access the site. An extension of time was agreed for the works to be completed by the end of May 2018. This was not achieved and a further meeting was held with the operator.</p>

			<p>After a long delay owing to the extremely poor weather over the spring, the agreed works have now recommenced. Officers are maintaining regular liaison with the landowner's agent to ensure that the works are completed as agreed.</p>
June 2016	Penfold Driveways, The Warren, Crowborough	Unauthorised development	<p>A complaint was received by the Environment Agency that waste was being imported into and deposited at the site. A joint site meeting was arranged with all the various regulatory authorities and the operators to discuss the various issues at the site. It was clear during the course of the site meeting that the importation, deposit and processing of waste was taking place at the site.</p> <p>A pre-application site meeting with the operators took place and the operator's agent contacted officers to confirm that a planning application would be submitted. However, no application was forthcoming and the operator appointed a new agent, who contacted officers with a view to expediting the submission of the planning application. Officers continued discussions with the operator's new agent, who stated that they were proposing works on the site that had not previously been discussed, and which could possibly be unsupportable.</p> <p>The Environment Agency subsequently served warning letters on all the operators of the site and required them to remove the imported waste materials by 29 December 2017. Officers monitored the site and noted that a significant quantity of the imported waste materials had been removed.</p> <p>A further meeting with the landowner/operator and Environment Agency has now taken place. The landowner stated that the delay had been caused by a dispute over the land ownership, which has resulted in the need to alter the proposals at the site. To accommodate this, a new pre-application advice application has been submitted and is being processed.</p>
February 2017	Freedom Powerchairs Ltd, Upper Lodge Farm, The Broyle, Ringmer	Importation and deposit of waste	<p>A complaint was received that old UPVC window frames were being imported into this site and processed. A site visit was undertaken which confirmed the details contained within the complaint. A meeting was held with the landowner where the requirement for planning permission for this type of operation was explained. A further site meeting was also held with the operator and discussions were undertaken concerning the planning requirements for activities at the site. The operator was given a timescale in which to either submit a planning application to regularise the unauthorised development, or to cease the use of the site for waste processing and clear the site of the imported waste.</p> <p>The operator failed to submit a planning application within the agreed timescale, or clear the site of the imported waste. Formal enforcement proceedings were therefore instigated against the landowner and operator and an Enforcement Notice was served on 10 July 2017. An appeal was made against the Enforcement Notice. However, it was then noted that there was a technical error in the explanatory note which accompanied the Enforcement Notice. Whilst this did not materially affect the Notice itself, it was decided by the Council that the Enforcement Notice should be withdrawn and then immediately re-issued with an amended explanatory note. The first Enforcement Notice was withdrawn on 22 August 2017 and the second Enforcement Notice was served on 29 August 2017.</p> <p>An appeal against the Enforcement Notice was made to the Planning Inspectorate, which put the Notice in abeyance. Confirmation that the appeal can proceed was received from the Planning Inspectorate, who originally indicated that the appeal will be dealt with at a Public Inquiry. However, further correspondence has been received notifying the Council of the "start" date for the appeal and that it will be dealt with by way of a Hearing. The initial questionnaire and documents have been sent to the Planning Inspectorate and the Council's Statement</p>

			<p>of Case must be submitted by 3 August 2018. The hearing itself is scheduled to take place on 9 October 2018.</p> <p>Members will be updated of progress in future reports.</p>
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Committee:	Regulatory Planning Committee
Date:	25 July 2018
Report by:	Director of Communities, Economy and Transport
Title of Report	Traffic Regulation Order – Eastbourne (Devonshire theatre area) parking review
Purpose of Report	To consider the objections received in response to the formal consultation on the draft Traffic Regulation Order associated with the Eastbourne (Devonshire theatre area) parking review
Contact Officer:	Michael Blaney -Tel. 01424 726142
Local Members:	Councillor Taylor

RECOMMENDATION

The Planning Committee is recommended to:

- 1. To uphold, in part, the objections to the draft Order as set out in this report**
 - 2. Recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order be made in part as detailed in Appendix 3 of this report.**
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CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.

1. Introduction

- 1.1** In November 2015 Eastbourne Borough Council (EBC) considered a planning application to redevelop part of Devonshire Park in Eastbourne. A requirement of the planning consent was to secure a parking review in nearby roads and EBC asked East Sussex County Council (ESCC) to undertake this review.
- 1.2** The planning application reference is 150903 (PP) and 150904 (LBC) and is available on Eastbourne Borough Council's website at the following link:

<http://democracy.eastbourne.gov.uk/ieListDocuments.aspx?CId=144&MId=1372&Ver=4>

The planning application proposal has been developed over time and has been driven by the need to undertake renovations to the three listed buildings on site, to upgrade the facilities in the buildings, to preserve the future of the international tennis tournament, to create better conference facilities, to create a new entrance building, to create significant new public realm space and to develop a more sustainable future for the site in accordance with the objectives and policies set out in National and Local Plans.

- 1.3** The application was accompanied by a legal agreement covering issues relating to travel plan monitoring, a commitment to a local parking survey and real-time bus information, commitment to enter into a S278 agreement and full engagement in the delivery of local employment initiatives.

- 1.4 In January 2018 consultation took place on informal proposals which were designed to address the potential increased footfall and subsequent displacement of parking to nearby streets. The proposals included controlled shared parking (for permit holders or two hours paid parking for any member of public) in College Road, Furness Road, Grange Road, Blackwater Road, and Compton Street, resident permit holder only parking in Sheraton Close, controlled shared parking (for permit holders or four hours for any member of public) in College Road, Grange Road, Old Wish Road, Carlisle Road, and Jevington Gardens, permit holder parking or unlimited pay and display parking in Jevington Gardens, and loading bays and disabled parking in Wilmington Gardens and Compton Street. Permit holder only parking was also proposed in Wish Road as well as four hour pay and display parking in Hardwick Road.
- 1.5 Feedback from the informal consultation led to formal proposals being developed. The formal proposals are shown within the draft Traffic Regulation Order (TRO), which forms Appendix 1 to this report. The formal proposals were advertised in the Eastbourne Herald on 27 April 2018. Copies of the advertised Notice of proposals were placed on posts in the area and a copy of the proposals was also placed on deposit in County Hall reception and the Parking Information Centre in Eastbourne for viewing by any member of public. 924 letters were delivered to local houses and businesses. The formal period for representations to be made ended on 25 May 2018.
- 1.6 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.

2. Comments and Appraisal

- 2.1 During the formal consultation period, 251 items of correspondence were received, of which 230 items objected to the proposals. Full copies of the objections have been made available in the Members Room. A summary of the objections, with officer comments, is included in Appendix 2. Plans showing the proposals are included in the Additional Information Pack.
- 2.2 Officers believe that all of the proposals presented in the formal consultation were necessary to address the parking demands in the area. We have however listened to the concerns raised during the consultation and removed a number of the proposed changes. Revised plans, which reflect the proposed removal of some of the proposed changes, have been drawn up and all of the objectors have been advised of the revised plans.
- 2.3 In light of the objections received, it is proposed to remove the proposals in Sheraton Close, Furness Road, Grange Road, Old Wish Road, and parts of Carlisle Road, College Road, Jevington Gardens, Blackwater Road, and Compton Street.
- 2.4 The revised proposals will reduce the extent of the scheme to the following:
At the front of the theatre complex:
- the introduction of a drop-off/pick-up bay for disabled badge holders
 - a long term parking space for disabled badge holders (unlimited stay between 8am and 11pm)
 - a loading bay (for the theatre and other local businesses)
 - a coach drop-off point (for 30 minutes between 8am and 11pm)
 - an extension to the bus stop clearway
 - loading bans to prevent obstruction in Wilmington Gardens and at the junctions of College Road/Carlisle Road and Compton Street
- These will enable loading and unloading, drop-off areas for coaches, and parking and drop-off areas for disabled badge holders.

At the rear of the theatre complex:

- four hour parking in Hardwick Road
- permit holder only parking in Wish Road
- shared parking in Blackwater Road (between Chiswick Place and Hardwick Road)

These will increase available parking for visitors to the theatre complex and anyone else looking to stay for a maximum of four hours as well as providing additional parking for local residents.

In Compton Street and Jevington Gardens:

- shared parking for anyone up to four hours and resident permit holders only parking in Jevington Gardens (between Compton Street and Grand Parade)
- resident and hotel permit holder parking in Compton Street

These will provide extra parking spaces for local residents, and additional parking spaces for hotel permits while also allowing anyone else looking to stay for up to four hours.

- 2.5 It is proposed to monitor the parking pressures in this area following the development of the theatre complex before deciding whether further changes are required. This could include re-consideration of some of the proposed changes that are being recommended not to be taken forward at this stage.

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 the objectors, balancing these against the need to address the potential issues of increased footfall to the Devonshire area following the development, as well as displacement of parking to nearby streets. On balance, it is felt that the concerns raised by the objectors should be partially upheld and the proposals should proceed in part.
- 3.2 It is also realised that the area will be monitored following the development of the theatre complex and if further parking problems occur, that a future review of parking should take place.
- 3.3 It is therefore recommended for the reasons set out in this report, that the Planning Committee partially upholds the objections, and to recommend to the Director of Communities, Economy, and Transport that the draft Order be made in part as shown in Appendix 3.

RUPERT CLUBB

Director of Communities, Economy and Transport

17 July 2018

BACKGROUND DOCUMENTS

None

Appendix 1 – Proposed Traffic Regulation Order (TRO)

**The East Sussex (Devonshire Park) (Parking, Waiting and Loading)
Traffic Regulation Order 201***

**EAST SUSSEX COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984 & ROAD TRAFFIC ACT 1991
TRAFFIC MANAGEMENT ACT 2004**

**The East Sussex (Devonshire Park) (Parking, Waiting and Loading)
Traffic Regulation Order 20****

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, 49, 51, 52, 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:-

Arrangement of Articles	
	Article
Part I – Preliminary	
Interpretation	1-2
Application of Order	
Part II – Waiting and Loading restrictions and designation of Parking Places	3-4
Part III – Supplementary Provisions	
Display of tickets, permits, waivers and blue badges	5
Contraventions and Penalty Charge	6
Alteration of position, duty to move on, and contravention of restrictions	7
Exemptions for vehicles displaying a disabled person's badge when left in certain parking places	8
Exemptions for vehicles displaying a disabled person's badge when left in restricted streets or streets with waiting restrictions	8.1
Other exemptions	8.2
Manner of standing in a parking place	9
Power to suspend the use of a parking place	10
Restriction on the use of a parking place	11
Restriction on waiting by a vehicle in a parking place	12
Installation of ticket parking meters, placing of traffic signs, etc.	13
Amount of the parking charge paid at ticket parking meters and maximum parking periods	14
Payment of the Parking Charge	15
No additional tickets to be displayed	16
Restriction on the removal of tickets	17
Indications by tickets	18
Ticket and ticket parking meter indications as evidence	19
No ticket to be displayed other than that obtained on payment of the parking charge	20
Exemptions from the parking charge	21
Interval before a vehicle may again be left in a parking place	22
Exemptions from the parking charge	23
Surrender, withdrawal and validity of resident's permits	24
Application for and issue of duplicate resident's permits	25
Application for and issue of business permits	26
Surrender, withdrawal and validity of business permits	27
Application for and issue of duplicate business permits	28
Application for and issue of day permits	29
Surrender, withdrawal and validity of day permits	30
Refunds of charges paid for resident's permits and business permits	31
Restriction on the removal of permits	32
Form of Permits	33
Clamping, moving and removal of a vehicle	34
Structure of Tariffs	
The Order Plans	

1.	Part I - Preliminary
	Interpretation
	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;
	Reference to a numbered Article or Schedule in this Order shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order;
	"the Act of 1984" and "the 1984 Act" means the Road Traffic Regulation Act 1984, and any re-enactment or modification thereof from time to time in force;
	"ambulance" has the same meaning as in the Vehicle Excise and Registration Act 1994;
	"authorised agent" means the parking services contractor appointed by and acting on behalf of the Council for the purposes of the supervision and enforcement of the provisions of this Order;
	"bus" and "bus and coach" mean motor vehicles constructed or adapted to carry more than eight passengers (excluding the driver); and local buses not so constructed or adapted;
	*bus lane" means any area of carriageway reserved for the passage of buses and any other authorised vehicles such as cycles and taxis as shown in the Order Plans;
	"business" means any Company limited by shares or guarantee, business partnership, sole trader or charitable organisation;
	"business permit" means a permit issued under the provisions of Article 26;
	"business Permit Holder" means a person to whom a business permit has been issued under the provisions of Article 26;
	"business user" means a person who carries out business at any premises the postal address of which is in any street with designated parking places shown in the Order Plans;
	"carriageway" has the same meaning as defined in Section 329 (1) of the Highways Act 1980 or any re-enactment or modification thereof from time to time in force;
	"Civil Enforcement Officer" means a person authorised by or on behalf of the East Sussex County Council under Section 76 of the Traffic Management Act 2004 to supervise and enforce the road traffic contraventions for which East Sussex County Council is the enforcement authority;
	"concessionaire", means a person who has been granted a concession by the Council to be eligible for a day permit for bona fide reasons;

	"day permit" means a permit issued under the provisions of Article 29;
	"disabled person's badge" and "time clock" have the same meanings as in Regulation 3(1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and "relevant position" has the same meaning as in Regulation 4 of those Regulations;
	"disabled persons' vehicle" has the same meaning as given by Section 142 of the Road Traffic Regulation Act 1984, or any re-enactment or modification thereof from time to time in force;
	"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;
	"dual purpose vehicle" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986, or any re-enactment or modification thereof from time to time in force;
	"electric vehicle" means a vehicle primarily powered by an electrical motor;
	"emergency vehicle" has the same meaning as in The Road Vehicles Lighting Regulations 1989 or any re-enactment or modification thereof from time to time in force;
	"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;
	"footway" has the same meaning as defined in Section 329 (1) of the Highways Act 1980 or any re-enactment or modification thereof from time to time in force;
	"goods" means any article not easily carried by hand or burden of any description and "delivering" and/or "collecting" in relation to any goods includes checking, loading or unloading the goods for the purposes of their delivery or collection;
	"goods vehicle" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986, or any re-enactment or modification thereof from time to time in force;
	"health care worker", means a person working for a Primary Care Trust or a health and community care organisation who needs to park in order to provide services to a resident of any street or property in pursuit of their duties;
	"heavy commercial vehicle" means, as defined in Section 138 of the Road Traffic Regulation Act of 1984, or any re-enactment or modification thereof from time to time in force, which has an operating weight exceeding 7.5 tonnes";
	"heavy goods vehicle" means, for the purposes of this Order, a goods vehicle which has an operating weight exceeding 5 tonnes;
	"Higher Level Contravention" has the same meaning as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

	"Higher Level Penalty Charge" has the same meaning as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;
	"hotel or guest house" means any premises offering overnight accommodation to visitors on a commercial basis from a business rated premises, or a holiday home let to persons on holiday;
	"hotel guest" means a person staying or lodging at a hotel or guest house being premises the postal address of which is in any street or property having designated parking places as shown in the Order Plans;
	"invalid carriage" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986, or any re-enactment or modification thereof from time to time in force;
	"licensed taxi" or "taxi" has the same meaning as in Section 13(3)(a) of the Transport Act 1985;
	"local service" has the same meaning as in the Transport Act 1985;
	"lpg vehicle" means a vehicle primarily powered by a motor using liquefied petroleum gas or a hybrid vehicle using either petrol, diesel or liquefied petroleum gas;
	"motor cycle" or "motor tricycle" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986, or any re-enactment or modification thereof from time to time in force;
	"the Order Plans" means the plans associated with this Order;
	"this Order" means the East Sussex (Devonshire Park) (Parking, Waiting and Loading) Traffic Regulation Order 201*, or any re-enactment or modification thereof from time to time in force;
	"Owner", in relation to a vehicle, has the same meaning as defined in Section 92 of the Traffic Management Act 2004;
	"parking disc" means a disc issued by a local authority, 125 millimetres square coloured blue if issued on or after 1st April 2000, or coloured orange if issued before that date, which has not ceased to be valid, and which is capable of showing the quarter hour period during which a period of waiting begins;
	"parking period" means a period of time for which payment of the parking charge has been paid in respect of a vehicle and during which that vehicle may be left in a parking place shown in the Order Plans, subject to the provisions of this Order;
	"parking place" means any length of road authorised by this Order to be used as a parking place;
	"parking space" means a space in a parking place, which is provided for the leaving of a vehicle;
	"Part 1" when used in relation to a disabled person's badge, means the front of the badge;
	"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage)

	constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;
	“permitted hours”, in relation to a parking place means the period specified on the Order Plans relating to that parking place;
	“Penalty Charge” and “Reduced Penalty charge” means a charge set by East Sussex County Council in accordance with the provisions of Section 77 and Schedule 9 of the Traffic Management Act 2004 and Regulations made thereunder and in accordance with and any guidance given by the Secretary of State, following the issue of a penalty charge notice;
	“Penalty Charge notice” means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the Traffic Management Act 2004 and any Regulations made thereunder;
	"prescribed hours" in relation to a street or length of street shown in the Order Plans, means the time shown in the Order Plans;
	“protective cover”, means a protective cover issued by the Council under the provisions of Articles 23 and 26;
	"registered keeper" in relation to a vehicle means the person in whose name the vehicle is registered under the provisions of the Vehicle Excise and Registration Act 1994;
	“resident” for the purpose of this Order means a person whose usual place of abode is at premises the postal address of which is in any street or property within the boundaries of the zones shown on the Eastbourne Permit Zones map in the Order Plans;
	“resident's permit” means a permit issued under the provisions of Article 23;
	“resident's visitor” means a person who is visiting a resident;
	"restricted street" means a street or part of a street shown in the Order Plans as having a ‘No Waiting’ restriction, provided that the expression “restricted street” shall not for the purpose of this Order include any area on a highway or any place for the time being designated or described as a parking place by any order made or having effect as if made under sections 1, 9, 32 and 45 of the Road Traffic Regulation Act 1984;
	"solo motor cycle" has the same meaning as in the Traffic Signs Regulations and General Directions 2002;
	"Schedule" means a Schedule to this Order;
	"street" includes any part of a street;
	"telecommunication system" has the same meaning as in the Telecommunications Act 1984;
	“ticket” means a ticket issued by a ticket parking meter relating to a parking place shown in the Order Plans as being a Pay and Display parking place;
	“ticket parking meter” means an apparatus of a type and design approved by the Secretary of State for Transport for the purposes of this Order being an apparatus designed to issue a ticket indicating the payment of the parking charge referred to in Article 14 and the time by which the parking period will expire;

	<p>"tradesperson", means a person who in the course of their business is engaged in work at any premises the postal address of which is in any street or property with parking places shown in the Order Plans, provided that such a person's business is not based at those premises;</p>	
	<p>"traffic sign" means a sign of any size, type and colour prescribed and authorised under, or as having effect as though prescribed or authorised under section 64 of the Road Traffic Regulation Act 1984;</p>	
	<p>"universal service provider", "provision of a universal postal service" and "postal packet" have the same meanings as in the Postal Services Act 2000;</p>	
	<p>"verge" means any part of a highway which is not a carriageway or footway;</p>	
	<p>"waiting restriction" means a prohibition of waiting in a street and shall be at any time or at the times shown in the Order Plans;</p>	
2.	<p>For the purposes of Part II of this Order, a vehicle shall be deemed to wait:-</p>	
	(a)	in any street or length of street specified in the Order Plans as having a waiting restriction, if any point in that street or length of street is below the vehicle or its load (if any) and the vehicle is stationary; or
	(b)	for more than a specified period in the same place in a restricted street if any point in a street is below the vehicle or its load (if any) throughout a period exceeding the specified period whether or not the vehicle is moved during that period;
	(c)	any reference to a street or length of street shall, unless otherwise specified, be construed as a reference to the whole width of that street or length of street;
	(d)	the restrictions, prohibitions and requirements imposed by Part II of this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.
<p>Application of Order</p>		
<p>The restrictions imposed by Part II of this Order are subject to the exceptions, exemptions, and supplementary provisions set out in Part III of this Order.</p>		
<p>Part II – Waiting and Loading restrictions and designation of Parking Places</p>		
3.	(1)	No person shall cause or permit any vehicle to wait during the prescribed hours, in any street or length of street specified in the Order Plans as having a waiting restriction except for so long as may be necessary for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the street or length of street.
	(2)	No person shall cause or permit any vehicle to wait in any road shown in the Order Plans as having a weight limit restriction if that vehicle exceeds the weight limit restriction except for so long as may be necessary for the purpose of delivering or collecting goods or for loading or unloading the vehicle at premises adjacent to the

		road.
	(3)	No person shall cause or permit any vehicle to wait, including waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle during the prescribed hours, in any street or length of street specified in the Order Plans as having a 'No Loading/Unloading' restriction.
4.	(1)	Each parking place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of vehicles of the following class, that is to say, passenger vehicles or goods carrying vehicles (the gross weight of which does not exceed 5 tonnes, the height of which is not more than 2.28 metres and the overall length of which does not exceed 5.25 metres), motor cycles or invalid carriages.
	(2)	Each parking place referred to in the Order Plans as being Permit Holders parking places, or as being Permit Holders or Time Limited parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) of this Article which display in the manner specified in Article 5(2) either a valid resident's, business or day permit issued in respect of that vehicle under the provisions of this Order, or where such a permit is not displayed in the manner specified in Article 5(2), the vehicle does not wait in the parking place for a period exceeding the permitted length of stay.
	(3)	Each parking place referred to in the Order Plans as being Pay and Display parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) of this Article which display in the manner specified in Article 5(2) either a valid business permit or a valid ticket issued in respect of that vehicle under the provisions of this Order.
	(4)	Each parking place referred to in the Order Plans as being Permit Holder or Pay and Display parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) of this Article which display in the manner specified in Article 5(2) either a valid resident's, business or day permit or a valid ticket issued in respect of that vehicle under the provisions of this Order.
	(5)	Each parking place referred to in the Order Plans as being Motorcycle parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are solo motor cycles.
	(6)	Each parking place referred to in the Order Plans as being Disabled Persons parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles clearly and continuously displaying in the relevant position a disabled person's badge.
	(7)	Each parking place referred to in the Order Plans as being Taxi parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are taxis.
	(8)	Each parking place referred to in the Order Plans as being free parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) of this Article.
	(9)	Each parking place referred to in the Order Plans as being Goods Vehicle Loading Only may be used, subject to the provisions of this Order, for 'active

		loading' during the permitted hours of goods carrying vehicles of the class specified in paragraph (1) of this Article.
	(10)	Each parking place referred to in the Order Plans as being Loading Only may be used, subject to the provisions of this Order, for 'active loading' during the permitted hours of any vehicles of the class specified in paragraph (1) of this Article.
	(11)	Each parking place referred to in the Order Plans as being Time Limited parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) of this Article, provided that the vehicle does not wait in the parking place for a period exceeding the permitted length of stay.
	(12)	Each parking place referred to in the Order Plans as being Ambulance parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are ambulances.
	(13)	Each parking place referred to in the Order Plans as being Buses parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are buses.
	(14)	Each parking place referred to in the Order Plans as being Doctors parking places may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles displaying a valid Doctor's permit issued by Eastbourne Parking Information Centre.

Part III – Supplementary Provisions

Display of tickets, permits, waivers and blue badges

5.	(1)	A valid ticket shall be clearly and continuously displayed in a vehicle so that the amount paid, expiry date and expiry time of the parking period is clearly visible from the front or nearside of the vehicle, for its entire length of stay in that parking place.
	(2)	A valid permit shall be clearly and continuously displayed in a vehicle so that the VRM (Vehicle Registration Mark), permit code and expiry date, or in the case of a scratch card permit the VRM, permit code and date when parking is allowed, including the time where applicable, is clearly visible from the front or nearside of the vehicle, for its entire length of stay in that parking place.
	(3)	A valid waiver shall be clearly and continuously displayed in a vehicle so that the location, dates and times of the waiver are clearly visible from the front or nearside of the vehicle, for its entire length of stay in that parking place.
	(4)	A valid blue badge shall be clearly and continuously displayed in a vehicle so that the serial number, issuing authority and expiry date, and where applicable, the time clock set at the time of arrival, are clearly visible from the front or nearside of the vehicle, for its entire length of stay in that parking place.
	(5)	When payment has been made according to Article 15 (4) there shall be no requirement to display a ticket or permit, and evidence that the charge has been paid shall be provided by the appearance on a hand-held device (where "hand-held device" means a wireless hand-held computer used by a Civil Enforcement Officer,

		which is programmed to interface with the telephone payment system) of:
	(a)	an indication that the correct payment for a valid permit applicable to the parking place in which the vehicle has been left has been made in respect of that vehicle; or
	(b)	an indication that the correct payment applicable to the parking place in which the vehicle has been left has been made in respect of that vehicle, together with details of the date and time of the expiry of the parking period for which that payment has been made; and
	(c)	an indication that the parking period for which the payment has been made has not expired.
Contraventions and Penalty Charge		
6.	A penalty charge will be payable if a vehicle is left in a parking place without complying with the provisions of this Order. A contravention shall be deemed to have occurred if:	
	(a)	a vehicle is parked after expiry of the parking period for which the parking charge (where applicable) was paid; or
	(b)	a vehicle is parked without displaying a valid ticket in accordance with Article 5 (1) of this Order or a valid permit in accordance with Article 5 (2) of this Order, or where necessary both, or a valid waiver in accordance with Article 5 (3), or a valid blue badge in accordance with Article 5 (4), as required for that parking place; or
	(c)	where facilities allow payment by a mobile telephone, confirmation of a valid parking period or parking charge paid for that parking place does not appear on the CEO's hand-held device when the VRM is entered; or
	(d)	a vehicle is parked in a parking space or part of a parking place designated for a specific user and it is not of that class of vehicle or driver; or
	(e)	where there are marked bays in a parking place, a vehicle is not parked fully within a marked bay; or
	(f)	a vehicle is parked obstructing the entrance or exit of the parking place or causing an obstruction to other vehicles using the parking place; or
	(g)	a vehicle exceeds the permitted length, height or weight for that parking place; or
	(h)	a vehicle exceeds the permitted length of stay for that parking place; or
	(i)	a vehicle returns to the same parking place before the minimum length of time between stays has elapsed; or
	(j)	a vehicle is using the parking place for any purpose other than parking.
6.1	When a CEO identifies a contravention as having occurred they will issue a Penalty Charge Notice (PCN) which they will either attach to the vehicle in a noticeable position or hand to the driver of the vehicle.	
6.2	The driver of a vehicle which has been issued a PCN can pay the penalty charge to the Council by:	

	(a)	telephone, using a secure line which is available 24 hours, 7 days a week; or
	(b)	in person at the Parking Shop by cash, cheque or postal order; or
	(c)	online, using a secure link from the Council's website; or
	(d)	sending credit or debit card details using the tear off slip at the bottom of a PCN, cheque or postal orders, by post to East Sussex County Council, The Parking Shop, PO Box 80, Lewes, BN7 2WU
6.3	The amount of penalty charge referred to in Article 6.2 above shall be £70 for a Higher Level Contravention and £50 for all other contraventions.	
6.4	A Penalty Charge Notice shall also be served by post by the Council (the enforcement authority) as defined in The Civil Enforcement of Parking Contraventions (England) General Regulations (CEPCGR) 2007 or any re-enactment or modification thereof from time to time in force where;	
	(a)	on the basis of a record produced by an approved device, the authority has reason to believe that a penalty charge is payable with respect to a vehicle which is stationary in a civil enforcement area; or
	(b)	a civil enforcement officer had begun to prepare a penalty charge notice for service in accordance with regulation 9 of CEPGCR, but the vehicle concerned was driven away from the place in which it was stationary before the civil enforcement officer had finished preparing the penalty charge notice or had served it in accordance with regulation 9 of CEPGCR,
	and references in these Regulations to a “regulation 10 penalty charge notice” are to a penalty charge notice served by virtue of this paragraph.	
Alteration of position, duty to move on, and contravention of restrictions		
7.	(1)	Where any vehicle is standing in a parking place in contravention of the provisions of Article 9, a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.
	(2)	Notwithstanding any exception or exemption contained in this Order, the person in control of a vehicle waiting during the prescribed hours in any restricted street, or in any street or length of street with No Waiting restrictions, or in a parking place shall move the vehicle on the instructions of a police constable in uniform or a civil enforcement officer whenever such moving may be reasonably necessary for the purpose of preventing or removing obstruction, including any obstruction to pedestrians or obstruction to lines of sight for reasons of safety.
	(3)	Except as provided by this Order, if a person causes or permits a vehicle to wait during the prescribed hours in any restricted street or length of street with No Waiting or No Loading restrictions, then a contravention shall be deemed to have occurred and a penalty charge shall be payable.
	(4)	Except as provided in this Order, if a person causes or permits a vehicle to be in a Bus Lane, whether it be for the purposes of driving, waiting, stopping, loading, unloading, or any other reason during the prescribed hours then a contravention

		shall be deemed to have occurred and a penalty charge shall be payable.
Exemptions for vehicles displaying a disabled person's badge when left in certain parking places		
8.	(1)	Notwithstanding the foregoing provisions of this Order, a vehicle which displays in the relevant position a valid disabled person's badge may be left in a parking place referred to in the Order Plans as being Pay and Display, Permit Holders or Pay and Display, Time Limited, or for Disabled Persons without charge or time limit provided that the use of that part of the parking place in which the vehicle is left has not been suspended.
	(2)	Without prejudice to the generality of this Article, a disabled person's vehicle shall stand in a parking place in accordance with the provisions of Article 9.
Exemptions for vehicles displaying a disabled person's badge when left in restricted streets or streets with waiting restrictions		
8.1		Notwithstanding the foregoing provisions of this Order, a vehicle which displays in the relevant position a valid disabled person's badge and a time clock, may be left in any part of a street or length of street specified in the Order Plans as No Waiting At Any Time or No Waiting during certain times, or a restricted street for a period of not more than 3 hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road), provided that:-
	(1)	the driver of the vehicle or other person in charge of the vehicle sets the time clock to the time at which the period of waiting has begun;
	(2)	the Disabled Persons Blue Badge and time clock are clearly and continuously displayed, and;
	(3)	the vehicle is not causing obstruction or inconvenience to other road users, including pedestrians.
Other exemptions		
8.2		Nothing in Part II of this Order shall render it unlawful to cause or permit a vehicle to wait in any street or length of street specified in the Order Plans as No Waiting At Any Time or No Waiting during certain times, as a restricted street, Pay and Display, Permit Holder Only, or Permit Holder or Pay and Display parking places:
	(a)	for so long as may be necessary to allow the vehicle to be used in connection with the removal of any obstruction to traffic;
	(b)	if the driver is required by law to stop or is prevented from proceeding by circumstances beyond their control or such waiting is necessary to avoid an accident;
	(c)	while the vehicle is being used by a universal service provider in the course of the provision of a universal postal service and the vehicle is waiting only for so long as may be reasonably necessary for postal packets to be collected or delivered at premises or posting boxes adjacent to the place in which the vehicle is waiting;
	(d)	while the vehicle is being used in connection with any of the following:-

		(i)	any building operation, industrial operation, demolition or excavation in or adjacent to that street or length of street;
		(ii)	the maintenance, improvement, re-construction, cleansing or lighting of that street or length of street;
		(iii)	the laying, erection, alteration or repair in or adjacent to that street or length of street of any sewer or of any pipe, main or apparatus for the supply of gas, water or electricity, or of any telecommunication system;
		(iv)	the placing, maintenance or removal of any traffic sign in that street or length of street, if the vehicle cannot be conveniently and lawfully used for these purposes in a street not being a street referred to in the Order Plans as having waiting or parking restrictions;
		(v)	the posting or removing of advertising material in the form of posters on or from, or cleaning windows or chimneys in premises adjacent to that street or length of street.
	(e)		while the vehicle is in actual use in connection with the removal of furniture or in connection with a wedding or a funeral;
	(f)		while the vehicle is being used for the purpose of selling or offering for sale of goods from the vehicle by a person who is licensed by the Council to sell goods from a stationary vehicle on a pitch situated in the place where the vehicle is waiting;
	(g)		in relation to a vehicle being used for ambulance, fire brigade, police, or other emergency vehicle purposes, provided the vehicle is being used for statutory duties;
	(h)		in relation to a vehicle being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances the vehicle cannot reasonably be used for such purpose in a street not being a restricted street;
	(i)		to anything done with the permission or at the direction of a police constable in uniform or a civil enforcement officer;
	(j)		where notice is given to the Council or authorised agent, their consent is obtained in writing and any such conditions as they may impose are complied with.
Manner of standing in a parking place			
9.	(1)		The driver of a vehicle waiting in a parking place during the permitted hours shall cause it so to stand:-
		(a)	in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are specified, so as to be in accordance with those provisions;
		(b)	in the case of any other parking place so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the wheels of the vehicle are not more than 30 centimeters away from the edge of the carriageway nearest the vehicle;

		(c)	so that every part of the vehicle is within the limits of a parking place;
		(d)	so that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.
	(2)	The driver of a motor cycle waiting in a parking place during the permitted hours shall cause it so to stand:-	
		(a)	so that every part of the vehicle is within the limits of that parking place;
		(b)	so that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.
	(3)	For the purposes of sub-paragraph (1)(d) and (2)(b) of this Article, the expression “premises” shall not include any premises to or from which any furniture is being removed by virtue of the provisions of Article 12(3)(a) or to or from which goods are being delivered or collected by virtue of the provisions of Article 12(3)(b).	
Power to suspend the use of a parking place			
10.	(1)	The Chief Officer of Police or any police officer above the rank of Chief Inspector may suspend the use of a parking place or any part thereof for a period not exceeding twenty-eight days whenever he considers such suspension necessary for maintaining the security of premises in the vicinity of that parking place.	
	(2)	At the expiration of the period of twenty-eight days mentioned in paragraph (1) of this Article, the suspension of the parking place, as the case may be, or any part thereof shall be reviewed by the person who suspended its use and any continuation of the suspension that they consider necessary shall be notified to the Council and shall not exceed a further period of twenty-eight days without similar review.	
	(3)	(a)	Any person duly authorised by the Council or authorised agent may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:-
		(b)	on any occasion on which it is likely, by reason of some special attraction or occurrence, that any street will be thronged or obstructed;
		(c)	for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place or loading area, as the case may be, the laying, erection alteration or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication system or the placing, maintenance or removal of any traffic sign;

		(d)	for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to that parking place from or to a depository, or another office or dwelling-house;
		(e)	for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
	(4)		A police constable in uniform may suspend for not longer than seven days the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:-
		(a)	for the purpose of facilitating the movement of traffic or promoting its safety;
		(b)	on any occasion on which it is likely, by reason of some special attraction or occurrence, that any street will be thronged or obstructed.
	(5)		On the suspension of the use of a parking place or any part thereof in accordance with the provisions of this Article, the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that parking place, or that part thereof, as the case may be, a traffic sign indicating that waiting by vehicles is prohibited.
	(6)		No person shall cause or permit a vehicle to wait in a parking place or any part thereof at any time during which there is displayed in or adjacent to that parking place or that part thereof, as the case may be, a traffic sign placed in pursuance of paragraph (5) of this Article. Provided that nothing in this paragraph shall apply:-
		(a)	in respect of any vehicle being used for ambulance, fire brigade or police purposes or any vehicle which is waiting for any reason specified in Article 12(2)(b), (d) or (e);
		(b)	to anything done with the permission of the person suspending the use of the parking place or the part thereof, as the case may be, in pursuance of paragraph (1), (3) or (4) of this Article, a police constable in uniform or a civil enforcement officer.

Restriction on the use of a parking place

11.		During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity. Provided that, nothing in this Article shall prevent the sale or offering or exposing for sale of goods from a vehicle:-
	(a)	if the vehicle is a passenger vehicle, a goods carrying vehicle, a motor cycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
	(b)	if the vehicle is one to which the provisions of Article 12(3)(b) apply.

Restriction on waiting by a vehicle in a parking place

12.	(1)	During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing
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		for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity. Provided that, nothing in this Article shall prevent the sale or offering or exposing for sale of goods from a vehicle:-
	(2)	Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:-
	(a)	the vehicle is waiting for so long as may be reasonably necessary to enable a person to board or alight from the vehicle or load thereon or unload therefrom their personal luggage;
	(b)	the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
	(c)	the vehicle is being used for emergency vehicle purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or the performance of such duties for the vehicle to wait in the place in which it is waiting;
	(d)	the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
	(e)	the vehicle is being used by a universal service provider in the course of the provision of a universal postal service and the vehicle is waiting only for so long as may be reasonably necessary for postal packets to be collected or delivered at premises or posting boxes adjacent to the place in which the vehicle is waiting;
	(f)	the vehicle, not being a passenger vehicle, is waiting only for so long as may be necessary to enable it to be used for any purpose specified in Article 10(3)(c);
	(g)	the vehicle is waiting with the written consent of the Council or authorised agent and such conditions and requirements as they may impose are being complied with.
	(3)	Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:-
	(a)	the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
	(b)	in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for such purpose for more than twenty minutes or for such longer period as a civil enforcement officer may approve.

	(4)	Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit that vehicle to wait in a parking place during the permitted hours.
	(5)	The driver of a vehicle waiting in a parking place by virtue of the provisions of paragraph (1) (2) or (3) of this Article shall cause it so to stand in accordance with the provisions of Article 9.
	(6)	Nothing in the foregoing provisions of this Order shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under section 25 of the Road Traffic Regulation Act 1984.
Installation of ticket parking meters, placing of traffic signs, etc.		
13.	The Council shall:-	
	(a)	place and maintain traffic signs indicating the limits of each parking place;
	(b)	place and maintain in or in the vicinity of each parking place traffic signs indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 4;
	(c)	carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.
Amount of the parking charge paid at ticket parking meters and maximum parking periods		
14.	(1)	Except as provided in Article 21, the relevant parking charge for a vehicle left in a parking place referred to in the Order Plans as being Pay and Display, or Permit Holders or Pay and Display parking places during the permitted hours shall, subject as hereinafter provided, be as specified in Schedule G5.
	(2)	Where payment of the parking charge has been made in respect of a vehicle left in a parking place referred to in the Order Plans as being Pay and Display parking places, or Permit Holders or Pay and Display parking places, the parking period shall not exceed that period shown in the Order Plans.
Payment of the Parking Charge		
15.	(1)	The driver of a vehicle using a parking place shall pay the parking charge relevant to that parking place.
	(2)	The parking charge shall be paid:
	(a)	where facilities allow, by the insertion of coins into a pay and display ticket machine which is approved in accordance with Section 35 (3) of the Road Traffic Regulation Act 1984 (as amended); or
	(b)	where facilities allow, by a pre-paid card at a pay and display ticket machine which is approved in accordance with Section 35(3) of the Road Traffic Regulation Act 1984 (as amended); or

		(c)	where facilities allow, by a mobile telephone payment; or
		(d)	where facilities allow, in the case of a Permit, by a mobile telephone payment or by any other method described in this Order.
	(3)	When payment of a parking charge is made using a pay and display ticket machine, a ticket will be issued by the machine identifying the amount paid and the expiry time of the parking period. This ticket is non-transferable between parking places or vehicles and must be displayed in the vehicle as set out in Article 5.	
	(4)	When payment is made by mobile telephone, the parking place will be identified by the Location Identification Number (LIN) displayed on the information signs and the parking period paid for will only be valid for that specific parking place and vehicle. The LIN, parking charge paid and parking period will be available for CEOs to view on their hand-held devices when the VRM is entered.	
	(5)	If, when a vehicle is parked in a parking place, payment of the parking charge is not possible using the drivers preferred method, it should be paid using any alternative method available. Where there is a problem with a pay and display ticket machine, the driver should check if there is another machine in that parking place that could be used.	
	(6)	Only if all of the facilities for paying the parking charge at a parking place are not working or have been covered by an authorised agent, will the driver of that vehicle be exempt from paying the parking charge, provided that if the said facilities are rectified or replaced not later than two hours before the expiration of the permitted hours, the vehicle is removed within two hours of such rectification or replacement. If the vehicle is not so removed the parking charge for a period of two hours shall be deemed to have been incurred and paid at the time when the vehicle was left in the parking place and all the provisions of this Order shall apply accordingly.	
No additional tickets to be displayed			
16.	Where a ticket has been displayed on a vehicle in accordance with the provisions of Article 15(3), no person shall display or cause to be displayed on that vehicle any ticket other than that which was initially displayed on that vehicle at the time the vehicle was first left in a parking place. Provided that, nothing in this Article shall apply in relation to a vehicle which is taken away from a parking place and –		
	(1)	is returned to that same parking place after the expiration of at least one hour from the time the vehicle was taken away from that parking place; or	
	(2)	is left in a different parking place.	
Restriction on the removal of tickets			
17.	Where a ticket has been displayed on a vehicle in accordance with the provisions of Article 15(3), no person not being the driver of the vehicle shall remove the ticket from the vehicle unless authorised to do so by the driver of the vehicle.		
Indications by tickets			
18.	(1)	Payment of the parking charge for a vehicle left in a parking place referred to in the Order Plans as being Pay and Display, or Permit Holders or Pay and Display	

		parking places shall be indicated by the issue by a ticket parking meter of a ticket indicating that a parking charge has been paid, and the day and time by which the parking period will expire, and by the display of that ticket in the manner specified in Article 15(3).
	(2)	The expiry of the parking period in respect of a vehicle left in a parking place referred to in the Order Plans as being Pay and Display, or Permit Holders or Pay and Display parking places shall be indicated when there is displayed on the vehicle a ticket issued by a ticket parking meter relating to that parking place, showing the day and time by which the parking period will expire, and the day so shown is not the day on which the vehicle is left or the time shown on the clock of that ticket parking meter is later than the time shown on the ticket.

Ticket and ticket parking meter indications as evidence

19.	(1)	Except as provided in Article 21, if at any time while a vehicle is left in a parking place referred to in the Order Plans as being Pay and Display, or Permit Holders or Pay and Display parking places during the permitted hours no ticket issued by a ticket parking meter is displayed on that vehicle in accordance with the provisions of Article 15(3) it shall be presumed, unless the contrary is proved, that the parking charge has not been duly paid.
	(2)	Except as provided in Article 21, if at any time while a vehicle is left in a parking place referred to in the Order Plans as being Pay and Display, or Permit Holders or Pay and Display parking places during the permitted hours, the ticket issued by a ticket parking meter and displayed on the vehicle in accordance with the provisions of Article 15(3) and the clock on the ticket parking meter by which such ticket was issued gives the indication mentioned in Article 18(2), it shall be presumed, unless the contrary is proved, that the parking charge has been duly paid in respect of that vehicle, and that the parking period has already expired.
	(3)	If it is presumed, unless the contrary is proved, in accordance with the provisions of paragraph (1) of this Article that the parking charge has not been duly paid, or in accordance with paragraph (2) of this Article that the parking period has already expired, then these indications shall be evidence that a contravention has occurred for the purposes of Article 6.
	(4)	Any ticket issued by a ticket parking meter relating to a parking place referred to in the Order Plans as being Pay and Display, or Permit Holders or Pay and Display parking places shall be presumed, unless the contrary is proved, to have been issued on the day shown thereon.

No ticket to be displayed other than that obtained on payment of the parking charge

20.	(1)	No person shall display on a vehicle left in a parking place referred to in the Order Plans as being Pay and Display, or Permit Holders or Pay and Display parking places during the permitted hours any ticket other than that issued by the ticket parking meter relating to that parking place upon payment of the parking charge in respect of that vehicle.
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Exemptions from the parking charge

21.	(1)	Notwithstanding the provisions of Articles 14, 15 or 16, a vehicle which displays a valid business permit issued in respect of that vehicle in accordance with the provisions of this Order, may be left in a parking place referred to in the Order Plans as being Pay and Display parking places without time limit, provided that the use of
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		that parking place has not been suspended.
	(2)	Notwithstanding the provisions of Articles 14, 15 or 16, a vehicle which displays either a valid resident's, business or day permit issued in respect of that vehicle in accordance with the provisions of this Order, may be left in a parking place referred to referred to in the Order Plans as Permit Holder Only, or Permit Holder or Pay and Display parking places without time limit provided that the use of that parking place has not been suspended.
	(3)	No parking charge shall be incurred or payable in accordance with the provisions of Article 15(2) in respect of any vehicle referred to in either paragraph (1) or (2) of this Article.

Interval before a vehicle may again be left in a parking place

22.	No vehicle which, having displayed a ticket, has been taken away from a parking place during the permitted hours shall, until the expiration of one hours from the time it was taken away, again be left in that parking place during the permitted hours.
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Issue of a Resident's Permit

23.	(1)	<p>A resident who is the registered keeper of a vehicle of the class specified in Article 4(1) may apply to the Council or authorised agent for the issue of a resident's permit in respect of that vehicle and any such application shall be made on a form obtainable from the Council or authorised agent and shall include the particulars and information required by such form to be supplied and shall be accompanied by the remittance of the relevant charge specified in Schedule G2.</p> <p>Provided that, a resident may not apply to the Council or authorised agent for the issue of a resident's permit in any case where more than one other residents' permit has previously been issued to either that resident or any other resident in the same household and that permit remains valid or;</p> <p>if in the planning application process for the development of the premises of which the applicant for a permit is or will be a resident (hereafter "the Premises"), or if either as part of the process of the local planning authority considering whether prior approval under the Town and Country Planning (General Permitted Development) Order 1995 is required in respect of the Premises or in any document which specifies whether prior approval under the order is required in relation to the Premises, the local planning authority has and/or the Council in any consultation or other discussion with the planning authority has stated that no permit or a single permit will be issued in respect of the property.</p>
	(2)	On receipt of an application for a resident's permit or after the issue of a resident's permit, the Council or authorised agent may at any time require an applicant for a resident's permit or a resident's Permit Holders, as the case may be, to produce to an officer of the Council or a representative of the authorised agent:-
	(a)	in respect of any application, such evidence as they may reasonably call for to verify the details of that application; or
	(b)	in respect of any resident's permit that has been issued, such evidence as they may reasonably call for to verify that the resident's permit is valid.
	(3)	On receipt of an application made under the provisions of this Article and on

		receipt of the relevant charge specified in Schedule G2, the Council or authorised agent, upon being satisfied that the applicant is a resident and is the registered keeper of the vehicle in respect of which the application is made and the vehicle is of the class specified in Article 4(1) and that no other permit which remains valid has been issued under the provisions of this Order in respect of that vehicle, shall issue to the applicant:-
	(a)	one resident's permit for the leaving during the permitted hours in a parking place referred to in the Order Plans as Permit Holder Only or Permit Holder or Pay and Display parking places, of the vehicle to which such resident's permit relates by the resident's Permit Holder or by any person using such vehicle with the consent of the resident's Permit Holder, other than a person to whom such vehicle has been let for hire or reward;
	(b)	one protective cover in which the resident's permit must be displayed.
Surrender, withdrawal and validity of resident's permits		
24.	(1)	A resident's Permit Holder may surrender a resident's permit to the Council or authorised agent at any time and shall surrender a resident's permit to the Council or authorised agent on the occurrence of any one of the following events:
	(a)	the resident's Permit Holder ceasing to be a resident;
	(b)	the resident's Permit Holder ceasing to be the registered keeper of the vehicle in respect of which the resident's permit was issued;
	(c)	the withdrawal of such resident's permit by the Council or authorised agent under the provisions of paragraph (2) of this Article;
	(d)	the vehicle in respect of which such resident's permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 4(l).
	(2)	The Council or authorised agent may, by notice in writing served on the resident's Permit Holder by sending the same by the recorded delivery service to the resident's Permit Holder at the address shown by that person on the application for the resident's permit or at any other address believed to be that person's place of abode, withdraw a resident's permit if it appears to the Council or authorised agent that any of the events set out in paragraph (1)(a), (1)(b) or (1)(d) of this Article has occurred and the resident's Permit Holders shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the afore-mentioned notice.
	(3)	Where a resident's permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the resident's permit shall cease to be of any effect and the Council or authorised agent shall, by notice served on the person to whom such resident's permit was issued, by sending the same by the recorded delivery service to him or her at the address shown by that person on the application for the resident's permit or at any other address believed to be that person's place of abode, require that person to surrender the resident's permit to the Council or authorised agent within 48 hours of the receipt of the afore-mentioned notice.
	(4)	A resident's permit shall cease to be valid at the expiration of the period specified on it or on the occurrence of one or more of the events referred to in paragraph

		(1) of this Article, whichever is the sooner.
Application for and issue of duplicate resident's permits		
25.	(1)	If a resident's permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the residents' permit has become altered by fading or otherwise, the resident's Permit Holder shall either surrender it to the Council or authorised agent or apply to the Council or authorised agent for the issue to them of a duplicate resident's permit and the Council or authorised agent, upon receipt of the resident's permit, shall issue a duplicate resident's permit, so marked, and upon such issue the resident's permit shall become invalid.
	(2)	If a resident's permit is lost or destroyed, the resident's Permit Holders may apply to the Council or authorised agent for the issue to them of a duplicate resident's permit and the Council or authorised agent, upon being satisfied as to such loss or destruction, shall issue a duplicate resident's permit, so marked, and upon such issue the resident's permit shall become invalid.
	(3)	The provisions of this Order shall apply to a duplicate resident's permit and an application for a duplicate resident's permit, as if it were a resident's permit or, as the case may be, an application for a resident's permit.
Application for and issue of business permits		
26.	(1)	A business user who uses a vehicle of the class specified in Article 4(l) that:-
	(a)	is essential to the operation of a business carried out at any premises the postal address of which is in a street or property within the controlled parking areas in Eastbourne; and
	(b)	is used for the purchase or sale of goods or services or for delivering goods or providing a service, in connection with that business –
		may apply to the Council or authorised agent for the issue of a business permit in respect of that vehicle and any such application shall be made on a form obtainable from the Council or authorised agent and shall include the particulars and information required by such form to be supplied and shall be accompanied by the remittance of the relevant charge specified in Schedule G3.
	(2)	On receipt of an application for a business permit or after the issue of a business permit, the Council or authorised agent may at any time require an applicant for a business permit or a business Permit Holder, as the case may be, to produce to an officer of the Council or a representative of the authorised agent:-
	(a)	in respect of any application, such evidence as they may reasonably call for to verify the details of that application; or
	(b)	in respect of any business permit that has been issued, such evidence as they may reasonably call for to verify that the business permit is valid.
	(3)	On receipt of an application made under the provisions of this Article and on receipt of the charge specified in Schedule G3, the Council or authorised agent, upon being satisfied that the applicant is a business user and uses the vehicle in respect of which the application is made and the vehicle is of the class specified in Article 4(1), shall issue to the applicant:-

		(a)	one business permit for the leaving during the permitted hours in a parking place referred to in the Order Plans as Permit Holder Only, or Permit Holder or Pay and Display, of the vehicle to which such business permit relates, by the business Permit Holders or by any person using such vehicle with the consent of the business Permit Holders, other than a person to whom such vehicle has been let for hire or reward;
		(b)	one protective cover in which the business permit must be displayed.

Surrender, withdrawal and validity of business permits

27.	(1)	A business Permit Holder may surrender a business permit to the Council or authorised agent at any time and shall surrender a business permit to the Council or authorised agent on the occurrence of any one of the following events:	
		(a)	the business Permit Holder ceasing to be a business user;
		(b)	the business Permit Holder ceasing to be the user of the vehicle in respect of which the business permit was issued;
		(c)	the withdrawal of such business permit by the Council or authorised agent under the provisions of paragraph (2) of this Article;
		(d)	the vehicle in respect of which such business permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 4(l);
		(e)	the issue of a duplicate business permit by the Council or authorised agent under the provisions of Article 28.
	(2)	The Council or authorised agent may, by notice in writing served on the business Permit Holder by sending the same by the recorded delivery service to the business Permit Holder at the address shown by that person on the application for the business permit or at any other address believed to be that person's place of abode or business, withdraw a business permit if it appears to the Council or authorised agent that any of the events set out in paragraph (1)(a), (1)(b) or (1)(d) of this Article has occurred and the business Permit Holders shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the afore-mentioned notice.	
	(3)	Where a business permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the business permit shall cease to be of any effect and the Council or authorised agent shall, by notice served on the person to whom such business permit was issued, by sending the same by the recorded delivery service to him or her at the address shown by that person on the application for the business permit or at any other address believed to be that person's place of abode or business, require that person to surrender the business permit to the Council or authorised agent within 48 hours of the receipt of the afore-mentioned notice.	
	(4)	A business permit shall cease to be valid at the expiration of the period specified on it or on the occurrence of one or more of the events referred to in paragraph (1) of this Article, whichever is the sooner.	

Application for and issue of duplicate business permits

28.	(1)	If a business permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the business permit has become altered by fading or otherwise, the business Permit Holder shall either surrender it to the Council or authorised agent or apply to the Council or authorised agent for the issue to them of a duplicate business permit and the Council or authorised agent, upon receipt of the business permit, shall issue a duplicate business permit, so marked, and upon such issue the business permit shall become invalid.
	(2)	If a business permit is lost or destroyed, the business Permit Holders may apply to the Council or authorised agent for the issue to them of a duplicate business permit and the Council or authorised agent, upon being satisfied as to such loss or destruction, shall issue a duplicate business permit, so marked, and upon such issue the business permit shall become invalid.
	(3)	The provisions of this Order shall apply to a duplicate business permit and an application for a duplicate business permit, as if it were a business permit or, as the case may be, an application for a business permit.
Application for and issue of day permits		
29.	(1)	<p>An employer, hotelier or resident may apply to the Council or authorised agent for the issue of a day permit for use by either a concessionaire, health care worker, hotel guest, resident's visitor or tradesperson, as the case may be, in respect of a vehicle of the class specified in Article 4(1) being used by that person and any such application shall be made on a form obtainable from the Council or authorised agent and shall include the particulars and information required by such form to be supplied and shall be accompanied by the remittance of the relevant charge specified in Schedule G4.</p> <p>Providing that the quota of day permits issued to either a concessionaire, health care worker, hotel guest, resident's visitor or tradesperson, that the Council may from time to time resolve to limit, has not been exceeded.</p>
	(2)	<p>On receipt of an application made under the provisions of this Article and of the relevant charge specified in Schedule G4 and on being satisfied that the applicant is either a concessionaire, health care worker, hotel guest, resident's visitor or tradesperson and that they satisfy the Council's criteria, the Council or authorised agent shall issue to the applicant a book of ten appropriate day permits, or in the case of a tradesperson, a book of five day permits, for the leaving during the permitted hours in a parking place referred to in the Order Plans as Permit Holder Only, or Permit Holder or Pay and Display parking places inclusive of vehicles of the class specified in Article 4(1):-</p> <p>Provided that the Council or authorised agent shall not issue more than the quota of day permits that the Council may from time to time resolve to supply.</p>
	(3)	The Council may at any time require an applicant for day permits to produce to an officer of the Council or the authorised agent such evidence in respect of an application for day permits as they may reasonably require to verify any particulars or information given to them or in respect of any day permits issued by them as they may reasonably call for to verify that the day permits are valid.
	(4)	A day permit shall be valid during the permitted hours from the beginning of the day on which it is first validated by the day Permit Holder until 10 a.m. on the following day.

Surrender, withdrawal and validity of day permits		
30.	(1)	An employer, hotelier or resident may surrender a day permit to the Council or authorised agent at any time and shall surrender a day permit to the Council or authorised agent on ceasing to be either a concessionaire, health care worker, hotel guest, resident's visitor or tradesperson.
	(2)	The Council or authorised agent may, by notice in writing served on the day Permit Holder by sending the same by the recorded delivery service to the day Permit Holder at the address shown by that person on the application for the day permit or at any other address believed to be that person's place of abode, withdraw all day permits if it appears to the Council or authorised agent that the person has ceased to be a day Permit Holder and they shall surrender the permits to the Council or authorised agent within 48 hours of the receipt of the afore-mentioned notice.
Refunds of charges paid for resident's permits and business permits		
31.	A resident's Permit Holder or a business Permit Holder who surrenders a resident's permit or a business permit respectively to the Council or authorised agent, shall be entitled to a refund of the charge paid or part of the charge paid, in accordance with the provisions set out in Schedule G6.	
Restriction on the removal of permits		
32.	<p>Where a resident's permit, a business permit or a day permit has been displayed in accordance with the provisions of Article 5, no person not being the driver of the vehicle shall remove that permit unless authorised to do so by the driver of the vehicle:</p> <p>Provided that nothing in this Article shall apply to a civil enforcement officer or a police constable in uniform or any other person removing the vehicle in pursuance of an arrangement made under regulations in pursuance of powers contained in sections 99, 100 and 101 of the Road Traffic Regulation Act 1984.</p>	
Form of Permits		
33.	(1)	A resident's permit or a business permit shall be in writing and shall include the following particulars:-
		(a) the registration mark of the vehicle in respect of which the permit has been issued;
		(b) the period during which the permit shall remain valid, subject to the provisions of Article 24(4) or 27(4), as the case may be;
		(c) an indication that the permit has been issued by the Council or authorised agent; and

		(d)	an indication of the parking sub-zone or sub-zones within which the permit is valid.
Clamping, moving and removal of a vehicle			
34.	(a)	When a persistent evader is identified in a parking place, a person authorised on behalf of the Council may clamp the vehicle. The owner is responsible for the payment of the clamping fees before their vehicle will be released. If the vehicle is in contravention at the time it is identified and a PCN is issued, this must also be paid before the vehicle is released.	
	(b)	When a contravention of this Order has occurred or a persistent evader is identified, a person authorised on behalf of the Council may move the vehicle to a different position within that parking place so that it complies with the provisions of this Order, or remove the vehicle completely from the parking place.	
	(c)	Any person authorised by the Council for moving or removal of vehicles in a parking place may do so by any manner they think necessary and when removing a vehicle from a parking place, will make sure the vehicle is stored securely until such time as the owner claims the vehicle. The owner is responsible for the payment of any removal and storage charges before their car will be released.	

STRUCTURE OF TARIFFS

SCHEDULE G – LEVELS OF PENALTY CHARGES AND CHARGES RELATING TO PERMITS AND PAY AND DISPLAY TICKETS.

Part A. Cost of resident permits

	1st Permit		
Period	12 Months	6 Months	3 Months
Cost	£25.00	£15.00	£8.00

2nd Permit		
12 Months	6 Months	3 Months
£75.00	£38.00	£19.00

Part B. Cost of business permits

Vehicle Type	All Zone Permit		
Period	12 Months	6 Months	3 Months
Petrol/Diesel	£420	£210	£105
Electric/LPG	£100	£50	£25

Single Zone Permit		
12 Months	6 Months	3 Months
£220	£110	£55
£100	£50	£25

Part C. Cost of Doctor's Permits

Doctors Permit - £60 each

Part D. Day Permits

Type of permit	Cost
Resident Visitor	£5 per book of 10 (50 pence each)
Resident Visitor (Concessions)	£2.50 per book of 10 (25 pence each)
Hotel Guest	£10 per book of 10 (£1 each)
Health and Care Worker	£5 per book of 10 (50 pence each)
Tradesperson's Permit	£2 each

Part E. Charges relating to pay and display tickets

Length of Stay	Central controlled area (Max. stay 2 hours) *1	Rest of CPZ (Max. stay 2 hours)	Rest of CPZ (Max. stay 4 hours) *2	Seafront (Max. stay 23 hours 55 mins) *3
Up to 15 mins	20p	20p	20p	20p
Up to 30 mins	£1.00	50p	40p	40p
Up to 1 hour	£2.00	£1.00	£1.00	80p
Up to 2 hours	£3.00	£2.00	£2.00	£1.50
Up to 4 Hours	n/a	n/a	£3.00	£2.50
Up to 6 Hours	n/a	n/a	n/a	£3.00
More than 6 hours	n/a	n/a	n/a	£4.00

*1 Tariff structure in Hyde Gardens, Lushington Road, Cornfield Road and Gildredge Road.

*2 Tariff structure in Burlington Place (between Compton Street and Grand Parade) Howard Square, Lascelles Terrace and Wilmington Square.

*3 Tariff Structure applicable on South Cliff, King Edwards Parade, Grand Parade, Marine Parade, Royal Parade.

Part F. Refunds relating to Resident and Business Permits

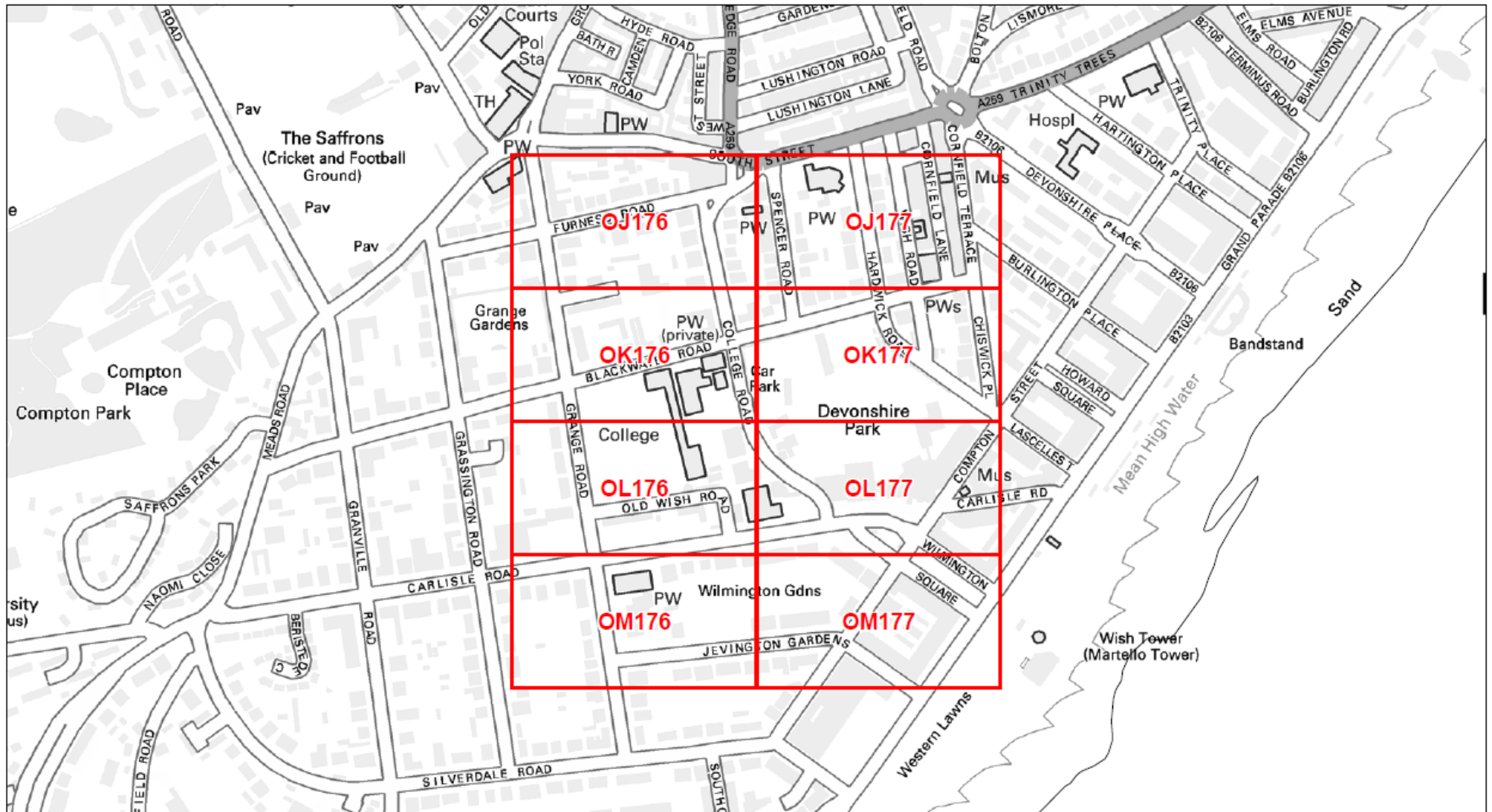
	Amount of Refund
Permit surrendered before it becomes valid	
	Full refund of charge paid
Permit surrendered after it becomes valid	
12 monthly	The sum of one twelfth of the charge paid in respect of each complete month which remains unexpired at the time the permit is surrendered
6 monthly	The sum of one sixth of the charge paid in respect of each complete month which remains unexpired at the time the permit is surrendered
3 monthly	The sum of one third of the charge paid in respect of each complete month which remains unexpired at the time the permit is surrendered



There will be no charge for Motorcycles parking in permit only or designated motorcycle bays.
Motorcycles must park perpendicular to the kerb line

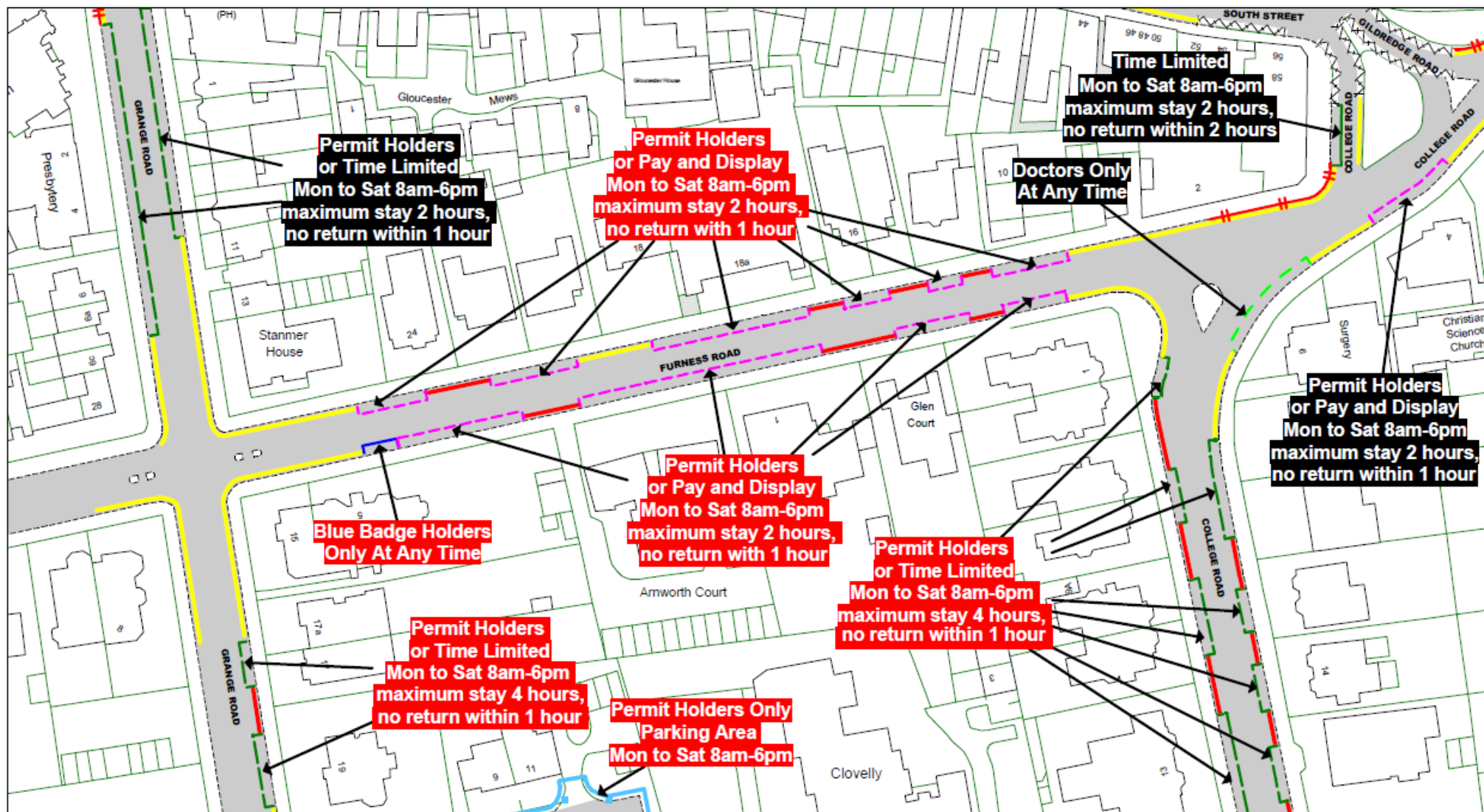
THE COMMON SEAL of the EAST)
SUSSEX COUNTY COUNCIL was)
Affixed hereunto on the day)
of two thousand and)
in the presence of:)

**The East Sussex (Devonshire Park)
(Parking, Waiting and Loading)
Traffic Regulation Order 201***

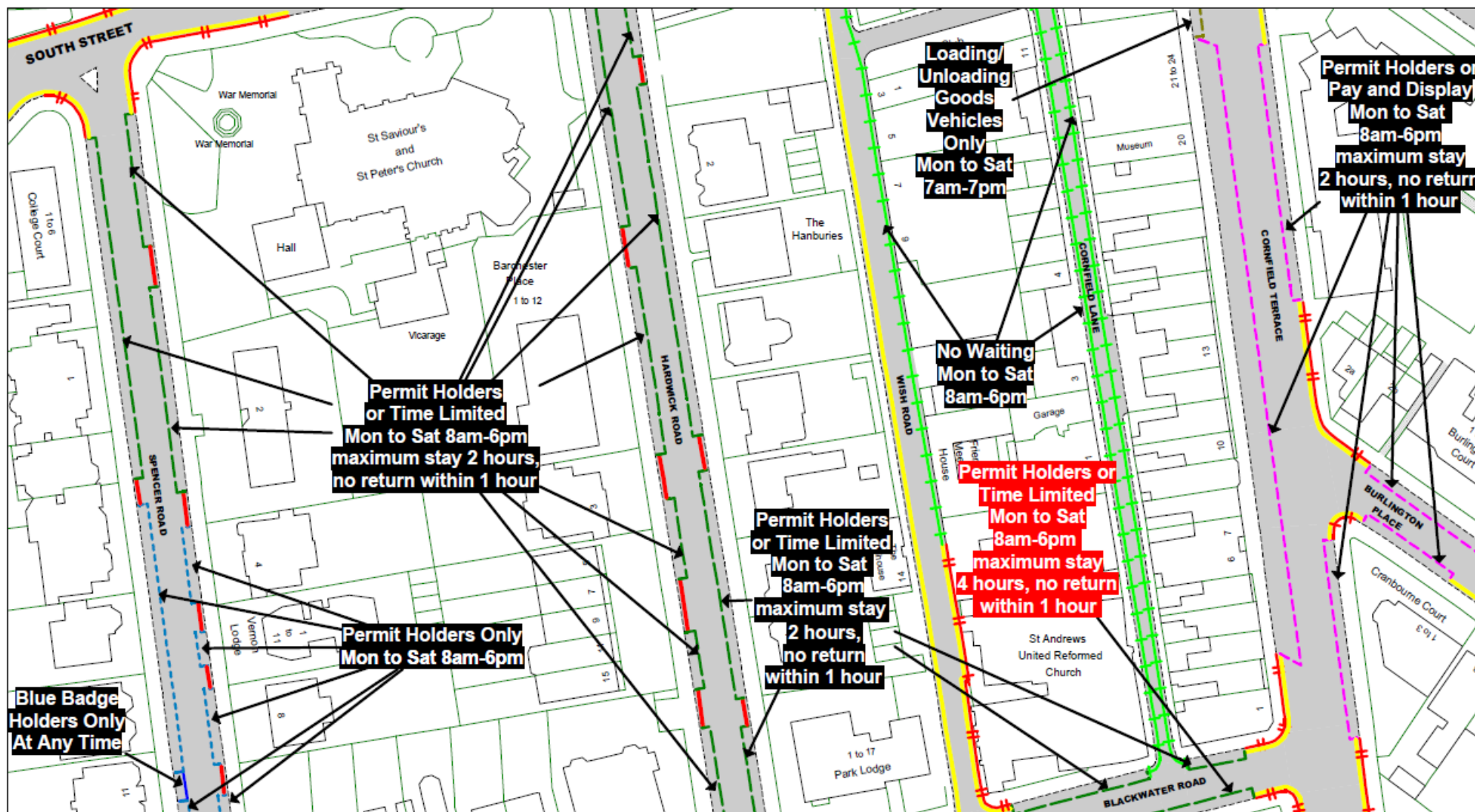
The Order Plans




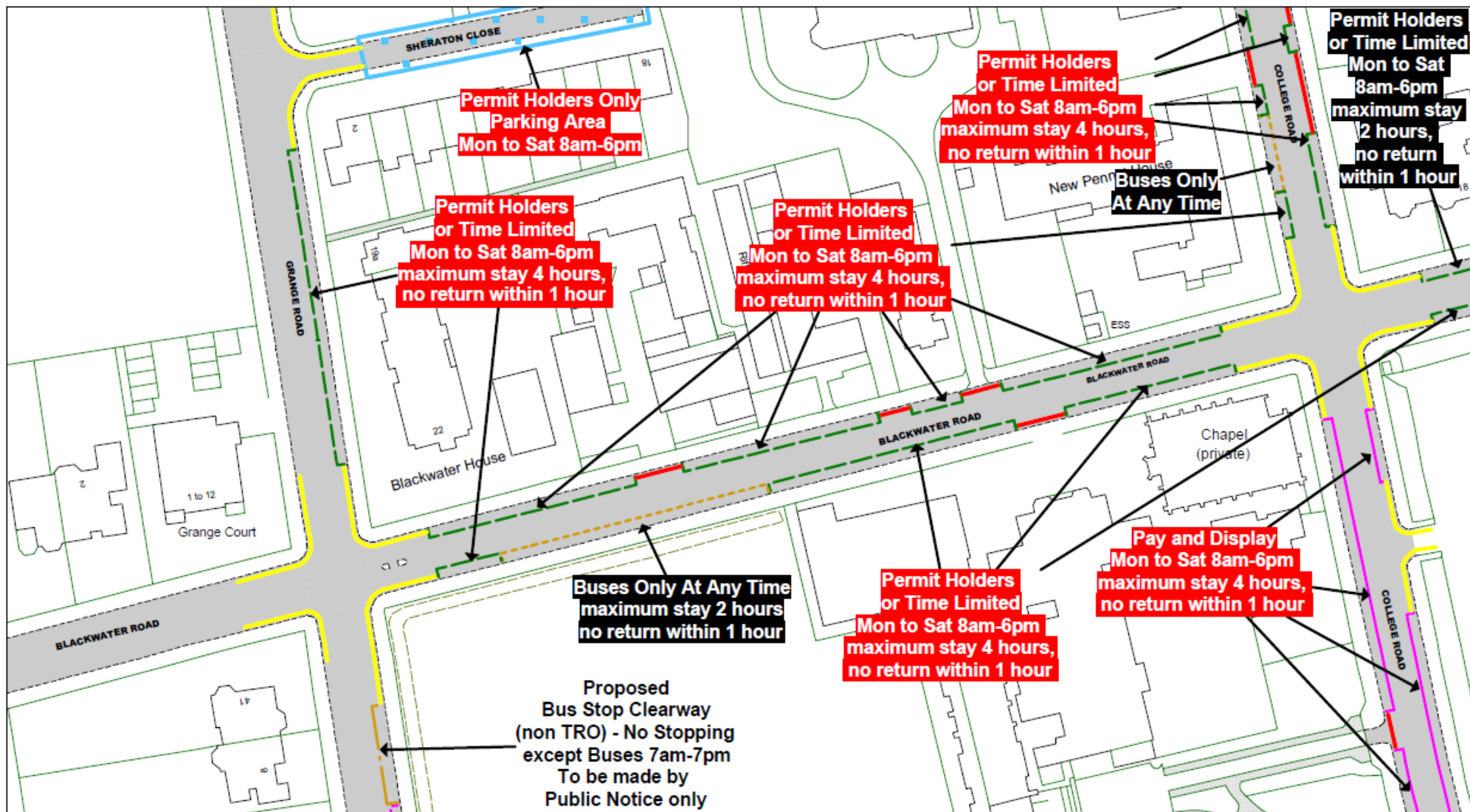
 <p>East Sussex County Council</p>	<p>The East Sussex (Devonshire) (Parking, Waiting and Loading) Traffic Regulation Order 201*</p>	<p>Locations of Parking, Waiting and Loading Restrictions</p> <div><div>LR000</div> Map Tile</div>		
			SCALE	1:17,000
			DATE	06/04/2018
			Tile Ref: Overview Revision: 0	




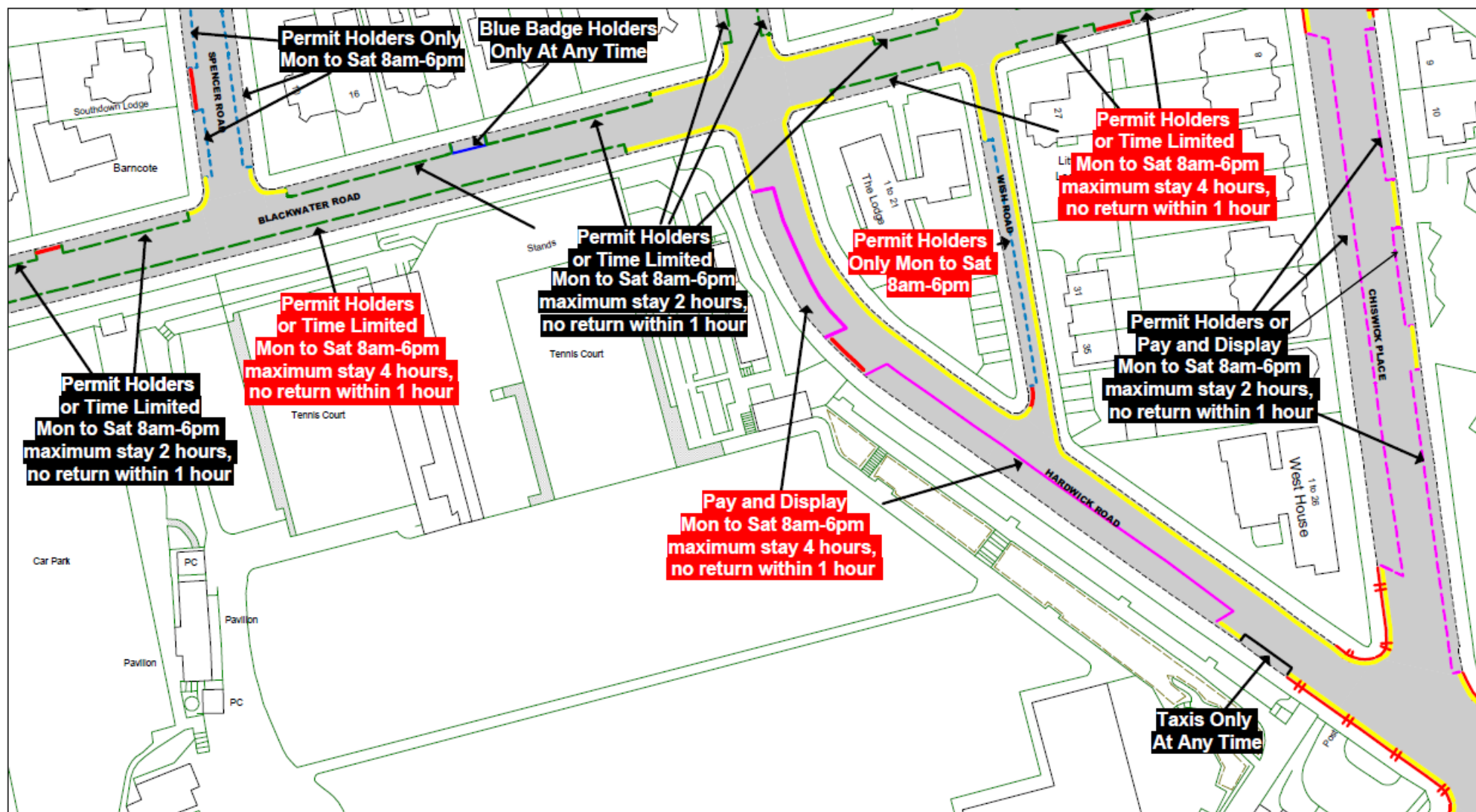
<p>East Sussex County Council</p>	<p>The East Sussex (Devonshire Park) (Parking, Waiting and Loading) Traffic Regulation Order 201*</p>	<p>Key to TRO Restriction Types</p> <ul style="list-style-type: none"> Proposed No Waiting At Any Time No Waiting at Any Time No Waiting No Loading at Any Time Pay and Display Permit Holders Only Permit Holders or Pay and Display Permit Holders Only Parking Area Disabled Badge Holders Only Doctors Only Limited Waiting Loading/ Unloading Only Taxi Only Loading/ Unloading Only and Taxi Only Buses Only <p>Key to Non TRO Items</p> <ul style="list-style-type: none"> Pedestrian Crossing (controlled area) Pedestrian Crossing Point Bus Stop/ Stand Clearway 	<p>Adjacent Map Tile</p> <p>OJ176 OJ175 OJ177 OK176</p>	<p>© Crown copyright. All rights reserved East Sussex County Council Licence No. 100019601 2018</p> <p>SCALE 1 : 1000</p> <p>DATE 02/03/2018</p> <p>Tile Ref: OJ176 Revision: 0</p>
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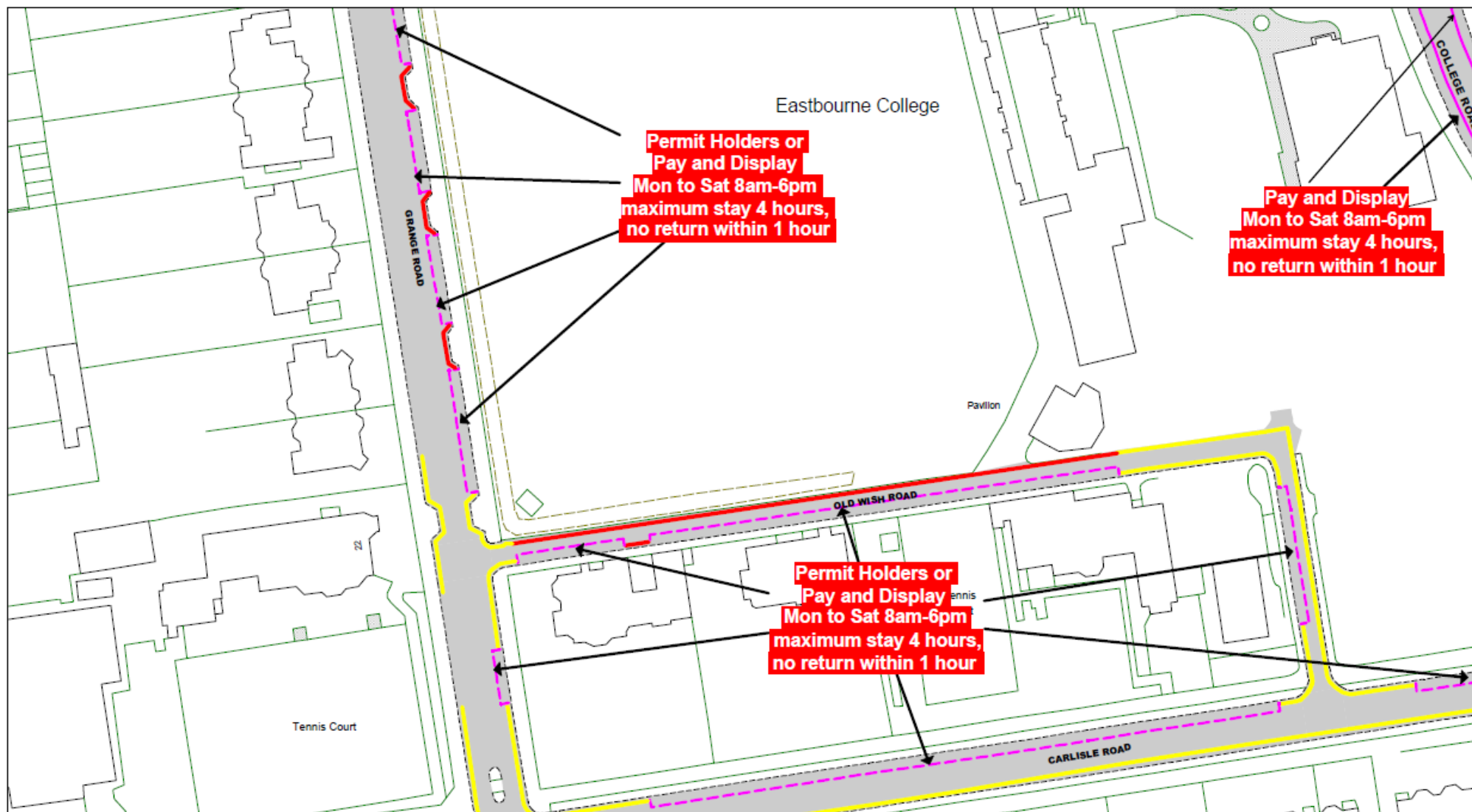
 <p>East Sussex County Council</p>	<p>The East Sussex (Devonshire Park) (Parking, Waiting and Loading) Traffic Regulation Order 201*</p> <p>Key to Labels</p> <p>ABCD Proposed TRO restriction ABCD Permanent TRO restriction ABCD Non TRO item</p>	<p>Key to TRO Restriction Types</p> <ul style="list-style-type: none"> Proposed No Waiting At Any Time No Waiting at Any Time No Waiting No Loading at Any Time Pay and Display Permit Holders Only Permit Holders or Pay and Display Permit Holders Only Parking Area Disabled Badge Holders Only Doctors Only Limited Waiting Loading/ Unloading Only Taxi Only Loading/ Unloading Only and Taxi Only Buses Only <p>Key to Non TRO Items</p> <ul style="list-style-type: none"> Pedestrian Crossing (controlled area) Pedestrian Crossing Point Bus Stop/ Stand Clearway 	<p>Adjacent Map Tile</p> <p>O177 OJ176 OJ178 OK177</p>	<p>© Crown copyright. All rights reserved East Sussex County Council Licence No. 100019601 2018</p> <p>SCALE 1 : 1000</p> <p>DATE 02/03/2018</p> <p>Title Ref: OJ177 Revision: 0</p>
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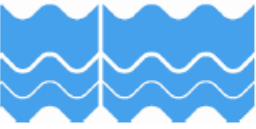


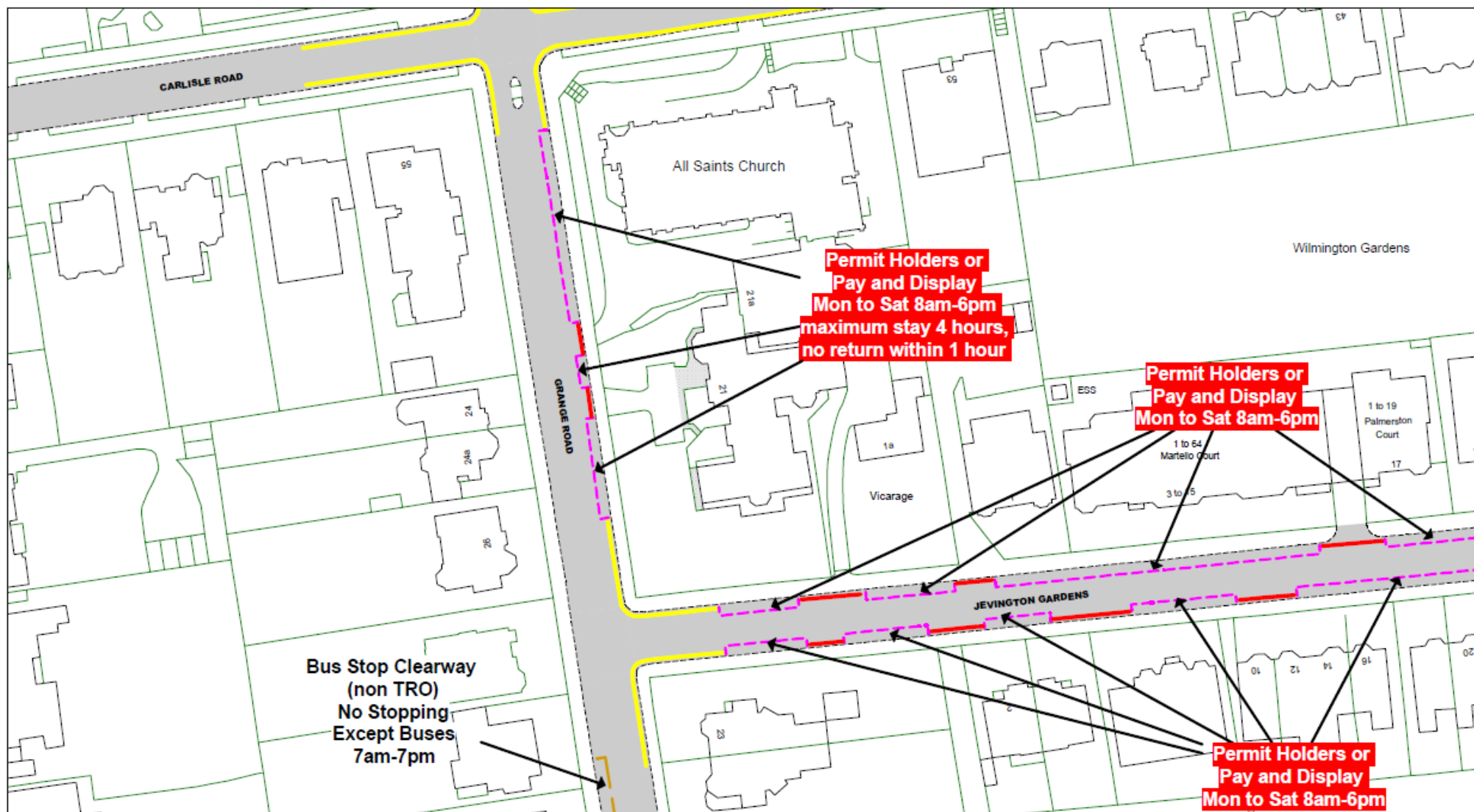
 <p>East Sussex County Council</p>	<p>The East Sussex (Devonshire Park) (Parking, Waiting and Loading) Traffic Regulation Order 201*</p> <p>Key to Labels</p> <p>ABCD Proposed TRO restriction ABCD Permanent TRO restriction ABCD Non TRO item</p>	<p>Key to TRO Restriction Types</p> <ul style="list-style-type: none"> Proposed No Waiting At Any Time No Waiting at Any Time No Waiting No Loading at Any Time Pay and Display Permit Holders Only Permit Holders or Pay and Display Permit Holders Only Parking Area Disabled Badge Holders Only Doctors Only Limited Waiting Loading/ Unloading Only Taxi Only Loading/ Unloading Only and Taxi Only Buses Only <p>Key to Non TRO Items</p> <ul style="list-style-type: none"> Pedestrian Crossing (controlled area) Pedestrian Crossing Point Bus Stop/ Stand Clearway 	<p>Adjacent Map Tile</p> <p>OJ176 OK175 OK177 OL176</p>	<p>© Crown copyright. All rights reserved East Sussex County Council Licence No. 100019801 2018</p> <p>SCALE 1 : 1000</p> <p>DATE 02/03/2018</p> <p>Tile Ref: OK176 Revision: 0</p>
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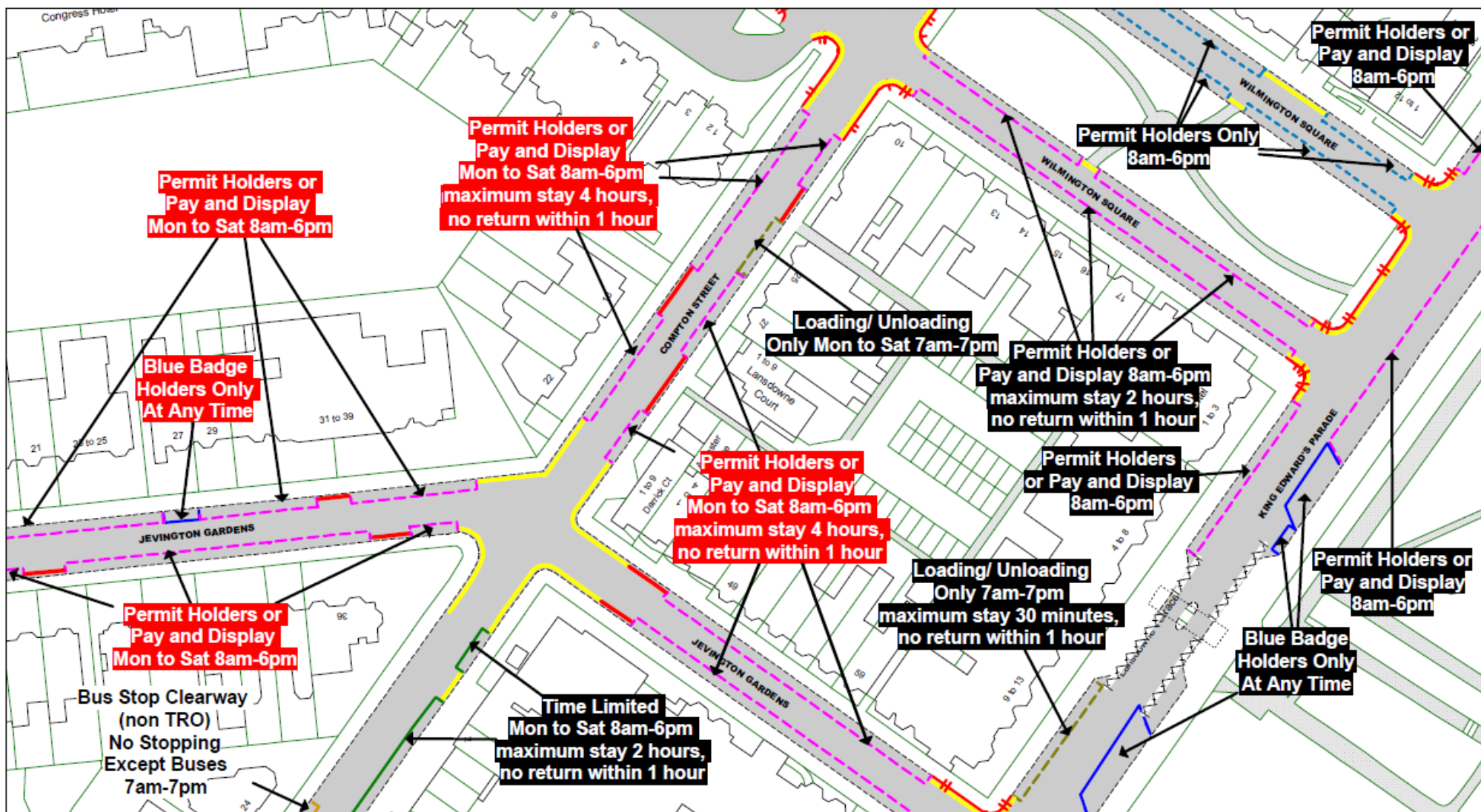
<p>East Sussex County Council</p>	<p>The East Sussex (Devonshire Park) (Parking, Waiting and Loading) Traffic Regulation Order 201*</p> <p>Key to Labels</p> <p>ABCD Proposed TRO restriction ABCD Permanent TRO restriction ABCD Non TRO item</p>	<p>Key to TRO Restriction Types</p> <ul style="list-style-type: none"> Proposed No Waiting At Any Time No Waiting at Any Time No Waiting No Loading at Any Time Pay and Display Permit Holders Only Permit Holders or Pay and Display Permit Holders Only Parking Area Disabled Badge Holders Only Doctors Only Limited Waiting Loading/ Unloading Only Taxi Only Loading/ Unloading Only and Taxi Only Buses Only <p>Key to Non TRO Items</p> <ul style="list-style-type: none"> Pedestrian Crossing (controlled area) Pedestrian Crossing Point Bus Stop/ Stand Clearway 	<p>Adjacent Map Tile</p> <p>OJ177 OK176 OK178 OL177</p>	<p>© Crown copyright. All rights reserved East Sussex County Council Licence No. 100019601 2018</p> <p>SCALE 1 : 1000</p> <p>DATE 02/03/2018</p> <p>Tile Ref: OK177 Revision: 0</p>
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 <p>East Sussex County Council</p>	<p>The East Sussex (Devonshire Park) (Parking, Waiting and Loading) Traffic Regulation Order 201*</p> <p>Key to Labels</p> <p>ABCD Proposed TRO restriction ABCD Permanent TRO restriction ABCD Non TRO item</p>	<p>Key to TRO Restriction Types</p> <ul style="list-style-type: none"> Proposed No Waiting At Any Time No Waiting at Any Time No Waiting No Loading at Any Time Pay and Display Permit Holders Only Permit Holders or Pay and Display Permit Holders Only Parking Area Disabled Badge Holders Only Doctors Only Limited Waiting Loading/ Unloading Only Taxi Only Loading/ Unloading Only and Taxi Only Buses Only <p>Key to Non TRO Items</p> <ul style="list-style-type: none"> Pedestrian Crossing (controlled area) Pedestrian Crossing Point Bus Stop/ Stand Clearway 	<p>Adjacent Map Tile</p> <p>OK176 OL175 OL177 OM176</p>	<p>© Crown copyright. All rights reserved East Sussex County Council Licence No. 100019801 2018</p> <p>SCALE 1 : 1000</p> <p>DATE 02/03/2018</p> <p>Tile Ref: OL176 Revision: 0</p>
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<p>East Sussex County Council</p>	<p>The East Sussex (Devonshire Park) (Parking, Waiting and Loading) Traffic Regulation Order 201*</p>		<p>Key to TRO Restriction Types</p> <ul style="list-style-type: none"> Proposed No Waiting At Any Time No Waiting at Any Time No Waiting No Loading at Any Time Pay and Display Permit Holders Only Permit Holders or Pay and Display Permit Holders Only Parking Area 		<p>Key to Non TRO Items</p> <ul style="list-style-type: none"> Disabled Badge Holders Only Doctors Only Limited Waiting Loading/ Unloading Only Taxi Only Loading/ Unloading Only and Taxi Only Buses Only 		<p>Key to Non TRO Items</p> <ul style="list-style-type: none"> Pedestrian Crossing (controlled area) Pedestrian Crossing Point Bus Stop/ Stand Clearway 	<p>Adjacent Map Tile</p> <p>OL177 OM176 OM178 ON177</p>	<p>© Crown copyright. All rights reserved East Sussex County Council Licence No. 100019601 2018</p>	
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Appendix 2 – Summary of Objections

Many of the objections received either repeat the same comments or are based on the same grounds. These comments have been summarised in the table below.

After careful consideration of all of the comments below and the officers' deliberations, it is recommended that the extent of the proposals is reduced to those shown in Appendix 3.

Each item of correspondence has been made available in the Members Room.

Objection	Officer comments
The proposed scheme will have a significant impact on local employees, customers, and visitors due to the time limit and paid parking	It is expected that the increased footfall following the development of the Devonshire Park area will create an increased need for a turnover of parking space in this area. The time limit will ensure more parking spaces are available during the day by preventing all-day parking by non-permit holders. The paid parking is necessary to meet the cost of installation, effective enforcement, and continued maintenance of the controls.
The proposals will be detrimental to the local economy and tourism	The proposals will meet the need to control parking in this area following the development of the Devonshire Park scheme. A number of proposals are recommended to be removed with minimal proposals being recommended immediately around the Devonshire Park area. Officers believe all proposals are necessary and will monitor the area to see if the proposals being recommended need to be added to in a future parking review in this area.
There are concerns for staff working at hotels in the area whose shifts start during the operational times of the proposals. This means they will have to park further away and will be placed at risk having to return to their vehicle late at night.	It is difficult to balance the parking needs of all road users including residents, hotel guests, local workers and other visitors to the area. The operational times of the controls end at 6pm and any member of public can park for free after this time. Should local staff wish to park closer to their employment during the times of operation the four hour maximum stay will allow them to park in the shared bays from 2pm.
There will be unwanted displacement to nearby unrestricted streets	It is difficult to balance the needs of all road users when any new controls are introduced and displacement is inevitable. Nearby roads will be monitored and any further changes needed can be considered in a future review of parking in Eastbourne.
There will be displacement to nearby unrestricted streets and the scheme should be extended further to include the Meads area	It is difficult to balance the needs of all road users when any new controls are introduced and displacement is inevitable. Nearby roads will be monitored and any further changes needed can be considered in a future review of parking in Eastbourne

The scheme will have a serious impact on Eastbourne college staff, parents, visitors and pupils due to the time limits and paid for parking	It is recognised that Eastbourne college are a major contributor to parking pressures in this area. In light of the recommended 'scaled back' proposals, the head of Eastbourne college has withdrawn his objection and has said they are looking at providing additional parking provision within their grounds
The car park should be multi-storey	Eastbourne Borough Council manage off-street parking in their car parks. There are no current plans to build a multi-storey car park
The proposals will have a detrimental effect to visitors to the Tennis tournament	The roads immediately around Devonshire Park are closed during the tennis tournament. Inevitably this causes further pressures due to displaced parking. The proposals will enable visitors to stay for four hours, and anyone wishing to stay for longer will need to make alternative arrangements
No studies were taken of who is currently parking in this area and the needs of these users should be taken in to consideration	Parking in this area is by local residents, workers, commuters, and other visitors. The proposals will enable workers, commuters, and other visitors to stay for four hours, with permit holders being able to stay for an unlimited time. Any non-permit holders wishing to stay for longer than four hours would need to make alternative arrangements
Public transport to this area is poor	Eastbourne train station is less than a ten minute walk from this area. There are regular bus services nearby
There is no need for double yellow lines in Old Wish Road and it is only used by college users	Although Old Wish Road is narrow, it is public highway. If controlled parking was introduced on one side it is natural that people would then choose to park on the unrestricted side. A yellow line restriction would therefore be needed on the opposite side
There is limited parking on the college campus and this is not enough for college users	The head of Eastbourne college head has said they are looking at additional parking provision within their grounds
The proposals will increase vehicle movement in the area	It is inevitable that any time-limit will potentially increase vehicle movement should people wish to continue to park in this area for longer than four hours
The time limit and paid-for parking will have a negative effect for commuters	Commuters add to the parking pressures in this area. The proposals are designed to improve parking provision following the development of the Devonshire Park area and commuters wishing to stay for longer will have to make alternative arrangements

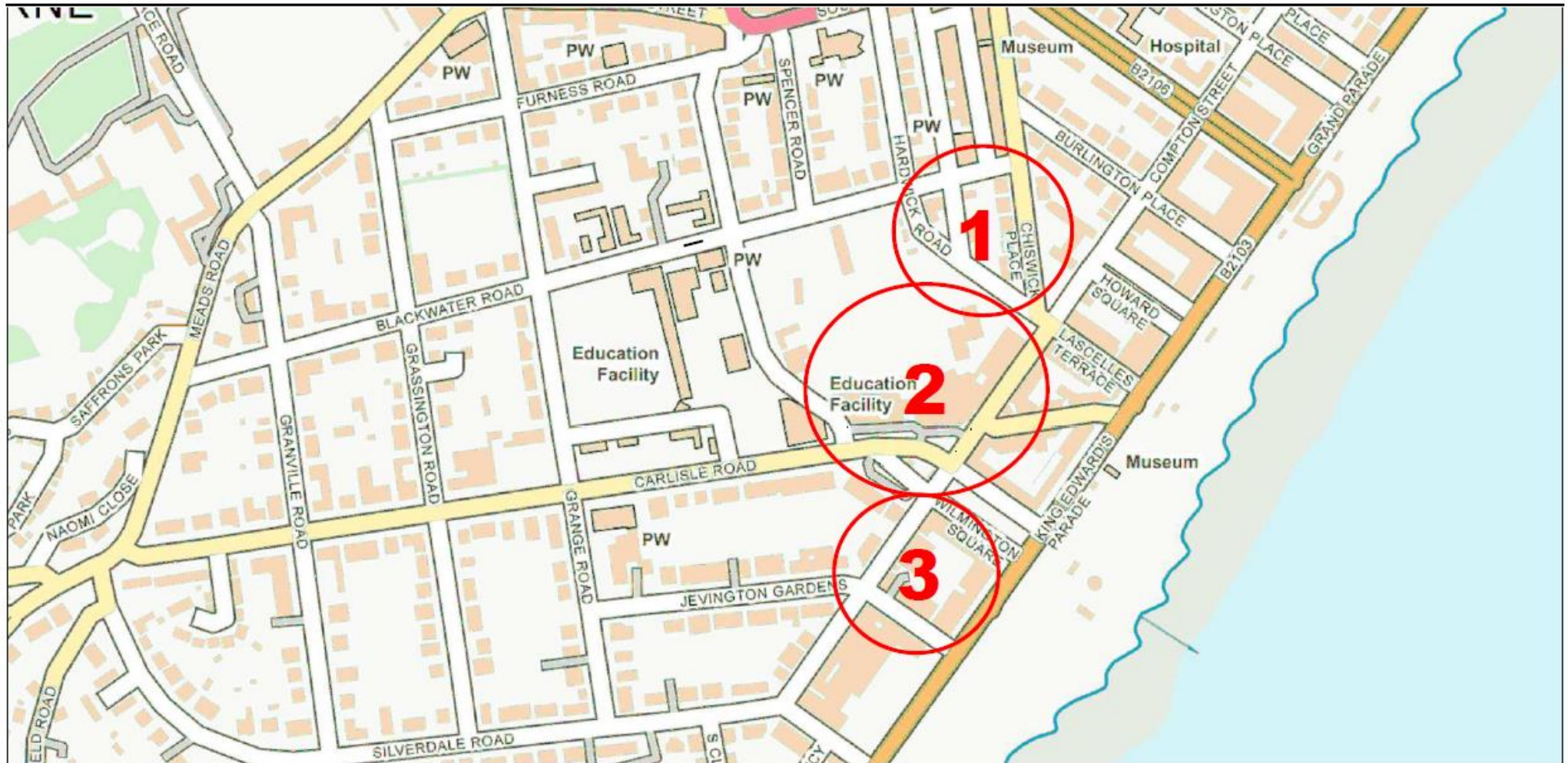
The amount of permits available for businesses would not be enough	Up to six business permits would be available for each business needing to use vehicles during the day for their normal business use. Business permits are not provided to enable staff to park all day near their place of work
The cost to local residents for permits is too much and unaffordable	The cost of resident permits reflects the current controlled parking in this area and is necessary to meet the cost of installation, effective enforcement, and continued maintenance of the controls
There would be no guaranteed parking space should residents buy a permit	It is difficult to balance the needs of all road users and no parking scheme guarantees a parking space. Resident permits would be issued on a basis of 1.5 permits per parking space. Experience has shown that this is an effective ratio as not all residents need to park at the same time during operational hours
The pay and display machines on King Edwards Parade should be removed to reduce parking in the Meads area	This request does not form part of the proposals in this review. Officers have included this request to be considered in the next general review of parking in Eastbourne
Permits are or will be available to too many people	Resident permits would be issued on a basis of 1.5 permits per parking space. Experience has shown that this is an effective ratio as not all residents need to park at the same time during operational hours
The restrictions should apply on Sundays as it is impossible for residents to find a parking space if they go out on a Sunday	There are no current plans to extend the controls to include Sundays
Park and Ride should be introduced to address the problem	There are no current plans to introduce park and ride in this area
This is just a money making scheme	The Traffic Management Act requires that any surpluses from any parking scheme are re-invested in transport improvements in the area
Why should residents suffer the cost of permits when the issue is non-residents and college buses parking in the road	The cost of permits reflects the current controlled parking in this area and is necessary to meet the cost of installation, effective enforcement, and continued maintenance of the controls
Current restrictions are not being enforced	The parking enforcement contractor (NSL) carry out regular patrols and enforce all controlled areas in Eastbourne. NSL will continue to manage and enforce any new restrictions
Multi-property developments will not be eligible for permits	Multi-property developments who have no off-road parking and where each property is registered for council tax will be eligible to apply for parking permits

Carers and health-care visitors would not be able to visit due to the time limit and cost	Health care visitor permits will be available for carers on active duty
The scheme is designed simply to make money and is a cash-cow for the council	The Traffic Management Act requires that any surpluses from any parking scheme are re-invested in transport improvements in the area
In Sheraton Close, the maps only show parking for permit holders at the entrance to the close	The map showing Sheraton Close did have an error where the arrow showing the extent of the restrictions was incorrectly placed. The proposal was for permit holders only parking in the whole of Sheraton Close and this will be rectified should the proposal be taken forward in a future review
There is a need for longer term parking in this area	At this stage in the process the proposals cannot legally be changed to increase the length of time for parking. Should the scheme go forward, officers will consider these comments as part of a future review
The coach bay in College Road should be reduced and made time-limited	Officers will consider this in the next review of parking in Eastbourne
Feedback from the informal consultation should have led to these proposals being dropped	The feedback from the informal consultation led to the waiting time being increased from two hours to four hours, along with further provision for disabled parking. Officers believe changes are necessary following the development of the Devonshire Park area
Both sides of Grange Road should be made paid-for parking	At this stage in the process the proposals cannot legally be changed (other than the removal of all/parts of the proposals consulted upon). Should the scheme go forward, officers will consider these comments as part of a future review
The development of the Devonshire Park area has increased the amount of contractors' vehicles in the area. When the development finishes this will ease the parking pressures.	Should the scheme go forward, officers will consider these comments through the monitoring of the implemented proposals and any subsequent parking reviews in the area.
Where will local employees park if the proposals go ahead?	Local employees would be able to stay for up to four hours. Should they wish to stay for longer, they would have to find alternative arrangements, which could include off-street parking.
People will need to park further out if these proposals go ahead meaning they will be late for work	Local employees would be able to stay for up to four hours. Should they wish to stay for longer, they would have to find alternative arrangements
The proposals will mean vulnerable hotel	It is difficult to balance the parking needs of all

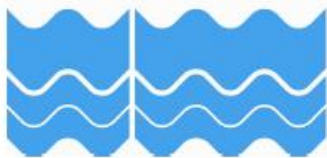
staff will have to walk further to their vehicles putting them at risk	road users including residents, hotel guests, local workers and other visitors to the area. The operational times of the controls end at 6pm and any member of public can park for free after this time. Should local staff wish to park closer to their employment during the times of operation the four hour maximum stay will allow them to park in the shared bays from 2pm
The proposed changes will make it difficult for hotel guests to find parking	There are approximately 1500 parking spaces in the immediate area where hotel permits can be used
Visitors to events such as Airbourne and the Tennis will find it difficult to park	Visitors would be able to stay for up to four hours. Should they wish to stay for longer, they would have to find alternative arrangements
Parents need to stay for events at the college which last for more than four hours	Anyone wishing to stay for longer than four hours would need to make alternate arrangements should the proposals go ahead
The college employs 300 people, many of whom have no option but to drive. How will they be accommodated	It is recognised that Eastbourne college are a major contributor to parking pressures in this area. The head of Eastbourne college has withdrawn his objection and has said they are looking at providing additional parking provision within their grounds
Objections to the proposals will be steam-rollered over and passed by some tin pot demi gods in an ivory tower feeding the bean counters	All objections to the proposals are considered fairly and impartially by officers and Members.
The reduction to double yellow lines will increase safety issues for pupils crossing roads	Officers are satisfied that the reduction in double yellow lines (by one metre at two locations) and in College Road will not have any significant impact on safety issues. Any member of public should always ensure it is safe to cross the road before they do so
The measures will cause massive problems for parents picking up and dropping off pupils at the college	Parents can stop in any parking bay or on double yellow lines for the purpose of picking up or dropping off passengers
279 people objected to the informal consultation – why are these proposals still being considered?	There is a need to control parking following the development of the Devonshire Park area. Much of the feedback from the initial consultation was that two hours was not enough. The feedback led to the current proposals being developed, allowing a longer stay of four hours and introduced further parking for disabled badge holders
Why are only 6 business permits available when the college employs over	Business permits are available for businesses where vehicles are required for use during the day.

300 staff?	They are not provided to enable staff to park to nearby
Where are zebra crossings to help the safety of pupils?	There are no current plans to introduce additional pedestrian crossings
Double yellow lines should be introduced outside Gildredge House School	There are no current proposals to introduce double yellow lines outside Gildredge House School which is outside the proposed area. This request has been added for consideration in the next general review of parking in Eastbourne.
Delivery drivers will find it difficult if double yellow lines are introduced in Old Wish Road	Loading and unloading is permitted on double yellow lines. Should the proposals go ahead, delivery vehicles would still be able to load and unload

Appendix 3 - Revised Proposal Plans

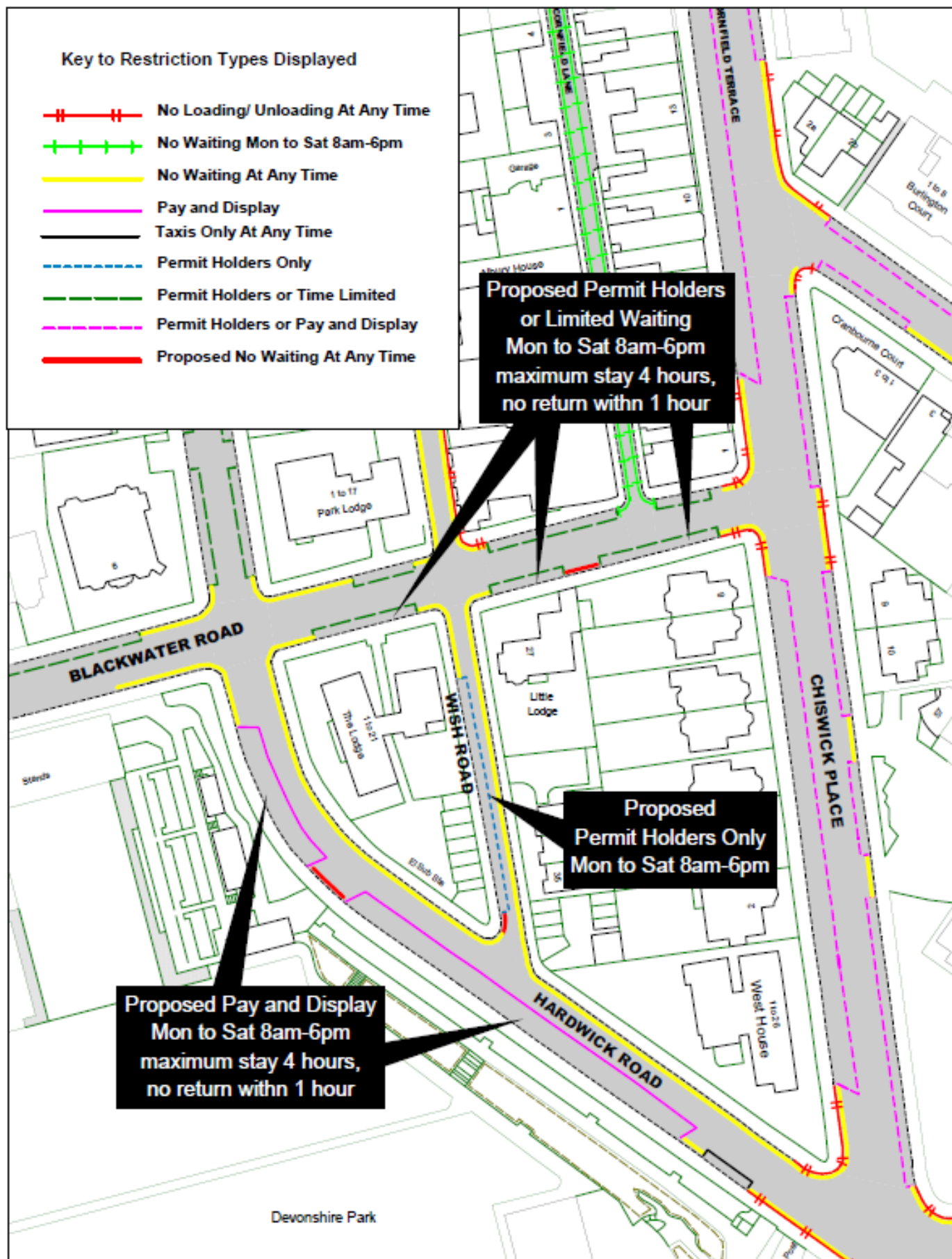


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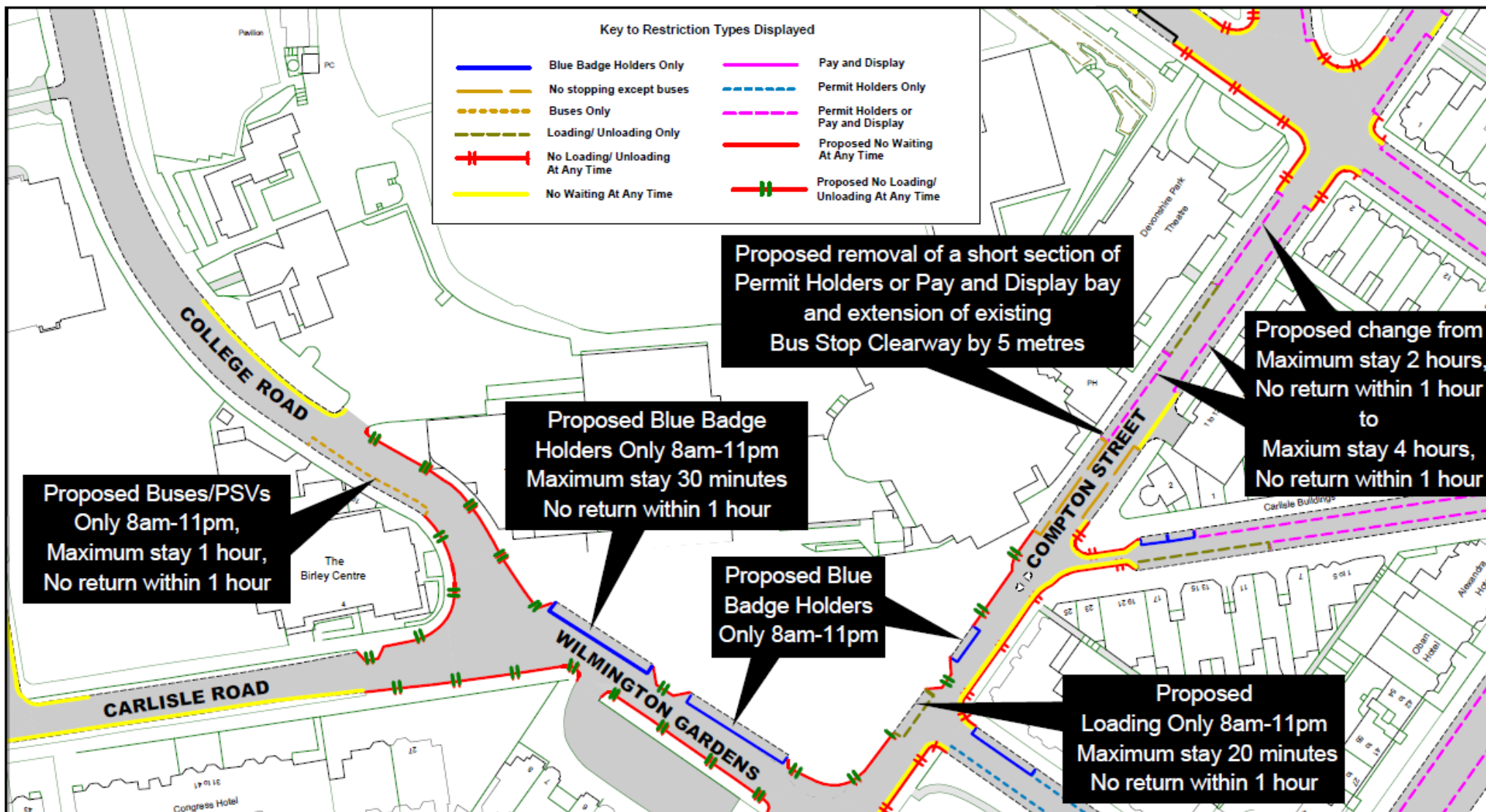
Devonshire Park Overview Map
Proposed Parking Scheme

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DATE	09/06/2018
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		Blackwater Road, Hardwick Road, Wish Road		SCALE	1 : 1000
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				DRAWING No.	Plan 1
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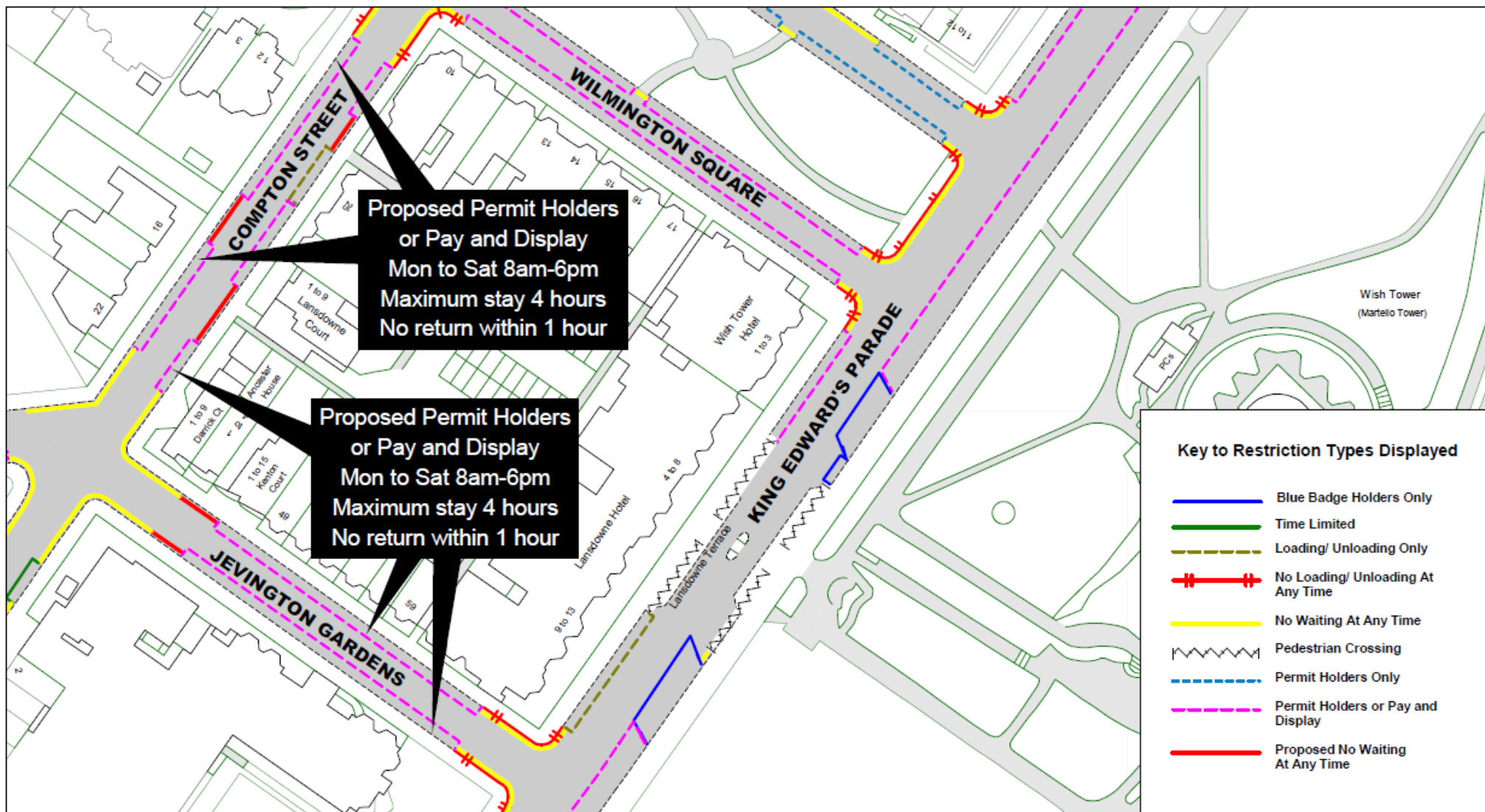
East Sussex
County Council



Carlisle Road, College Road,
Compton Street, Wilmington Gardens

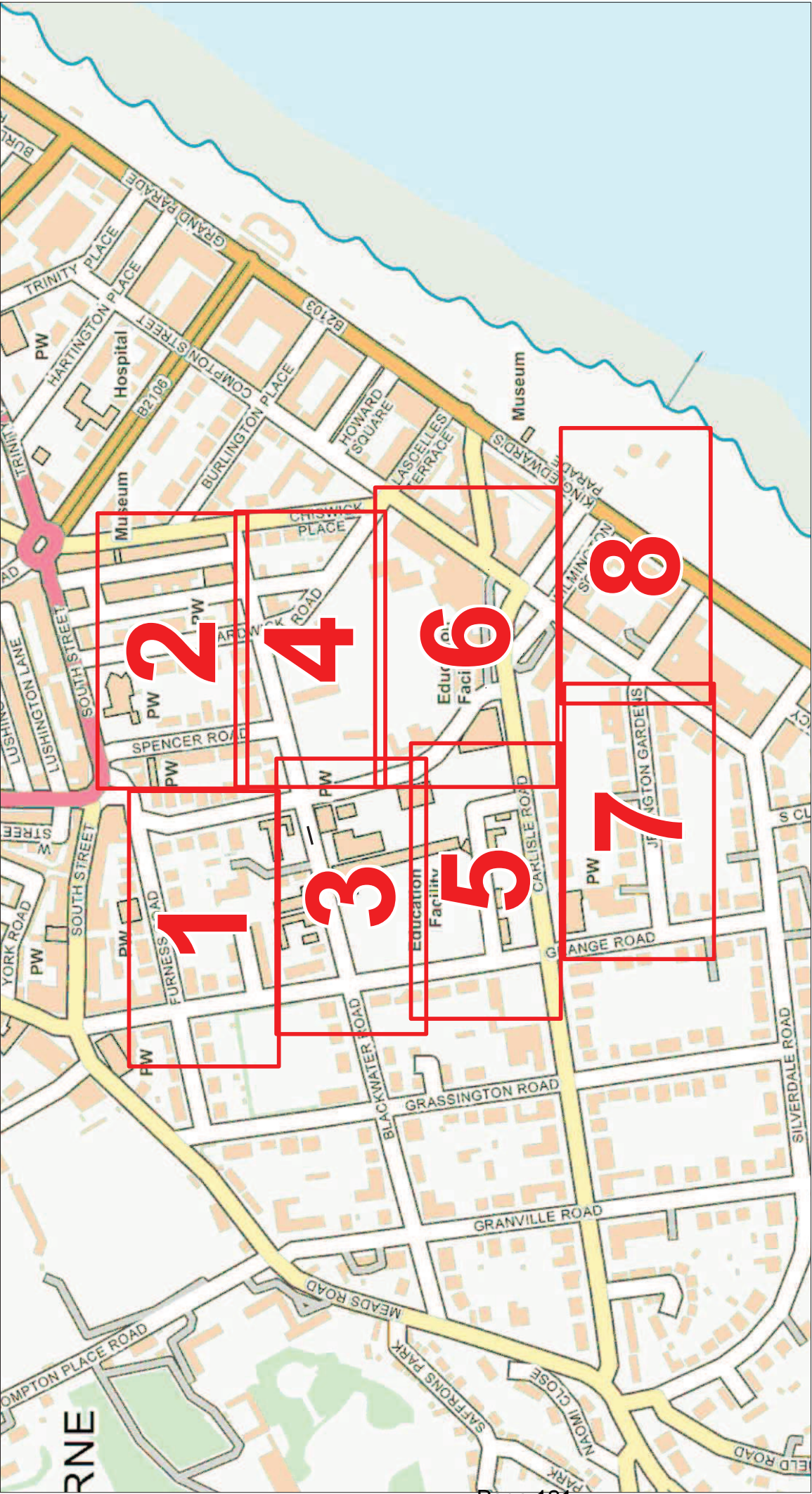
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DATE	22/06/2018
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Compton Street, Jevington Gardens

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East Sussex
County Council



**Devonshire Park Overview Map
Proposed Parking Scheme**

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Committee:	Regulatory Planning Committee
Date:	25 July 2018
Report by:	Director of Communities, Economy and Transport
Title of Report	Traffic Regulation Order – A2100 London Road, Battle
Purpose of Report	To consider the objection received in response to the formal consultation on the draft Traffic Regulation Order associated with the development of Lillybank Farm, London Road, Battle.
Contact Officer:	Jodie Lulham – 01273 337052
Local Member:	Councillor Kathryn Field

RECOMMENDATION

The Planning Committee is recommended to:

- 1. Not uphold the objection to the draft Order as set out in paragraph 2.3 of this report; and**
 - 2. Recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order be made as advertised.**
-

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.

1. Introduction

1.1 Planning permission for a residential development of 50 dwellings at Land to the West of Lillybank Farm, Wattles Wish, Battle was granted by Rother District Council in May 2017 (Planning application reference RR/2016/725/P). A Section 106 Legal Agreement was attached to the permission that secured the requirement for an extension to the 40mph speed limit on the A2100 London Road. This would need to be implemented through a Traffic Regulation Order, the cost of which is funded by the developer. The proposed lowered speed limit is intended to reduce vehicle speeds on the approach to the new junction (the development access).

1.2 To encourage compliance with the extended 40mph speed limit a gateway feature with a speed limit sign is proposed at the beginning of the new limit.

1.3 An initial consultation was carried out between 26 September 2017 and 18 October 2017 with the local District, and County Councillors, and statutory consultees including the emergency services. Objections received were resolved and are reflected in the draft Traffic Regulation Order.

1.4 On the 25 May 2018, the County Council gave notice under the relevant section of the Road Traffic Regulation Act 1984, (as amended), that it was proposing to amend the existing Traffic Regulation Order. A copy of the draft Traffic Regulation Order (TRO) is

included in Appendix 1. Copies of the advertised Notice of proposals were placed on posts at the junction with Virgins Lane and London Road and opposite on London Road and copies of the proposals were also placed on deposit in County Hall reception and at Battle Library for viewing by members of the public. In addition, the Public Notice was advertised in the local newspaper (The Rye and Battle Observer on 25 May 2018). The formal period for representations ended on 19 June 2018.

1.5 The proposals are as follows:-

- To extend the 40mph speed limit in the following length of road: A2100 London Road – from a point 26.5 metres north of its junction with Virgins Lane, for a distance of 177 metres to the north of this point.
- The existing 40mph speed limit will remain in force as specified in the Order.

1.6 The proposed speed limit will reduce vehicle speeds on the approach to the new junction that accesses the approved residential development. This allows for compliance with visibility guidance, increases pedestrian safety and minimises potential for collisions at the proposed site entrance.

2. Comments and Appraisal

2.1 During the formal consultation period, one item of correspondence was received objecting to the proposals. A copy of the objection is in the Memebrrs Room.

2.2 The grounds for the objection are that:-

- The proposal does not extend far enough to the north to include other properties on London Road. The reasons cited for this;
 - The footway alongside the western side of London Road to the north of the proposed speed limit is narrow and can feel unsafe when cars pass at higher speeds.
 - Residents accessing their properties on London Road to the north of the proposed speed limit are overtaken when indicating to leave the highway.
 - Exiting properties to the north of the proposed speed limit can be difficult when there is a high volume of traffic using London Road.

2.3 It is not considered that the objection provides sufficient grounds to warrant the modification or withdrawal of the proposals. It is not appropriate to introduce a further extended 40mph speed limit as the road layout and lack of frontage development to the north of the proposed access means that a lower speed limit is unlikely to have high levels of compliance. Sussex Police supported the length of the 40mph limit for these reasons. Concerns were raised at the time of the planning application with regard to highway safety at the proposed access point, by ESCC officers and members of the public. The proposed extension to the 40mph speed limit will mitigate those concerns, lead to improved highway safety and ensure that the development site access is policy compliant.

3. Conclusion and reasons for recommendation

3.1 This proposal seeks to address road safety concerns associated with the proposed development at Lillybank Farm whilst being mindful of the need to ensure the flow of traffic on London Road (A2100). It is considered that the concerns raised by the objector should not be upheld and the proposals should proceed as per the advertised TRO.

3.2 In turn, it is recommended that the Planning Committee recommends to the Director of Communities, Economy and Transport that the draft Order be made as advertised.

RUPERT CLUBB

Director of Communities, Economy and Transport

28 June 2018

BACKGROUND DOCUMENTS

None

Appendix 1: Draft TRO

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EAST SUSSEX COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**The East Sussex (B2100 London Road, Battle)
(40 mph Speed Limit) Order 201***

East Sussex County Council, in exercise of its powers under Section 84(1) and (2) of the Road Traffic Regulation Act 1984 ("the Act"), as amended, 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:-

1. No person shall drive any vehicle at a speed exceeding 40 mph on those lengths of road specified in Schedule One to this Order.
2. No speed limit imposed by this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces)(Variation and Amendment) Regulations 2011 when used in accordance with regulation 3(5) of those Regulations.
3. The following part of;

"The East Sussex (Various Roads in the Rother Area) (30 mph, 40 mph & 50 mph Speed Limits) Order 1998" insofar as it relates to;
SECOND SCHEDULE; 40 mph Speed Limit; BATTLE; A2100 London Road – from a point 26.5 metres north of the northern kerbline of Virgins Lane, southwards for a distance of 510 metres

is hereby revoked

- 4.. This Order may be cited as "The East Sussex (B2100 London Road, Battle) (40 mph Speed Limit) Order 201*" and shall come into operation on xxx 201*.

SCHEDULE ONE
40 mph Speed Limit

B2100 London Road, Battle	-	from a point 203.5 metres north of its junction with Virgins Lane, southwards for a distance of 687 metres.
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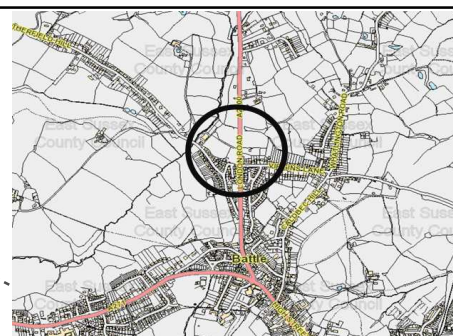
THE COMMON SEAL of EAST SUSSEX)	
COUNTY COUNCIL was affixed)	
hereto on the xx day of xx two)	
thousand and xx in the presence of:-)	

Authorised Signatory

H & T Ctte. 2.4.74 - para 4.2 joint report of
County Secretary & County Engineer -
para 4.

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Plan to show proposed extension
of 40mph Speed Limit on
A2100 London Road, Battle.



50.9m

57.8m

Rosecourt

The Cottage

Lillybank Farm

The Stable

62.9m

Virgins Lane

London Road A2100

Key to TRO Restriction Types

-  Existing 40mph Limit
-  Proposed 40mph Limit
-  Existing 60mph Limit

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Lillybank Farm, London Road TRO

Author: JLu

Scale: 1:1,250

Date: 29/01/2018



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