



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 11.00 am WEDNESDAY, 16 JANUARY 2019

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 10 October 2018 (*Pages 3 - 4*)
- 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 Proposed installation and operation of energy conversion plant including receipt and processing of waste feedstock. 4A Fisher Terminal, East Quay, Newhaven, Newhaven Port, BN9 0DA - LW/815/CM (*Pages 5 - 20*)
Report by the Director of Communities, Economy and Transport
- 6 Development Management Matters: Quarterly Report (*Pages 21 - 42*)
Report by the Director of Communities, Economy and Transport

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

- 7 TRO - Speed limit C208 Park Road and C344 New Road, Hellingly (*Pages 43 - 50*)
- 8 Any other items previously notified under agenda item 4

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*

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Assistant Chief Executive
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8 January 2019

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PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 10 October 2018.

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

21 MINUTES OF THE MEETING HELD ON 12 SEPTEMBER 2018

21.1 The Committee approved as a correct record the minutes of the meeting held on 12 September 2018.

22 DISCLOSURES OF INTERESTS

22.1 Councillor Liddiard declared a prejudicial interest in Item 5B in that a relative lives adjacent to the site, and he left the Chamber for the duration of that item.

23 REPORTS

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

24 VARIATION OF CONDITIONS 9, 10 & 11 OF PLANNING PERMISSION WD/582/CM TO EXTEND THE OPERATIONAL HOURS OF THE SITE INCLUDING THE LOADING AND UNLOADING OF WASTE CONTAINERS AND THE USE OF THE MOBILE COMPACTOR. CROWBOROUGH HOUSEHOLD WASTE RECYCLING SITE, WEALDEN INDUSTRIAL ESTATE, FARNINGHAM ROAD, CROWBOROUGH - WD/582/CM1

24.1 The Committee considered a report by the Head of Planning and Environment.

24.2 Members have considered the report and agree with the conclusions and reasons for recommendation as set out in paragraph 7 of the report.

24.3 RESOLVED to refuse planning permission for the following reasons:

1. The proposal to extend operating hours on Saturdays, Sundays and Bank & Public Holidays would be likely to result in a significant adverse effect on the amenity of persons living in close proximity to the site by reason of noise and other disturbance. This would be unacceptable and conflicts with Policy WMP25 (a), (b) & (c) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policy EN27 (2) of the Wealden Local Plan 1998 and the relevant provisions of Part 12 of the National Planning Policy Framework 2018.

25 VARIATION OF CONDITIONS 5 & 6 OF PLANNING PERMISSION EB/677/CM TO EXTEND THE OPERATIONAL HOURS OF THE SITE. EASTBOURNE HOUSEHOLD WASTE RECYCLING SITE, ST PHILIP'S AVENUE, EASTBOURNE, BN22 8NB - EB/812/CM

25.1 Councillor Tom Liddiard left the Chamber for the duration of this Item.

25.2 The Committee considered a report by the Head of Planning and Environment.

25.3 Councillor David Tutt, the Local Member, spoke in support of the recommendation for refusal.

25.4 Members have considered the report and comments of the Local Member and agree with the conclusions and reasons for recommendation as set out in paragraph 7 of the report.

25.5 RESOLVED unanimously to refuse planning permission for the following reasons:

1. The proposal to extend operating hours on Saturdays, Sundays and Bank & Public Holidays would be likely to result in a significant adverse effect on the amenity of persons living in close proximity to the site by reason of noise and other disturbance. This would be unacceptable and conflicts with Policy WMP25 (a), (b) & (c) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and the relevant provisions of Part 12 of the National Planning Policy Framework 2018.

25.6 Councillor Tom Liddiard returned to the Chamber at the conclusion of the Item.

26 DEVELOPMENT MANAGEMENT MATTERS: QUARTERLY REPORT

26.1 The Committee considered a report by the Director of Communities, Economy and Transport which included a statement of conformity with the revised National Planning Policy Framework.

26.2 RESOLVED to note the report.

The meeting ended at 12.10 pm.

Committee: **Regulatory
Planning Committee**

Date: **16 January 2019**

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

Proposal: **Proposed Installation & operation of energy conversion
plant including receipt and processing of waste
feedstock**

Site Address: **4a Fisher Terminal, East Quay, Newhaven, Newhaven
Port, BN9 0DA**

Applicant: **Clean Thermodynamic Energy Conversion (CTEC)
Limited**

Application No. **LW/815/CM**

Key Issues: **(i) Turning waste into a resource**
 (ii) Location of facility at Newhaven Port
 (iii) Amenity and traffic considerations

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

Local Member: **Councillor Darren Grover**

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 The application site is Unit 4a (comprising a floor space of some 1,443sqm), which is contained within a larger industrial building, known as Fisher Terminal, at East Quay in the Port of Newhaven. The application site also includes provision for access across East Quay and parking to the rear of the building. Other units within the Fisher Terminal building include the applicant's existing research and development enterprise and the distribution centre for Brightwell Dispensers Limited. Other industrial buildings are located to the north, which are used for the storage of exhibition materials and for the Port's own storage and maintenance requirements. The Rampion Offshore

Wind Company offices are located to the south. East Quay is currently used by a metal recycling company, which is situated to the west of the application site on the quayside of the River Ouse.

1.2 The Port industrial land extends eastwards by some 130 metres from the rear of the Fisher Terminal building to the western edge of the Tide Mills Local Wildlife Site (LWS). Much of this land has recently been granted planning permission for an aggregates processing facility. Mill Creek, which forms part of the LWS, is about 130 metres to the north of Unit 4a and 40 metres to the north of the proposed car park to the rear of the Fisher Terminal building. The boundary of the South Downs National Park (SDNP) is about 370 metres to the north-east of Unit 4a, or 280 metres from the proposed car park. The site is within a Flood Zone 3 (areas with a high probability of river or sea flooding).

1.3 The nearest residential properties to the east of the River Ouse are located at Beach Road, some 530 metres to the north of the application site. To the west of the river, the area is more densely populated than in the east with residential properties, some of which are multi-storey apartment blocks, standing close to the western bank of the river, some 420 metres from the application site. Properties at Fort Rise to the south-west are about 250 metres from the Fisher Terminal building. Newhaven Marina is within the western side of the river to the west and north-west of the Fisher Terminal building. An Air Quality Management Area (AQMA) is present about 1 kilometre to the north-west of the site.

2. The Proposal

2.1 The proposal is for the installation of an advanced gasification plant within Unit 4a, which would process up to 4,380 tonnes per year of non-hazardous clinical/healthcare waste, which would be able to generate thermal and electrical energy. The plant would have a throughput capacity of less than 3 tonnes per hour and would convert a maximum of 12 tonnes of waste per day. The waste would involve both treated and non-treated material and would be imported from a handling facility in Littlehampton, West Sussex. All operations, including the receipt and preparation of feedstock, would take place within the unit with the roller shutter doors fully closed. The only external alterations would involve the installation of an emissions stack, which would be of stainless steel construction and stand at 5.65 metres above the roof plane of the building and have a diameter of one metre. New cladding to the external façade of the Unit is also proposed to match neighbouring units. Access to the site would be from Beach Road and include the use of the existing Port land around the buildings, and the parking arrangements would involve 13 spaces for cars, including a space for a disabled driver and a covered area for cycles. The proposed parking area is currently used for vehicle parking and would be adapted to accommodate the applicant's proposals.

2.2 During the construction phase, it is anticipated that there would be about five staff at the site, which would involve 10 car/van movements (5 in, 5

out) per day, with one heavy goods vehicle (HGV) delivery per day. After construction, there would be up to 5 cars for staff per day, involving 10 movements, and up to 4 HGVs per day, involving 8 movements (4 in, 4 out) for waste imports and removal of residues. The plant would operate 24 hours per day. A small office for the documentation and emission and system monitoring would be provided within Unit 4a with welfare/mess facilities located within an adjoining unit.

2.3 The control of emissions associated with the operation of the plant is subject to separate regulation through an Environmental Permit issued by Lewes District Council in June 2018. The Permit also requires the operator to manage and operate the proposed activities in such a way as to minimise the overall risk of pollution. National Planning Practice Guidance on Waste considers the relationship between the planning and pollution control regimes and states: 'There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes'. Therefore, the planning system should not seek to duplicate controls which are the responsibility of other regulatory systems.

2.4 The application has been advertised as not according with Core Policy 4 (7) of the Lewes District Local Plan part 1, Joint Core Strategy, 2016, 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.

2.5 The proposal has been screened by the County Council under the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017 to determine whether it should be accompanied by an EIA. The opinion of the Council is that an EIA is not required.

2.6 Some representations have referred to the proposed waste materials being hazardous and containing body parts. For the avoidance of doubt, no hazardous waste would be used as feedstock material and no body parts would be included in the permitted non-hazardous waste feedstock material.

3. Site History

3.1 It is understood that the Fisher Terminal building was originally constructed as a cold store for the handling of goods.

4. Consultations and Representations

4.1 Lewes District Council (Planning Team) raises no objections to the proposal.

The Environmental Health Department has commented on aspects of the application and refers to the site having been granted an environmental permit for the operation of a small scale waste incineration plant.

The Regeneration Team notes that the proposal falls within East Quay, which is one of eight key sites of the Newhaven Enterprise Zone (NEZ). The NEZ is a partnership between the Coast to Capital Local Enterprise Partnership (C2CLEP) and the District Council and aims to catalyse positive growth in Newhaven, prioritising cohesive economic development and establishing a focus for clean and green technologies. The clean technology aspirations articulated by both Newhaven Port and NEZ are supported by a number of other local strategies, policies and plans and the proposal is aligned with all of them. In addition to delivering on the strategic objectives for Newhaven for the type of growth it is aiming to sustain, the new plant would also create 13 permanent jobs in the town, contributing to the targets that the Port and NEZ both have for increasing employment opportunities. Overall, in light of the District Council's wider regeneration ambitions in Newhaven, the growth in jobs it will enable and its synergy with the objectives of the NEZ, the Regeneration Team is broadly in support of the proposal.

4.2 Newhaven Town Council has not submitted any observations.

4.3 The Highway Authority raises no objections.

4.4 The Environment Agency raises no objections subject to the inclusion of a condition regarding flood risk.

4.5 ESCC Flood Risk Management raises no objections.

4.6 Southern Water Services Ltd raises no objections and recommends that the applicant contacts the company regarding any connections it might wish to make to a public sewer or any development which might affect one.

4.7 Representations: 93 representations have been received objecting to the proposal. The main objections can be summarised as follows: (i) The proposal is not directly related to Port activities and is not good for the regeneration of the town; (ii) There will be adverse effects on air quality; (iii) There will be increased congestion on the roads; (iv) There will be an adverse effect on surrounding land and wildlife including at Tide Mills and the coast; (v) There will be a health hazard and pollution; (vi) Newhaven already has an incinerator; (vii) Tourism will be affected; and (viii) Not much research has been undertaken into gasification.

One letter has been received which raises no objections and notes that the proposal would help the town through regeneration, there would be fewer vehicle movements compared to other development, for example, a new cargo shipping facility, and that crematoria are often placed in or near to towns.

4.8 Keith Taylor, Green MEP for South East England objects for the following reasons: (i) An Environmental Impact Assessment should be required; (ii) The level of waste importation should be controlled and the site is not identified in the Waste and Minerals Plan; (iii) Monitoring should be required on the development's procedures; (iv) Traffic and plant emissions will affect air quality; (v) Biodiversity will be affected, including at Tide Mills; and (vi) Most medical waste need not be incinerated.

Representations have also been received from the following organisations:

4.9 The South Downs National Park Authority raises strong concerns regarding the impact of the scheme as it is another industrial process within a short distance of important habitats, the Local Wildlife Site and River Ouse. Particular concerns are that there is increasing pressure on all the green spaces and tranquillity surrounding the port. While it is understood that the proposal uses an existing building and is completely contained, it brings nothing valuable to the area and the port has made a commitment to invest in greener development.

4.10 Seaford Town Council objects on the grounds that: (i) The height of the proposed stack will have an adverse effect on the amenity of the adjacent Tide Mills/National Park area and on views across the Bay from Bishopstone and Seaford towards Newhaven Harbour; (ii) Given the prevailing winds, pollution from the unit will have an adverse effect on Bishopstone and Seaford; (iii) The development will lead to an increase in traffic along the congested A259 through Seaford to and from Newhaven given that waste from the Eastbourne DGH will be processed at the site; and (iv) The application does not give full details of the proposal and how it will be monitored.

4.11 Community Action Newhaven objects to the proposal and has submitted a copy of its letter objecting to the Environmental Permit, which refers to emissions and air quality, lack of data on gasification, incompatibility with local policies and plans and legal obligations in relation to biodiversity.

4.12 South Highton Parish Council objects to the proposal on the grounds that the proposal is not in keeping with the Core Strategy of clean and green developments for the area. It also refers to the proposal using hazardous waste and that an EIA should be required.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP3b (Turning waste into a resource); WMP3c (Production of energy from waste); WMP5 (Net self-sufficiency); WMP7a (Sustainable locations for waste development); WMP23a (Design principles); WMP25 (General amenity); WMP26 (Traffic impacts); WMP27b (Environment); 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 2003: Saved Policy ST3 (Design, form and setting of development).

5.5 National Planning Policy Framework (NPPF) 2018

The NPPF sets out the Government's policies for England and how these should be applied. While the NPPF is a material consideration in planning decisions, applications for planning permission must be determined in accordance with the Development Plan. Although the NPPF does not contain specific waste policies, consideration must be given to other policies which are considered to be relevant.

6. Considerations

Turning waste into a resource

6.1 Policy WMP3b of the Waste and Minerals Plan offers support to the development of new waste management facilities which can demonstrate that the waste cannot reasonably be managed by a process which is further up the waste hierarchy and the process is an option which delivers the best overall environmental outcome. Policy WMP3c requires, *inter alia*, that proposals for waste management facilities primarily intended to recover energy from waste should demonstrate that the feasibility of recovering heat for local use has been thoroughly considered and where appropriate, methods for doing so have been incorporated into the development.

6.2 The proposal is intended to generate electrical and thermal energy using advanced gasification and heat recovery technology. The electricity produced will be used on site and supplied to the National Grid, while surplus heat will be available for supply to suitable developments within the vicinity of the plant, for example, the proposed residential and commercial developments at Eastside (land immediately to the west of the Port Access Road).

6.3 The gasification plant would be able to manage up to 4,380 tonnes per year of non-hazardous clinical/healthcare waste, such as nappies, dressings and pharmaceutical materials. This type of waste is normally disposed of through landfill or by incineration and is not ordinarily suited to management through recycling or composting. The applicant considers that gasification offers the opportunity to maximise the resource value from this type of waste by subjecting it to a controlled process that would be able to extract the

maximum energy value from it and at the same time, reduce greenhouse gas emissions.

6.4 The gasification process is an advanced thermal treatment process involving the controlled combustion of waste in the presence of a limited quantity of oxygen within the reaction chamber. The main product of the decomposition process is a combustible gas comprising carbon monoxide, hydrogen and oxygen, known as 'syngas'. This gas can then be combusted in a secondary chamber and energy recovered via a steam circuit (essentially, water converted to steam and heated to run a turbine to produce electricity). By burning syngas, the emissions from the secondary chamber can be fed back into the primary chamber where the carbon dioxide content of the exhaust gas is reduced back to carbon monoxide. This means that the carbon dioxide production of the process is only 4% of total organic carbon content compared with 12% for more typical combustion. There is a solid residue, which is non-combustible and contains a relatively low level of carbon.

6.5 For this proposal, the gasification process is relatively small scale and uses waste streams that can maximise thermal energy. Due to these streams being selected for use (within the provisions of the Permit) to maximise energy output, there is more control of the combustion process, compared to typical incineration, leading to the potential for greater efficiencies. The process can be considered to represent an option which delivers the best environmental outcome for the management of this particular waste stream and as far up the waste hierarchy as practicably possible, thereby according with Policies WMP3b and WMP3c of the Waste and Minerals Plan.

6.6 Incineration, on the other hand, typically involves the direct combustion of unprocessed and unselected waste on a large scale, with sufficient oxygen being available to fully oxidise the waste. The waste is converted into carbon dioxide and water with the resulting emissions controlled through a catalyst prior to release from a stack.

Location of facility at Newhaven Port

6.7 Newhaven Port is an industrial area and contains active wharves and buildings used for various commercial activities. Other areas near to the Port, for example, at Beach Road to the north, are also industrial in nature. Within the southern part of the Port, East Quay accommodates assorted businesses, including a metal recycling facility on the quayside and buildings which are used for both port related and non-port related activities. East Quay is also one of the designated Enterprise Zones within the town where the focus is on encouraging economic development and the creation of jobs, particularly in relation to clean and green technologies (for example, through the C2CLEP Strategy and the ESCC Growth Strategy). The District Council's Regeneration Team has highlighted the clean technology aspirations for the area and that, in its view, the proposal accords with them. The Team also acknowledges that the proposal would contribute to increasing job opportunities within the town. In total, 13 full time jobs would be created through the operation of the development.

6.8 The application site is also identified by the Waste and Minerals Plan as being within a broad area of focus (under Policy WMP7a), which is an area where the greatest sustainability benefits are likely to be achieved regarding new waste development or extensions to existing sites. This is because they are more likely to be close to waste arisings, better transport infrastructure and complementary industries. Although the clinical/healthcare waste for the plant would be imported from a handling facility in West Sussex, the sources of this waste would include outlets from within the Plan Area (i.e. East Sussex and Brighton & Hove). The use of facilities to manage waste in different administrative areas is not unusual, particularly when dealing with more specialised types of waste and Government guidance makes clear that there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of self-sufficiency and the proximity principle.

6.9 The proposal has been advertised as not complying with Core Policy 4(7) of the Lewes District Local Plan Core Strategy, as it is not directly linked to the Port's continued use for freight and passengers. However, East Quay already accommodates businesses which are not directly related to port activities. Moreover, the Port Masterplan refers to advanced manufacturing as a key proposal at East Quay, and the District Council refers to the proposal aligning with the strategies and ambitions of the Enterprise Zone, including the vision for Newhaven in the District Council's Local Plan, which supports economic development centred upon high-tech industry in the Port. Therefore, the strict non-compliance with Core Policy 4(7) is not considered to be significant.

Amenity and traffic considerations

6.10 As noted above, Newhaven Port accommodates various businesses, which can, at times, generate a lot of activity in the locality, including from vehicle movements. The proposal will also generate some activity as a new operating business, although this will be modest. Vehicle movements during the construction phase and thereafter, during operations, would be limited (refer to paragraph 2.2). The applicant would be using a low emissions vehicle (Euro 6 compliant) to collect waste and would take advantage of the A26 and A27 Trunk Roads in to and out of West Sussex. It is anticipated that any other HGVs visiting the site during the construction phase or collecting residues during operations, would also use these roads, thereby avoiding the AQMA to the west of the river.

6.11 Although the plant would operate continuously, it would be fully contained within Unit 4a. While some noise would be generated from the plant, it is not anticipated from the Council's knowledge of the background noise levels in the locality, and from the information provided by the applicant, that the plant would emit levels that would have an adverse effect on the amenity of the occupiers of the nearest residential properties.

6.12 The waste would be transported in sealed containers and sacks, which would be deposited within the building once the shutter doors are fully closed. A constant negative pressure would be maintained throughout the feedstock and fuel feed system, thereby containing any odour.

6.13 A metal recycling facility is a short distance to the west of Unit 4a, which uses the quayside to store waste materials for export by ship. This screens much of the Fisher Terminal building from the west and would be likely to obscure some of the potential views of the proposed stack. From the north and east, views of the stack would be possible from more elevated land but they would be seen in the context of the industrial environment of the Port and likely viewed against rising land to the west.

6.14 Many representations have been received which consider that the proposal will result in adverse effects to amenity, including traffic congestion. There is no evidence from the information provided in the application, and from consideration of the issues, that the proposal will result in such effects. As such, the proposal will comply with the provisions of Policy WMP25 of the Waste and Minerals Plan and Saved Policy ST3 of the Lewes Local Plan, regarding effects to amenity, and Policy WMP26 of the former, regarding the effects of traffic.

Other matters

6.15 South Downs National Park: 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 distinctiveness. The Waste and Minerals Plan also requires that development should complement the built form of the area and take into account local landscape and distinctiveness (Policy WMP23a).

6.16 Although the boundary of the SDNP is some 370 metres from Unit 4a, some representations contend that the proposal would have an adverse effect on the interests of the Park, including from the National Park Authority. However, the proposal would not involve any additional land take, as it would be fully contained within an existing building and on associated land at the Port. The only external alterations to Unit 4a would involve cladding to the external façade to match upgraded neighbouring units, and the installation of a stack which would rise 5.65 metres above the roof plane. Although the latter, in particular, might be visible from outside the Port, it would represent a modest structure in the context of the industrial Port environment.

6.17 The proposal is considered to be in keeping with other built form in the area and would not result in any adverse effect to the interests and purposes of the National Park or to the local landscape. As such, there would be no conflict with policy.

6.18 Tide Mills Local Wildlife Site (LWS): Policy WMP27 of the Waste and Minerals 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 LWSs. Policy 10 of the Lewes Core Strategy also seeks to conserve and enhance the natural environment in the district, including locally designated sites.

6.19 The undeveloped part of the Tide Mills LWS is located to the north and east of the Fisher Terminal building (the nearest point being 130 metres from Unit 4a to Mill Creek and 40 metres from the proposed car park to Mill Creek). Some representations have referred to the proposal taking land from within the LWS and having an adverse impact on birds and other wildlife within the area. However, as previously noted, the proposal would be located on existing developed land within the Port and would have no effect on the interests of the Tide Mills LWS in relation to its location. In terms of the potential for pollution to these interests, the Environmental Permit regulates this matter and has considered that the development is acceptable in relation to the effects on water, air and land.

6.20 It is not anticipated that there would be any adverse effect on the Tide Mills LWS and therefore, no conflict with relevant Development Plan policies would arise.

6.21 Flood risk and drainage: Policy WMP28a of the Waste and Minerals Plan requires development to, inter alia, adequately provide for the implications of flood risk, have no significant adverse impact on 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.

6.22 Mill Creek is about 40 metres to the north of the proposed car park 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.

6.23 A Flood Risk Assessment (FRA) was carried out by the applicant to inform the application and has considered the issues associated with all sources of flooding, including tidal and fluvial, although the primary risk would be tidal. The FRA has concluded that the proposal would not introduce any new flood risk as the development would be housed within an existing building and no additional groundworks would be undertaken in relation to the installation or operation of the plant. Moreover, stringent procedures and staff training would address the risk to life and possible pollution issues.

6.24 The EA has considered the FRA and raises no objections, providing the measures detailed in the FRA are implemented and secured by condition. Furthermore, the County Council, as Lead Local Flood Authority, has also considered the proposal in relation to drainage and raises no objections.

Subject to relevant requirements, it is considered that the proposal accords with relevant policies regarding flood risk and drainage.

7. Conclusion and reasons for approval

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

7.2 The proposal is for the installation of a gasification plant in Unit 4a in the Fisher Terminal building in Newhaven Port to dispose of non-hazardous clinical/healthcare waste, involving deliveries once or twice a day. There would be no external changes to Unit 4a except for the installation of a stack, which would vent emissions and be controlled through an approved permit issued by Lewes District Council, and cladding to the external façade.

7.3 The gasification plant would be able to dispose of this waste through a controlled combustion process, which would otherwise be disposed of through incineration or landfill, and maximise the energy value from it. The plant would provide both electrical energy (used on site and exported to the National Grid) and thermal energy (available for use in future developments in the locality). The plant would be fully contained within the building and would have no significant adverse effects regarding noise and air quality (including odour), or visual effects.

7.4 The development is considered to be acceptable and accords with: Policies WMP3b, WMP3c, WMP7a, WMP23a, WMP25, WMP26, WMP27b and WMP28a of the East Sussex, Brighton & Hove Waste and Minerals Plan 2013; Core Policies 4, 9, 10 and 12 of the Lewes District Local Plan, Joint Core Strategy 2016; Saved Policy ST3 of the Lewes Local Plan 2003; and the provisions of the National Planning Policy Framework 2018.

7.5 In determining this planning application, the County Council has worked with the applicant and agent in a positive and proactive 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 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 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 delivery or collection of materials by heavy goods vehicles during the period of construction shall not take place except between the hours of 07.00 - 18.00 on Mondays to Fridays inclusive and 07.00 - 13.00 on Saturdays and not at any time on Sundays and Bank and Public Holidays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To reduce the effect of the development on the amenity of persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

4. The delivery or collection of materials by heavy goods vehicles during the period of development when the plant is operational shall not take place except between the hours of 07.00 - 18.00 on any day, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To reduce the effect of the development on the amenity of persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (FRA), dated 1 September 2017 (ref. CTECFRA1).

The mitigation measures highlighted in sections 4 and 8 of the FRA shall be fully implemented prior to the occupation of Unit 4a and shall be maintained throughout the duration of the development.

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

6. There shall be no storage, deposit or placement of any materials, containers, structures or items of plant outside Unit 4a at any time.

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

INFORMATIVE

1. The Applicant's attention is drawn to the following:

An environmental permit, or an exemption, may be required from the Environment Agency (EA). Therefore, the applicant should contact the EA on 03708 506 506 to establish whether such a requirement is necessary.

The applicant is advised to contact Southern Water in relation to any works that might affect a public sewer or if a connection to one is required. The contact number is 0330 303 0119 at Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire.

Schedule of Approved Plans

Supporting Statement, October 2018, Flood Risk Assessment, 1 September 2017, Site Location Plan Ctec004/Rev1, 10.10.2018, Newhaven Port buildings_iss05 Rev5, CTEC Deliveries HGV RevB Swept Path

RUPERT CLUBB

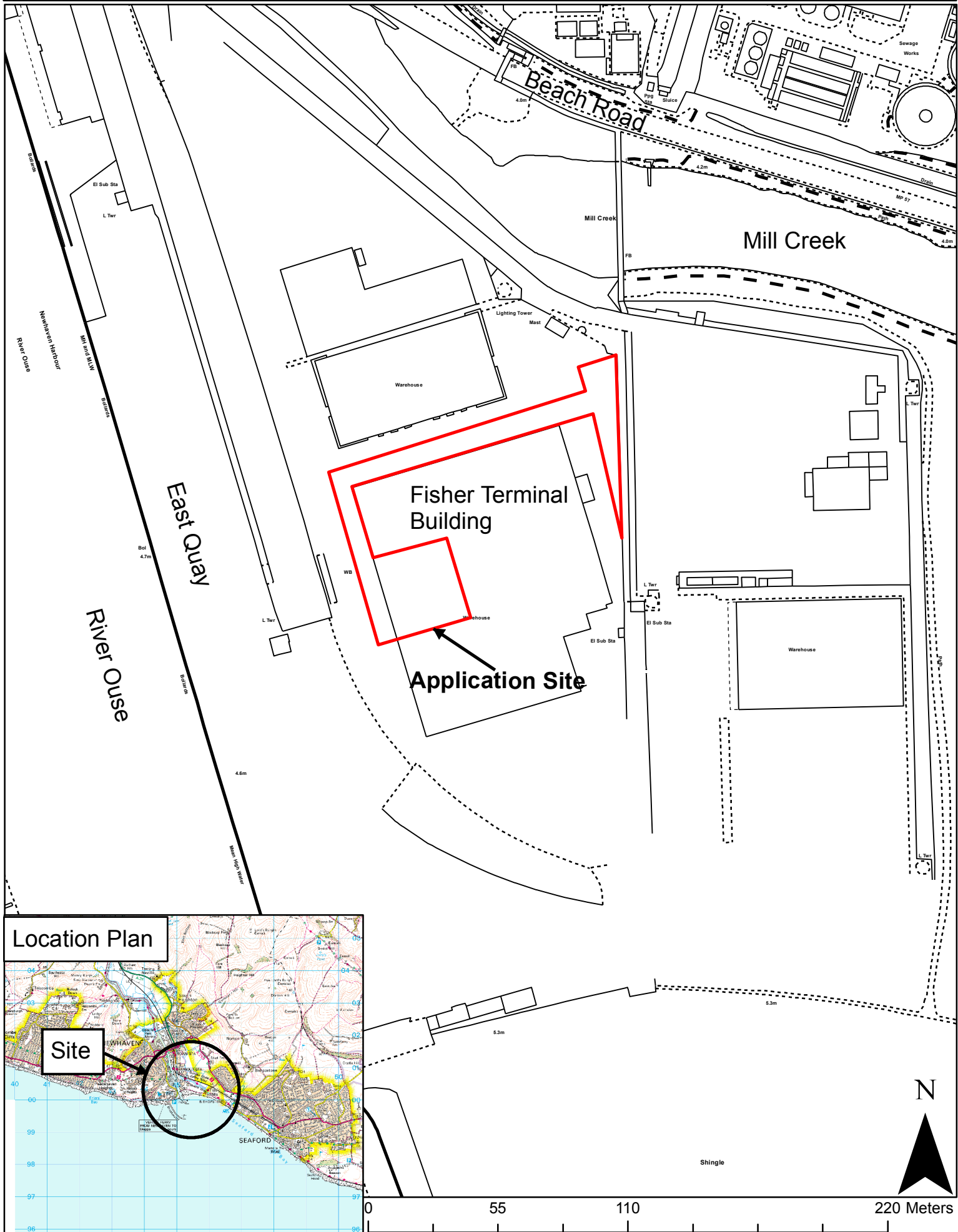
Director of Communities, Economy and Transport
8 January 2019

BACKGROUND DOCUMENTS

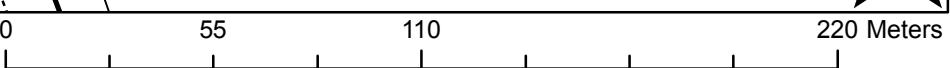
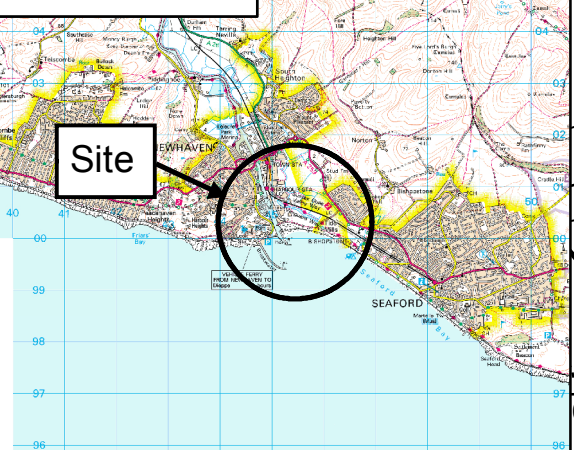
Application file LW/815/CM
The Development Plan
Newhaven Port Masterplan 2012
National Planning Policy Framework 2018

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LW/815/CM
 4A Fisher Terminal, East Quay, Newhaven



Location Plan



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Committee	Regulatory Planning Committee
Date	16 January 2019
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 October and 31 December 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 October and 31 December 2018, there were thirteen new alleged breaches of planning control. Of the new cases, eleven were resolved within the reporting period and five older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of December 2018 was nine. This represents a decrease of three in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 Appendix 1 of this Report provides details of cases resolved and received within the period 1 October and 31 December 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 twenty non-chargeable site monitoring visits were carried out. No substantive breaches of planning control were found to be occurring, and those minor breaches identified during the course of the monitoring visits have been rectified. No chargeable site monitoring visits were undertaken during the last quarter.

2.2 With regard to the overall site monitoring regime, an update to the site monitoring software currently used is undergoing further development. Once finalised and implemented, this will enable a more structured and interactive approach to site monitoring and will allow new planning permissions that are granted to be automatically linked to the site monitoring module which, in turn, will facilitate the more effective and efficient monitoring of the sites.

3. Appeals

3.1 As Members will recall, there was one appeal being dealt with which related to an Enforcement Notice that was served regarding the unauthorised importation, deposit and processing of waste materials (UPVC window frames and doors) 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.

3.2 A Public Hearing with an Inspector from the Planning Inspectorate was held on 9 October 2018, which was attended by officers, the Appellants and other Interested Parties. The Hearing lasted for one day and concluded with a site visit. A decision was issued by the Planning Inspectorate on 22 November 2018, which dismissed the appeal and upheld the Enforcement Notice in its entirety, without any amendments. Following this, the Notice took immediate effect and had to be complied with by 20 December 2018. A further site visit after this date confirmed that the site had been cleared of all waste materials and associated plant/machinery, and the Enforcement Notice therefore fully complied with. This has been a successful outcome to an ongoing enforcement case and has brought the cessation of an operation which was causing harm to the amenity of local residents and was considered to be inappropriate development in a rural location. A copy of the Inspector’s Decision can be found at Appendix 2 of this report.

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
04 January 2019

Local Members: All

BACKGROUND DOCUMENTS

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

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

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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. Following meetings and correspondence with those concerned, 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 could proceed was received from the Planning Inspectorate and, following the submission of representations/statement of case by all parties, a Public Hearing with an Inspector from the Planning Inspectorate took place on 9 October 2018. The Hearing was attended by Officers, the Appellant and other interested parties and was followed by a visit to the site itself.</p> <p>A decision was received from the Planning Inspectorate on 22 November 2018, which dismissed the appeal and upheld the Enforcement Notice in its entirety. The Enforcement Notice therefore became effective immediately, with a date for compliance with the requirements of the Notice of 20 December 2018. Following the expiry of this time period, a further site visit was undertaken which confirmed that the site had been completely cleared of all waste materials and plant/machinery associated with the unauthorised UPVC waste processing operation. The Enforcement Notice has been fully complied with and this matter is now resolved. However, the Enforcement Notice remains extant, thereby protecting the land and preventing the waste processing operation from resuming.</p> <p>NB – Please note that although the same site, this is a different matter to that reported in Table 3 below.</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. 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. The operator intended to seek formal pre-application advice in order to assess whether a planning application to regularise the unauthorised operation has merit and can be supported.</p> <p>However, at a recent site visit the operator stated that he has now decided not to pursue a planning application for the use of the site for processing end of life vehicles and the site has now been cleared of all vehicles and their component parts. Breach of planning control resolved and no further enforcement action required.</p>

September 2018	Meadow Farm, Rosehill, Isfield	Importation of waste (soils and hardcore)	<p>A complaint was received that waste materials had been imported into a field at this site and deposited. An initial site visit was undertaken and it was found that a significant quantity of waste, comprising soils and hardcore, had been deposited on the boundaries of two fields at the site, creating two bunds. Discussions were held with the occupiers who stated that the bunds were being created in order to provide a means of enclosure for their livestock. The occupiers indicated that fencing around the site adjacent to a public right of way is regularly damaged, hence the construction of a bund.</p> <p>Further meetings have subsequently been held with the landowner, who has now decided to pursue an application with Wealden District Council to retain the waste materials on site, and therefore this matter will now be dealt with by that authority. The County Council will be monitoring the progress of the application and continue to liaise with officers from Wealden District Council. However, there is currently no breach of planning control for this Authority, as Waste Planning Authority, to address and no further action is required.</p>
August 2018	Eastbourne Household Waste Recycling Site, St. Philips Avenue, Eastbourne	Breach of Condition (hours of operation and noise)	<p>Complaints were received that the site was being operated outside the hours permitted and activities were too noisy. There is no noise condition in relation to the site and therefore no breach of planning control in this respect.</p> <p>With regard to the hours of operation, there is a condition attached to the planning permission for the site which restricts operational hours. Numerous site monitoring visits have been undertaken and no breaches of the conditions for the site were observed. No breach of planning control and no further action required.</p>
September 2018	Land at Wellbrook Hill, Mayfield	Importation and burning of waste	<p>A complaint was received by the Environment Agency that waste was being imported into the site and burnt. A site visit was undertaken, which confirmed the substance of the complaint. Contact was made with the landowner, who agreed to cease the activity and remove the waste.</p> <p>A further site visit has been carried out, which noted that the landowner had cleared the site of all the imported waste and there was no evidence to suggest that any further burning had taken place. Breach of planning control resolved and no further action required.</p>

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

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
October 2018	Woodlands Farm, Nursery Lane, Fairwarp	Importation and deposit of waste (soils)	<p>A complaint was received alleging that waste materials were being imported into the site and deposited in a bund surrounding the garden of the site. A site visit was carried out which confirmed that there was a small bund around the garden border.</p> <p>A site meeting was also held with the landowner who explained that no waste was imported into the site. The soils had all been generated from within the site from a development that has the benefit of planning permission from Wealden District Council.</p>

			The landowner has been advised to discuss the bund with Wealden District Council, as the relevant local planning authority. Wealden District Council has been informed, for their information/action, as they deem appropriate. No further enforcement action is required by this Authority.
October 2018	Sussex Waste Management, Whitworth Road, St. Leonards-on-Sea	Breach of Conditions (storage of skips – location, number and stacking)	<p>During a site monitoring visit, a number of small breaches of the planning conditions for the site were identified. Contact was made with the operator and the breaches pointed out to him. The operator was given a short timescale in which to return the site to compliance with the requirements of the planning conditions.</p> <p>A further site visit was undertaken at the end of the specified timescale, which noted that the site had been returned to compliance with the planning conditions. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
October 2018	Pine Tree Farm, Fielden Road, Crowborough	Importation, deposit and burning of waste	<p>A complaint was received that waste was being imported into the site and burnt, as well as being used to create a new farm track. A site visit was undertaken and there was no evidence of any waste being imported into the site nor was there any evidence of a new farm track being created on the farm, or any burning taking place.</p> <p>Contact was made with the landowner who denied that any waste had been imported into the site and burnt, and also that any tracks had been created on the land. He alleged that the complaint was malicious and vexatious. No breach of planning control identified and no further action required.</p>
November 2018	The Chapel, Street End Lane, Broad Oak, Heathfield	Importation and deposit of waste.	<p>A complaint was received that waste was being imported into the site and deposited. A site visit was undertaken which confirmed that some lorry loads of waste, comprising soils, had been imported, which appear to be in connection with a development that was being undertaken at the site.</p> <p>Further enquiries were made and this confirmed that the development at the site has the benefit of planning permission from Wealden District Council and the works being undertaken were considered to be in accordance with that. The complaint has been forwarded to Wealden District Council for their information/action as they deem appropriate. No breach of planning control insofar as the County Council, as Waste Planning Authority, is concerned and no further action required.</p>
November 2018	Land at Marland Bridge, Hailsham Road, Stone Cross	Importation and deposit of waste	<p>A complaint was received that waste soils were being imported into the site and deposited. A site visit was undertaken which appeared to confirm the information supplied by the complainant.</p> <p>Contact was made with the landowner who stated that soils were being imported into the site in order to improve the agricultural quality following many years of the site being used for the production of turf. The landowner had consulted with the County Council by way of a Prior Notification application (PN/2018/01) and with the Forestry Commission before undertaking any works.</p> <p>The works are considered to be permitted development and there is no breach of planning control occurring. Consequently, no further action is required.</p>
November 2018	Bradfords Farm, Bradfords Lane, Little Horsted	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken which confirmed that there was a stockpile of soil on site and also there was a construction compound on the site.</p> <p>Discussions were held with the site supervisor who stated that the purpose of the compound and importation of soils</p>

			<p>was connected to the removal of overhead power cables and replacement by underground power cables at a nearby location. The compound is temporary and the soils are required for the re-instatement of the site after the cables have been laid.</p> <p>This is considered to be permitted development and therefore no breach of planning control has occurred. There is no further enforcement action required.</p>
November 2018	Squires Farm Industrial Estate, Easons Green	Breach of conditions (excessive noise)	<p>A complaint was received that excessive noise was being generated from the site, and specifically accused the two waste operations at the site for being responsible for the excessive noise. There are no conditions attached to either of these two waste sites limiting or controlling noise levels, nor the Industrial Estate in general.</p> <p>Site monitoring has been undertaken on numerous occasions and no excessive noise from anywhere on the site, including from the two individual waste operations granted permission by the County Council, has been noted.</p> <p>There is no breach of planning control and the complainant has been advised that they should consult Wealden District Council's Environmental Health Team about whether a statutory noise nuisance is occurring. No breach of planning control identified and no further enforcement action required by this Authority. Both the waste sites will continue to be monitored as part of the Council's Site Monitoring Policy.</p>
December 2018	155 South Road, Hailsham	Unauthorised waste transfer station	<p>A complaint was received that waste was being imported into the site and bulked up in a skip. A site visit was undertaken, which confirmed that there was a small quantity of waste in a small skip on the site. Discussions were held with the landowner, who stated that he operates a small house clearance operation and he brings back waste from this operation and sorts it, with items being sold on websites, and the residual waste being deposited in the skip for eventual removal to a waste transfer station.</p> <p>The requirement for planning permission was explained and also that the Council's view, should an application be submitted, would be that the site is unsuitable because of its location in a residential area.</p> <p>The landowner agreed to clear the site of the imported waste and a short timescale in which to do this was agreed. Following the expiration of the agreed timescale a further site visit was undertaken and it was noted that the site has been cleared of the imported waste and the skip has also been removed. Breach of planning control resolved and no further action required.</p>
December 2018	Little England Farm, Heathfield Road, Five Ashes	Importation and deposit of waste (soils and hardcore)	<p>A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken which confirmed the substance of the complaint. Enquiries were undertaken which showed the site had an agricultural determination for a hay barn, granted by Wealden District Council.</p> <p>Subsequent to this initial complaint, a further complaint was received that stated that the quantity of waste being imported into the site greatly exceeded that required for the approved hay barn. A site meeting was arranged with the operator and an officer from Wealden District Council, during the course of which the operator admitted that the barn was not in accordance with the approved plans and would now be built at 90 degrees to that approved by Wealden District Council.</p> <p>The officer from Wealden District Council pointed out that there was no planning permission for this and that a full planning application for retrospective planning permission would be required to be submitted to that authority to seek to regularise the breach of planning control. The operator has agreed to submit an application.</p>

			No further action required by this Authority in its capacity as Waste Planning Authority.
December 2018	Beacon Academy, East Beeches Road, Crowborough	Unauthorised development	<p>A complaint was received that new fencing was being erected on the site which did not have the benefit of planning permission. A site visit was undertaken which confirmed that new fencing had been erected.</p> <p>Further enquiries revealed that the new fencing has the benefit of planning permission from Wealden District Council and the fencing is in accordance with that permission.</p> <p>There is no breach of planning control and no further action required.</p>
December 2018	6 Rustic Close, Peacehaven	Importation and deposit of waste	<p>A complaint was received that waste was being used to raise the land levels in the rear garden of the site. A joint site visit was undertaken with an officer from Lewes District Council and during the course of the visit a meeting was held with the landowner.</p> <p>It transpires that no waste had been imported to the site and the works were in accordance with a planning permission granted by Lewes District Council. Therefore there is no breach of planning control and no further action required.</p>

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

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
October 2018	Allsworthy, Hailsham Road, Stone Cross	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into the site and being burnt.</p> <p>Site monitoring is in the process of being undertaken and no bonfires have been observed thus far, nor does there appear to be any importation of waste. However, further monitoring is to be undertaken and activities at the site to be kept under review.</p>
November 2018	Upper Lodge Farm, The Broyle, Ringmer	Importation and deposit of baled waste	<p>A complaint was received that a significant quantity of baled waste had been deposited on the farm. A site visit was undertaken, which confirmed the substance of the complaint. Contact has been made with the landowner who stated that he had been paid a small amount of money in order to have the waste stored on site for a short period of time.</p> <p>Further enquiries are currently in hand and the site is being monitored.</p> <p>NB – Please note that although the same site, this is a different matter to that reported in Table 1 above.</p>

TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME	SITE	NATURE OF	CURRENT POSITION
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AWARE OF BREACH	ADDRESS	CASE	
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. A further site meeting was held with the landowners, which noted that some of the chipped waste had been removed from the site. The landowners then appointed a planning consultant and a planning application regarding their proposals was due to be submitted.</p> <p>The operator has now had to instruct a new planning consultant, which has delayed the submission of a planning application. A site meeting with the new agent is scheduled for 10 January 2019, when the proposed application and its merits will be fully discussed and, if considered acceptable in principle, a timescale for its submission will be agreed.</p>
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>Meetings were held with the operator, but the situation did not improve. The Environment Agency has been involved with the site in connection with this issue and officers have provided evidence to support their case. Notwithstanding this, further monitoring of the site continued to be undertaken.</p> <p>The operator has now vacated the site and it has been taken over by another operator who is in the process of clearing the accumulated waste. The site is still continuing to be monitored to ensure the stockpile heights are reduced so as to be in compliance with the conditions attached to the planning permission for the site.</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</p>

			<p>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 subsequently confirmed that he would be pursuing a planning application seeking to regularise this unauthorised use. The operator appointed a planning consultant, who contacted Officers indicating that a planning application would be submitted.</p> <p>Officers continued to monitor the site and the planning consultant has now advised that his client is unable to progress the intended planning application. He has therefore decided to cease the sorting of waste at the site and has stated that the site will be totally cleared after the Christmas/New Year holiday. A site visit will be undertaken at the end of January 2019 to ensure that the site has been cleared as stated.</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. A further site visit was carried out, which confirmed the buffer zone had been re-established and the site brought back into compliance with the planning permission (LW/492/CM).</p> <p>However, further complaints were received that the site was operating outside the permitted hours of operation. Additional site monitoring, including at weekends, has been undertaken to establish whether there are further breaches of planning control. No breaches have been identified but site monitoring outside the permitted hours is currently continuing.</p>
July 2018	Born Again Plastics, Oak Ferrars Farm, Batts Bridge Road, Piltown, Uckfield, TN22 3XR	Breach of Condition (storage and processing of waste)	<p>A monitoring visit to the site noted that waste was being stored outside the permitted waste storage area, and also that waste was being processed outside the building. A meeting was held with the operator who stated that this has been in part caused by the collapsing market for agricultural plastics and that he is trying to source other outlets for the waste.</p> <p>The site has continued to be monitored and the operator has recently contacted officers to explain that the reason for the build up of waste plastics on the site is because the main outlet for this waste, China, has closed its borders to the importation of waste materials and the "knock on" effect of this is to totally depress market prices to such an extent that it is not profitable, at the moment, to collect and bale this waste. In order to attempt to rectify the breaches of planning control the operator has severely curtailed the importation of waste to this site and is paying for loads to be removed. Contact is being maintained with the operator and the situation is under regular review.</p>
July 2018	H Ripley & Co, Apex Way, Hailsham, BN27 3WA	Breach of Condition (hours, noise and dust)	<p>A complaint was received that the site was working outside its permitted hours, was too noisy and was creating too much dust. Numerous site monitoring visits were undertaken, which noted some breaches of the permitted hours. During the monitoring visits, no dust was seen emanating from the site.</p> <p>Noise monitoring of the site was undertaken and further noise monitoring subsequently agreed with the operator. The operator has now completed the additional noise survey of the site and supplied it to the County Council. The results are currently being reviewed to ascertain whether there has been a breach of the noise conditions attached to the site.</p>
August 2018	Court Lodge Farm, Etchingam Road, Burwash,	Unauthorised animal incinerator	<p>A complaint was received that an animal incinerator had been installed on the boundary of the property. A site visit was carried out, which confirmed the substance of the complaint, and discussions were subsequently held with the landowner. The purpose of the incinerator is for disposing of fallen stock from the farm.</p>

	Etchingham		It is considered that planning permission is required for the installation of the incinerator and contact has been made with the landowner's planning consultant and the need for planning permission has been explained. A response from the planning consultant is expected by mid January 2019.
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Appeal Decision

Hearing Held on 9 October 2018

Site visit made on 9 October 2018

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2018

Appeal Ref: APP/G1440/C/17/3185589

Land at Upper Lodge Farm, The Broyle, Ringmer BN8 5AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr John Farnes against an enforcement notice issued by East Sussex County Council.
 - The enforcement notice was issued on 29 August 2017.
 - The breach of planning control as alleged in the notice is, without planning permission, the unauthorised change of use of land from agricultural to the use of land for the importation, deposit, storage and processing of waste UPVC window frames and component parts.
 - The requirements of the notice are:
 1. Cease the importation of all waste UPVC window frames and component parts.
 2. Cease the use of the land for the importation, deposit, storage and processing of waste materials and return the land for agricultural purposes by carrying out the following works on the land:
 - (i) Remove from the land all waste materials that have been deposited on the land so that the original undisturbed natural contours of the land are exposed.
 - (ii) Remove from the land any plant machinery and equipment and any other materials that are associated with the waste use of the site.
 - The period for compliance with the requirements is:
 1. One day after the notice takes effect
 2. Four weeks after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
-

Summary Decision: the appeal is dismissed and the enforcement notice is upheld

Procedural Matters

1. The enforcement notice as drafted contains at paragraph 5 definitions of the terms 'waste materials' and 'plant machinery and equipment' for the purposes of the notice. I have not reproduced those definitions above but my Decision should be read in the context of those definitions.
2. As part of his evidence, the appellant explains the difficulties of operating an agricultural use on the land as a result, in part, of the poor soil conditions. The appellant proposes a number of alternative uses for the land, including an industrial development, a shopping complex and/or a residential scheme. However, where an appeal is made on ground (a), Section 177(5) of the Town and Country Planning Act 1990 provides that the deemed planning application

can only relate to the matters stated in the notice: in other words, in this case, the use of land for the importation, deposit, storage and processing of waste UPVC window frames and component parts. The various proposals put forward by the appellant for the wider development of the site are therefore not before me and I make no comment on them.

The appeal on ground (a) and the deemed planning application

3. The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The Council has stated two substantive reasons for issuing the enforcement notice, from which the following main issues raised are the effect of the breach of planning control on:

- the character of the surrounding countryside
- the effect on the usability of the Public Right of Way
- the living conditions of the occupiers of surrounding residential properties, specifically in relation to noise disturbance, and
- the effectiveness of the farm to function as an agricultural unit.

Character of the surrounding countryside

4. The appeal site forms part of a larger agricultural unit known as Upper Lodge Farm. The main buildings associated with the farm are grouped together towards the southern end of the holding and comprise three broadly rectangular buildings sited parallel to each other. The appeal site includes the western half of the southernmost of this group of three buildings.
5. At the time of my site visit, the area around the group of buildings exhibited a somewhat untidy appearance, with a variety of vehicles, structures and farming paraphernalia in evidence. I also noted that the other half of the building to which the notice relates was being used to accommodate vehicles that did not appear to have any connection with an agricultural use. Nevertheless, the building directly adjacent to the appeal site was being used to accommodate livestock and the area retained the overall character of an agricultural use. Furthermore, away from the group of buildings the land is open and offers long-ranging views over the surrounding countryside, including of an extensive area of woodland to the north. These views serve to reinforce the agricultural character of the farm.
6. The processing of the waste takes place within the building and therefore has only a limited visual impact of the character of the area. Before being processed, the material is stored on a triangular parcel of land to the side of the building. At the time of my site visit, the amount of material stored there was limited and the space was relatively tidy.
7. However, I have been provided with photographic evidence that clearly shows the material to be processed spread over a much greater area and stacked considerably higher than was the case at the time of my site visit. Moreover, having regard to the photographs provided and the written statements of those who have witnessed the stored waste in position, including local residents and the Rights of Way Access Officer at East Sussex County Council, it appears that the situation at the time of my site visit was atypical and that the photographic

evidence is to be preferred as representing a more typical representation of the amount of waste stored on the site.

8. The waste stored on the site largely takes the form of UPVC window frames. This material, by reason of its form and modern plastic-like appearance, has no association with an agricultural use and is alien to the character of the agricultural unit as well as the wider countryside in which the farm is located. Notwithstanding that the agricultural unit exhibits a generally untidy appearance, by reason of the quantity and alien appearance of the waste material stored, I consider that the importation, deposit and storage of waste is harmful to the character of the agricultural unit and wider countryside.
9. I conclude that the breach of planning control that has occurred unacceptably harms the character of the surrounding countryside. I therefore conclude that the development is contrary to Policy WMP 25 of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan, as well as Policy ST3 of the Lewes District Local Plan. These policies require, amongst other things, that development should respect the character of the local area.

Usability of the Public Right of Way

10. Public Footpath Ringmer 26 runs along the western boundary of the appeal site. There is some dispute regarding the width of this footpath. The Rights of Way Access Officer at East Sussex County Council considers that the width is 2.5 metres, although I have not been provided with a copy of the Definitive Statement for the route to substantiate that. The appellant considers that the width is approximately one metre, and that the width is already restricted by the vegetation that adjoins the footpath. In the absence of the Definitive Statement, I am not in a position to reach an informed conclusion as to the width of the public footpath at this point and shall therefore focus on the practical implications for those seeking to use the public footpath.
11. The Rights of Way Access Officer at East Sussex County Council explains that complaints have been received from users of this footpath alleging that the footpath had been obstructed by waste material associated with the breach of planning control. Photographs taken by the Rights of Way Access Officer in August 2018 show the stored waste extending close to the vegetation on the western boundary. Irrespective of the actual width of the public footpath then available, the photographs show a narrow gap between the stored waste and the vegetation.
12. Because of the height to which the waste was stacked, as shown on the photographs taken by the Rights of Way Access Officer, the narrow gap created constitutes both a physical and psychological barrier to those seeking to use the public footpath. Indeed, the appellant himself remarks that the footpath is not well used. Given that residents have expressed a clear intention of using the footpath, I cannot discount the possibility that the lack of use is a direct result of the physical and psychological barrier posed by the stored waste.
13. The evidence provided by the Rights of Way Access Officer is supported by evidence from local residents. Photographs taken by a local resident in July 2018 show the footpath similarly obstructed, with pieces of waste material lying on the footpath. The availability of photographs taken on a different day to those of the Rights of Way Access Officer tends to suggest that the obstruction of the footpath is not an isolated occurrence.

14. Moreover, the photographs taken by local residents also show shards of glass lying on the footpath. The presence of this broken glass is identified in representations from local residents as being a disincentive to using the public footpath. The appellant explains that staff are instructed to remove any residual pieces of glass following a delivery of waste material and there was no evidence of broken glass on the footpath at the time of my site visit. Nevertheless, on the photographic and documentary evidence before me, I consider that the storage of the waste represents a risk to users of the footpath in terms of trip hazards, from broken glass and from falling debris.
15. I conclude that the breach of planning control that has occurred unacceptably reduces the usability of the Public Right of Way. I therefore conclude that the development is contrary to Policy WMP 25 of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan which requires, amongst other things, that development should have no unacceptable effect on the use of existing public rights of way.

Living conditions

16. The occupiers of several of the surrounding residential properties have objected to the use of the appeal site for the importation, deposit, storage and processing of waste UPVC windows on the grounds of noise disturbance. The concerns expressed are in two parts: the noise generated by the processing of the waste material within the building, and noise generated by vehicles delivering waste material to the site.
17. In support of their objections, the occupiers of Upper Lodge have compiled a detailed log of noise events that they experienced over a period of ten months beginning in May 2017. In their log, the occupiers describe the noise experienced within their home resulting from the use as a continuous generator/machine noise. Examination of the log reveals a pattern of noise events involving this generator/machine noise that is entirely consistent with the pattern of work outlined by the appellant in describing the processing of waste UPVC window frames.
18. The appellant explains that the generator responsible for this noise has been moved within the building from a position against the flank wall closest to Upper Lodge to a purpose-built self-contained room on the other side of the building. This was the position at the time of my site visit. Other changes, including the redirection of the exhaust and softer mountings, have also been made. The appellant contends that these changes have dealt with the noise issue.
19. My difficulty is that neither the appellant nor the County Council have commissioned technical reports to substantiate their respective positions. I therefore have no objective expert analysis of the noise environment upon which to make an informed assessment of the noise impact on the occupiers of Upper Lodge. I was, however, able to hear the noise emitted by the generator during my site visit. The occupiers of Upper Lodge strongly contended that the noise levels that I experienced were lower than those usually associated with the operation of the generator, although I have no means of verifying that.
20. Even so, the noise emitted by the generator was clearly audible from within the house itself, albeit in the form of an ever-present background noise rather than an overbearing intrusive noise. In my view, even at that level the noise is

distracting and in itself detracts from the quiet enjoyment of the occupier's home. Moreover, from within the garden, the noise is unduly intrusive and detracts significantly from the amenity value of that space. In both respects, the industrial nature of the noise is a significant factor, insofar as it can be clearly distinguished from the normal sounds associated with an agricultural use and the countryside.

21. The occupiers of Upper Lodge also refer to other noises associated with the use, including grinding and crashing noises. Aside from the running of the generator, the use was not operating at the time of my visit and I did not experience these noises. In the absence of any technical evidence, I am therefore not able to reach any firm conclusions on these other noises.
22. The other source of noise disturbance alleged by the occupiers of surrounding residential properties is that generated by vehicles delivering waste material to the site. The waste material is delivered by articulated lorries that typically arrive at around 07:00 to 08:00. In addition to engine noise, the occupiers of these properties complain of reversing alarms causing noise disturbance.
23. Although I again have no technical evidence in relation to the noise generated by these vehicles, the noise associated with this activity is generally familiar. I can therefore envisage that the noises associated with lorries arriving and departing would be disturbing to the occupiers of surrounding residential properties, particularly when it occurs during the early morning.
24. I conclude that the breach of planning control that has occurred unacceptably harms the living conditions of the occupiers of surrounding residential properties, specifically in relation to noise disturbance. I therefore conclude that the development is contrary to Policy WMP 25 of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan, as well as Policy ST3 of the Lewes District Local Plan 2003 in this respect also. These policies require, amongst other things, that development should not adversely affect the local acoustic environment and should respect the amenities of adjoining properties in terms of noise.

Function as an agricultural unit

25. The concern of the County Council is that activities associated with the importation, deposit, storage and processing of waste UPVC window frames take place in close proximity to the adjacent barn, which is used to accommodate livestock. The County Council is therefore concerned that noise and dust emissions from those activities would constitute potential hazards to the livestock on the farm, and would therefore compromise the ability of the farm to function as an agricultural unit.
26. I can understand that the proximity of the waste processing operation, including vehicle movements in close proximity to the barn, could potentially affect the wellbeing of the farm animals housed in the barn. However, the County Council has produced no expert evidence to substantiate its concerns. In the absence of that evidence, I am not able to reach an informed conclusion as to whether the effects of the waste processing operation on the farm animals would be so serious as to compromise the functioning of the agricultural unit.

27. Furthermore, I take the appellant's point that he would not knowingly sanction an activity that might put the farm animals at risk or compromise the functioning of the farm. The appellant has also ensured that suitable protection for livestock is in place. In the absence of compelling evidence to the contrary, I accept the appellant's position in this respect.
28. I conclude that the breach of planning control that has occurred would not compromise the functioning of the farm. I therefore conclude that the development does not conflict with Policy CT1 of the Lewes District Local Plan 2003 which, amongst other things, seeks to retain agricultural activities in the countryside.

Other considerations

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. I have found that the breach of planning control that has occurred fails to accord with the development plan. It is therefore necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.
30. The appellant explains that the waste facility on the appeal site is geo-centric to the arisings, which typically occur within a 30 mile radius of the site. The loads arriving to be processed are relatively small, usually between ½ and 1 tonne loads per site per week across some 50 sites. The quantity of waste arriving to be processed on the site is therefore typically about 20 tonne per week, perhaps rising to 30 tonne on occasions. Up to 8 people are employed on the site, comprising 5 operatives and 3 drivers.
31. The appellant considers that the appeal site is also well located in relation to the main waste treatment facilities. The primary waste treatment facility used by the appellant's operation is based at Dartford, Kent, but local metal recyclers in Hailsham, Lewes and Shoreham are also used. Due to the road access, the appellant therefore considers the appeal site to be in the ideal location, both in terms of the delivery of unprocessed waste to the site and the collection of processed waste from the site.
32. The recovered UPVC windows frames go for incineration and therefore back into the materials chain. The appellant considers that the recovery and recycling of the UPVC window frames, as opposed to the alternative of sending them to landfill, is an environmental benefit accruing from the waste processing operation and is entirely consistent with the wider objective of completely eliminating waste. I accept entirely that the reuse of existing resources provided by the waste processing operation is a benefit that arises from the development subject to the enforcement notice, and is consistent with the objective of transitioning to a low carbon future set out in the National Planning Policy Framework, July 2018 (Framework). The employment of up to 8 people is also a benefit that arises directly from the development.
33. Nevertheless, the benefits that arise in this respect must be considered against the background of the waste hierarchy established by the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan. That plan identifies

broad 'Areas of Focus', considered to provide the most sustainable locations for waste management on the basis that they are likely to be close to arisings, have good transport networks and complement existing industries or facilities. The appeal site is not located within a broad 'Area of Focus'.

34. I recognise that the waste processing operation at the appeal site is, in waste industry terms, of a relatively small scale. Nevertheless, although within a 30 mile radius and with the exception of Uckfield, the appeal site could not be reasonably described as being close to the primary collection points, identified by the appellant as being Eastbourne, Littlehampton and Crawley. Similarly, although it was not disputed that the site in Dartford is the closest treatment facility, given the actual separation distance involved I would not describe the appeal site as complementing that facility. For these reasons, I consider that the appeal site is not in a suitable location for a waste processing facility of even a relatively small scale when considered against the waste hierarchy established by the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan.
35. Accordingly, given the location of the appeal site outside of an 'Area of Focus', I attach only moderate weight to the benefits arising from the development in terms of meeting the objective of transitioning to a low carbon future set out in the Framework and the employment of up to 8 people on the site. I have taken into account other potential benefits arising from the development, including the support for farm diversification, but none of the other benefits put forward by the appellant carry significant weight.
36. I have also considered whether the harms arising from the development could be mitigated by the imposition of conditions. However, I am not persuaded that the conditions put forward, including restrictions on the hours of operation/delivery of waste materials or sound attenuation measures beyond those already put in place, would satisfactorily and permanently overcome all the harms that I have identified above.

Conclusion on the ground (a) appeal and the deemed planning application

37. For the reasons set out above, the breach of planning control alleged in the notice is contrary to the development plan. I have not been advised of any material considerations of sufficient weight, either taken individually or cumulatively, to indicate that determination should be made otherwise than in accordance with the development plan. Accordingly, the appeal on ground (a) fails.

Conclusion

38. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Formal Decision

39. The appeal is dismissed and the enforcement notice is upheld.

Paul Freer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Martin Osment LLD
MIEEE EPOC MCIWM

Scott Terrier and Company

Mr D. Trigwell

Ms Sarah Farnes

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jeremy Patterson

Planning Officer

Ms Sarah Iles

Team Manager – Planning Policy and
Development Management

Mr Robert Shapter

Monitoring & Enforcement Officer

INTERESTED PERSONS

Mr Dominic Buckwell

Occupier, Upper Lodge

Mrs Corina Buckwell

Occupier, Upper Lodge

Mr J Denis

Ringmer Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1/ Copy of Policy 6.1 of the Ringmer Neighbourhood Plan, August 2014.
- 2/ Aerial photograph of the appeal site taken in 1987.
- 3/ Waste Key Diagram to the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan (colour copy subsequent sent electronically).

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Committee:	Regulatory Planning Committee
Date:	16 January 2019
Report by:	Director of Communities, Economy and Transport
Title of Report	Traffic Regulation Order – C208 Park Road and C343 New Road, Hellingly
Purpose of Report	To consider the objection received in response to the formal consultation on the draft Traffic Regulation Order associated with the development off Park Road and New Road, Hellingly
Contact Officer:	Jodie Lulham – 01273 337052
Local Member:	Councillor Bennett and Councillor Bowdler

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**
 - 2. Recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order be made as advertised.**
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CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT:

1. Introduction

1.1 Planning permission for a residential development of 650 new dwellings, a new primary school, up to 300sqm of retail floorspace and employment provision at Land East of Park Road and South of New Road, Hailsham was granted by Wealden District Council in April 2014 (Planning application reference WD/2013/0637/MEA). The planning permission was accompanied by a Section 278 Agreement that secured the implementation of highway improvements and speed limit changes alongside the aforementioned development.

1.2 The speed limit changes need to be implemented through a Traffic Regulation Order, the cost of which is funded by the developer. The proposed changes are to lower the speed limit, with the intention to reduce vehicle speeds on the approach to the new junctions (the development accesses).

1.3 To encourage compliance with the reduced speed limits a number of traffic calming measures will be installed on the surrounding roads. These will include new traffic signal controlled junctions on Park Road and Amberstone and gateway features on Amberstone and New Road. Appropriate road markers, roundels and repeater signs will be positioned throughout.

1.4 An initial consultation on the proposed Traffic Regulation Order (TRO) was carried out between 17 May 2018 and 8 June 2018 with the local District and County Councillors, the Parish Council and statutory consultees including the emergency services. Objections that were received, which were unable to be resolved, made the request to introduce a 30mph speed restriction throughout Park Road and New Road, a restriction that Sussex Police would not support at the present time.

1.5 On the 23 November 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 TRO. A copy of the draft TRO is included in Appendix 1. Copies of the advertised Notice of proposals along with explanatory plans were placed at various locations along Park Road and New Road; and a copy of the proposals were also placed on deposit in County Hall reception and at Hailsham Library for viewing by members of the public. In addition, the Public Notice was advertised in the local newspaper (The Sussex Express) on 23 November 2018. The formal period for representations ended on 14 December 2018.

1.6 The proposed amendments to the TRO are as follows:-

- Implementation of 30mph speed limit on C208 Park Road from its junction with A271 Hawkswood Road for its entirety to its junction with C343 New Road.
- Implementation of 40mph speed limit on C343 New Road from its northern junction with C208 Park Road south-eastwards for its entirety to the junction with A271 Amberstone.
- Implementation of 40mph speed limit on C343 New Road from its Western junction with C208 Park Road eastwards for a distance of 130m.
- Implementation of 40mph speed limit on C208 Park Road from its Southern junction with C343 New Road northwards for its entirety to junction with U7692 Mill Lane.

These proposals are shown on the attached plan, Appendix 2

1.7 The proposed speed limit will reduce vehicle speeds on the approach to the new junctions that access the approved development sites. 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 consultation period, three items of correspondence were received objecting to the proposals.

2.2 The grounds for the objections received are as follows:

- The proposal does not reduce the speed limit low enough (the request is for Park Road to be reduced to 30mph). The reasons cited for this:
 - Damage to vehicles parked on the carriageway caused by vehicles alleged to have been breaking the speed limit;
 - Crossing the road between existing homes and parked vehicles can be difficult;
 - The 40mph speed limit will make joining New Road and Park Road difficult.

2.3 It is not considered that the objections provide sufficient grounds to warrant the modification or withdrawal of the proposals. It is not appropriate to introduce a further

reduced or extended 30mph speed limit as the road layout and lack of frontage development on Park Road, means that a lower speed limit is unlikely to have high levels of compliance. Sussex Police supported the length of the proposed 30mph limit and introduction of the 40mph limit for these reasons. The proposed speed limits will 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 identified in the Stage 1 / 2 Road Safety Audit associated with the proposed development at Land East of Park Road and South of New Road, Hellingly whilst being mindful of the need to ensure the flow of traffic on C208 Park Road and C343 New Road. It should also be noted that the need for changes to the speed limits form part of the planning requirements for the development as part of the mitigation for it. It is considered that the concerns raised by the objectors 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
3 January 2019

BACKGROUND DOCUMENTS

None

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EAST SUSSEX COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**The East Sussex (Park Road and New Road, Hellingly)
(30 mph & 40 mph Speed Limit) Order 201***

NOTICE is hereby given that East Sussex County Council propose to make an Order under Section 84 (1) and (2) of the Road Traffic Regulation Act 1984, as amended, and of all other enabling powers, which would extend the 30mph and 40 mph speed limit in the following lengths of road;

30 mph Speed Limit

C208 Park Road from its junction with A271 Hawkswood Road for its entire length to its junction with C343 New Road

40 mph Speed Limit

C343 New Road from its northern junction with Park Road south-eastwards for its entire length to its junction with A271 Amberstone.

C343 New Road from its western junction with Park Road eastwards for a distance of 130 metres.

C208 Park Road from its junction with U7692 Mill Lane southwards for a distance of 800 metres

A copy of the proposed Order, plan showing the lengths of road and a statement of the County Council's reasons for proposing the Order, along with a copy of those parts of Orders being revoked and consolidated into this Order, can be inspected in Reception, East Sussex County Council, County Hall, St Anne's Crescent, Lewes on Monday to Friday between 9am-4pm and at Hailsham Library, Western Road, Hailsham BN27 3DN on Monday and Tuesday 12noon-5pm, Thursday 10am-6pm, Friday and Saturday 10am-5pm.

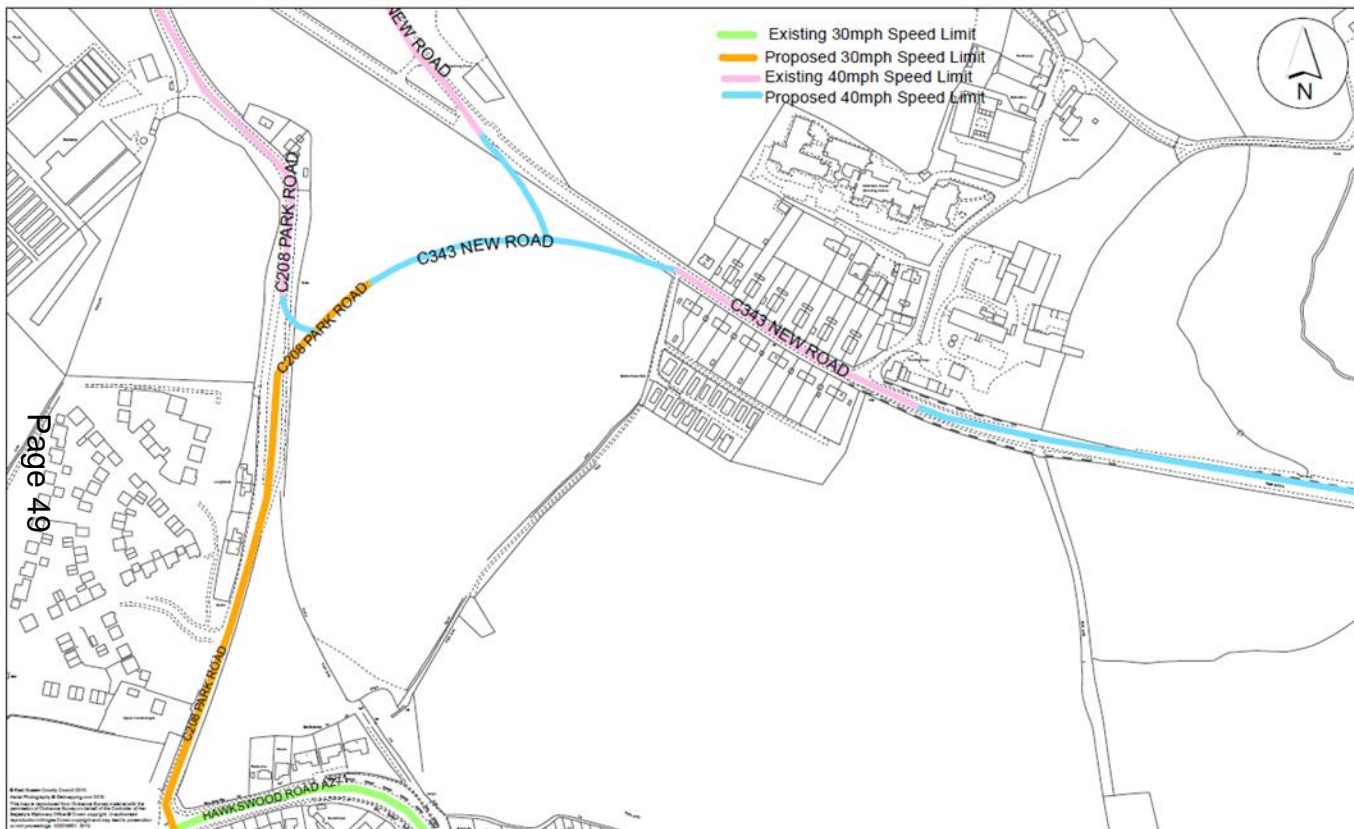
Any person wishing to make an objection or other representation concerning this proposal must do so in writing, together with the grounds on which it is made, to East Sussex County Council, Communities Economy & Transport, Parking, B Floor, County Hall, St Anne's Crescent, Lewes BN7 1UE or by email to TROs@eastsussex.gov.uk quoting reference TRO/430 to arrive no later than 14 December 2018.

If you require further information telephone Transport Development Control on 0345 60 80 193.

**Philip Baker, Assistant Chief Executive
Governance Services Department, County Hall, Lewes, East Sussex BN7 1UE**

23 November 2018

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Proposed Speed Limit - Park and New Road, Hellingly

Date: 16.10.2018

Scale: 1:2,500

East Sussex County Council
 County Hall
 St Annes Crescent
 Lewes

Land tinted pink is considered to be adopted highway.
 The highway boundary, where researched, is shown in
 red outline.
 WHERE NO RED LINE IS SHOWN, THERE MAY BE
 MORE HIGHWAY THAN IS SHOWN IN PINK.

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