



**REGULATORY COMMITTEE**

**PLANNING COMMITTEE**

**MEETING 10.30 am WEDNESDAY, 15 JANUARY 2020**

**COUNCIL CHAMBER - COUNTY HALL, LEWES**

**MEMBERSHIP -** Councillor Richard Stogdon (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 18 December 2019 (*Pages 3 - 10*)
- 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.

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

- 5 TRO - Rother Parking proposals (*Pages 11 - 30*)  
Report by the Director of Communities, Economy and Transport

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

**++ Please note, consideration of these items is unlikely to start before 12 noon ++**

- 6A Variation of Condition 4 of planning permission WD/782/CM to increase the total amount of waste imported to the site by 25,000 tonnes per annum. Boathouse Farm, Lewes Road, Isfield, TN22 5TY - WD/835/CM (*Pages 31 - 50*)  
Report by the Director of Communities, Economy and Transport
- 6B Change of use of coal yard and existing building to a tyre recycling and crumb and bale production facility. Swan Barn Business Centre, The Coal Yard, Swan Barn Road, Hailsham, BN27 2BY - WD/831/CM (*Pages 51 - 66*)

**NOTES:**

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

Report by the Director of Communities, Economy and Transport

- 7 Development Management Matters: Quarterly Report (*Pages 67 - 78*)  
Report by the Director of Communities, Economy and Transport
- 8 Any other items previously notified under agenda item 4

PHILIP BAKER  
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7 January 2020

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## PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 18 December 2019.

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PRESENT Councillors Richard Stogdon (Chair), Godfrey Daniel, Chris Dowling, Nigel Enever, Kathryn Field and Tom Liddiard

### 23 MINUTES OF THE MEETING HELD ON 13 NOVEMBER 2019

23.1 The Committee approved as a correct record the minutes of the meeting held on 13 November 2019.

### 24 APOLOGIES FOR ABSENCE

24.1 Apologies for absence were received from Councillor Bob Bowdler, Councillor Pat Rodohan and Councillor Barry Taylor.

24.2 It was noted that Councillor Nigel Enever was in attendance as a substitute for Councillor Bowdler and that Councillor Chris Dowling was in attendance as a substitute for Councillor Taylor.

### 25 DISCLOSURES OF INTERESTS

25.1 Councillor Godfrey Daniel declared a prejudicial interest in item 5A in that he is a friend of one of the objectors, so left the Chamber during consideration of the item.

### 26 REPORTS

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

### 27 VARIATION OF CONDITION 2 (APPROVED DRAWINGS) OF PLANNING PERMISSION RR/741/CM SEEKING RETROSPECTIVE PERMISSION FOR AMENDMENTS TO THE LAYOUT AND FENCING AT THE PUMPING STATION AT FOURTEEN ACRE LANE, THREE OAKS WASTEWATER PUMPING STATION, FOURTEEN ACRES LANE, THREE OAKS - RR/834/CM

27.1 Councillor Godfrey Daniel left the Chamber during consideration of this item.

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

27.3 Simon Tomlinson, Head of Wastewater Delivery, on behalf of the applicant, Southern Water spoke in support of the report's recommendations.

27.4 Councillor Carl Maynard, the Local Member, spoke to encourage consultation by Southern Water on enhancements to the proposed mitigation.

27.5 The Committee agreed to include an additional Informative, in order to set a clear expectation that Southern Water consult and engage with local residents, Guestling Parish Council, and the local District and County Councillor, in developing the submission that will be made in pursuant of Conditions 2 and 3.

27.6 Members have considered the officer's presentation and report, together with the comments of the public speaker and Local Member, and agree with the conclusion and reasons for recommendation set out in paragraph 7 of the report, with the additional Informative.

27.7 The Committee RESOLVED to grant planning permission subject to the completion of a variation to the s106 Agreement dated 30 June 2016 between East Sussex County Council, Southern Water Services Limited and Gordon Harrison and the s278 Agreement dated 7 June 2018 between the same parties and to the following conditions:

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

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

2. Notwithstanding the planting and landscaping details submitted for the pumping station site, further details of the planting scheme shall be submitted to the Director of Communities, Economy and Transport for written approval within one month of the date of the planning permission. The approved details shall be carried out in full during the first available planting season following approval.

Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

3. Within one month of the date of the planning permission, the applicant shall submit details in writing to the Director of Communities, Economy and Transport for written approval for the design of the proposed close boarded fencing on the front gates and the timber screen around the kiosk at the pumping station including a timetable for their installation. The details shall demonstrate that the High Weald Colour Study (2017) has been used to assist in the identification of colours for the structures at the pumping station site in Fourteen Acre Lane. The approved details shall be carried out in full.

Reason: In the interests of visual amenity and the landscape of the High Weald AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

4. Planting and landscaping works at the treatment works site off Butcher's Lane shall not be carried out except in accordance with the following documents:
  - (i) Technical Note, dated 23 March 2017, Atkins;
  - (ii) Landscape Proposals Plan, ref: 5105602\_WA\_611 Rev G;
  - (iii) Arboricultural Implications Assessment, ref: 7637/D/001 Version 1.1, Johns Associates; and
  - (iv) Tree Protection plan, ref: 7637\_S1\_4\_3.2 Rev A, Johns Associates.

Reason: To ensure appropriate planting and landscaping of the site and protection of retained trees and woodland, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. Notwithstanding the terms of Condition 4 and prior to any further works at the treatment works site off Butcher's Lane, the applicant shall submit details in writing to the Director

of Communities, Economy and Transport for approval which demonstrates that the High Weald Colour Study (2017) has been used to assist in the identification of colours for the structures at the treatment works site. The approved details shall be carried out in full.

Reason: In the interests of visual amenity and the landscape of the High Weald AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. Any trees, shrubs or other plants which are planted as part of the landscaping requirements which within a period of five years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. The measures detailed in the documents listed under Condition 6 (Habitats and species) of planning permission RR/741/CM as set out in the letter from East Sussex County Council to Paris Smith, dated 21 November 2016, shall be implemented in full.

Reason: To secure appropriate protection of species, including mitigation and compensation for loss of habitat, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. No further works shall take place at the treatment works site including the access onto Butcher's Lane until details have been submitted to the Director of Communities, Economy and Transport for written approval on how traffic will be managed at the site and within the locality. The approved details shall be implemented in full.

Reason: In the interests of highway safety and the amenity of persons in the locality, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

9. The new access from Butcher's Lane to the treatment plant shall be undertaken in the position shown on drawing number 121875-C-800011 Rev D approved under planning permission RR/741/CM and shall be constructed and laid out in accordance with the HT407 diagram, dated 22 September 2015, and all works undertaken shall be executed and completed with the agreement of the Highway Authority prior to the commencement of the use of the development hereby permitted, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of the safety of persons and drivers of vehicles entering and leaving the access and using the highway, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. The proposed gate at the new access to the treatment works off Butcher's Lane shall be positioned at least 10 metres back from the edge of the highway.

Reason: To enable a vehicle to wait clear of the highway while the gate is being operated in the interests of highway safety, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. The development shall not be used until a turning space for vehicles has been provided and constructed in accordance with drawing number 121875-C-800011 Rev D and the

turning space shall thereafter be retained for that use and shall not be used for any other purpose, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To provide for a sufficient turning area within the site for safety reasons, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

12. No machinery shall be operated, no process shall be carried out and no deliveries taken to or despatched from the development sites on land off Butcher's Lane and Fourteen Acre Lane during the period of construction other than between the hours of 07.30 to 18.30 Mondays to Fridays inclusive and 07.30 to 13.00 on Saturdays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport. There shall be no working at these sites on Sundays or Bank and Public Holidays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

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

13. All construction activities shall be managed in accordance with British Standard 5228-1: 2009 (code of practice for noise and vibration control on construction and open sites - Part 1: noise) or such updated British Standard as may be issued in place of British Standard 5228-1: 2009.

Reason: To ensure that the relevant British Standard trigger levels are not exceeded in the interests of protecting the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

14. The operational noise rating level shall, at all times, be below 30 dBLAeq (freefield), determined at the nearest noise sensitive receptors, namely Sailor's Stream Cottage in Butcher's Lane and the Willow Stream residential property in Fourteen Acre Lane, and in accordance with British Standard 4142: 2014.

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

15. Within 3 months of first commencement of the operational use of the wastewater treatment works, a noise monitoring report shall be submitted to the Director of Communities, Economy and Transport for approval. The report should demonstrate that the development complies with the noise restriction of Condition 14. If the development does not comply, the report should propose further measures for noise mitigation and a timetable of implementation to reduce noise to meet the restriction of Condition 14.

Reason: To safeguard the amenity of the occupiers of nearby residential properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

16. No further development shall take place at the treatment works site until details of surface water management at the treatment works off Butcher's Lane have been submitted to and approved in writing by the Director of Communities, Economy and Transport which shall include:

- (i) Detailed hydraulic calculations which should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed 1 in 1, 1 in 30 and 1 in 100 rainfall events, including an allowance for climate change;
- (ii) Provision for catchpits upstream of cellular storage structures to prevent sediment build-up; and
- (iii) Specifications of the measures to line any surface water storage facilities to prevent groundwater ingress.

Prior to the development being brought into use, the approved details relating to points (i) to (iii) above shall be implemented in full, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

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.

17. No further development shall take place at the treatment works site until a management and maintenance plan for the entire drainage system associated with the development has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved plan shall be implemented in full.

Reason: To secure the proper management and maintenance of the drainage system 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.

18. The affected part of the Guestling 32a public footpath shall be accommodated on land to the south of Butcher's Lane in accordance with drawing number 121875-C-200001 Rev D.

Reason: To secure an appropriate specification for the footpath which will be affected by the development in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

19. No artificial external lighting, including floodlighting, shall be installed or used in relation to construction and operations other than in accordance with details first submitted to and approved in writing by the Director of Communities, Economy and Transport. Such details should include reference to guidance from the Bat Conservation Trust.

Reason: In the interests of the amenity of the locality and the local natural environment, in accordance with Policies WMP25 and WMP27b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

20. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or in any amendment thereof, no development shall take place under Part 13 Class B (d), unless otherwise first agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of the amenity of the locality and the High Weald AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Policies OSS4 and EN1 of the Rother Local Plan Core Strategy 2014.

## **INFORMATIVES**

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

Ordinary Watercourse Consent from East Sussex County Council, as Lead Local Flood Authority, regarding any works affecting the cross section of the stream or the flow of water.

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

The Badgers Act 1992 and The Wildlife and Countryside Act 1981, as amended, in exercising any activities associated with the development.

3. The Applicant's attention is drawn to the need to demonstrate that the following interested parties have been consulted/engaged with in preparing the details that are submitted in pursuant of Conditions 2 and 3:

- The Local County Councillor
- The Local District Councillor
- Guestling Parish Council
- Occupants of neighbouring properties on Fourteen Acre Lane and Willow Stream Close

The submitted details should state how the views expressed through this consultation and engagement have been taken into consideration by the Applicant.

#### Schedule of Approved Plans

Site Location Plan 121875-C-800010 Rev A, Pumping Station Overall Layout JN.497390.0C2901 Rev E, Pumping Station Elevations JN.497390.0Z0714 Rev C, Proposed Wastewater Treatment Works Elevation 121875-C-800012 Rev 0.4, Standby Generator Kiosk 121875-C-800018 Rev 01, Proposed SAFF Blower and MCC Kiosk Plan 121875-C-900016 Rev 01, Proposed SAFF Blower and MCC Kiosk Elevations 121875-C-800017 Rev 03, Topographical Land and Drainage Survey SDS 202830.04 Rev C, Proposed Sewerage Layout (Sheet 1 of 2) 5105602/WA/210 Rev D, Proposed Sewerage Layout (Sheet 2 of 2) 5105602/WA/211 Rev D, Proposed Wastewater Treatment Works Site Plan 121875-C-800011 Rev D, Proposed Wastewater Treatment Works Elevation (West) 121875-C-800013 Rev B, Landscape Proposals Plan 5105602\_WA\_611 Rev G, Tree Protection 7637\_S1\_4\_3.2 Rev A, Site Plan 121875-C-200001 Rev D

#### 28 RETENTION OF DEPOSITED INERT BUILDING WASTE. APPLETREE COTTAGE, BEACON LANE, CRIPPS CORNER, STAPLECROSS, ROBERTSBRIDGE, TN32 5QP - RR/828/CM

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

28.2 Mr Hugh Willing, the applicant, spoke against the report's recommendations.

28.3 Members have considered the officer's presentation and report, together with the comments of the public speaker, and agree with the conclusion and reasons for recommendation set out in paragraph 7 of the report.

28.4 The Committee RESOLVED to refuse planning permission for the following reasons:

1. The site is within the countryside and the development conflicts with Policies RA2 (viii) and RA3 (v) of the Rother Local Plan Core Strategy 2014 which seeks to conserve, inter



alia, the intrinsic value and the natural and ecological resources of the countryside and provide for appropriate development.

2. The site is within the High Weald Area of Outstanding Natural Beauty and its use for the disposal of waste is contrary to conserving and enhancing the landscape quality and character of the area, thereby conflicting with Policy WMP27 (a) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, Policy EN1 (i) of the Rother Local Plan Core Strategy 2014, paragraph 172 of the National Planning Policy Framework 2019 and the overall objectives of the High Weald AONB Management Plan 2019.
3. The site is within a wooded area adjacent to an area of designated ancient woodland and the deposited waste materials are on a steep slope encroaching into a long established pond. These habitats are important for wildlife. As such, the use of land for the disposal of waste conflicts with Policy WMP27 (b) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policies EN1 (viii) and EN5 (viii) of the Rother Local Plan Core Strategy 2014, paragraphs 175 and 178 of the National Planning Policy Framework 2019 and the overall objectives of the High Weald AONB Management Plan 2019.
4. The site adjoins a public right of way and historic routeway and the development results in an adverse visual effect to the amenity of users of the path due to the damage caused to the woodland, thereby conflicting with Policy OSS4 (iii) of the Rother Local Plan Core Strategy 2014, Policy WMP25 (a) and (d) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Objectives OQ3 and OQ4 of the High Weald AONB Management Plan 2019.

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The meeting ended at 11.25 am.

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Committee:	<b>Regulatory Planning Committee</b>
Date:	<b>15 January 2020</b>
Report by:	<b>Director of Communities, Economy and Transport</b>
Title of Report	<b>Traffic Regulation Orders – Rother District Introduction of Civil Parking Enforcement (CPE) initial restrictions 2020</b>
Purpose of Report	<b>To consider the objections received in response to the formal consultation on the draft Traffic Regulation Orders associated with the introduction of the Rother District CPE</b>
Contact Officer:	<b>Daniel Clarke – Tel 01323 464057</b>
Local Members:	<b>Councillor Glazier, Councillor Davies, Councillor Elford, Councillor Field, Councillor Maynard, Councillor Ensor, Councillor Clark, Councillor Earl-Williams.</b>

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## **RECOMMENDATION**

**The Planning Committee is recommended to:**

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

### **1. Introduction**

- 1.1** At its Cabinet meeting on 26 June 2018 East Sussex County Council welcomed the request from Rother District Council to introduce Civil Parking Enforcement (CPE) across the district. It was agreed that an application should be made to the Department for Transport (DfT) to seek the necessary powers to implement CPE. The application was made to DfT on 31 July 2019. When designing the scheme, the needs of all motorists were taken into account along with all of the parking concerns that had previously been raised with us about parking across Rother district.
- 1.2** Where relevant, proposals are designed to encourage short stay, low-cost parking that will create a turn over of parking spaces for customers and visitors, in turn increasing footfall to shops and businesses. Those who require longer stay parking are encouraged to use the off-street car parks or alternative means of transport. Other proposals are designed to ensure that parking that may compromise road safety is clearly discouraged

- 1.3 CPE schemes should be self-funding. This means that the charges for pay and display, permits and penalty charge notices pay for the setup of the scheme and the ongoing costs to maintain and manage it.
- 1.4 Feedback from exhibitions and the informal consultation carried out in November 2018 through to January 2019 led to formal proposals being developed. These formal proposals were advertised, together with the [draft Traffic Regulation Order \(TRO\)](#) (available to view via this link and a copy of which is provided in the Members' Room) in the Sussex Express on 6 September 2019. Notices were placed on posts and lamp-columns in the affected areas. Approximately 11000 letters were delivered to local addresses and the consultation was placed on the Council's Consultation Hub for any member of the public to comment. The formal period for representations to be made ended on 27 September 2019.
- 1.5 Copies of the formal proposals were sent to relevant District and Parish Councillors, County Councillors and statutory consultees including the emergency services.
- 1.6 During the formal consultation 544 items of correspondence were received. These included 1103 objections from 437 objectors with 107 items of support. Since the formal consultation nine objectors have withdrawn their objections.
- 1.7 Copies of all correspondence are available in the Members' Room.

## **2. Comments and Appraisal**

- 2.1 Each item of correspondence has been considered individually and a summary of the objections and officer comments are included in Appendices 1, 2 and 3. Plans showing the areas and proposals objected to are included in the Additional Information Pack. All members of the Planning Committee have been provided with an electronic copy of all the outstanding objections. A hard copy of these objections is also available to view in the Members' Room.
- 2.2 If CPE is approved and once fair and consistent enforcement is being carried out, requests for additional restrictions will be managed through our review process, which we successfully use in Eastbourne, Lewes and Hastings. Anyone will be able to make requests online; more information can be found on our [Parking](#) pages.
- 2.3 Additional restrictions cannot be introduced by means of an amendment to this Order without further consultation. The Planning Committee can only consider what was in the original proposal, and cannot redesign the schemes to include additional restrictions, as this may adversely impact residents or road users without them being made aware of the changes.
- 2.4 Following consideration of the responses, it is recommended to modify the proposal summarised in Appendix 2

- 2.5 Officers are satisfied that the modification of this proposal does not involve a substantial change to the draft Order.
- 2.6 It is recommended that all other proposals not objected to should be implemented as advertised.
- 2.7 It is recommended that a minor amendment is made to the definition of resident in the TRO so that it now reads as “resident for the purpose of this Order means a person whose usual place of abode is at premises the postal address of which is in any street or property within the boundaries of the zones shown on the Permit Zones and eligibility areas maps in the Order Plans provided the street is not private”.

### **3. Conclusions and reason for recommendation**

- 3.1 The approach in trying to resolve objections to the Order has been to appraise the concerns raised by residents and other road users, whilst not compromising road safety or detracting from the aims of the scheme.
- 3.2 It is therefore recommended for the reasons set out in this report, that the Planning Committee does not uphold the objections in Appendix 1, upholds, in part, the objections in Appendix 2, does uphold the objections in Appendix 3 and to recommend to the Director of Communities, Economy, and Transport that the Order be made in part.

RUPERT CLUBB

Director of Communities, Economy and Transport

### **BACKGROUND DOCUMENTS**

## **Appendix 1 – Proposals where objections are recommended to not be upheld and are proposed to be implemented as advertised**

The following six sites are for School Keep Clears markings across Rother District. These are currently advisory markings installed outside local schools. As they are advisory, civil enforcement officers (CEOs) would have no authority to keep these markings clear of parked vehicles. It is necessary to introduce a TRO for these sites to maintain safety at the school entrances, and enable Civil Enforcement Officers to enforce all School Keep Clear restrictions consistently across the District.

### **1. Site 1 Little Common School, Hillborough Close, Bexhill (Councillor Earl-Williams)**

- 1.1 The proposal at this location is to formalise the existing School Keep Clear (Monday – Friday 8:00am-9:30am and 2:30pm-4:00pm) markings in Hillborough Close.
- 1.2 Two objections were received from residents close to the location, one objection asked why additional restrictions were needed and that the current restrictions needed to be enforced. The grounds for the other objection were that formalising the restrictions would create congestion and the times of enforcement were not specific to term times.
- 1.3 The proposal is part of introducing CPE in to Rother District to formalise and enforce the School Keep Clear across the district. This will help to improve safety at the school entrance during drop-off and pick-up times.
- 1.4 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. The proposal is considered appropriate for the location and will enable CEOs to enforce the restrictions improving compliance and safety throughout the whole area. The times of enforcement cannot be restricted to term times as the Department for Transport no longer authorise the use of 'term time' for school entrance markings.
- 1.5 At the time of writing, Councillor Earl-Williams has not replied to confirm whether she agrees with the recommendation.
- 1.6 **Recommendation:** To not uphold the objection and install the proposals as advertised.

### **2. Site 2 Brede Primary School, Udimore Road, Broad Oak (Councillor Maynard)**

- 2.1 The proposal at this location is to formalise the current School Keep Clear (Monday-Friday 8:00am-9:30am and 2:30pm-4:00pm).
- 2.2 One objection was received about the length of the restriction and that it should be reduced to allow parking.
- 2.3 The proposal is part of introducing CPE in to Rother District to formalise and enforce the School Keep Clear across the district.
- 2.4 Having considered the objection, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. The proposal is to formalise the existing markings and there is no change to the length, which is considered appropriate for the location and will enable CEOs to enforce the restrictions improving compliance and safety throughout the whole area.

2.5 At the time of writing, Councillor Maynard has not replied to confirm whether he agrees with the recommendation.

2.6 **Recommendation:** To not uphold the objection and install the proposals as advertised.

**3. Site 3 Chantry Community Primary School, Barrack Road and Crowmere Avenue, Bexhill (Councillor Clark)**

3.1 The proposal at this location is to formalise the current School Keep Clear (At Any Time).

3.2 One objection was received about the restriction and that because it is on the opposite side of the road, displaced vehicles would park in front of the residents access, thereby blocking their off road parking.

3.3 The proposal is part of introducing CPE in to Rother District to formalise and enforce the School Keep Clear across the district.

3.4 Having considered the objection, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. The proposal is considered appropriate for the location and will enable CEO to enforce the restrictions, including against vehicles that block access, thereby improving compliance and safety throughout the whole area.

3.5 At the time of writing, Councillor Clark has not replied to confirm whether he agrees with the recommendation

3.6 **Recommendation:** To not uphold the objection and install the proposals as advertised.

**4. Site 4 Glenleigh Park Academy, Turkey Road and Gunters Lane, Bexhill (Councillor Ensor)**

4.1 The proposal at this location is to remove the current School Keep Clear and install a Bus Stop Clearway (Monday-Saturday 7am-7pm).

4.2 One objection was received claiming that the installation of a bus stop clearway would cause additional congestion at the junction of Gunters Lane. The objection also raised concern that vehicles would park in front of their access.

4.3 The proposal was made because it was necessary to remove the School Keep Clear as it has not been installed appropriately as it is on the opposite side of the road to the school. Introducing the bus stop clearway would offer a similar level of protection by restricting parking and will also be used by local bus services.

4.4 Having considered the objection, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. The proposal is considered appropriate for the location and will enable CEO to enforce the restrictions, including against vehicles that block access, thereby improving compliance and safety throughout the whole area.

4.5 At the time of writing, Councillor Ensor has not replied to confirm whether he agrees with the recommendation.

4.6 **Recommendation:** To not uphold the objection and install the proposals as advertised.

**5. Site 5 Westfield Primary, Workhouse Lane and Main Road Westfield (Councillor Maynard)**

5.1 The proposal at this location was to formalise the current School Keep Clear at this location.

5.2 One objection was received, and requested that the current restriction be enforced and extended.

5.3 The proposal is part of introducing CPE in to Rother District to formalise and enforce the School Keep Clear across the district.

5.4 Having considered the objection, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. The proposal is considered appropriate for the location and will enable CEO to enforce the restrictions improving compliance and safety throughout the whole area. We are not proposing to extend the restrictions at this time.

5.5 At the time of writing, Councillor Maynard has not replied to confirm whether he agrees with the recommendation.

5.6 **Recommendation:** To not uphold the objection and install the proposals as advertised.

**6. Site 6 Salehurst Church of England Primary School, George Hill, School Keep Clear, Robertsbridge (Councillor Davies)**

6.1 The proposal is to formalise the current School Keep Clear (Monday to Friday 8:00am – 9:30am and 2:30pm – 4:00pm except August)

6.2 There were two unresolved objections. Both were about the displacement of vehicles that the restrictions would cause. One objection said that it would affect safety for other road users of George Hill, the other said displaced vehicles will restrict the residents from parking or make it difficult to access their driveways.

6.3 The proposal is part of introducing CPE in to Rother District to formalise and enforce the School Keep Clear across the district.

6.4 Having considered the objection, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. The proposal is considered appropriate for the location and will enable CEOs to enforce the restrictions, including against vehicles that block access, thereby improving compliance and safety throughout the whole area.

6.5 At the time of writing, Councillor Davies has not replied to confirm whether she agrees with the recommendation.



**6.6 Recommendation:** To not uphold the objection and install the proposals as advertised.

**The following locations are all in Battle**

58 objections were received to the proposals in Battle, of which 44 objections are to the proposal for Lower Lake and Abbotts Close areas (Appendix 2). Objections that included requests for additional restrictions will be considered for inclusion in future Parking Reviews for Rother District, provided that the implementation of CPE is confirmed by the Department for Transport and possible need is demonstrated after fair and consistent enforcement has been carried out.

**7. Site 7 High Street, Battle (Councillor Field)**

- 7.1 The proposal at this location is to introduce Pay and Display Bays and change the time limits on the Blue Badge Holders Only Bays. A plan of the proposed bays and locations including the tariffs can be found in the additional information pack.
- 7.2 The four objections received about the proposals to the High Street are on the grounds that: the Loading Ban will not be observed and will not stop delivery vehicles from parking; resident parking is needed; current restrictions need to be enforced; and pay and display bays should have a maximum stay of 30 minutes, not one hour.
- 7.3 The scheme was originally designed to replicate the current restrictions as closely as possible. During the exhibitions and informal consultation concerns were raised that the 30 minutes for pay and display and one hour for the disabled bay was too short. Officers felt that extending the time limit to one hour for pay and display and two hours for the disabled bay would still meet the aims of the scheme, whilst also balancing the needs of all road users and efficiency of enforcement. If CPE is approved all restrictions will be enforced and drivers will be expected to observe the restrictions and may be issued a Penalty Charge Notice if ignored.
- 7.4 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn.
- 7.5 **Recommendation:** To not uphold the objections and install the proposals as advertised.

**8. Site 8 Glengorse, Battle (Councillor Field)**

- 8.1 The proposal is to introduce Shared Use Permit Holder or Time Limited bays (two hour maximum stay no return within two hours, Monday to Saturday 8am-6pm). A plan of the proposed bays and locations can be found in the additional information pack.
- 8.2 There were four objectors to the proposals, all objections were from people who lived outside of Glengorse. Three were that the two hour time limit was too short and unnecessary. One objection was because of the possible effects the restrictions would have on Battle Hill and surrounding roads.

8.3 The scheme is designed to provide the residents of Glengorse with protection against commuter parking whilst also providing an element of free parking for visitors and trades. All restrictions will be monitored and where restrictions are underutilised changes will be consulted on through regular reviews.

8.4 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn.

8.5 **Recommendation:** To not uphold the objection and install the proposals as advertised.

### **The following locations are in Bexhill**

342 objectors made 975 objections about different aspects of the proposals. There are five zones proposed in Bexhill – these are the Central, North, East, West and Seafront zones. As well as objections we have received a number of requests in addition to those advertised, and one petition from residents to include additional roads into the proposed zones. We understand that displacement parking will inevitably happen where new parking controls are introduced, but with any parking scheme there needs to be a boundary where the restrictions end. If approval is given for CPE we will monitor each location and if necessary include changes in the first parking review, which we expect to start about 12 months after the introductions of CPE. The petition was received from residents of Woodville Road, with requests for additional restrictions from Lionel Road, Brookfield Road, Cantelupe Road, Millfield Rise Lark Hill, Da La Warr Road, Amhurst Road, Richmond Grove, Richmond Road, Brockley Road and Sutton Place.

## **9. Site 9 Central Zone, Bexhill (Councillor Elford)**

9.1 The proposal is to introduce a mixture of Permit Holder Only, Permit Holder or Time Limited, Pay and Display or Permit Holders, Pay and Display Only and Disabled Bays. A plan of the proposed bays and locations including the tariffs can be found in the additional information pack.

9.2 There were 37 objectors that have made 81 objections, the majority of objections have been general and about the zone without specifying any roads in their comments about the zone. The most common of these are: lack of commuter parking and not being able to attract staff; improvements to local transport needed; two hour time limit not sufficient; the scheme design is too complicated; current restrictions need enforcing. There were also requests for more disabled bay spaces, loading bays and taxi ranks.

9.3 The proposed scheme is designed to balance the needs of both residents and businesses, providing a turnover of spaces. Workers and visitors who require longer-stay parking are encouraged to use the off-street car parks or in the on street bays where parking is extended. The current lack of enforcement in Bexhill has encouraged people to use any available kerb space to park, including bus stops, disabled bays, loading and taxi bays. With fair and consistent enforcement improvements to both the availability of spaces and traffic flow are expected.

9.4 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. If CPE is approved and once there is fair and consistent enforcement, locations where we have received requests for additional restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.

9.5 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

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

Within the Central Zone there are four locations that have been specifically mentioned in comments made during the consultations.

**10. Site 10 Sackville Road, Channel View East & West and Albany Road, Central Zone, Bexhill (Councillor Elford)**

10.1 The proposals are a mixture of Permit, Shared Use Bays, Permit or Time Limited and Time Limited Only. Full plans and restriction times are in the additional information pack.

10.2 Every objection for these roads requested further restrictions including 24 hour permit holders only, additional permit holder bays and extending the hours of restriction to 8am-8pm.

10.3 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. If CPE is approved and once there is fair and consistent enforcement, locations where we have received requests for additional restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.

10.4 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

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

**11. Site 11 Linden Road, Central Zone, Bexhill (Councillor Elford)**

11.1 The proposals are to introduce Permit Holder Only 8am-6pm Monday to Sunday and Shared Use Permit Holder or Time Limited two hour maximum stay no return within two hours 8am-6pm Monday to Sunday Bays.

11.2 Four objections were received, one of which stated that the permit bays would remain empty and were unnecessary. Three objections were about the changing the current restriction of Resident Permit Holders to Permit Holders.

11.3 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposals to be withdrawn. Through the review of restrictions it has become apparent that some of the current signage does not match the current TRO and incorrectly states Resident

Permit Holders. A Permit Holder only restriction will make spaces available to other services increasing the availability of spaces to traders and carers. Locations where we have received requests for additional restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.

11.4 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

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

## **12. Site 12 North Zone, Bexhill (Councillor Elford)**

12.1 The proposal is to introduce a mixture of Permit Holder or Time Limited, Time Limited and Shared Use Permit and Pay and Display Bays. It is also proposed to formalise existing Disabled Bays and Bus Stop Clear Ways. A plan of the proposed bays and locations including the tariffs can be found in the additional information pack.

12.2 There are 21 objectors that have made 37 objections. The majority of objections were about the zone and specific locations were not mentioned in their comments. These objections were that: residents will not be able to park close to their property; restrictions will be detrimental to the town; there is no commuter parking; that there is no guarantee of a space; residents are being penalised; two hours is not long enough; and the zone should be permit holders only.

12.3 The scheme has been designed to balance the needs of visitors wanting to stay for a short period whilst also providing resident parking. Whilst residents will not be guaranteed a parking space outside their property (such a guarantee does not exist at present), they will have the ability to park in all roads throughout the zone. Workers and visitors who require longer-stay parking are encouraged to use the off-street car parks, or in the on street bays where parking is extended.

12.4 Having considered the objections, officers are satisfied that there are not enough grounds for the proposals to be withdrawn. If CPE is approved and once there is fair and consistent enforcement, locations where we have received requests for additional restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.

12.5 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

12.6 **Recommendation:** To not uphold the objection and install the proposals as advertised.

Within the North Zone three locations have been specifically mentioned in the objection comments.

## **13. Site 13 Buckhurst Road and Garden Close, North Zone, Bexhill (Councillor Elford)**

13.1 The proposal is to introduce a mixture of Time limited and Permit Holder Only and Time Limited Bays. Full plans of both locations can be found in the additional information pack.

13.2 There were two objections both of which were seeking a change to the proposed restrictions at each location. One was for a 20 minute limit and free parking on Buckhurst Road. There was also one objection seeking Resident Permit Only Parking in Garden Close.

13.3 Having considered the objections, officers are satisfied that there are not enough grounds for the proposals to be withdrawn. If CPE is approved and once there is fair and consistent enforcement, locations where we have received requests for additional/amended restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.

13.4 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

13.5 **Recommendation:** To not uphold the objection and install the proposals as advertised.

**14. Site 14 Reginald Road, Leopold Road and Windsor Road, North Zone, Bexhill (Councillor Elford)**

14.1 The proposal is to introduce Permit Holder or Time Limited two hours with no return within two hours 8am-6pm Monday to Saturday. Full plans are in the additional information pack.

14.2 There have been four objections related to the garage business that is located in the area around Reginald Road, Leopold Road and Windsor Road. They comment on not having enough space for customers in their premises and that they will not be able to use the street to park customer vehicles whilst they are waiting to be fixed or collected.

14.3 Having considered the objections, officers are satisfied that there are not enough grounds for the proposals to be withdrawn. We accept that some businesses will have to review and adapt their work practises but feel the proposals balance the needs of the wider community who wish to use the parking bays. All restrictions will be monitored and if changes are identified after fair and consistent enforcement is in place locations will be added to our regular reviews.

14.4 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

14.5 **Recommendation:** To not uphold the objection and install the proposals as advertised.

**15. Site 15 East Zone, Bexhill (Councillor Elford)**

15.1 The proposals are to introduce a mixture of permit holder or time limited bays and formalise existing disabled bays and bus stop clear ways. A plan of the proposed bays and locations can be found in the additional information pack.

15.2 There were 54 objectors who made 186 objections. The majority of objections did not specifically mention a road, but they stated that: there is no problem with parking and the scheme was not needed; it would be detrimental to the town and is to raise revenue; concern that permits do not guarantee a space; two hours is not long enough; requests were also made for permit holders only restrictions and more disabled bays.

15.3 The scheme has been designed to offer a certain amount of protection to the residents against displacement of vehicles from the Central Zone, whilst also balancing the requirements of other road users. Permit holders will not be guaranteed a space outside of their property but will be able to park in any road within the Zone. There is no evidence to suggest that introduction of CPE will have a detrimental effect on Bexhill and it is widely regarded that civil parking enforcement is needed (it is also not the role of the TRO process to decide whether CPE is implemented in Rother District, or not). Workers and visitors who require longer-stay parking are encouraged to use the off-street car parks or in the on street bays where parking is extended.

15.4 Having considered the objections, officers are satisfied that there are not enough grounds for the proposals to be withdrawn. If CPE is approved and once there is fair and consistent enforcement, locations where we have received requests for additional restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.

15.5 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

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

Within the East Zone four locations have been specifically mentioned in the objection comments.

**16. Site 16 Manor Road, Magdalen Road and Rotherfield Close, East Zone, Bexhill (Councillor Elford)**

16.1 The proposals are to introduce permit holder or time limited two hour with no return within two hour bays, and standard junction protection 10 metre double yellow lines. A plan of the proposed bays and locations can be found in the additional information pack.

16.2 There were three objectors one for each location. In Manor Road there was an objection to the proposed parking bay opposite Linley Close, as it was considered that it will narrow the road on a blind bend and will make exiting the objectors drive difficult. It was requested that this proposal should be removed and replaced with double yellow lines (DYLs). In Magdalen Road the objector wanted one side of the road to be DYLs with parking on the other. In Rotherfield Avenue the objector was concerned that cars would be able to block the private off street parking.

16.3 Having considered the objections, officers are satisfied that there are not enough grounds for the proposals to be withdrawn. The proposed restrictions will offer more protection than is currently available with yellow lines protecting the junctions and driveways. The road is also at an acceptable width to introduce two metre wide bays. If CPE is approved all restrictions will be enforceable, including vehicles that are blocking accesses. Once there is fair and consistent enforcement, locations where we have received requests for additional restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.

16.4 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

16.5 **Recommendation:** To not uphold the objection and install the proposals as advertised.

**17. Site 17 De Le Warr Parade and Knole Road, East Zone, Bexhill (Councillor Elford)**

17.1 The proposal is to introduce Permit Holder or Time Limited two hour with no return within two hour bays. A plan of the proposed bays and locations can be found in the additional information pack.

17.2 Nine objectors made comments about the proposed restrictions along De Le Warr Parade and their comments can be summarised as: people avoiding Pay and Display charges and parking in the Time Limited Bays off from De Le Warr Parade; the proposed zone is too big and there should not be charging on De Le Warr Parade. Three objectors made comments about the proposed restrictions on Knole Road requesting permit holder only bays, suggesting that two hours was not long enough for those wishing to park here, and suggesting displacement would occur as a result of the proposal.

17.3 Having considered the objections, officers are satisfied that there are not enough grounds for the proposals to be withdrawn. The scheme has been proposed to balance the variety of need to all road users and residents. It provides both long term permit parking and short term parking at no charge. Workers and visitors who require longer-stay parking are encouraged to use the off-street car parks or in the on street bays where parking is extended. The Zone will be monitored and if changes are necessary we will include them in our regular reviews.

17.4 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

17.5 **Recommendation:** To not uphold the objection and install the proposals as advertised.

**18. Site 18 West Zone, Bexhill (Councillor Elford)**

18.1 The proposal is to introduce Permit Holder only 8am-6pm Monday to Sunday, Permit or Pay and Display Bays and formalise Disabled Bays and Bus Stop Clearways. A plan of the proposed bays, locations and tariff can be found in the additional information pack.

18.2 There are 22 objectors who have made 34 objections. The majority of objections were about the zone and specific locations were not mentioned in their comments. The comments were about no availability for commuter parking, requests for 8am-8pm restrictions, that there are not enough parking spaces, that we have proposed permit and not resident permit and a request for a motor home ban.

18.3 The scheme has been designed with permit holder only bays because a number of the properties within the zone have been developed into multiple occupancy properties. Permit holder only bays were proposed to protect the residents of these properties. The benefit of a permit holder only restriction over a resident permit holder restriction is that it will make spaces available to other services increasing the availability of spaces to traders and carers permits.

- 18.4 Having considered the objections, officers are satisfied that there are not enough grounds for the proposals to be withdrawn. Although there is a high density of residential properties it is believed that the number of parking spaces will be sufficient. Workers and visitors who require longer-stay parking are encouraged to use the off-street car parks or in the on street bays where parking is extended. If CPE is approved and once there is fair and consistent enforcement, locations where we have received requests for additional restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.
- 18.5 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.
- 18.6 **Recommendation:** To not uphold the objections and install the proposals as advertised.

Within the West Zone one location was specifically mentioned in the objection comments.

#### **19. Site 19 Egerton Road, West Zone, Bexhill (Councillor Elford)**

- 19.1 The proposal is to introduce Permit Holders only 8am-6pm Monday to Sunday on the south side of Egerton Road and unrestricted on the north side, as well as removing an existing advisory disabled bay. A plan of the proposed bays and locations can be found in the additional information pack.
- 19.2 There were two objections, one with a request for the north side to be permit holders only as well. The other requested time limited bays on the north side of Egerton Road, parking for the staff and volunteers of the museum and a drop off point.
- 19.3 The north side of Egerton Road was left unrestricted to provide free parking to both Egerton Park and museum users. If CPE is approved and once there is fair and consistent enforcement, locations where we have received requests for additional restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.
- 19.4 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.
- 19.5 **Recommendation:** To not uphold the objections and install the proposals as advertised.

#### **20. Site 20 Seafront Zone & Galley Hill, Bexhill (Councillor Elford)**

- 20.1 The proposal is to introduce Pay and Display 8am-6pm Monday to Sunday and install DYLS along a section of De La Warr Parade known as Galley Hill. A plan of the proposed bays and locations including tariffs can be found in the additional information pack.
- 20.2 There were 78 objectors who made 146 objections, the majority of objections were made about the charges and that charges would be detrimental to the town and put off visitors. Other comments suggested that beach hut and sailing club members should be exempt; there should be bans on motor homes and caravans; and tariffs should be seasonal.



20.3 CPE schemes should be self-financing, this means that the charges for pay and display, permits and penalty charge notices pay for the setup of the scheme and the ongoing cost to maintain and manage it. The charges for pay and display and permits have been set as low as possible to still meet the aims of the scheme. We have not proposed free parking, exemptions or seasonal parking tariffs on the seafront because this would mean that the parking charges and costs of permits would need to be higher. Yellow lines have been proposed on Galley Hill to allow a small amount of unrestricted parking as well as offering protection for access to the parking bays at the top of the hill.

20.4 Having considered the objections, officers are satisfied that there are not enough grounds for the proposals to be withdrawn. If CPE is approved and once there is fair and consistent enforcement, locations where we have received requests for additional restrictions will be monitored and included in our regular reviews.

20.5 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

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

Within the Seafront Zone one other location was specifically mentioned in objectors' comments.

**21. Site 21 De La Warr Parade between Dorset Road and Sutton Place, Bexhill (Councillor Elford)**

21.1 The proposal is to introduce Pay and Display 8am-6pm Monday to Sunday. A plan of the proposed bays and locations including the tariffs can be found in the additional information pack.

21.2 There were 14 objections to pay and display bays on the north of De La Warr Parade and requesting permits for residents.

21.3 The proposal was made taking into account the wider area: all of the properties in this section of De La Warr Parade all back on to the unrestricted Lionel Road, with the majority if not all of the properties having access to off street parking. Officers believe that with both the amount of unrestricted parking and off street private parking, permit restrictions are not needed.

21.4 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. If CPE is approved and once there is fair and consistent enforcement, locations where we have received requests for additional restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.

21.5 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.

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

### **The following locations are in Robertsbridge**

56 objectors made objections to the proposals in Robertsbridge, many of which made requests for additional restrictions and resident permit zones. If CPE is introduced requests for more restrictions will be processed through our regular reviews. It is therefore proposed to not uphold the objections that are requesting additional restrictions. Objections that were objecting to specific proposals were as follows;

#### **22. Site 22 High Street, Station Road, Robertsbridge (Councillor Davies)**

22.1 The proposal is to change the current one hour maximum stay time limited with no return within two hours Monday to Friday 9am-5pm bays to Pay and Display maximum stay two hours with no return within two hours Monday to Saturday 8am-6pm. A plan of the proposed bays and locations including the tariffs can be found in the additional information pack.

22.2 The main reasons for objecting to the proposal were: that pay and display will damage local business; request for protection against commuters; the potential displacement that will occur; resident parking is needed; enforce current restrictions; disagreeing with paying to park; did not like the style of pay and display machines and the proposed time limit was not long enough.

22.3 The proposal was made to encourage and increase turnover of spaces, so there would be available spaces for short term visitors and shoppers. For residents and visitors requiring longer stay parking there is still unrestricted parking available.

22.4 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. Although there will be a proportion of displacement the volume expected from the 19 proposed bays would not have a detrimental effect to the surrounding areas. If CPE is approved and once there is fair and consistent enforcement, locations where we have received requests for additional restrictions will be monitored and if changes are necessary they will be included in our regular reviews of all parking restrictions.

22.5 At the time of writing, Councillor Davies has not replied to confirm whether she agrees with the recommendation.

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

### **The following locations are in Rye**

As a general point of relevance to the following objections, if approval is given for the introduction of CPE and after fair and consistent enforcement has been in place for a year, it is East Sussex County Council's intention to carry out a local transport review of Rye. The review will take into account both on-street and off-street parking and will include engagement with Rye Town Council and Rother District Council. Objections that were objecting to specific proposals were as follows;

#### **23. Site 23 High Street, Rye (Councillor Glazier)**

- 23.1 The proposal is to change the current one hour with no return in one hour time limited bays 9am-6pm Monday-Sunday to Pay and Display two hours with no return in two hours 9am-6pm Monday to Saturday. The proposed tariff is set at 40p for one hour, 80p for two hours. A plan of the proposed bays and locations including the tariffs can be found in the additional information pack.
- 23.2 There are 76 unresolved objections and one petition to this proposal. The make and style of the Pay and Display Machines were the most common reason for objecting; followed by pay and display charges having a detrimental effect on local businesses with the removal of the free hour time limit and facilities for deliveries. The proposed time limits, lack of residential parking and general disagreement with having to pay to park were also cited reasons for objecting.
- 23.3 The proposal was made in accordance with the Traffic Management Act 2004. We developed the proposal for Rye that takes into consideration the unique demand on kerb-space. In designing the proposed parking scheme for Rye and across the district, the County Council is trying to encourage short-stay, low-cost parking in high streets that creates parking 'churn' and increases footfall to those shops and businesses. Those residents, workers and visitors who require longer-stay parking are encouraged to use the off-street car parks available in the town.
- 23.4 Having considered the objections and petition, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. Pay and Display machines are a necessary piece of infrastructure and is not part of the introduction of the TRO. Officers will look at reducing the number of machines on street and ensure that they are sensitively located.
- 23.5 Resident Permit and Pay and Display charges are necessary to cover the costs associated with the introduction and set-up of CPE, as well as maintenance costs, the cost of enforcement, the processing of penalty charge notices, and the administration of permits, but the County Council has kept the pay and display tariffs to a low level.
- 23.6 At the time of writing, Councillor Glazier has not replied to confirm whether he agrees with the recommendation.
- 23.7 **Recommendation:** To not uphold the objections and install the proposals as advertised.

**24. Site 24 East Street, Market Street, Lion Street, Rope Walk, Landgate, Cyprus Place, The Strand, Wish Street, Wish Ward, Cinque Ports Street and Tower Street Rye (Councillor Glazier)**

- 24.1 The proposal is to change the current one hour with no return in one hour time limited bays 9am-6pm Monday-Sunday to Pay and Display two hours with no return in two hours 9am-6pm Monday to Saturday. The proposed tariff is set at 40p for one hour, 80p for two hours. A plan of the proposed bays and locations including the tariffs can be found in the additional information pack.
- 24.2 There are 68 unresolved objections, with lack of resident parking and the impact upon the townscape of the pay and display machines being the most commonly cited reasons for objecting. The rest of the objections were about the lack of provision for delivery facilities, the proposals

would be detrimental to local businesses, time limits too short, further restrictions requested and objecting about paying to park.

24.3 In designing the proposed parking scheme for Rye and across the district, the County Council is trying to encourage short-stay, low-cost parking in high streets that creates a turnover of parking spaces and increases footfall to those shops and businesses. Those residents, workers and visitors who require longer-stay parking are encouraged to use the off-street car parks.

24.4 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. Further restrictions would not be appropriate until CPE has been introduced and fair and consistent enforcement is taking place, including any expansion of the existing resident permit scheme. Retaining and enforcing the current one hour time limited with no return within one hour would be labour intensive and expensive. Pay and Display machines are a necessary piece of infrastructure. Officers will look at reducing the number of machines on street and ensure that they are sensitively located.

24.5 At the time of writing, Councillor Glazier has not replied to confirm whether he agrees with the recommendation.

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

## **25. Site 25 Citadel Zone Rye (Councillor Glazier)**

25.1 The proposal is to change the current Resident Permit Holder or Time Limited two hour maximum stay 9am-6pm Monday-Sunday to Permit Holders Only 9am-6pm Monday-Sunday. A plan of the proposed bays and locations including the proposed tariffs can be found in the additional information pack.

25.2 There are five objectors who have made eight unresolved objections. Two objections are about Traders Passage and request that it is included within the permit zone. Concern was expressed from one resident about traders and how will they unload. Other objections claimed the permit holders zone is too small and that the scheme will only work if enforced.

25.3 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn. The proposals have been made in keeping with the current restrictions, and additional areas will be considered once CPE has been approved and fair and consistent enforcement is being carried out. Those currently out of the zone will not be included at this time. For traders that are eligible, waivers will be available that will allow parking at specific locations to assist with any work they are carrying out.

25.4 At the time of writing, Councillor Glazier has not replied to confirm whether he agrees with the recommendation.

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

**Appendix 2 – Proposal where objections are recommended to be upheld in part and revised proposals implemented as shown in the additional information pack.**

**1. Site 1 Old Manor Close, East Zone, Bexhill (Councillor Elford)**

- 1.1 The proposal is to introduce Permit Holder or Time Limited two hour with no return within two hour bays. A plan of the proposed bays and locations can be found in the additional information pack.
- 1.2 16 objectors have made 91 objections about the proposals for Old Manor Close, the majority of the objections have been: about the size and length of the parking bays; that the positioning of the bays will restrict and make exiting driveways dangerous; passing the bays on the opposite side of the road is dangerous; request for resident parking only; request for the parking to be available for the residents of Old Manor Close only; the lines will ruin the aesthetics of the close; request for the DYs to be extended both on Old Manor Close and Old Manor Road.
- 1.3 To try and resolve objections minor adjustments to reduce the length of bays and confirming the length and width of others was carried out. The width of the road has been measured between 4.9 metres and 5 metres along its length. The proposed parking bays are 2 metres wide leaving between 2.9 and 3 meters available for residents' vehicles to safely access their driveways and pass parked vehicles. A vehicle using the wrong side of the road to pass parked vehicles is no different to the current situation and is the same for many roads of a similar width, where parking does not allow two-way traffic. The close is lightly trafficked, and due to the width and nature of the road vehicle speeds are low. There are gaps between the proposed bays which vehicles can pull into should they need to let a vehicle traveling in the opposite direction to pass. A resident permit or Old Manor Close resident permit scheme would not be an efficient use of the kerb space, the proposal will balance the protection of residents' spaces whilst providing spaces for visitors, carers, trades people, etc to the close.
- 1.4 The Road Safety team have been consulted on the proposals and have not raised any concerns. They commented that, at present, there are no parking restrictions within the Manor Close area and that formal restriction will regulate parking to the benefit of residents. A minimum of 10 metres of double yellow lines are to be provided at the Manor Close/Manor Road junction. This conforms with rule 243 of the Highway Code which states "DO NOT stop or park: opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space". There have been no crashes involving personal injury recorded at the Manor Road/Manor Close junction in the last ten years and the proposed restriction should not negatively impact on this record.
- 1.5 Having considered the objections, officers are satisfied that there are not enough grounds for the proposals to be withdrawn. The scheme has been proposed to balance the variety of need to all road users and residents. It provides both long term permit parking and short term parking at no charge. The zone will be monitored and if changes are necessary we will include them in our regular reviews.
- 1.6 At the time of writing, Councillor Elford has not replied to confirm whether he agrees with the recommendation.
- 1.7 **Recommendation:** To uphold, in part, the objections and install the revised proposals as shown in additional information pack.

### **Appendix 3 – Proposals where objections are recommended to be upheld and proposals to be withdrawn**

#### **1. Site 1 Lower Lake, Battle (Councillor Field)**

- 1.1 The proposal is to introduce a Single Yellow Line No Waiting Monday to Saturday 8am-6pm. The plan can be found in the additional information pack.
- 1.2 There were 26 objections from the residents of Lower Lake who cited that the proposals would restrict their ability to park outside of their properties.
- 1.3 Having considered the objections, officers are satisfied that there are sufficient grounds for the proposal to be withdrawn. The proposal was put forward at the formal stage after some residents raised concerns that they were not part of the permit zone. To make the properties eligible the Single Yellow Line restriction was proposed.
- 1.4 **Recommendation:** To uphold the objections and withdraw the proposal for Lower Lake.

#### **2. Site 2 Abbots Close, Kingsdale Close, St Mary's Villas, Battle (Councillor Field)**

- 2.1 The proposal is to introduce a Permit Holder Area on unadopted highway. The plan can be found in the additional information pack.
- 2.2 There were 23 objections from residents within the proposed area. As the area is unadopted highway we require the consent of all residents before we can introduce parking restrictions.
- 2.3 **Recommendation:** To uphold the objections and withdraw the proposal for Abbots Close, Kingsdale Close and St Mary's Villas.

#### **3. Site 3 De Moleyns Close, Bexhill (Councillor Elford)**

- 3.1 The proposal was to introduce Double Yellow Lines No Waiting. The plan can be found in the additional information pack.
- 3.2 There were 4 objections, two wanted the yellow lines extended on the south side of the close, one wanted the yellow lines extended on the south side but reduced on the north side and one did not want yellow lines around the close.
- 3.3 The proposals were made to extend the junction protection into the close, residents were concerned that yellow lines would encourage drivers to park and block their drives as driveway entrances would be unrestricted. If CPE is introduced CEOs will be able to enforce against vehicles blocking access.
- 3.4 Having considered the objections, officers are satisfied that there are sufficient grounds for the proposal to be withdrawn. As CEOs will be able to enforce against blocking access the addition of yellow lines is unnecessary.
- 3.5 **Recommendation:** To uphold the objections and withdraw the proposal for De Moleyns Close.

Committee:	<b>Regulatory Planning Committee</b>
Date:	<b>15 January 2020</b>
Report by:	<b>Director of Communities, Economy and Transport</b>
Proposal:	<b>Variation of Condition 4 of planning permission WD/782/CM to increase the total amount of waste imported to the site by 25,000 tonnes per annum.</b>
Site Address:	<b>Boathouse Farm, Lewes Road, Isfield, TN22 5TY</b>
Applicant:	<b>KPS Composting Services Limited</b>
Application No.	<b>WD/835/CM</b>
Key Issues:	<b>1) Purpose of the Variation of Condition 4 2) Impact of increasing the capacity of the site</b>
Contact Officer:	<b>Miss Kiran Sajjan Tel. 01273 481595</b>
Local Member:	<b>Councillor Roy Galley</b>

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## **SUMMARY OF RECOMMENDATIONS**

- 1. To grant planning permission subject to conditions as indicated in paragraph 8.1 of this report**
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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

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

1.1 The application site is an established outdoor composting facility that receives and processes green waste to produce compost, which is then exported as a finished product. From 2010, the site also began to process wood waste, which is screened and shredded on the site to form woodchip and is exported for use in chipboard and fibreboard manufacture. The site is located in a rural area 0.7 kilometres (km) south of the village of Isfield and 6km north-east of Lewes. It occupies an area of approximately 9 hectares (ha) and is surrounded by farmland and some woodland, including areas of designated ancient woodland to the north and south.

1.2 The site is accessed from Isfield Road to the east, approximately 700 metres north of the junction with the A26. The former Honey Pot Children's Nursery is situated opposite the site entrance on Isfield Road and the closest

residential properties lie 250 metres south of the site entrance. A public footpath runs from east to west approximately 100 metres north of the site.

1.3 The site can be divided into three main areas, which are reached via an access track to the north of the site. The access track rises gently from the Isfield Road, to the site office and weighbridge and continues into the active composting pad situated in the western section of the site. The wood waste processing area is located to the east of the green waste composting area and includes a barn used to store dry wood, compost products and machinery. This barn is currently being extended to the north-east which was granted under WD/782/CM which once complete will form an 'L' shape building.

1.4 The eastern part of the site, along the boundary of Isfield Road, consists of a wetland treatment system which allows for storage of surface water run off and storm water as well as providing a habitat for wildlife.

## **2. The Proposal**

2.1 Planning permission is sought for the variation of condition 4 of planning permission WD/782/CM. Condition 4 currently restricts the throughput capacity of the site to a total of 50,000 tonnes (t) of waste per annum (pa). Condition 5 of the aforementioned permission restricts the amount of waste wood that can be imported into the site to no more than 10,000 tonnes per annum (tpa). It is proposed that the total throughput is increased by 25,000tpa taking the total up to 75,000tpa, equating to an increase in throughput by an additional 50%. The increase in tonnage would only relate to green waste and it is therefore not proposed to vary condition 5 meaning that the throughput capacity of wood waste would remain the same as existing at 10,000tpa.

## **3. Site History**

3.1 Planning permission (ref. WD/335/CM) was granted in 2001 for the existing green waste processing facility. Consequently, the composting facility began operating in 2002 and at the time comprised of an area of hard standing and two adjoining surface water storage lagoons. There have been several subsequent planning permissions relating to the site. In 2010, permission (ref. WD/634/CM) was granted to expand the scope of the operations on the site to include the processing of up to 5,000 tonnes per annum of wood waste. As part of this application the applicant was also granted permission to vary condition no.2 of planning permission Ref: WD/533/CM, to permit vehicles with more than eight wheels to enter the site.

3.2 In July 2017, planning permission (ref. WD/782/CM) was granted for the continued use of land for green waste composting and wood waste processing, including an increased throughput to allow for up to 10,000 tonnes per annum of waste wood (the previously approved amount was up to 5,000tpa) and the relocation of the waste wood processing area including an extension to the existing storage building and yard area. This permission also



included the replacement and relocation of an existing overflow pond with a reed bed system and the repositioning of the earth bunds at the southern and eastern boundaries of the site. Conditions attached to this permission limit, inter alia, the total number of vehicle visits to and from the site, the hours of operation, the heights of material stockpiles, the location of operations and the operational noise levels.

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

4.1 Wealden District Council: Raise no objection to the proposal, subject to Habitats Regulation Assessment screening to assess whether the proposal requires an Appropriate Assessment. The Council have also recommended the imposition of relevant conditions to control impacts on residential and visual amenity.

4.2 Isfield Parish Council: objects to the proposal as it feels the traffic, noise, dust and odour would increase proportionately and the resultant potential increase in number of cases of fungus related illnesses, asthma and cystic fibrosis would not be acceptable. The Council also raises concerns regarding large vehicles entering the village and using local roads, which the Council considers to be unsuitable and dangerous. Regarding the issue of increased vehicle movements, it notes that the increase would affect the carbon footprint and considers that an Environmental Impact Assessment should be carried out and the effects on the nitrogen levels on the Ashdown Forest assessed.

4.3 Little Horsted Parish Council: objects to the proposal as the site has not changed size since the maximum capacity of 50,000 tonnes was granted and therefore there is concern that the site is not suitable to support a 50% waste capacity increase. The Council also considers that vehicles to the site are large and note that there will be an increase in traffic movements. It is further considered that the proposal would have an adverse impact on the environment and the Ashdown Forest. Reference is also made to the increase in odour levels.

4.4 Highway Authority: Raises no objections as the projected trips are within the permitted trip threshold of 19,380 per annum (agreed under planning permission WD/782/CM).

4.5 Environment Agency: raises no objections, but draws the applicant's attention to the need for an Environmental Permit.

4.6 Environmental Health Officer (EHO): considers the relevant controls in terms of noise and odour management are in place on the existing consent and providing that these are carried over no objections are raised. The EHO further requests that an additional condition is included to require further noise mitigation measures should the applicant breach the requirements of condition 8 of planning permission WD/782/CM.

#### 4.7 Representations:

Twenty eight representations have been received from members of the public objecting to the proposal. One letter of support has been received. In summary the objections refer to the following matters:

- i) The increase in green waste would be of detriment to the village;
- ii) Rise in odour from the increase in green waste on site;
- iii) Increase in traffic movements would be unsuitable and would pose danger to users of Isfield Road;
- iv) Access to the site is inadequate, in particular the turning onto the A26;
- v) Reference is made to breaches at the site dating back to 2015 and other breaches relating to stock pile height limits;
- vi) Fungal spores are affecting the air quality leading to health concerns;
- vii) Noise generated from plant at the site;
- viii) Dust emissions from the site posing amenity and health impacts;
- ix) Impact on the Ashdown Forest SAC;
- x) Reports of fly infestations, although representations note that there is no evidence to show that this can be attributed to the application site.
- xi) Increase in run-off from the site affecting the surrounding footpaths and causing water pollution;
- xii) Lack of consultation by the applicant;

The above concerns are also reflected in a representation received from the Local Member, Councillor Roy Galley.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: WMP3b (Turning Waste into Resource); WMP20 (Community Involvement and Benefits), WMP22 (Increased Operational Capacity within the Site Boundary of Existing Waste Facilities), WMP23b (Operation of Sites), WMP25 (General Amenity) and WMP26 (Traffic Impacts).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan, February 2017: Policy SP6 (Safeguarding Waste Sites) and Map 21 SP-WCA/C Boathouse Farm, Isfield.

The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan sets out the site specific policies for the management of waste and minerals in the Plan Area up to 2026.

5.3 Wealden Local Plan Core Strategy, 2013: None of relevance to this proposal.

5.4 Wealden Local Plan 1998: Saved Policies EN27 (Design) and TR3 (Traffic Impacts).

## 5.5 National Planning Policy Framework (NPPF) 2019:

The NPPF does not change the status of the Development Plan as the starting point for decision making but it does constitute guidance as a material consideration in determining planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. Whilst it does not contain specific waste policies regard should be had to the NPPF policies as far as relevant.

## 5.6 National Planning Policy For Waste (NPPW) 2014:

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

# 6. **Considerations**

## **Purpose of the Variation of Condition 4 (ref. WD/782/CM)**

6.1 Policy WMP22 of the Waste and Minerals Local Plan encourages alterations at existing waste facilities where it will support more sustainable waste management and the movement of waste up the hierarchy. WMP22 also supports an increase in operational capacity within the site boundary of existing waste management facilities where it can be demonstrated that the development is required to improve the operational efficiency of the facility and the development would contribute towards meeting the objectives of the Plan.

6.2 The application site is owned and managed by KPS Composting Ltd, who also operate two other sites in West Sussex; one at Scaynes Hill and the other at Hardriding Farm in Pease Pottage, Crawley, located approximately 25 kilometres to the north-west of the application site. The applicant seeks to increase the capacity of the KPS Composting site in Isfield following the imminent closure of the company's composting facility located in Pease Pottage, West Sussex. The applicant has leased the Pease Pottage site for a number of years; however the site has now been granted planning permission by Mid Sussex District Council for a housing development forcing the site's closure. Consequently KPS Composting is required to vacate the site by April 2020. In order to offset the loss of capacity, the applicant is seeking to increase the throughput of the Isfield site. The total capacity of the site at Pease Pottage is 25,000tpa consisting of solely green waste; this arrangement is reflected within this proposal.

6.3 Although the current planning permission for the Isfield site restricts the total throughput of the site to 50,000tpa, the site's Environmental Permit, issued by the Environment Agency (EA), restricts the annual throughput to 75,000 tonnes. Therefore the proposal would bring the annual throughput of the site in line with the EA permit thereby preventing ambiguity.

6.4 It is considered that the proposal accords with Policy WMP22 of the Waste and Minerals Local Plan as it would allow green waste that can no

longer be dealt with by the Pease Pottage site to continue to be turned into a resource, therefore meeting the objectives of the Plan.

### **Impact of increasing the capacity of the site**

#### *Traffic Impact*

6.5 Policy WMP26 of the Waste and Minerals Local Plan requires that development should, inter alia, provide for appropriate access arrangements; that there would be no unacceptable safety hazards for other road users; that the level of traffic generated would not exceed the capacity of the local road network; and therefore there would be no unacceptable adverse impact upon the existing highways conditions in terms of traffic, congestion and parking. Similarly, Saved Policy TR3 of the Wealden Local Plan stipulates, inter alia, that developments do not create or perpetuate unacceptable traffic conditions.

6.6 The extant planning permission for the operation of the site (Ref. WD/782/CM) limits the amount of traffic generated and further deters vehicles from turning left when leaving the site to avoid traffic travelling through the village of Isfield. The combined permitted number of vehicle movements for the site is secured by existing traffic management conditions. In combination, conditions 21 and 22 permit up to 19,380 vehicle trips per annum. As acknowledged by the applicant, the increase in throughput by 50% would inevitably increase the number of vehicle movements in and out of the site, however this would remain within the permitted number of vehicle movements. Based on weighbridge data from 2014 to 2018, the applicant has calculated an average of 0.23 vehicle movements per tonne of green waste throughput and an average of 0.37 vehicle movements per tonne of wood waste throughput per annum. The Traffic Generation Assessment accompanying the application reports that the proposal would result in an increase of vehicle movements to a total of 18,650 vehicle movements per annum. At present, data suggests that in 2018, at a capacity of 50,000tpa, a total of 12,191 vehicle movements were carried out (this figure relates to vehicle movements associated with both waste input and product output e.g. compost and wood chippings). Therefore, it is considered that there is sufficient manoeuvrability within the existing permitted number of vehicle movements to support this proposal.

6.7 It is anticipated that the catchment area of where the waste would be delivered from would largely remain the same as the Pease Pottage site however the applicant has indicated that it is expected that some contracts closer to the Pease Pottage site would be lost due to the distance to the Isfield site. The applicant anticipates that this loss of contracts would be replaced by contracts more local to the Isfield site. Furthermore, it is considered that although the additional vehicle movements would be added to the Isfield site, these movements are currently undertaken within the wider catchment area of the Isfield site which extends to Mid Sussex, other parts of West Sussex, Kent and Surrey.

6.8 At present, there are four members of staff at the Pease Pottage site, it is anticipated that all four members of staff would be relocated and retained at the Isfield site.

6.9 The access and road safety arrangements already in place are not proposed to be altered. The current planning permission Ref: WD/782/CM requires signage at the site exit to notify drivers of a 'no left turn', this arrangement would remain in place thereby restricting vehicles associated with the site from travelling through the village of Isfield.

6.10 Representations received in response to the proposal have raised concerns with regard to increase in traffic movements, which are considered to, in turn, pose a hazard to users of the highway on the local narrow roads. Reference is also made to damage to the verges in places, although this cannot solely be attributed to the application site. The Highway Authority were consulted on this proposal, as well as the previous application ref. WD/782/CM of which this application is a variation, and are satisfied that the resultant increase in vehicle movements from the increase in green waste capacity would remain within the total number of permitted trips as secured by conditions 21 and 22 of planning permission Ref: WD/782/CM.

6.11 Overall, whilst the proposed increase in green waste throughput would result in an increase in vehicle movements to and from the site, this increase would not result in the overall number being in excess of the number already considered acceptable and permitted by the previous planning permission. Previous applications at this site gave careful consideration to the effect of HGVs on both traffic and residential amenity and these effects were not considered to be unacceptable. Therefore, it is considered that there is no conflict with Policy WMP26 of the Waste and Minerals Local Plan and Saved Policy TR3 of the Wealden Local Plan.

#### *Ashdown Forest and the Lewes Downs*

6.12 The Ashdown Forest is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), thereby affording it the highest protection in nature conservation terms. It is important that levels of nitrogen deposition in the Forest are not increased to a level that adversely impacts the heathland that benefits from the SAC designation. One of the causes of nitrogen deposition is from vehicle emissions. Proposals should therefore consider the potential for issues relating to air quality and or emissions, which may affect the heathland habitat. It should be noted the site is located approximately 10.3 kilometres to the south of the Ashdown Forest. The site is also located in close proximity to the Lewes Downs which is designated as a SAC for its dry grasslands and scrubland facies.

6.13 As a result of the closure of the Pease Pottage site, contracts from Pease Pottage would be transferred to the Isfield site. The number of permitted traffic movements by the previous planning permission would not be exceeded by this proposal and it is considered that these trips have already

been assessed and considered to be acceptable. Furthermore, the applicant has indicated that there is an overlap of catchment areas between the two sites and it is unlikely the vehicles travelling from West Sussex or Surrey would travel across the Ashdown Forest. Vehicles travelling to and from Kent could travel across the Forest however these would not be new trips but transferred trips as the catchment area for the Isfield site covers this area at present.

6.14 Vehicles visiting the site currently utilise the A26, this will continue in order to prevent disruption to residents of Isfield Village. It is not considered that emissions from the A26, which are associated with this proposal (alone and in-combination), would have an adverse impact on the Lewes Downs SAC.

#### *Noise Impact*

6.15 Policy WMP25 of the Waste and Minerals Local Plan requires proposals to have no unacceptable effect on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development. Moreover, there should be no significant adverse impact on air quality or the acoustic environment, and adequate controls should be secured regarding dust, litter, noise and odour resulting from the development. Similarly, Saved Policy EN27 states, *inter alia*, that development should not create an unacceptable adverse impact on amenities of adjoining developments by reason of noise.

6.16 The increase in green waste throughput would not result in any additional plant or machinery on site. Although the existing plant and machinery would continue to be used, this will be required to run for longer periods (albeit within the existing permitted operational hours) to ensure that conditions relating to stockpile limits etc. are complied with. At present, various plant and machinery are used during the wood waste and green waste operations on site, including shredding machines and screening machines, in addition to delivery vehicles entering and leaving the site. The use of the plant and machinery varies dependent on the seasons, however the applicant has indicated that yearly records show that the existing operations require the use of the shredder and the telescopic wheel loader approximately 20 hours a week and the screeners and loading shovels approximately 28 hours per week. Therefore, based on these records, an increase in throughput by an extra 50% could potentially increase the use of the shredder and loader to 30 hours per week and the screeners and loading shovels to approximately 42 hours per week. This increase can be accommodated within the current permitted hours of operations.

6.17 Several representations have been received from local residents and Isfield Parish Council raising concerns regarding the rise in noise from the increase of green waste on site, leading to increased processing. The County Council's Environmental Advice Team and the Wealden District Council Environmental Health Officer were consulted on this proposal and in this case it is considered that the existing controls secured by conditions 8 and 10 of

planning permission Ref: WD/782/CM would remain sufficient. It should be noted that details required by condition 10 (further noise monitoring) Ref: WD/782/CM have not yet been submitted for consideration as the wood waste operations are not yet operational within the approved wood waste processing area. As of October 2019 the extension to the building is still underway.

6.18 On balance, the increased operational hours of the plant and machinery is considered to be acceptable as there is an existing noise condition stating that the rating noise level measured at locations stipulated within the Acoustic Report dated 22 June 2017 (approved under WD/782/CM) from the site shall not exceed the background LA90 value at any time and the applicant considers that this development would not result in an increase in excess of the background noise level. On the basis that the existing conditions controlling noise emissions from the site remain in place, I do not consider there any reason, in terms of impact from noise, to refuse the current application. Overall, in terms of noise, the proposal is considered to comply with Policy WMP25 of the Waste and Minerals Local Plan and Saved Policy EN27 of the Wealden Local Plan.

#### *Other Matters*

6.19 Policy WMP25 of the Waste and Minerals Local Plan requires that adequate controls should be secured regarding, *inter alia*, odour and dust resulting from the development.

6.20 Several representations have been received from local residents raising concerns about the existing issue of odour, dust and fly infestations from the site and the potential exacerbation of this issue as a result of the proposal. The applicant has clarified that, at present, to minimise odour, the shredding of green waste occurs within 72 hours of delivery. It is proposed that this arrangement would remain in place.

6.21 In terms of the concerns relating to odour and dust from the site and the potential effect on human health, these are specific matters for the Environment Agency to consider in the monitoring of the Environmental Permit. However, the applicant has advised that measures are in place on site to reduce the impact on the locality, including a dust suppression scheme approved under condition 15 of planning permission WD/782/CM. An odour management plan accompanies the planning application which includes measures to reduce odour levels should an issue be identified. The odour management plan was also considered and approved under condition 16 of planning permission Ref: WD/782/CM. It is therefore considered that adequate controls are in place on site in accordance with Policy WMP25 of the Waste and Minerals Local Plan.

6.22 Regarding the matter of fly infestations, there is no evidence to suggest that the source of the flies is from the applicant's site. It should be noted that the County Council has not received any complaints relating to the site since planning permission WD/782/CM was granted in 2017.

6.23 Many representations address lack of consultation carried out by the applicant prior to the submission of the application. Policy WMP20 of the Waste and Minerals Local Plan requires, *inter alia*, applicants to demonstrate how host communities have been involved in the development of the proposal, taking into account best practice, and show how their concerns have been addressed. The Policy further states that there may be some proposals that this policy may not apply to such as alterations to existing facilities, which in this case would apply to this application. Furthermore, the applicant has advised that a separate consultation was not undertaken due to time pressures of the closure of the Pease Pottage site. However a representative from KPS attended the Parish Council meeting in November 2019.

6.24 On balance, the applicant is confident that all conditions controlling noise emissions, stockpile heights and vehicle movements would continue to be complied with and it is considered that the correct controls are in place to support the proposal. Overall, the principle for this development has already been set by the previous planning permission Ref: WD/782/CM and is considered to be supportable.

## **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 Planning permission is sought for the variation of condition 4 of planning permission WD/782/CM, granted in 2017, to increase the capacity of solely green waste throughput by a further 25,000 tonnes per annum bringing the total throughput of the site to 75,000 tonnes (of which no more than 10,000 tonnes would be wood waste). It is considered that the principle of this proposal has already been set as the increase in vehicle movements would comply with those permitted under WD/782/CM. Further, the relevant controls relating to stockpile heights, noise and odour are already established through conditions included on the 2017 planning permission. Therefore, the proposal complies with Policies WMP3b (Turning Waste into Resource); WMP20 (Community Involvement and Benefits), WMP22 (Increased Operational Capacity within the Site Boundary of Existing Waste Facilities), WMP23b (Operation of Sites), WMP25 (General Amenity), and WMP26 (Traffic Impacts) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Saved Policies EN27 (Design) and TR3 (Traffic Impacts) of the Wealden Local Plan 1998.

7.3 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.

7.4 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 carried out in accordance with the drawings, plans and documents listed in the Schedule of Approved Plans.

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

2. The green waste composting facility, including the wood waste processing activities shall only operate between the hours of 0700 and 1800 on Mondays to Fridays inclusive and 0800 and 1230 on Saturdays, and not at all on Sundays, Bank and Public Holidays except for a maximum of two deliveries per month, limited to one delivery on a Sunday, between the hours of 0800 and 1230 and for essential maintenance and emergency works, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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

3. The total amount of waste imported to the site, including wood waste, shall not exceed 75,000 tonnes per annum.

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

4. The amount of wood waste imported to the site shall not exceed 10,000 tonnes per annum.

Reason: To ensure the wood waste processing activities remain ancillary to the composting activities.

5. The green waste composting activities shall not take place other than in the area labelled 'Green waste composting area' as shown on the approved Block Plan (Ref: 1215/2 Rev G), dated April 2016.

Reason: For the avoidance of doubt and in the interests of the amenity of the locality and occupiers of properties in the vicinity of the site, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

6. Wood waste processing and the stockpiling of unprocessed wood waste material shall not take place other than in the blue cross hatched area as indicated for this purpose on the approved Block Plan (Ref: 1215/2 Rev G), dated April 2016, unless with the prior written agreement of the Director of Communities, Economy and Transport.

Reason: For the avoidance of doubt and in the interests of the amenity of the locality and occupiers of properties in the vicinity of the site, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

7. The rating noise level from the site, measured at locations R1, R2 and R3 as shown on Figure 1A in the Southdowns Acoustic Report dated 22 June 2017 (Ref:2016w-00003-02), shall not exceed the background LA90 value at any time, as measured in accordance with BS 4142:2014 (Methods for rating and assessing industrial and commercial sound).

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

8. Within 7 days of the wood waste processing becoming operational within the approved wood waste processing area, the Director of Communities, Economy and Transport shall be notified in writing.

Reason: For the avoidance of doubt and to enable the County Planning Authority to monitor the operations in the interest of the amenity of the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

9. Within three months of the wood waste activities becoming operational within the approved wood waste processing area, a noise survey shall be undertaken in accordance with BS 4142: 2014 (Methods for rating and assessing industrial and commercial sound) and the results submitted to and approved in writing by the Director of Communities, Economy and Transport. The Survey shall:

- a) demonstrate whether the noise levels required by condition 7 are being achieved;
- b) if the survey does not demonstrate such compliance the report must include measures to reduce noise, which shall first be agreed in writing by the Director of Communities, Economy and Transport, such that the noise levels required by condition 7 will be met;
- c) These measures shall be implemented within a time period to be agreed by the Director of Communities, Economy and Transport, and compliance shall be demonstrated by a further noise survey, which must be submitted to and agreed in writing by the Director of Communities, Economy and Transport within a further 3 months of the measures being implemented.

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

10. Other than the erection of the acoustic barrier as specified in the Southdown's acoustic report dated 22 June 2017 (Ref: 2016w-00003-02) and shown on Figure A2 of the acoustic report, no development hereby permitted shall be carried out until the acoustic barrier has been installed to a height of no less than 1.8 metres on the earth bund to the north of the site, providing an overall height of 3.8 metres and in accordance with the details approved in East Sussex County Council's letter dated 09 May 2018. Thereafter the acoustic barrier shall be maintained in accordance with the approved details for the duration of the development.

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

11. The surface water management scheme approved in East Sussex County Council's letter dated 01 March 2018 shall be fully implemented in accordance with the approved scheme. Any changes to the approved scheme shall first be approved in writing by the Director of Communities, Economy and Transport.

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.

12. The management of surface water from the new areas of hardstanding shall be carried out in accordance with the details approved in East Sussex County Council's letter dated 01 March 2018. Any changes to the approved scheme shall first be approved in writing by the Director of Communities, Economy and Transport.

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.

13. The external materials and finish including colour of the building and push walls as approved by WD/782/CM shall be in accordance with the details approved in East Sussex County Council's letter dated 09 May 2018. Any changes to the approved scheme shall first be approved in writing by the Director of Communities, Economy and Transport.

Reason: To ensure an appropriate appearance of the barn extension and wood waste processing area, in accordance with Policy WMP23a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

14. The control and management of dust from the site operations and vehicle movements shall be carried out in accordance with the details approved in East Sussex County Council's letter dated 09 May 2018. Any changes to the approved scheme shall first be approved in writing by the Director of Communities, Economy and Transport.

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

15. The control and management of odour from the site operations shall be carried out in accordance with the details in approved in East Sussex County Council's letter dated 09 May 2018. Any changes to the approved scheme shall first be approved in writing by the Director of Communities, Economy and Transport.

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

16. The landscaping scheme approved in East Sussex County Council's letter dated 09 May 2018 shall be implemented in full and maintained in accordance with the approved scheme. Any changes to the approved scheme shall first be approved in writing by the Director of Communities, Economy and Transport.

Reason: To integrate the development effectively into the surrounding environment, in accordance with Saved Policies EN8 and EN12 of the Wealden Local Plan 1998.

17. Prior to the use of the development approved under WD/782/CM, the concrete boundary push walls as specified on Push Wall detail Drawing no. KPS2016/PWD, dated April 2016 shall be installed to a height of 3

metres on the perimeter of the wood waste processing area as shown on the approved Block Plan as proposed (Ref: 1215/2 Rev G), dated April 2016, and thereafter maintained in accordance with the approved details for the duration of the development, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

18. No material shall be stacked, stockpiled, deposited or windrowed to a height exceeding 5 metres above ground level.

Reason: In the interests of visual amenity in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN27 and EN8 of the Wealden Local Plan 1998.

19. The site access, access road and gate shall be retained in their existing positions in accordance with the details approved by the County Council on 13th November 2001 and the hard surface shall be maintained so that dust, mud and other debris can be swept up to prevent it being carried onto the public highway.

Reason: To maintain an appropriate access to the site in the interests of highway safety and to accord with WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy TR3 of the Wealden Local Plan 1998.

20. The total number of vehicle visits to the site per week shall not exceed 100 lorries and refuse collection type vehicles (200 movements) and 30 light or medium goods vehicles (60 movements).

Reason: In the interests of amenity and highway safety, in accordance with WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy TR3 of the Wealden Local Plan 1998.

21. The total number of additional vehicles (not including those controlled by condition 20 above) removing compost or woodchip from the site and returning to the site shall not exceed 10 per day (20 movements), unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: In the interests of amenity and highway safety, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy TR3 of the Wealden Local Plan 1998.

22. The 'no left turn' sign at the site exit, advising vehicles to leave the site to the south, shall be retained in accordance with the details approved by the County Council on 22 July 2002.

Reason: In the interests of public and highway safety and the rural and residential amenities of the locality, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies TR3 and EN27 of the Wealden Local Plan 1998.

23. No plant, machinery or vehicles shall be used on the site unless fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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

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

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

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

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

26. No burning of waste materials whatsoever including the use of braziers shall take place within the application site.

Reason: In the interests of the amenity of the locality and occupiers of the residential properties in the vicinity of the site, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove

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

27. All trees and hedgerows within the application site shall be retained and protected in accordance with BS 5837: 2015 (Trees in Relation to Design, Demolition and Construction). In the event that any trees, shrubs or hedgerows are removed or seriously damaged as a result of the construction activities on the site, including the mature oak trees in the woodland adjacent to the approved extension to the earth bund on the eastern boundary of the site, they shall be replaced in the next planting season following completion of the construction, in accordance with details which are first submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To ensure the protection of existing trees and hedgerows in the interests of visual amenity and biodiversity, in accordance with Policy WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN12 of the Wealden Local Plan 1998.

28. No retail sales shall take place from the site.

Reason: To enable the County Planning Authority to control the development in accordance with Policy WMP23b of the East Sussex, South Downs and Brighton & Hove Minerals and Waste Plan 2013.

29. If no substantive composting operations take place on the site for more than 24 consecutive months, the impervious base, bunds and any structures associated with the development shall be removed from the site and the land restored. Such restoration shall be in accordance with details, which shall be submitted to and approved in writing by the Director of Communities, Economy and Transport, within 2 months following the 24 months during which no substantive composting operations have taken place on the site.

Reason: In the interests of the countryside locality and amenity, in accordance with Saved Policies GD2 and EN8 of the Wealden Local Plan 1998 and Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

30. There shall be no illumination of the external faces of the site buildings or structures or other external areas other than in accordance with a scheme submitted to and approved in writing by the Director of Communities, Economy and Transport. The submitted scheme shall show the position, height, type and power of each light and indicate the need in safety and security terms, and the circumstances in which the light shall be activated. Thereafter the artificial illumination of the site shall take place only in accordance with the approved lighting scheme.

Reason: In the interests of the amenity of the countryside location and to comply with Policy WMP25 of the East Sussex, South Down and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN8 and EN27 of the Wealden Local Plan 1998.

#### INFORMATIVES

1. The Applicant is informed of the need to ensure that the development also accords with the conditions of the site's Environmental Permit, issued by the Environment Agency.
2. The Applicant's attention is drawn to the provisions of The Wildlife and Countryside Act 1981 (as amended) particularly with regard to the protection of nesting birds, slow worms, grass snakes, common lizards and adders which are protected against international killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which may be affected during the proposed operations.
3. For avoidance of doubt, any monitoring undertaken of noise levels from the site activities will need to take into consideration all operations, including the simultaneous green waste composting and wood waste processing operations.
4. The Applicant is reminded that the site will be monitored as part of the County Council's Site Monitoring Policy, to ensure operations at the site remain in compliance with the conditions attached to the planning permission hereby approved.

#### Schedule of Approved Plans

Planning Statement, Traffic Generation Assessment, 1215/1C - Area as approved, 1215/2G - Block Plan as proposed, KPS Composting Odour Management Plan, KPS2016/PWD - Push Wall Detail, KPS2016/MPD - Marker Post Detail, 1215/1 Rev C - Site Location Plan and Existing Layout, 1215/3 Rev B - Proposed Extension to Storage Barn - Elevations, 1214/4 Rev E Proposed Extension to Storage Barn - Floor Plan, 1215/2 Rev G Block Plan (Site Layout Plan - As Proposed)

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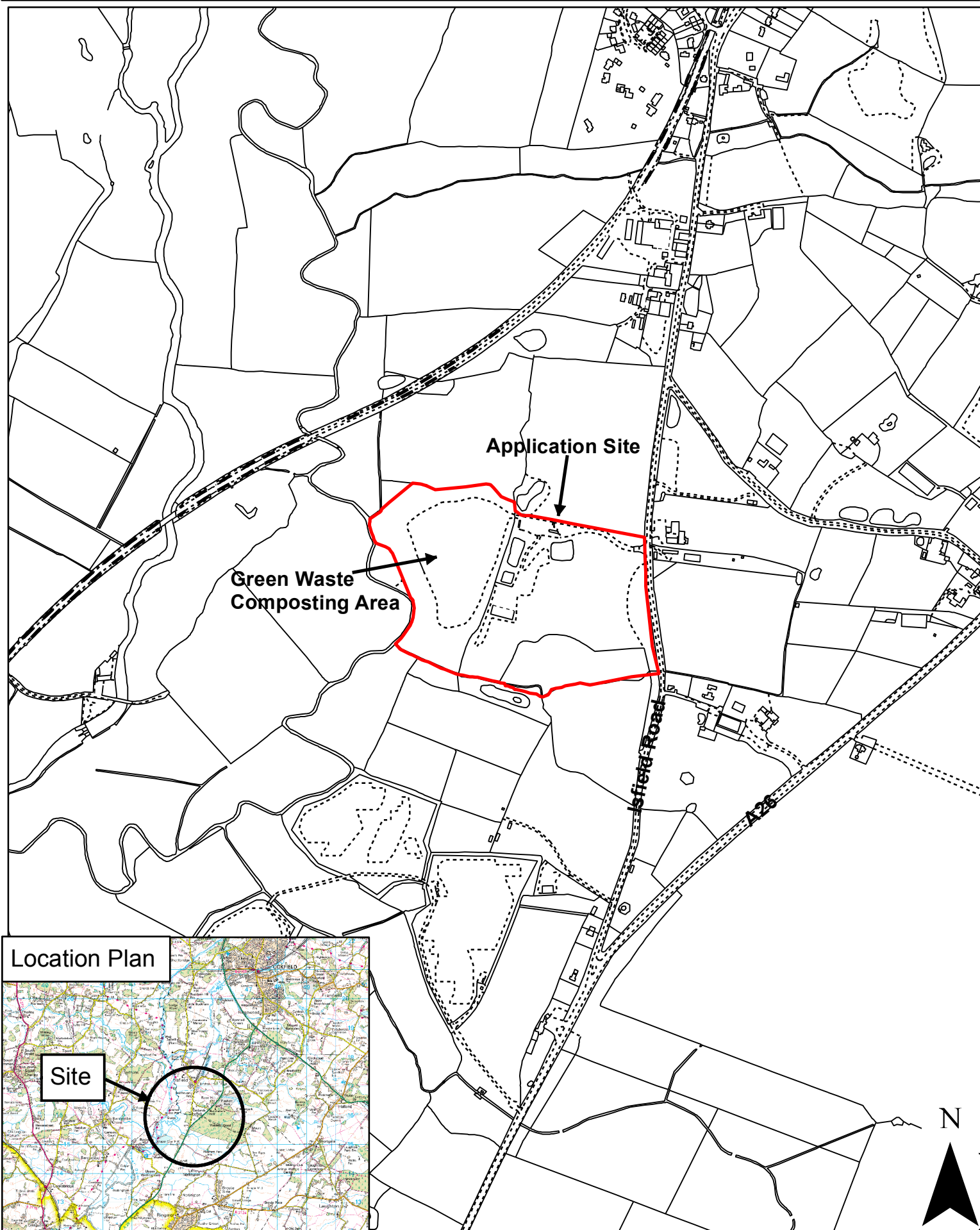
Director of Communities, Economy and Transport  
7 January 2020

#### **BACKGROUND DOCUMENTS**

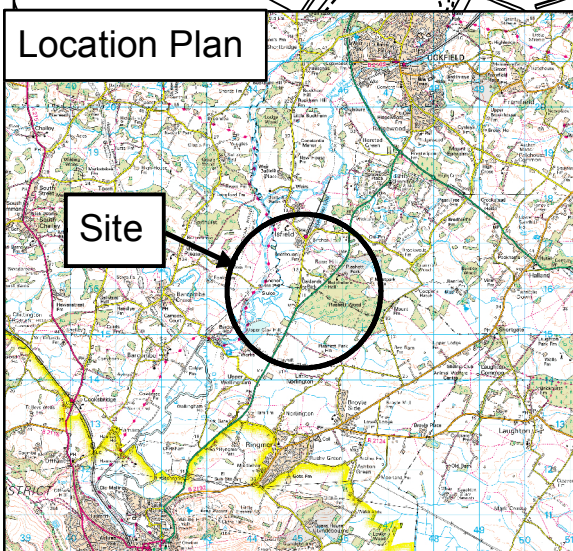
Application file WD/835/CM  
Planning permission WD/782/CM  
The Development Plan



WD/835/CM  
Boathouse Farm, Lewes Road, Isfield, TN22 5TY



Location Plan



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Committee: **Regulatory Planning Committee**

Date: **15 January 2020**

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

Proposal: **Change of use of coal yard and existing building to a tyre recycling and crumb and bale production facility.**

Site Address: **The Coal Yard, Swan Barn Road, Hailsham, BN27 2BY.**

Applicant: **Mr Mohammed Hashim, Pyrite Industries Ltd**

Application No. **WD/831/CM**

Key Issues: **(1) Principle of the Development  
(2) Effects on Amenity  
(3) Visual Impact  
(4) Traffic, Access and Parking**

Contact Officer: **Benjamin Brett, Tel No. 01273 481833**

Local Member: **Councillor Bob Bowdler**

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## **SUMMARY OF RECOMMENDATIONS**

- 1. The Committee is recommended to refuse planning permission for the reason set out at paragraph 8.1.**

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

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

1.1 The application site is a former coal yard located to the south east of Hailsham town centre, within an existing industrial and commercial estate that adjoins Station Road. The site is 0.26 hectares in size and surfaced with concrete. Its layout has not been altered from its previous use as a coal storage and distribution facility, and comprises a metal sheet building in the northern corner of the site with an enclosed storage area adjacent to it, a number of storage bays in the western area, and a small site office in the south-eastern area. There is a large area of open space in the centre of the site. Concrete walls 2.3m in height bound the site to the north, west and south, and there is palisade fencing approximately 2.4m in height along the eastern boundary. Mature vegetation screens the site from the north and west.

1.2 The other units on the industrial and commercial estate are the Hailsham Household Waste Recycling Site (HWRS) to the southwest of the site and the Swan Barn Business Centre, which consists of a number of business related units, to the southeast. The land directly to the north, east and west is open fields. The closest existing residential areas are approximately 130m to the northwest of the site along Station Road, 140m to the south at the Swan Barn Travellers Site and 150m to the north within the Butts Field housing estate. Approximately 160m to the southeast of the site is the Hailsham South Wastewater Treatment Works. Approximately 500m to the east is the Pevensey Levels Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Ramsar site.

1.3 There is significant further residential development planned in close proximity to the site. Outline planning consent has been granted by Wealden District Council, subject to a section 106 Legal Agreement, for the development of 400 houses on land approximately 20m to the west across Station Road. According to indicative layout plans submitted with the outline application, the nearest residential properties to the site would be approximately 120m away. The land directly to the northeast of the site is subject to an outline planning application for 140 houses which has not yet been determined. According to indicative layout plans, the nearest properties would be approximately 40m from the site.

1.4 Access to the site is via the shared access road for the industrial and commercial estate, Swan Barn Road. Swan Barn Road connects with Station Road, which runs from central Hailsham and joins with the B2104 to the south via Saltmarsh Lane.

## **2. The Proposal**

2.1 The proposal is for the change of use of an existing coal storage and distribution facility to a tyre recycling, crumb and bale production facility. The proposed use is considered to be waste management, and therefore falls under the *sui generis* use class. The proposal would make use of the existing buildings and bays onsite, and would not involve any excavation or engineering works. The existing boundary treatment, including all trees, would be retained.

2.2 The proposed facility would accept and store end of life tyres for processing and turning into product for onward sale. The machinery employed onsite would comprise a shredder and a secondary shredder each 3.6m in height, a baler, and a mixer used for colouring processed material. Raised conveyors up to 3.6m in height would run between the two shredders to feed material along the processing line. Bagged tyre crumb, baled tyres and baled steel extracted from tyres would be exported from the site. Processing would mainly be carried out in the south western part of the site closest to Station Road, with baling in the southern part of the site and colouring in the enclosed area adjacent to the metal sheet building. The metal sheet building would be used for tyre storage and bicycle parking. The existing site office would be

kept as an office, and there would be parking in the eastern part of the site. Vehicles accessing the site would drive into the central part of the yard to deliver tyres for processing, or to pick up processed material.

2.3 It is proposed that the site would open between the hours of 07:00-17:30 Monday to Friday and between 09:00-13:00 on Saturday, and at no time on Sundays or Bank Holidays. Operation of processing plant would be limited to periods when the nearby HWRS is operational. The HWRS operates, on Monday to Friday, between the hours of 8:00-16:00 from October to the end of March, and between the hours of 8:00-17:00 from April to the end of September; Saturday hours are 09:00-13:00 all year round. Processing hours at the application site would be restricted to 8:00-16:00 Monday to Friday and 09:00-13:00 Saturday all year round. Outside of these hours the site would only be open for deliveries, exports and general housekeeping.

2.4 The site would accept and process a maximum of 5,000 tonnes of end of life tyres per annum, with tyres delivered in vans transporting loads of approximately 1.7 tonnes. There would be a maximum of 20 vehicle movements per day for imports into the site: 10 trips into the site and 10 leaving. Heavy Goods Vehicles (HGVs) would be used for transporting bagged crumb, baled tyres and baled steel from the site. There would be 6 HGV movements per week: 3 into and 3 out of the site. HGVs accessing the site will be routed to approach from the south of Station Road, so as to avoid the existing and planned residential areas of Hailsham.

2.5 It is proposed that the site would employ up to 10 full-time equivalent members of staff.

2.6 The site would operate under an Environmental Permit, issued by the Environment Agency, which would govern site management and environmental standards, and which would be applied for pending determination of this planning application.

### **3. Site History**

3.1 There is no relevant County Planning history for this site. The most recent Wealden District Council planning permission for the site was granted in September 1987 for the change of use of an existing coal storage bay to storage of liquid propane gas cylinders (WD/1987/2344/F).

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

4.1 Wealden District Council – **Object** to the planning application pending further information regarding its potential impacts on residential amenity, based on the recommendations of the Council's Environmental Health Officer. The Council considers that, should this application be approved, appropriate traffic routing should be secured and planning conditions should be imposed to control impacts on residential and visual amenities. The Council have also requested confirmation that Habitats Regulation Assessment screening has

been undertaken by the County Council to assess whether the proposal requires an Appropriate Assessment in respect to its potential to increase trips through the Ashdown Forest SAC, Lewes Downs SAC.

4.2 Environmental Health – **Object** to the application due to the potential for noise nuisance and loss of amenity to a number of residential premises, both existing and proposed.

4.3 Hailsham Town Council – **Strongly object** to the proposal due to the following concerns: the site's proximity to residential areas; the planned redevelopment of Hailsham leading to the site being surrounded by residential areas within 10 years; the impact of the proposal on traffic conditions due to the use of HGVs, the environmental impact of the proposal and health risk to nearby residents, and; the fire risk of the proposal.

4.4 Highway Authority – **No objection**, subject to the imposition of conditions ensuring that no part of the development is occupied until car parking has been provided, and until covered and secure cycle parking spaces have been provided.

4.5 Environment Agency – **No comments received.**

#### 4.6 Representations and Comments

i. A joint representation was received from the Local Member (Cllr Bowdler) and a neighbouring Ward Councillor (Cllr Fox) who **objected** to the proposal for the following reasons: its impacts on local air quality in the context of other nearby development; the traffic impacts from HGVs accessing the site; the impact of the proposal on the environment and pollution in light of the climate change emergency adopted by Wealden District Council, East Sussex County Council and Hailsham Town Council; the concerns that have been expressed by East Sussex Fire and Rescue Service over the application, and; the adverse effect of the proposal on the redevelopment of Hailsham town centre. The Councillors expressed support for the objection submitted by Hailsham Town Council.

ii. A representation was received on behalf of the promoters of land to the southwest of the application site which has received a resolution to grant planning permission subject to the completion of a section 106 Legal Agreement, for a residential development. The representation **strongly objected** to the proposal as submitted, on the basis that there had been no consideration for the potential impacts on the deliverability of the aforementioned future residential development or the amenity of future residents. The representation recommended that revisions be made to the noise impact assessment to reflect the presence of the future residential development in question, and that full consideration be given to other potential environmental impacts. Concerns were also raised about the assessment of traffic movements made as part of the application.

iii. Comments were received from the East Sussex Fire and Rescue Service, highlighting the fire risk at this type of facility; however, no objection was made on planning grounds. It is considered that, were planning permission to be granted, fire risk would be managed onsite through the requirements of the Environmental Permit.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies WMP3b (Turning Waste into a Resource), WMP5 (Provision of Built Waste Facilities to Ensure Net Self-Sufficiency), WMP7a (Sustainable Locations for Waste Development), WMP7b (More Detailed Criteria for Waste Development), WMP25 (General Amenity) and WMP26 (Traffic Impacts).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017: Policies SP2 (Areas of Opportunity on Previously Developed or Allocated Land) and SP5 (Existing Industrial Estates).

5.3 Wealden Local Plan 1998: Saved Policies EN27 (Layout and Design of Development), TR3 (Traffic Impact of New Development) and TR10 (Heavy Goods Vehicles).

The Wealden District Core Strategy Local Plan, adopted on the 19<sup>th</sup> February 2013, replaces parts of the Wealden Local Plan 1998. Policies in the Wealden Local Plan 1998 that are not replaced are considered 'saved' and remain of relevance until they are superseded by further Development Plan documents.

Wealden District Council has not formally determined whether the Saved Policies in the Wealden Local Plan 1998 are in general conformity with the NPPF. However, the County Planning Authority considers Saved Policies EN27, TR3 and TR10 to be in general conformity with the revised NPPF (February 2019).

5.4 National Planning Policy Framework 2019 (NPPF):

The NPPF sets out the Government's planning policies for England and how they should be applied. Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Part 12 (Achieving well-designed places) is relevant to this application.

5.5 National Planning Policy for Waste 2014 (NPPW):

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

## 6. Considerations

### Principle of the Development

6.1 Policy WMP3b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 states that proposals for the management of waste shall be permitted which are able to demonstrate that the waste to be managed cannot reasonably be managed by a process which is further up the waste hierarchy, and that the proposed process is an option which delivers the best overall environmental outcome. Policy WMP5 of the same Plan sets out provision for a sustainable network of waste recycling, composting and recovery facilities in the Plan Area, and gives indicative targets for recycling and recovery capacity. Policy WMP7a of the same Plan states that sites for additional waste recycling and recovery facilities should be sought within the broad Areas of Focus identified in the Plan. The Policy also states that proposals should demonstrate how they will balance the need to be located close to waste arisings, moving waste management up the waste hierarchy, and minimising adverse impacts on communities and the environment. Policy WMP7b of the same Plan states that preference will be given to proposals for waste management development on general industrial land including general industrial estates, previously developed land or land already in waste management uses.

6.2 Policy SP2 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017 states that waste management development will be supported, subject to other policies, on suitable land within identified areas of opportunity. Policy SP5 of the same Plan states that proposals for waste management development located on existing industrial land will be supported in principle where it is shown that, *inter alia*, there is a demonstrable need for additional waste capacity in the Plan Area, the proposed use would be compatible with neighbouring uses, there would not be an unacceptable detrimental impact on residential amenity and the impact of increased traffic would not be unacceptable. Policy SP5 is considered relevant to the proposal as the site is on an existing industrial estate; however, the proposal's effects on residential amenity and traffic will be considered in subsequent sections under the Development Management policies (Policies WMP25 and WMP26 of the Waste and Minerals Plan 2013, and Saved Policies EN27, TR3 and TR10 of the Wealden Local Plan 1998).

6.3 The proposed tyre recycling facility would import approximately 5,000 tonnes per year of end-of-life tyres, and turn them into value added product for onward sale. Tyres which are in good enough condition would be stored onsite and sent to be reused. The only material that would not be processed onsite would be the ferrous wire inside the tyres which would be baled for waste transfer. Recycling and reuse are the highest placed waste management processes in the waste hierarchy, and are considered to provide a better environmental outcome than other methods of waste management such as energy recovery or landfill. Furthermore, the proposal would contribute to meeting targets for recycling capacity identified in the Waste and



Minerals Plan. The proposal is therefore supported by Policies WMP3b and WMP5 of the Waste and Minerals Plan 2013.

6.4 The site is part of an existing industrial and commercial estate in the southern part of Hailsham, which also contains the Hailsham HWRS and the Swan Barn Business Centre. The site was previously used as a coal storage and distribution facility, and is therefore on existing industrial land. The site is considered to be within one of the broad Areas of Focus for strategic waste recycling and recovery facilities identified in the Waste and Minerals Plan. It is also identified as an area of opportunity for waste development, subject to other considerations including residential amenity and visual impact, under Waste Site Profile SP-O/H Station Road/Old Swan Lane Industrial Estate in the Waste and Minerals Sites Plan. The proposal is therefore considered to comply with Policies WMP7a and WMP7b of the Waste and Minerals Plan 2013, and Policy SP2 of the Waste and Minerals Sites Plan 2017. Hence, the principle of the proposed development is supported.

### **Effects on Amenity**

6.5 Policy WMP25 of the Waste and Minerals Plan 2013 states that all proposals should ensure there is no unacceptable effect on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development, that there is no significant adverse impact on air quality or the local acoustic environment and that adequate means of controlling noise, dust and other emissions generated by the development are secured. Policy EN27 of the Wealden Local Plan 1998 states that developments should not create an unacceptable adverse impact on the privacy and amenities of adjoining developments and the neighbourhood by reason of scale, height, form, noise and traffic movements. The National Planning Policy Framework 2019 (NPPF) requires developments to create places with, *inter alia*, a high standard of amenity for existing and future users.

#### i. Noise impacts

6.6 The proposal would generate noise due to the use of shredding, baling and colouring machinery onsite, vehicle movements and the loading and unloading of material. Processing would largely be carried out in the open, with machinery mainly sited within the existing bays along the western site boundary. Processing hours at the site would be within the operating hours of the nearby Hailsham HWRS, so that processing would only occur when the background noise level would most likely be at its highest. Processing would only take place at intervals during these hours, and the agent has indicated that shredding and baling would not take place concurrently due to limitations on power supply. All other processes could take place concurrently. The applicant has submitted a Noise Impact Assessment to accompany the application, which sets out the background noise levels for the site, provides calculations of predicted future site noise levels and provides a noise assessment using BS 4142:2014 ('Methods for Rating and Assessing Industrial and Commercial Sound').

6.7 The site has a historic use as a coal yard, which was an industrial process that would have generated noise. The site is within an existing industrial and commercial estate which also contains the Hailsham HWRS, and which is identified as an area of opportunity for waste management development in the Waste and Minerals Sites Plan. However, it should be noted that the context of the site has changed since its historic use as a coal yard, with a proposed new residential development to the southwest. As this application is for a change of use which would introduce a new noise source into the local acoustic environment, it is considered that its effects on residential amenity should be given significant weight in the determination of this application.

6.8 The nearest noise-sensitive receptors to the site are identified as the residential properties along Station Road approximately 130m to the northwest, the Swan Barn Travellers Site approximately 140m to the south and the Butts Field housing estate approximately 150m to the north. The land directly to the north east of the site is subject to an outline planning application for 140 houses. It is understood that the housing line identified in the outline planning application would be approximately 40m from the northern perimeter of the site. Further residential development has been granted planning permission subject to a Legal Agreement to the southwest. It is understood that the housing line for this development would be approximately 120m from the site boundary. Given that a clear resolution has been made by Wealden District Council on the site to the southwest, the impact upon the residential amenity of this development does need to be considered.

6.9 The Noise Impact Assessment identifies mitigation to lessen the noise impacts of the proposal. The site is currently bordered with 2.3m concrete walls to the north, west and south. However, as the two shredders would be 3.6m tall and therefore taller than the boundary walls, an acoustic barrier is proposed which would be attached to the top of the western perimeter wall up to a total height above ground of 4.1m. No acoustic barriers are proposed atop the other perimeter walls. The secondary shredder would be positioned underneath an existing metal sheeting canopy over one of the bays. Acoustic enclosures would be installed around the hydraulics and cooling fan of the primary shredder, and also around the generator. No mitigation is proposed along the eastern site boundary, which is bordered with palisade fencing.

6.10 Taking the proposed mitigation into account, the Noise Impact Assessment provides rating levels for the individual noise-generating activities onsite, together with rating levels for concurrent activities. The Assessment indicates that there would be an increase in noise levels above the background noise level in the area at four existing residential properties where noise monitoring was carried out, notwithstanding future residential developments: numbers 152 and 154 Station Road (approximately 130m from the site), and numbers 20 and 22 Butts Field (approximately 150m from the site). It should be noted that while these four properties are identified in the Noise Impact Assessment as indicative nearest noise sensitive receptors, there are other properties within the vicinity which could potentially be similarly affected. The Assessment indicates that shredding would be the

loudest individual activity onsite, and would generate an increase of +6 dB at 20 Butts Field and 154 Station Road, +5dB at 22 Butts Field and +4dB at 152 Station Road. Shredding concurrent with colouring and housekeeping is calculated to generate the same noise rating level as shredding alone at the above properties, with an additional +1dB increase at 152 Station Road giving a total level about background noise level of +5dB at this property. All other operations, including other concurrent operations, are considered to generate less noise. The Assessment also states that there would be a noise increase of +3dB above background noise level at the future residential properties to the southwest of the site for which planning permission has been granted subject to a Legal Agreement.

6.11 The Noise Impact Assessment states that it is generally accepted that under normal conditions humans are capable of detecting changes in steady sound levels of 3dB, whilst a change of 10dB is perceived as a doubling or halving of sound level. However, the proposed noise sources from the application site would take place at intervals, and therefore would be more noticeable than a steady-state increase in noise levels. The calculated noise level increase at the nearest existing residential properties for the noisiest activities onsite (+5dB and +6dB) would therefore be clearly audible, and the Assessment identifies an adverse noise impact at these properties. The calculated noise level would remain below the +10 dB threshold which BS 4142:2014 guidance identifies as being likely to indicate a significant adverse impact. However, comments from the Council's internal Environmental Advice Team indicate that the Noise Impact Assessment has not provided a correct logarithmic addition of concurrent noise generating activities onsite, meaning that the noisiest concurrent activities onsite are estimated to potentially be up to +8dB above the background noise level at the nearest noise sensitive receptors. While this still remains below the +10dB threshold which BS4142:2014 states is considered likely to indicate a significant adverse impact, this is a relatively large increase in noise level which would impact the amenity of the occupiers of the aforementioned residential properties. The Wealden Environmental Health Officer has objected to this application, and considers that activities onsite would be clearly audible at the nearest noise sensitive receptors, and that there would be the potential for statutory noise nuisance to occur. Overall, it is considered that the proposal, including the identified mitigation measures, would have an unacceptable adverse effect on the amenity of existing residents at Station Road and Butts Field.

6.12 The Council considers that, were all processing to be carried out within a building this could have the potential to overcome the noise issues associated with the application. However, this does not form part of the current proposal.

6.13 Although processing would be limited to the hours of operation of the HWRS, there are still proposed to be vehicle movements and housekeeping activities at the site outside of these hours. As the background noise level would be lower during this period (07:00-08:00am), noise from the site would be audible, and may have an adverse impact on the amenity of the closest residential properties. However, in the context of the industrial and

commercial estate, and of the existing permitted use of the site as a storage and distribution facility, it is considered unreasonable to restrict the use of vehicles and general housekeeping at the site between these hours.

6.14 The calculated noise level rating increase of +3dB above background noise level at the proposed residential properties to the southwest of the site may also be higher than identified in the Noise Impact Assessment, given the earlier comments from the Council's internal Environmental Advice Team regarding the logarithmic addition of noise ratings for concurrent activities. This could take the rating level at these proposed properties to approximately +5dB above background noise level. Therefore, although there would not be a significant increase in noise at the proposed residential properties to the southwest, the proposal may have some adverse effect on the amenity of future residents in this area.

6.15 It is considered that noise generated by the proposal would have an unacceptable effect on the standards of amenity appropriate to the established residential areas that are in close proximity to the site, and that there may also be an adverse effect on the proposed residential area to the southwest of the site. The proposal therefore conflicts with Policy WMP25 of the Waste and Minerals Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998 and the requirements of Part 12 of the NPPF 2019.

#### ii. Dust impacts

6.16 As the proposal would involve the shredding of tyres, there is the capacity for dust to be generated, comprised of small pieces of rubber and metal wire from inside the tyres. If this were not properly mitigated and managed it could become windblown and spread beyond the site boundaries. The applicant has submitted a Dust Emissions Management Plan to accompany the application, which details measures to prevent and control dust onsite. The site would also be subject to an Environmental Permit issued by the Environment Agency which would cover the management of dust from the perspective of pollution control.

6.17 Processing would largely take place in the open, although the concrete bays would partially enclose the machinery, the secondary shredder would be positioned under a canopy and the mixer would be housed in the enclosed storage area adjacent to the main building in the northern corner of the site. The 2.3m concrete wall which borders the site to the north, south and west is also likely to prevent the majority of windborne dust from spreading beyond the site in these directions. However, the eastern boundary is demarcated with palisade fencing which could allow dust to spread. The prevailing wind direction from the site is to the north east, meaning that there is the potential for windblown material to be carried into the fields that are subject to a planning application for a residential development. However, as this application has yet to be determined and considering that the land does not benefit from any development plan allocation, it would be unreasonable for this proposal to assess and plan for any mitigation necessary for the proposed residential development (were this application to be approved by the County Planning Authority, Wealden District Council would need to give the planned

use of the site due consideration when considering the application for the residential development).

6.18 The Dust Emissions Management Plan states that all conveyors and chutes used in the processing of material would be covered in order to minimise spillage from discharge into bags in the bay. The bags would then be sealed for onward transportation. Suppression sprays would be used to dampen the material in order to further reduce the capacity for windborne dust. Given the provisions set out in the Dust Emissions Management Plan, it is considered unlikely that significant amounts of dust would spread beyond the site boundaries, and therefore that adequate means of controlling dust are provided, in accordance with Policy WMP25 of the Waste and Minerals Plan 2013.

### **Visual Impact**

6.19 Although the proposal is for a change of use and would not involve the erection of any new buildings, due to the machinery that would be used onsite the visual impact on the locality is still a consideration in the determination of this application. All processing equipment would be sited in the yard, mostly within the existing bays along the western site boundary with Station Road. Public views across the site are limited to views from Station Road and Swan Barn Road. The site is well screened by mature vegetation from Station Road, and partially screened from Swan Barn Road by the 2.3m concrete walls, palisade fencing and a gate at the eastern end of the road. In the context of the industrial and commercial uses on the estate it is not considered that the proposal would have a negative effect on public views from Swan Barn Road.

6.20 The land directly to the northeast of the site is subject to an application for residential development, and there would be clear views from this land through the existing palisade fencing were the site to be developed. As stated in Paragraph 182 of the NPPF, existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Given that the residential housing would be built adjacent to an existing industrial and commercial estate, any future residential development would need to take this context into account. Therefore the visual amenity of future residents of the proposal to the northeast of the site is given minimal weight in the determination of this application. Overall, in the context of the existing industrial and commercial estate it is considered that the proposal would have a minor impact on views and local landscape character, and would not have an unacceptable effect on visual amenity, in accordance with Policy WMP25 of the Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

### **Traffic, Access and Parking**

6.21 Policy WMP26 of the Waste and Minerals Plan 2013 states that proposals will be permitted where, *inter alia*, access arrangements are suitable for the volume and nature of traffic, the level of traffic generated would not exceed the capacity of the road network, and there are suitable

arrangements for on site vehicle manoeuvring, parking and loading/unloading areas. Saved Policy TR3 of the Wealden Local Plan 1998 states that planning applications for new development will be permitted where, *inter alia*, the proposed development does not create or perpetuate unacceptable traffic conditions. Saved Policy TR10 states that development proposals which would have a detrimental impact on the environment by reason of a material increase in the generation and attraction of heavy goods vehicles within villages and along unsuitable country roads will be resisted.

6.22 Access to the site is from Swan Barn Road, which connects with Station Road and also serves the HWRS and the other units on the industrial and commercial estate. Station Road is a single carriageway country road, but it connects with the B2104 to the south via Saltmarsh Lane, approximately 1.1 miles from the site. The proposal would generate a maximum of 20 vehicle movements a day (10 into and 10 out) for inputs of waste tyres into the site. There would also be an additional 6 HGV movements per week to collect the bagged crumb, baled tyres and baled steel produced onsite. The agent has indicated that HGVs and other large vehicles accessing the site would be routed so as to approach from the south of Station Road, thereby avoiding the existing residential area to the north where on-street parking restricts the carriageway width.

6.23 The total volume of traffic generated by the proposal is considered to be relatively low in the context that the site has an established industrial use, and that, therefore, in planning terms it already generates vehicle movements. The site also forms part of an existing industrial and commercial estate which already generates a number of HGV movements. In addition, HGVs already use Swan Barn Road to access the HWRS, and therefore the principle of vehicles of this type using the access road is already set. The junction with Station Road is considered to have sufficient width and radius to safely accommodate HGVs and other large vehicles. While there would be an increase in HGV movements as a result of the proposal, given that it would not be a large increase, and given that HGVs would be routed so as to approach from the south of Station Road the volume and nature of the traffic generated by the proposal is considered to be suitable for the site access and the local highway network.

6.24 The site proposes to employ 10 full-time equivalent members of staff; however, information on staff vehicle movements has not been provided. There would be parking space for 8 vehicles onsite, including one disabled bay; therefore, it is possible that at some times there would not be sufficient parking within the site for all employees. However, additional parking is available immediately outside the site on Swan Barn Road, with overspill parking available in the Swan Barn Business Park Car Park. There would also be secure cycle parking provided within the building in the northern corner of the site. It is considered that there is ample space in the central part of the site for the manoeuvring, loading and unloading of vehicles onsite including HGVs.

6.25 Given the suitability of the site access, the volume and nature of traffic that the proposal would generate and the vehicle parking, manoeuvring, loading and unloading arrangements onsite, it is considered that the proposal complies with Policy WMP26 of the Waste and Minerals Plan 2013 and Saved Policies TR3 and TR10 of the Wealden Local Plan 1998.

6.26 As part of the determination of this application, the County Council has undertaken Habitats Regulation Assessment screening, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), in order to determine whether the application requires an Appropriate Assessment due to the effects of traffic generated by the proposal on the Ashdown Forest SAC and Lewes Downs SAC sites. The application site is approximately 9.1 miles from the Lewes Downs SAC and 13.6 miles from the Ashdown Forest SAC. End-of-life tyres would be imported into the application site from locations throughout Sussex and from further afield, therefore there is the potential for some of the traffic generated by the proposal to cross the Ashdown Forest SAC and pass near to the Lewes Downs SAC. However, this would only be a small proportion of what is considered to be a relatively low level of traffic generated by the proposal. Considering this, and considering that vehicle movements can already be attributed to this site that could similarly pass across/near to the SACs, the County Council has determined that the proposal would not have a significant effect on the Ashdown Forest SAC and Lewes Downs SAC, and that an Appropriate Assessment is therefore not required for this application.

## **7. Conclusion and reason for refusal**

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 a change of use of a formal coal yard to a tyre recycling and crumb and bale production facility. The site is on existing industrial land that was previously developed, and is within an industrial and commercial estate. It is considered to be within an Area of Focus for waste development in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, and is identified as an area of opportunity in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017.

7.3 While the County Council, as Waste Planning Authority supports, in principle, the development of waste recycling facilities, this has to be balanced against other material considerations. The proposal would generate a high level of noise, and although some mitigation would be provided, there would still be an adverse impact on the amenity of existing residential areas in close proximity to the site, and a potential adverse impact on the amenity of proposed residential areas. As such, it is considered that the proposal would have an unacceptable effect on amenity, and would conflict with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and

Minerals Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998, Policy SP5 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017 and the relevant provisions under Part 12 of the National Planning Policy Framework 2019. Therefore, whilst the application is considered to have a number of positive attributes, the detrimental impact upon residential amenity from the noise generated from the proposal is considered to outweigh these attributes. Therefore, and on balance, the application is recommended for refusal.

7.4 In determining this planning application, the County Council has worked with the 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.

7.5 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 refuse planning permission for the following reason:

1. The proposal would have an adverse impact on the amenity of existing residential properties in close proximity to the site, and a potential adverse impact on the amenity of the proposed residential area to the southwest of the site, by reason of noise. This is considered to be unacceptable, and therefore 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, Policy SP5 (d) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017 and the relevant provisions of Part 12 of the National Planning Policy Framework 2019.

RUPERT CLUBB

Director of Communities, Economy and Transport

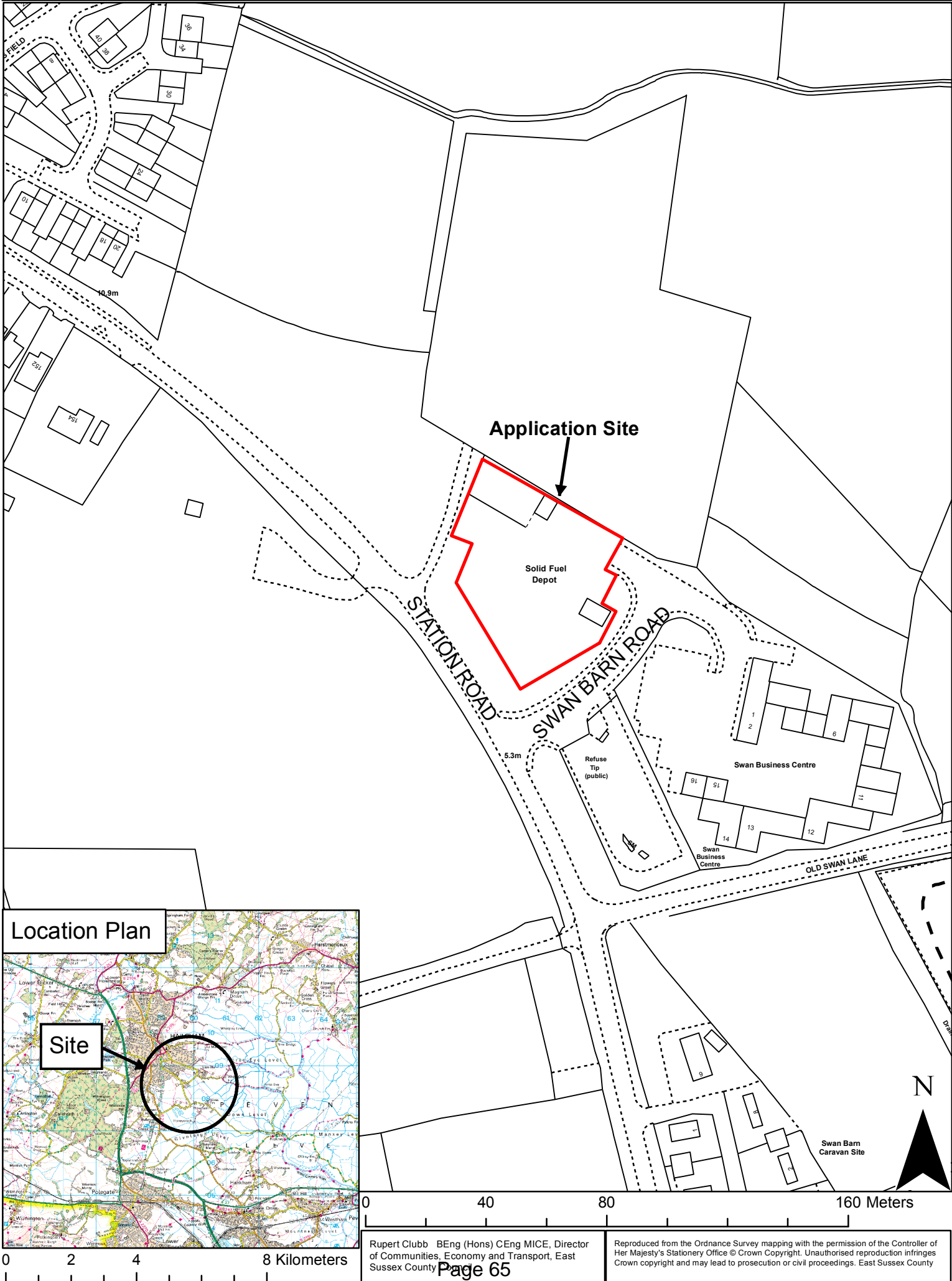
7 January 2020

## **BACKGROUND DOCUMENTS**

Application File WD/831/CM

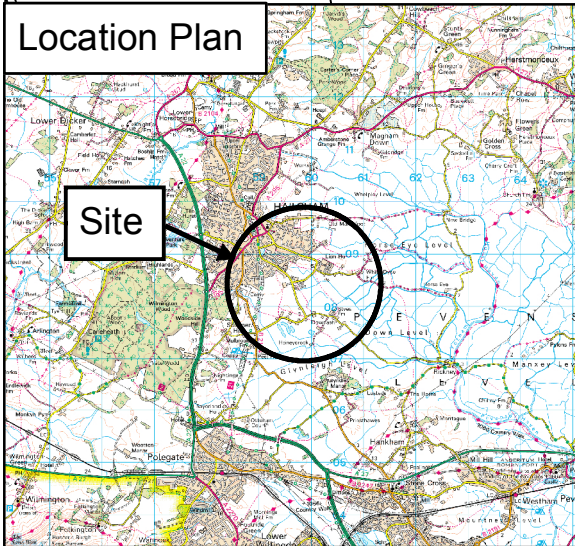
The Development Plan





Location Plan

Site



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Committee	<b>Regulatory Planning Committee</b>
Date	<b>15 January 2020</b>
Report by	<b>Director of Communities, Economy and Transport</b>
Subject	<b>Development Management Update</b>
Purpose	<b>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 2019.</b>
Contact Officer:	<b>Sarah Iles – 01273 481631</b>
Local Members:	<b>All</b>

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## **SUMMARY OF RECOMMENDATIONS**

**The Committee is recommended to note the report.**

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

### **1. Enforcement**

1.1 In the period between 1 October and 31 December 2019, inclusive, there were twelve new complaints about alleged breaches of planning control. Of the new cases, nine were resolved within the reporting period and nine older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of December 2019 was thirteen. This represents a decrease of six in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 In respect of specific cases, Members will recall that the Council has been dealing with a breach of planning control at Appletree Cottage, Staplecross, involving the deposit of waste materials in an area of woodland, within the High Weald Area of Outstanding Natural Beauty. A planning application seeking the retention of the deposited waste materials was submitted, but subsequently refused by the Planning Committee on 18 December 2019. The Committee resolution also included undertaking enforcement action in order to remedy the breach of planning control. Following the Committee's decision and the refusal of planning permission, an Enforcement Notice was served on the landowners on 20 December 2019. If no appeal is made against the Enforcement Notice, it will take effect on 28 January 2020. The Notice requires the immediate cessation of the importation of waste and the clearance of the site within a specified period. The Notice also requires the hedge that was removed to facilitate the deposit of the waste to be replanted. Officers will monitor the site to ensure compliance and Members will be updated in future reports.

1.3 Although it was necessary to serve a formal Enforcement Notice in respect of the unauthorised deposit of waste at Appletree Cottage, as Members will note from the tables in Appendix 1 to this report, most enforcement cases are dealt with and resolved informally, without the need to resort to formal action. Whilst the preference is to deal with matters informally, there are times when this isn't possible. When necessary, formal enforcement action is therefore taken when considered expedient to do so, including any follow up action such as prosecution or direct action.

1.4 Appendix 1 of this Report provides details of cases resolved and received within the period 1 October and 31 December 2019, 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 minerals and waste sites has continued, but has to be accommodated within limited resources and alongside the enforcement service. Site monitoring can be broken down into two specific categories: chargeable and non-chargeable. Chargeable site monitoring relates to authorised landfill and minerals sites; and non-chargeable relates to all other sites for which the Council has granted planning permission. Monitoring of large County Council developments, such as the Newhaven Port Access Road and Bexhill-Hastings Link Road, is also undertaken.

2.2 During the last quarter twelve non-chargeable site monitoring visits were carried out. No breaches of planning control were identified during these monitoring visits. No chargeable site monitoring visits were undertaken during the last quarter.

## **3. Contact Officers**

3.1 Members with any queries about site monitoring or enforcement matters should contact either Sarah Iles (01273 481631) or Robert Shapter (01273 335218).

RUPERT CLUBB  
Director of Communities, Economy and Transport  
07 January 2020

Local Members: All

## **BACKGROUND DOCUMENTS**

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

**TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE OCTOBER 2019**

	<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
1a	March 2019	Three Oaks Waste Water Treatment Works, Three Oaks	Unauthorised development/Breach of Conditions (site layout)	<p>An officer undertaking a meeting at the site noted that the development was not in accordance with the approved plans and that a larger sized kiosk had been erected in a different location, and also that the operational land had been extended. It was later confirmed that the installation of the larger kiosk was considered to fall within the operator's permitted development rights and did not require specific planning permission. However, retrospective planning permission for the extension to the operational area (change of use) and associated security fencing (due to its height adjacent to a highway) was required.</p> <p>A planning application (RR/834/CM) was submitted and considered by the Planning Committee at its meeting on 18 December 2019. The Committee resolved that planning permission be granted, subject to the variation of a s106 Legal Agreement and the imposition of conditions. Breach of planning control has therefore been resolved and no further action is required. The site will be monitored as part of the Council's Site Monitoring Policy.</p>
1b	April 2019	Tarring Neville Quarry, Newhaven	Importation and deposit of waste	<p>A complaint was received that lorry loads of waste materials, comprising soils, sub soils and plastics, had been imported and deposited in the quarry. A site visit was carried out which confirmed the substance of the complaint. Contact was made with the landowner who stated that the access gates had been forced open and the lorry loads of waste had been deposited without their permission or knowledge. Once they became aware of the situation, the gates were re-secured and steps were being taken to arrange for the removal of this waste from the quarry.</p> <p>The removal of the waste was complicated by the fact that there was a pair of nesting peregrine falcons on the site and these birds are a protected species under the Wildlife and Countryside Act 1981. Consequently, the landowners were requested to remove the waste only after the birds' breeding season was over.</p> <p>A further site visit has now been undertaken, which confirmed that all the waste materials had been removed from the site. The breach of planning control has therefore been resolved and no further action is required.</p>
1c	July 2019	8 Grovelands Road, Hailsham	Importation, deposit and storage of waste	<p>A complaint was received that the occupier of this site was importing scrap metal into the site and depositing it in the rear garden. A site visit and meeting with the occupier was undertaken, which confirmed the substance of the complaint and also identified that other waste items were being stored at the site. A timescale for the cessation of the activity and the clearance of the site was agreed.</p> <p>Further, regular site visits and meetings with the landowner were undertaken. The site has now been cleared of all the imported scrap metal and waste and therefore the breach of planning control has been resolved. No further action required.</p>

1d	August 2019	Hump 'N' Dump, Unit 15 Old Cement Works, South Heighton	Breach of Conditions (outside unloading/storage of waste)	<p>Officers in the area in connection with another matter noticed that, after some years, the site was again being used as a waste transfer station. A site meeting was held with the operator who explained that he was operating a house clearance/rubbish collection service using flatbed vans. It was explained that the planning permission was limited to the importation, deposit and processing of skip waste only and that all waste had to be unloaded within the building. The operator was also advised that the waste processing activity would require authorisation from the Environment Agency by means of an Environmental permit.</p> <p>The operator subsequently found alternative premises. The site has been monitored and the waste has now been removed and the operator has vacated the site. The breach of planning control is therefore resolved and no further enforcement action is required.</p>
1e	August 2019	Small Grove, Rotherfield Hill, Rotherfield	Importation, deposit and bulking up of waste in a skip	<p>Over the past two years the County Council has received regular complaints that a skip sited on the verge outside the site has been used by the landowner to bulk up building and construction waste from the landowner's business operations. Meetings have been held with the landowner, who has strongly denied the allegation and stated that all the building and construction waste deposited in the skip has been site derived from extensive renovation works at the house. There has been nothing contained within the waste stored in the skip that would identify its original source.</p> <p>A further complaint was received that again building and construction waste had been imported into the site and bulked up in a skip. A further site visit confirmed that the skip is still in situ. A Planning Contravention Notice was therefore served on the landowner and a response received, again stating that all waste in the skip had originated from the site itself.</p> <p>Officers have undertaken further visits to the site, which noted that the skip previously sited on the verge had been removed and no further skips have been seen at the site. There is no breach of planning control identified and no further action is required.</p>
1f	August 2019	Skilton Skips, AS Farm, The Warren, Crowborough	Importation, deposit and bulking up of waste in skips and Roll-on Roll-off containers	<p>A joint site monitoring visit undertaken by officers from this Authority and the Environment Agency found that the operator of this company, who was supposed to be using the site for the storage of vehicles, skips and plant only, was importing waste into the site, sorting and bulking it up before removal to an authorised waste transfer station.</p> <p>Given the small quantity of waste concerned, the operator was given a short timescale to clear the site of all the imported waste and to return the site back to purely the storage of vehicles, plant and empty skips. During this time period the site was monitored by officers from both the Environment Agency and this Authority.</p> <p>A further site visit has now been undertaken and it was noted that the waste materials imported to the site had been removed. The breach of planning control is therefore resolved and no further action is required.</p>
1g	August 2019	Bunkers Hill Farm, Swing Gate Hill, Burwash Common	Importation, deposit, storage and burning of waste (soils, sub- soils, hardcore and green and wood	<p>This breach of planning control was originally discovered by officers earlier in the year, when it was noticed that soils, sub soils, hardcore and green waste had been imported into the site and deposited. A site meeting was held with the operator, who stated that he had been running a tree surgery business from this site for 18 years and had been bringing back green waste from his clients' sites to burn. In regard to the soils, sub-soils and hardcore, these materials were imported into the site in order to raise land levels in a</p>

			waste)	<p>low lying area of the field which was constantly waterlogged.</p> <p>The operator agreed to seek advice from Rother District Council concerning certain planning issues at the site, and also to cease any further importation of waste into the site until the planning situation had been resolved.</p> <p>Despite these assurances, officers passing the site on a further occasion noticed that waste wood was being burnt on the site and on another occasion a waste operator appeared to be in the process of delivering waste to the site. In order to try and ascertain the scale and nature of the activities taking place on this site, Planning Contravention Notices were served on the landowner, the site operator and the two waste companies who it was believed had delivered waste materials to this site. Responses to the Notices were received.</p> <p>Further site visits have now been undertaken and also a site meeting held with the operator. No more waste has been imported into the site and therefore the breach of planning control has been resolved. No further enforcement action is required, but the site will be monitored periodically.</p>
1h	September 2019	Lindenhurst, Ghyll Road, Crowborough	Importation and deposit of builders waste in the front garden	<p>A complaint was received that building and construction waste had been imported into the site and deposited. A site visit was carried out which confirmed the substance of the complaint and also that areas of the garden appeared to have been excavated and levelled. Initial research of the property did not identify any relevant planning permission which would cover this development.</p> <p>Contact was made with the landowner who stated that the hardcore had been imported in order to raise the level of the land at the rear of the property in order to extend the patio. The landowner has been advised to contact Wealden District Council to ascertain whether a planning application is required for this development.</p> <p>Wealden District Council has been informed of this matter and no further action is required by this Authority in its capacity as Waste Planning Authority.</p>
1i	September 2019	Allied Waste Management Ltd Squires Farm Industrial Estate, Easons Green	Breach of Condition (unloading waste outside the waste transfer building)	<p>A complaint was received that the operator was unloading waste asbestos in the open yard at the rear of the waste transfer station, which is a breach of condition 4 attached to the planning permission that relates to the site. An initial site visit was carried out, which did not identify any breaches of planning control.</p> <p>Following further investigations and discussions with the operator and complainant, no breach of planning control has been identified and no further action is required. The site will be monitored as part of the Council's Site Monitoring Policy.</p>

**TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE OCTOBER 2019 AND RESOLVED**

	DATE LPA BECAME AWARE OF	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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	BREACH			
2a	October 2019	Greenacres, Mill Lane, Chailey	Breach of Conditions (working outside approved hours and parking of vehicles on the highway)	<p>A complaint was received that contractors undertaking the development were parking outside the site whilst working, which is a breach of condition 3 attached to Planning Permission LW/3396/CC. A site visit was undertaken which confirmed the substance of the complaint.</p> <p>A site meeting was held with the site manager and the breach of condition explained. The site manager requested a short period of time in which to make alternative arrangements, which was agreed.</p> <p>A further complaint was received that in addition to parking outside the site, works were being undertaken outside the approved hours for construction. Numerous further site visits have been undertaken and there has been no evidence of parking outside the site by contractors or work undertaken outside the permitted hours.</p> <p>The breach of condition has been resolved and no further action is necessary.</p>
2b	October 2019	Carters Field, Coach and Horses Lane, Danehill	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising chalk, were being imported into the site and deposited. A site visit was undertaken which appeared to show that one lorry load of chalk had been imported into the site.</p> <p>Contact was made with the operator, who stated that the chalk was required to maintain/repair the existing agricultural track on the site. This is considered to be permitted development and does not require specific planning permission. No breach of planning control and no further enforcement action is required.</p>
2c	October 2019	Hill Croft Farm, Royal Oak Lane, Crowhurst	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported at the farm and deposited. A site visit was undertaken, during the course of which a meeting was held with the landowner's son.</p> <p>It was explained that the importation of these materials was necessary in order to facilitate the development of an agricultural barn, which has the benefit of planning permission granted by Rother District Council. The materials being imported appeared to be suitable and proportionate for their intended use and were deposited in the appropriate location for the proposed agricultural barn.</p> <p>There is no breach of planning control and therefore no further action is required by this Authority. Rother District Council has been advised of the complaint received and the outcome of the investigations by Officers.</p>
2d	October 2019	Hare Farm, Stubb Lane, Brede	Importation and deposit of waste	<p>A complaint was received that waste soils had been imported into the site and deposited on an agricultural field. A site visit was undertaken, during the course of which a meeting was also held with the landowner.</p> <p>The landowner explained that no waste had been imported into the site, but an area of the field had been regraded in order to remove a step in the land which was a hazard when managing animals in the field. As this was not a matter involving the disposal of waste, the landowner was advised to seek planning advice from Rother District Council as to whether a planning application would be required to regularise the works</p>



				<p>that have been undertaken.</p> <p>The details of the matter have been passed to Rother District Council for information/action as they deem appropriate. No further action is required by this Authority as Waste Planning Authority.</p>
2e	October 2019	Units 7 A & 7B, Quarry Road Industrial Estate, Newhaven	Importation, deposit and breaking of end of life vehicle	<p>A compliant was received that end of life vehicles were being imported into the site and were being broken up for parts. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint</p> <p>A meeting was held with the site operator, where the planning situation and the requirement for an Environmental Permit were explained. The operator agreed to clear the site and a timescale for this clearance to be achieved was agreed.</p> <p>A further joint site visit was carried out with the Environment Agency after the agreed time period had expired, and it was noted that the operator had cleared the end of life vehicles and vacated the site. The breach of planning control has therefore been resolved and no further action is required.</p>
2f	November 2019	Little Orchard, Tidebrook Lane, Wadhurst	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported and deposited into a field at this site. A joint site visit was undertaken with an officer from Wealden District Council, which confirmed the substance of the complaint.</p> <p>Enquiries were made with a workman at the house, who confirmed that the materials had been generated from a garage development being undertaken within the residential curtilage of the property.</p> <p>Further enquiries were made with the landowner who confirmed the explanation provided by the employee, and stated that the waste arisings were deposited in the field in order to level the land. The landowner is now liaising with Wealden District Council in order to submit the necessary planning applications to regularise the unauthorised garage development and the engineering operation in the adjacent field.</p> <p>There is no breach of planning control for this Authority as Waste Planning Authority and no further action is required.</p>
2g	November 2019	Dower House Farm, Possingworth Lane, Waldron	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into a field at this site and deposited.</p> <p>A site visit was undertaken, which confirmed the substance of the complaint. However, further enquires revealed that none of the materials had been imported; the soil stockpile had been generated from top soil that had been scraped back in order to facilitate a barn extension that has the benefit of planning permission granted by Wealden District Council. The hardcore was from the existing barn base, which had been removed to allow for the base for the new extension.</p> <p>The matter has been referred to Wealden District Council for information/action as they deem appropriate and no further action is required by this Authority.</p>
2h	November 2019	Fowler Salvage and Reclamation, The Barn,	Importation, deposit and processing of	<p>A complaint was received that the operator of the site was bringing building and construction waste back to the site and processing it. A joint site visit was carried out with an officer from Wealden District Council.</p>

		Nabscott Farm, Lower Dicker	waste building and construction materials	<p>There was no evidence of building and construction waste being processed at this site.</p> <p>Wealden District Council has granted planning permission (subject to a s106 Legal Agreement) for the use of the site for the storage of reclaimed building materials. An agricultural field outside of the reclamation yard site is also being used to store plant and equipment associated with the reclamation company, which the operator will seek to regularise by the submission of a further planning application to Wealden District Council.</p> <p>There is no breach of planning control for this Authority as Waste Planning Authority to deal with, and no further action required.</p>
2i	November 2019	96 Attfield Walk, Eastbourne	Importation and deposit of waste materials	<p>A complaint was received that waste materials, comprising household goods, were being imported into and deposited at the site. The complainant also alleged that waste materials were being processed in the rear garden of the property.</p> <p>A joint site visit was undertaken with an officer from the Environment Agency, which found that some household waste, consisting of furniture, had been deposited on the forecourt of the garage attached to the site. Contact was made with the occupier who subsequently arranged for this material to be removed. There was no evidence to support the part of the complaint that waste processing was taking place within the rear garden.</p> <p>Following information from the occupier that the waste had been removed, a further site visit was undertaken, which confirmed that the site had been cleared of all waste. Therefore, the breach of planning control has been resolved and no further action is required.</p>

**TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE OCTOBER 2019 AND AS YET UNRESOLVED.**

	<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
3a	October 2019	Land to the rear of Mead Cottage, Crowhurst Road, Catsfield	Importation, deposit and burning of waste	<p>A complaint was received that waste was being imported into this site and burnt. Numerous site visits have been carried out, but nothing has been found that would support the complaint.</p> <p>Investigations are continuing and further site visits will be carried out.</p>
3b	December 2019	Reef Way, Hailsham, Site of SEMH school	Breach of Conditions (Noise and mud on the highway)	<p>A complaint was received that the site is not being developed in accordance with the conditions attached to the Planning Permission that relates to the site (WD/3400/CC).</p> <p>A site visit has been carried out and discussions held with the contractor. The works undertaken are enabling works and the contractor has been reminded of the conditions attached to the planning permission. Further investigations are being carried out and the site is continuing to be monitored.</p>

3c	December 2019	Ace Recovery, Downs Villas, South Heighton	Importation, deposit, storage and processing of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site and broken up. An initial site visit has been undertaken which confirmed the details contained within the complaint.</p> <p>Contact has been made with the operator and a joint site visit with an officer from Lewes District Council is in the process of being arranged.</p>
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**TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION**

	<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
4a	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>A planning application (WD/820/CM) which sought to address the waste wood stockpile on the site was submitted, but this was subsequently withdrawn by the applicant. A new planning application (WD/836/CM) has been submitted and is currently under consideration.</p>
4b	August 2018	Court Lodge Farm, Etchingham Road, Burwash, Etchingham	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 held with the landowner. The purpose of the incinerator is for disposing of fallen stock solely from the farm, no animal carcasses are to be imported to the site.</p> <p>Planning permission is required for the installation of the incinerator and contact was made with the landowner's planning consultant. A planning application (RR/823/CM) was submitted for the retention of the incinerator, but was subsequently withdrawn following advice from officers. A further planning</p>

				<p>application (RR/826/CM) was submitted, which proposed an alternative location for the incinerator. However, following representations made to the application, the applicant withdrew the application and is currently considering further alternative locations within the site.</p> <p>The incinerator is not in use and officers are monitoring the situation.</p>
4c	April 2019	Land adjacent to Appletree Cottage, Staplecross	Importation and deposit of waste	<p>A complaint was received that building and construction waste was being imported into and deposited at this site. A site visit was undertaken which confirmed the substance of the complaint. A letter was sent to the landowner explaining the need for planning permission and that such an application was unlikely to be supported given the site's location within the countryside and also the High Weald Area of Outstanding Natural Beauty. Despite officers advising that the proposal would be unlikely to be supported, the landowner proceeded to submit a planning application seeking to regularise the breach of planning control.</p> <p>The application (RR/828/CC) was considered by the Planning Committee on 18 December 2019 and planning permission was refused. The Committee resolution included undertaking enforcement action to secure the removal of the waste materials and an Enforcement Notice was served on the landowners on 20 December 2019. The Notice requires the cessation of the importation of waste; the removal of the waste; and the restoration of the site, including the replacement of the hedgerow that was removed to facilitate the deposit of the waste.</p> <p>Unless an appeal is made against the Enforcement Notice, it takes effect on 28 January 2020 and has to be complied with, in full, by 30 November 2020. Officers will monitor the site and Members will be updated in future reports.</p>
4d	July 2019	Unit 8 Quarry Road Industrial Estate, Newhaven	Importation, deposit and breaking up of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into and deposited at the site, before being broken up for parts. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint. During the course of this visit a meeting was held with the operator who confirmed that some vehicle breaking was taking place on the site.</p> <p>A timescale was agreed with the operator in order to clear the site of the end of life vehicles and, following the expiry of the timescale, officers from both the County Council and the Environment Agency undertook a joint site visit and held a meeting with the operator. Although the operator had not totally cleared the site, it was noted that significant progress had been made. A further timescale has now been agreed with the operator during which he will complete the clearance of end of life vehicles. Officers will continue to monitor the site.</p>
4e	July 2019	Land at Battle Wood, Mountfield	Importation and deposit of waste (soils)	<p>A complaint was received that a local resident had excavated a highway bank and had deposited the soils onto land belonging to another person. A joint site visit was undertaken with officers from Rother District Council and East Sussex Highways, which substantiated the nature of the complaint. The works on the highway are being dealt with by officers from Rother District Council and East Sussex Highways, whilst the deposited waste materials are being dealt with by this Authority.</p> <p>Officers contacted the landowner where the waste was deposited, who subsequently placed the matter in the hands of his own solicitor, who wrote to the local resident requiring him to remove the imported waste from the landowner's land.</p>

				<p>Subsequent to contact with the landowner, Rother District Council has now served two Enforcement Notices in respect of the unauthorised engineering works to the highway bank. The recipients of the Notices have submitted appeals against the Notices to the Planning Inspectorate and the appeals are being dealt with through the written representations procedure.</p> <p>Until the outcome of appeals is known, it is considered unreasonable to require the landowner of the site being investigated by this Authority to remove the deposited waste soils, as they may be required to be used to reinstate the bank where they originated.</p> <p>All the regulatory authorities are maintaining close contact with each other to ensure that the matter is resolved, and officers will continue to monitor the site.</p>
4f	August 2019	Penfold Driveways, AS Farm, The Warren, Crowborough	Importation, deposit and processing of waste (soils and hardcore)	<p>A joint site visit undertaken by officers from this Authority and the Environment Agency found that a significant quantity of waste materials, comprising soils, sub-soils and hardcore, had been imported into the site and deposited. The soils were being processed on site by means of a screener. A letter was sent to the operator requesting details of the nature and purpose of the activity and a response was been received.</p> <p>Since the previous correspondence, further contact has been made with the operator, who has advised the Environment Agency that some key people involved in the company have suddenly left and set up a rival company, leaving the operator to sort out the issues at this site. Further discussions are ongoing regarding agreeing a timescale for the removal of the materials and contact is being maintained with the operator and the Environment Agency.</p>
4g	August 2019	New Look Driveways, AS Farm, The Warren, Crowborough ,	Importation, deposit and storage of waste (soils and hardcore)	<p>As with the above site, a joint site visit undertaken by officers from this Authority and the Environment Agency found that a significant quantity of waste materials comprising soils, sub-soils and hardcore had been imported into the site and deposited. The soils appeared to be being processed on site. A letter was sent to the operator requesting details of the nature and purpose of the activity.</p> <p>A further site meeting with the operator has now been held. The operator admitted that the waste had been imported into the site from clients' sites, and stated that he wanted to remove this imported waste from the site. A timescale for the waste removal has been agreed with the operator and during this time period the site will continue to be monitored by officers from both the County Council and the Environment Agency.</p>
4h	August 2019	Pyrite Industries, C13 S.M. Tidy Industrial Estate, Ditchling Common	Breach of Conditions (processing outside the building and storage of waste)	<p>Officers attending the site in connection with another matter noticed that the site was not in compliance with planning conditions that are attached to the planning permission relating to the site. However, because the operator was at the time seeking planning permission for an alternative site in another area of the County it was decided not to institute formal enforcement action immediately, because should that planning application be successful, then the operator would be moving the operation from this site.</p> <p>The operator was therefore advised that the County Council would await the outcome of the planning application, but should the application be unsuccessful, then the County Council would expect the site to be returned to compliance with the planning conditions, or an application submitted seeking to regularise the changes that had taken place on the site. The planning application for the alternative site was withdrawn by the applicant on 5 July 2019.</p>

				<p>Officers attended the site again and found it still to be in breach of the planning conditions. The operator has since submitted a further planning application (WD/831/CM) for another site in East Sussex, which is currently under consideration. The operator has been advised that further action regarding the breaches at the existing site will be put into abeyance pending the outcome of the current planning application. In the meantime, the site will continue to be monitored.</p>
4i	September 2019	ATW Clearances, Quarry Road Industrial Estate, Newhaven	Unauthorised Waste Transfer Station	<p>A complaint was received alleging that a waste transfer operation was being run from the site. A site visit was carried out which confirmed the substance of the complaint. It was noted that a significant quantity of household waste was stored in the warehouse, and further waste was stored in a skip outside the building, and also on two flatbed Ford transits parked in the yard outside the building. At the time of the site visit no one was present on site.</p> <p>Contact was subsequently made with the operator and a formal letter sent to him. Following a response from the operator and further discussions, the site is to be cleared and vacated. A final site visit is due to be carried out to ensure compliance.</p>
4j	September 2019	Land adjacent to Kings Hill Bungalow, Hurst Green	Importation and deposit of soils	<p>A complaint was received that a significant quantity of soil has been imported into a field at this location. A site visit was carried out which confirmed the substance of the complaint. A letter was sent to the landowner and discussions undertaken.</p> <p>The landowner intended to use the soil, together with other materials from within their land, to create a bund and wildflower meadow and also infill a ha-ha at the property. However, following discussions with Rother District Council, it is not considered that the various proposals can be supported. Consequently, the landowner has been advised that the soils should be removed from the site and discussions are ongoing regarding a timescale for this. In the meantime, officers are monitoring the site to ensure further materials are not imported.</p>