



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 10.30 am WEDNESDAY, 18 SEPTEMBER 2024

COUNCIL CHAMBER, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Tom Liddiard (Chair)
Councillors Philip Lunn (Deputy Chair), Abul Azad, Godfrey Daniel,
Kathryn Field, Eleanor Kirby-Green and Pat Rodohan

A G E N D A

1. Minutes of the meeting held on 14 August 2024 (*Pages 3 - 4*)
2. Apologies for absence
3. Disclosures of interests
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
4. Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.

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

5. Change of use of an industrial unit including external yard to a skip waste recycling facility and operating depot. The skip waste recycling operation will include skip hire, with deposit and manual sorting of waste for onward recycling - Unit 4 Ghyll Road Industrial Estate, Ghyll Road, Heathfield, East Sussex, TN21 8AW (*Pages 5 - 28*)
Report by the Director of Communities, Economy and Transport
6. Any other items previously notified under agenda item 4

PHILIP BAKER
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10 September 2024

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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. The live broadcast is accessible at: www.eastsussex.gov.uk/yourcouncil/webcasts/default**

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at Council Chamber, County Hall, Lewes on 14 August 2024.

PRESENT Councillors Tom Liddiard (Chair), Philip Lunn (Deputy Chair), Abul Azad, Godfrey Daniel and Paul Redstone

9. MINUTES OF THE MEETING HELD ON 10 JULY 2024

9.1 The Committee approved as a correct record the minutes of the meeting held on 10 July 2024.

10. APOLOGIES FOR ABSENCE

10.1 Apologies for absence were received from Councillors Field, Kirby-Green and Rodohan.

10.2 It was noted that Councillor Redstone was in attendance as a substitute for Councillor Kirby-Green.

11. DISCLOSURES OF INTERESTS

11.1 There were none.

12. URGENT ITEMS

12.1 There were none.

13. REPORTS

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

14. A HEIGHT EXTENSION TO THE EXISTING ASPHALT PLANT STACK - PLOTS 6 & 7, NORTH QUAY ROAD, NEWHAVEN, BN9 0AB

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

14.2 The following people spoke against the recommendation for granting planning permission:

- Councillor Paul Keene (Member of Lewes District Council)
- Mr Marek Palme
- Ms Vera Zakharov

14.3 Mr George Massingham (agent for the applicant) spoke in support of the recommendation for granting planning permission.

14.4 Members have considered the report, together with the comments of the public speakers and written representation from Councillor James MacCleary as the Local Member and agree with the conclusions and reasons for the recommendation set out in paragraph 8 of the report.

14.5 The Committee unanimously RESOLVED to grant planning permission subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

3. The stack height extension hereby permitted alongside the list of mitigation measures set out in letter titled FM Conway Newhaven Asphalt Plant – Summary of Mitigation Measures dated 31st January 2024 shall be fully implemented and retained for the lifetime of the development, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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

INFORMATIVE

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Trees, scrub, dense shrubs, hedgerows and buildings/structures are likely to contain nesting birds between 01 March and 31 August inclusive. Some of these habitats are present on the application site or in close proximity and could contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Schedule of Approved Plans and Documents

Supporting Statement, Air quality assessment of releases from an asphalt production process, Landscape and Visual Impact Assessment, Appendix A - Drawings and Photosheets, Appendix B - Methodology, KD.NHVN.2.D.002 - Location Plan, KD.NHVN.2.D.003 - Site Plan, KD.NHVN.2.D.004 - Existing Elevations, KD.NHVN.2.D.005 - Proposed Elevations, Summary of Mitigation Measures

(The meeting ended at 11.13 am)

CHAIRMAN

Committee:	Regulatory Planning Committee
Date:	18 September 2024
Report by:	Director of Communities Economy and Transport
Proposal:	Change of use of an industrial unit including external yard to a skip waste recycling facility and operating depot. The skip waste recycling operation will include skip hire, with deposit and manual sorting of waste for onward recycling.
Site Address:	Unit 4 Ghyll Road Industrial Estate, Ghyll Road, Heathfield, East Sussex, TN21 8AW
Applicant:	Mr David Ingrams Sussex Mini Skips Ltd
Application No.	WD/888/CM
Key Issues:	(i) Need for the proposal (ii) Impacts on local amenity and landscape character (iii) Impacts on biodiversity, Ancient Woodland and High Weald National Landscape (iv) Surface water run-off and drainage (v) Impacts on access and the highway
Contact Officer:	Helen Ogden 01273 336532
Local Member:	Councillor Anne Cross

SUMMARY OF RECOMMENDATIONS

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

CONSIDERATION BY DIRECTOR OF COMMUNITIES ECONOMY AND TRANSPORT

1. The Site and Surroundings

- 1.1 The site measures approximately 0.2ha in size and lies within an existing industrial estate, namely Ghyll Road Industrial Estate, which is situated to the**

south of Heathfield town centre. Prior to its current occupancy, it is understood from the application that the site was occupied by a steel fabrication business.

1.2 The site currently comprises of several small and medium sized industrial units of 2-3 storeys in height, namely an internal sorting facility and office space in the eastern part of the site. Access is attained via an existing estate road to the south-east of the site which also serves other units. Two gates allow access to the industrial facility, one of which allows access to the industrial estate and the other, into the site itself.

1.3 The site is bounded by Ancient Woodland to the west, where the land beyond the site boundary drops steeply away. Residential properties lie to the north and Ghyll Road to the east. To the west of the site is Geers Wood, which forms part of the High Weald National Landscape (formerly High Weald Area of Outstanding Natural Beauty), and is approximately 55 metres from the site at its closest. A tributary of the River Cuckmere lies within this area, at a much lower elevation to the site. Heathfield Park Site of Special Scientific Interest (SSSI) is located approximately 1km west of the site. Existing woodland serves to screen views from the west and much of the north into the facility, the site cannot be viewed from the east due to its location within the industrial estate. It is considered that there are minimal views from the residential properties to the north into the site.

2. The Proposal

2.1 Retrospective planning permission is sought for the change of use of the existing industrial unit and external yard to accommodate the operation of the site as a skip waste recycling facility and operating depot.

2.2 The site currently consists of an industrial unit with office space and a concreted external yard. The applicant is proposing to use the existing building for the initial waste reception and sorting operation within four internal bays, separated by concrete blocks. It is proposed that the office space will retain its purpose with two full time members of staff working at the site. In addition, the current parking spaces will be retained, likely requiring the removal of existing bramble scrub. The external yard is proposed to be used for the storage of waste materials in two bays along the western boundary of the site, together with skip and container storage. Since the time of application, it has been confirmed that bays have been installed towards the south-western boundary of the site, as per the site layout plan submitted. It is proposed that empty skips will be stacked on site pending hire, as well as the storage of full skips pending unloading within the building during busy periods. The proposal initially sought permission for the use of a small mobile concrete crusher to crush hardcore on an occasional basis, however it was later confirmed that this will not be required and no longer forms part of the application.

2.3 It is proposed that the site will be served by a total of two skip lorries plus one grab hire truck, with the operation anticipated to involve no more than a total of 50 Heavy Goods Vehicle movements per day. Hours of operation will be between 8am and 5pm Monday to Friday, and between 8am and 1pm on Saturdays. There will be no Sunday or Bank/Public Holiday operations.

3. Site History

3.1 Whilst there are no recent applications of relevance to this application, the site forms part of the Ghyll Road Industrial Estate which was granted planning permission in May 1984 for the erection of 16 light industrial units.

4. Consultations and Representations

4.1 Wealden District Council: Raises no Objection to the proposal. However this is subject to the consideration of the potential amenity impacts arising from the development, which, should be subject to consultation with the relevant Environmental Health Officers and the consideration of potential tree/ecology impacts for which protective measures for the adjacent woodland have been suggested.

4.2 Wealden District Council - Environmental Health Officer: Recommends conditions to protect the amenity of local residents and businesses by means of ensuring any potential disturbance is limited to business hours as specified, limitations are set to ensure the sound emitted from any industrial activities does not have a significantly negative impact on neighbouring residents and businesses, as well as strict limitations to the installation of lighting on site.

4.3 Heathfield and Waldron Parish Council: Objects to the proposal. It is considered that the inappropriate location in close proximity to residential dwellings, the Ghyll and Ancient Woodland could result in negative impacts on local amenity, the local environment and increased conflict between road users. Concerns were raised regarding the proposed use of a concrete crusher in what is deemed to be an inappropriate location, as well as potential damage to a bridge on Ghyll Road caused by heavy vehicles. It is suggested that, should the proposal be approved, a number of restrictions are put in place to address these concerns as well as operating hours and compliance with regulations related to the high pressure gas main.

4.4 Environment Agency: No objection to the proposal. Further advice was provided with regards to obtaining an Environmental Permit.

4.5 County Landscape Architect: Supports the proposal subject to the imposition of conditions relating to the implementation of mitigation measures to reduce impacts on local amenity and the character of the local landscape character, which is detailed later in this report.

- 4.6 Environmental Advice – Noise and Dust: No objection to the proposal subject to the submission of an adequate Site Environmental Management Plan.

A Site Dust Emissions Management Plan was submitted by the applicant which was subsequently accepted by the East Sussex County Council Environment Advisor with no further information required. It was advised that details of the Environment Agency Permit is checked against this to ensure no overlapping or contradictory requirements.

- 4.7 County Ecologist: An initial holding objection was submitted on the grounds that insufficient information had been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement. However, following the submission of additional information by the applicant, the proposal was recommended for approval in principle subject to the imposition of conditions relating to the effective repair and maintenance of kerbing in place around the site perimeter as well as suitable biodiversity enhancements on site.
- 4.8 High Weald Unit – High Weald Officer: Provided commentary to suggest that an amendment is needed to the proposal as submitted, to include the provision of solid fencing (2m high) along the north-western boundary of the site to prevent materials from overspilling to the ghyll woodland and Ancient Woodland beyond, along with additional information regarding proposed external lighting.
- 4.9 Highway Authority: No objection to the proposal subject to the imposition of a condition relating to the provision of parking spaces.
- 4.10 Pevensey and Cuckmere Water Level Management Board and Lead Local Flood Authority: No objection to the proposal.
- 4.11 SGN: Raises no objection to the proposal. However, should the proposal change, SGN should be contacted immediately and reassessment will be required. Further information and guidance has been provided detailing restrictions that should be complied with.
- 4.12 Nature Space UK: No comments provided. It was noted that the proposed development is not considered to be relevant to the District Licensing Scheme.
- 4.13 Local representations: One neighbouring business objects to the proposal, which can be summarised as follows: Noise pollution from the loading/unloading of skips; risk of contamination from incoming material prior to checking; increased traffic from predominantly heavy goods vehicles; potential detrimental financial impact on other premises on the estate; parking of lorries with full skips along grass verges; and air quality and psychological impacts on staff.

One comment was received by a separate neighbouring business to state that there is no objection on the basis that the company does not use parking spaces owned by others.

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 WMP1 (Presumption in Favour of Sustainable Development); WMP3a (Promoting Waste Prevention, Re-Use and Waste Awareness); WMP 23b (Operation of Sites); WMP25 (General Amenity); WMP26 (Traffic Impacts); WMP28a (Flood Risk) and WMP28b (Water Resources and Water Quality).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017): Policy SP5 (Existing Industrial Estates).

5.3 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan – Schedule of Suitable Industrial Estates (2017): I/S Heathfield Industrial Estate (Ghyll Road Site), Heathfield.

5.4 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Revised Policies Proposed Submission Consultation Document September 2021: Draft Policies RW1 (Sustainable Locations for Waste Development (excluding land disposal)); RV1 (Minerals and Waste Development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty); Draft Policy RD1 (Environment and Environmental Enhancement);

5.5 Wealden District Local Plan 1998 (Saved Policies): EN1 (Sustainable Development); EN5 (Water Resources); EN6 (High Weald AONB); EN13 (Ancient Woodland); EN27 (Layout and Design) and HE2 (Business Allocation: Land of Ghyll Road);

5.6 Wealden District Core Strategy 2013: Policies WCS14 (Presumption in Favour of Sustainable Development); WCS12 (Biodiversity)

5.7 National Planning Policy Framework 2023: Section 15 (Conserving and Enhancing the Natural Environment)

5.8 National Planning Policy for Waste (NPPW) 2014: In particular, the following sections: 'Identifying suitable sites and areas', which states that waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against the set criteria, including *inter alia*, physical and environmental constraints on development and the cumulative impacts on the well-being of the local community, as well as 'Determining planning applications' which asks that, *inter alia*, authorities consider the likely impact on the local environment and on amenity.

5.9 Environment Act 2021, Schedule 14: In England, developers must deliver a Biodiversity Net Gain (BNG) of 10% under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment

Act 2021). However, it is considered that the *De Minimis* exemption applies to this application.

5.10 High Weald Management Plan (2024-2029): W2 (protect and restore the ecological quality and functioning of woodland); DS1: (preserve the dark skies of the High Weald AONB by minimising light pollution); and DS2 (protect wildlife and habitats from light pollution across the High Weald).

6. Considerations

Need for the proposal

6.1 It is understood that the company operating the site, Sussex Mini Skips Ltd, was established in December 2022 and has been operating at the site without Planning Permission from early 2023. Since the original application was submitted, the company has changed ownership, although the company name has remained unchanged. It is understood that the applicant has applied for an Environmental Permit to use the site for its proposed purpose and is currently awaiting a response to this. In the meantime, planning permission is sought for the retrospective change of use for this industrial unit and external yard to a skip waste recycling facility and operating depot. The need for planning permission to continue its use is fundamental to the future use of this site for waste purposes.

6.2 Policy WMP1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) states that decisions should be taken with a positive approach to waste and minerals development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It continues to state that waste and minerals development that accords with policies in the Plan and subsequent Plans will be approved without delay, unless material considerations indicate otherwise. In relation to this, Saved Policy EN1 of the Wealden Local Plan (1998) states that the Council will pursue sustainable development, having regard to the principles set out in Government guidance in considering, *inter alia*, waste management proposals and in assessing the effects on the environment. This is echoed in Policy WCS14 of the Wealden Core Strategy (2013).

6.3 Policy WMP3a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) states that to maximise waste prevention and re-use, development management authorities will work with stakeholders and delivery partners to encourage developments that involve the preparation of materials for re-use. In addition, Draft Policy RW1 of the same Plan states that the principle of the development will be supported where the site is located within a Broad Area of Focus, which are areas where the greatest sustainability

benefits are likely to be achieved regarding new waste development as they are more likely to be close to, *inter alia*, complementary industries and waste development. The supporting text for Policy RW1 states that sites identified within the Waste and Minerals Sites Plan and Schedule of Suitable Industrial Estates are all considered to be within the Area of Focus. As such, the site in question is regarded as an Area of Focus. The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan – Schedule of Suitable Industrial Estates (2017) identifies the Ghyll Road Industrial Estate as a potentially suitable location for waste management facilities. As such the proposal benefits from existing opportunities including the fact that the site is located on previously developed land and land identified for industrial use. Saved Policy HE2 of the Wealden Local Plan (1998) states that the land at Ghyll Road is allocated business purposes and that proposal for new business development will need to, *inter alia*, ensure access is taken from Ghyll Road or through the existing estate. Furthermore, the National Planning Policy for Waste (2014) sets out that waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against several criteria, including the physical and environmental constraints on the development, including existing and proposed neighbouring land uses.

6.4 Policy SP5 of The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017) states that proposals for waste management development located on existing industrial estates will be supported in principle where it is demonstrated that, *inter alia*: the site is located within the Area of Focus; the proposed use would be compatible with neighbouring uses; there would not be an unacceptable detrimental impact on residential amenity; increased traffic is not unacceptable; there would not be unacceptable detrimental impact on environmental assets; and that adequate provision is made for the implications of flood risk. In line with Policy SP5, a number of development considerations are listed in the Schedule of Suitable Industrial Estates (2017), including proximity to the High Weald AONB (now National Landscape), Ancient Woodland and Heathfield Park SSSI as well as the existence of nearby Biodiversity Action Plan (BAP) Habitats, a public footpath, residential properties to the north and east of the site, impacts on landscape character and impacts on existing businesses. Each of these considerations are addressed in this report.

6.5 It is considered that the proposed change of use for this site is largely in accordance with the policy requirements outlined above regarding the provision of a waste management solution that can contribute towards wider sustainable development goals for the County. The location of the site benefits from the opportunities listed in the Schedule of Suitable Industrial Estates. However, it is noted that a number of constraints are in place and, as such, the need for the

proposal can be justified subject to the implementation of effective mitigation measures as detailed below.

Impacts on local amenity and landscape character

6.6 Draft Policy RV1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Revised Policies Consultation Document (2021) states that minerals and waste development in the High Weald National Landscape will have regard to the relevant Management Plan and that major waste development within that Landscape will be refused other than in exceptional circumstances where it can be demonstrated to be in the public interest. In relation to this, Saved Policy EN6 of the Wealden Local Plan (1998) states that development within the High Weald National Landscape will only be permitted if it conserves or enhances the natural beauty and character of the landscape. Whilst the site is not located directly within the High Weald, it is located within close proximity, approximately 55 metres at closest. As such, it is imperative that the proposal considers the visual impact of the development and secures any necessary mitigation.

6.7 Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) requires that all proposals ensure that 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. This includes transport links; no significant adverse impact on air quality or local acoustic environment, as well as adequate means of controlling emissions such as noise and dust associated with the development. In relation to this, Saved Policy EN27 of the Wealden Local Plan (1998) states that proposals for development should, *inter alia*, ensure the proposed development does not create an unacceptable adverse impact on the privacy and amenities of adjoining development and the neighbourhood by reason of scale, height, form, noise and traffic movements. Furthermore, the National Planning Policy for Waste (2014) states that when determining waste planning applications, waste planning authorities should, *inter alia*, ensure that waste management facilities in themselves are well-designed so that they contribute positively to the character and quality of the area in which they are located.

6.8 It is noted that whilst the site itself has been operating without planning permission, it has been subject to continued monitoring with no complaints received during this period. The character of the site is influenced by light industrial uses and is considered urban in character. Whilst the site itself is not considered to be valued landscape in the context of the NPPF, the surrounding High Weald National Landscape and adjacent ghyll woodland is considered a valued landscape, in which the site forms part of the setting for the valued

landscape. The wooded ghyll located adjacent to the west of the site is a key component of the landscape, as recognised by the High Weald Management Plan.

6.9 At consultation, the County Landscape Architect recognised that whilst the likely effects on local landscape and visual amenity are considered minor, measures must be in place to prevent light pollution, overspilling of materials into the adjacent woodland and to implement controls such as height and spread of materials stored outside buildings. Whilst Wealden District Council raised no objections to the proposed development, this recommendation was subject to the consideration of any impacts on amenity or local ecology, requiring the implementation of effective mitigation measures to overcome these. Heathfield and Waldron Parish Council, as well as a business on the industrial estate, raised objections to the proposal with reference to negative impacts on local amenity, specifically in relation to noise, odour and dust.

6.10 To address concerns relating to dust and potential impacts of air pollution on local residents, a Site Dust Emissions Management Plan (SDEMP) has been submitted, which is considered acceptable. The SDEMP identifies potential dust sources and addresses ways in which the development will mitigate against any adverse impacts on the surrounding environment and local amenity. Mitigation measures to be undertaken by the applicant include the following: deployment of a dust suppression system; loads to arrive at the site sheeted; all skips to be deposited inside the building for pre-sorting; any recycled aggregate to be stored within bays to shelter materials from prevailing winds and ensuring any unloading activities take place away from sensitive receptors. To help prevent unacceptable levels of air pollution the SDEMP also states that emissions from vehicle exhaust and non-road going machinery will operate to modern emissions control standards and best-practice measures to minimise source strength. Daily monitoring will be commonplace. It is recommended that a condition is attached to any grant of planning permission to ensure compliance with the Site Dust Emissions Management Plan at all times.

6.11 It is not anticipated that the proposed change of use will give rise to odours that would have an unacceptable impact on local amenity, owing to the types of waste that are proposed to be handled at the site. A condition is recommended to restrict the waste types permitted to enter the site. In addition, the Environmental Permit being sought by the applicant would, if approved, require that emissions from the activities shall be free from odour at levels likely to cause pollution outside the site. If notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, the applicant would be required to submit for approval to the Environment Agency, and subsequently implement an odour management plan.

6.12 To address concerns regarding the impact of noise on local residents and neighbouring businesses, the Environmental Permit being sought by the applicant would require emissions from the activities to be free from noise and vibration at levels likely to cause pollution outside the site. If notified by the Environment Agency that the activities are giving rise to pollution outside the site due to noise and vibration, the applicant would be required to submit for approval to the Environment Agency, and subsequently implement a noise and vibration management plan. In addition, as recommended by East Sussex County Council's noise advisor, a condition is proposed to ensure that the level of operational noise emitted from the site shall, at all times, not exceed 5dB above background noise levels at the nearest noise sensitive receptors. To further protect the amenity of local residents and businesses, the applicant would be required to ensure that the hours of operation are strictly limited to those set out in the proposed condition.

6.13 The applicant has installed two bays on the western boundary of the site for the storage of inert/specified waste. To help protect the visual amenity of the area, as well as reduce any negative impacts on the local landscape character, it is recommended that a condition to ensure the height of the external bays does not exceed 1.5 metres is included. In addition, it is considered appropriate that the stacking of empty skips on-site should not exceed a height of 3 metres. Such measures will also help to minimise the risk of materials overspilling into the adjacent woodland.

6.14 Furthermore, to protect the surrounding natural environment as well as local residents from the potential impacts of light pollution, a condition is proposed to ensure that the site is lit with existing on-site lighting and during operational hours only, and that no additional on-site lighting is installed without prior approval.

6.15 It is also recommended that the importation or treatment of hazardous materials is not permitted at this site and a condition is included to this effect. The applicant will be required to ensure that should any unexpected hazardous material be discovered in loads, it will be isolated in a waste isolation facility for management off-site at a suitably authorised facility.

6.16 Subject to the imposition of conditions and measures as outlined above, it is considered that any potential negative impacts associated with the proposed change of use can be effectively mitigated.

Impacts on biodiversity, Ancient Woodland and High Weald National Landscape

6.17 Saved Policy EN13 of the Wealden Local Plan (1998) states that development proposals that prejudice the ecology of Ancient Semi-Natural woodlands will be resisted. In relation to this, Policy WCS12 of the Wealden District Core Strategy (2013) states that the Council will prevent a net loss of biodiversity and work with partners to maximise opportunities to ensure habitats, biodiversity features and ecological networks are maintained, restored, enhanced and, where possible, created to achieve a net gain in biodiversity and sustain wildlife in both rural and urban areas.

6.18 Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Revised Policies Document (2021) states that to conserve and enhance the built and natural environment, development should, *inter alia*, protect and enhance designated sites, areas and features of environmental, landscape and historic importance. Further to this, Policy WMP23b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) states that proposals for waste management should be accompanied by further details regarding, *inter alia*, clarification of plant and machinery to be used, location of material storage areas, buildings and provision of screening of working areas and cleaning of vehicles as well as a mitigation scheme for any environmental impacts and enhancements.

6.19 The NPPF Section 15 provides the national framework for conserving and enhancing the natural environment. Paragraph 180 states that decisions should contribute to and enhance the natural and local environment by, *inter alia* protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, as well as recognising the intrinsic character and beauty of the countryside. In addition, paragraph 182 requires that, *inter alia*, the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

6.20 The site itself is not considered to be designated for its nature conservation interest and given the nature, scale and location of the proposed development within an existing industrial estate it is considered unlikely that there will be any significant ecological impacts on any designated sites. However, as the site lies close to the High Weald National Landscape and relatively close to a Site of Special Scientific Interest consideration should be given to the potential impact on these as a result of the proposed development. The western and northern site boundaries lie adjacent to the lowland deciduous woodland, which is a Habitat of Principal Importance (HPI). Part of this woodland, starting approximately 5 metres from the site's western boundary forms part of Ancient Semi-Natural Woodland (ASNW), the land slopes steeply down from the site boundary to the watercourse. As such, it is imperative that

effective mitigation measures are put in place to protect this area from any negative impacts that could arise from the development.

6.21 The County Ecologist initially objected to the proposal on the grounds of insufficient information. It was noted that effective mitigation measures would be required if the development is to be supported. The required mitigation relates to effective dust management, covering of materials to prevent overspill and sufficient surface water drainage to prevent the risk of water pollution to the Ancient Woodland and associated ghyll stream. In addition, the objection received from Heathfield and Waldron Parish Council highlights the need to prevent any negative impacts on the Ancient Woodland. Furthermore, the High Weald Unit recommended that the proposal should be amended to include the provision of 2m high fencing along the north-western boundary of the site to prevent materials overspilling. It was also noted that whilst mandatory Biodiversity Net Gain is not applicable in this case, the proposal should still seek to achieve measurable gain where possible.

6.22 In light of the consultation responses, the applicant did not feel that the installation of solid fencing was necessary owing to the fact that the application is for a change of use of an already consented site, albeit not for waste purposes, and therefore felt that the imposition of additional requirements due to the external yard's location is not justified. However, whilst this is already a consented site, it is also noted that the waste use proposed is very different in nature to other industrial processes that may have existed on the site previously. The waste materials that would be processed on site could pose a risk to the neighbouring woodland. As such, it is considered that any permission granted for waste use at the site would require robust mitigation measures to be in place to prevent any negative impacts to the adjacent woodland. Therefore, the recommendation provided by the High Weald Unit is not considered to be wholly unreasonable. However, as outside storage of waste is to be confined to within 2 bays and potentially within skips, the requirement for a 2 metres fence along the entire western boundary may be unnecessary. To address concerns raised regarding the potential overspilling of materials into the adjacent woodland, a condition is recommended to require that any waste stored externally will be within bays or containers as specified in the submitted site layout plan. A limit on the size of the bays is also recommended. These measures would be to prevent any materials escaping from the bays. The SDEMP submitted is considered to adequately address the management of dust to prevent any unacceptable impacts upon the Ancient Woodland. In addition, and in considering the requirements of the High Weald Unit and County Ecologist, the applicant should be required by condition to submit further details, for approval, in the form of a methodology statement to demonstrate measures that will be taken by the applicant to further prevent materials overspilling into the adjacent woodland.

6.23 Taking into consideration all of the above, it is considered that any potential unacceptable impacts incurred upon the biodiversity of the locality and the adjacent woodland as a result of the development, can be adequately mitigated subject to the imposition of appropriate conditions. On these grounds, the proposal is considered acceptable and in compliance with the relevant policy requirements detailed earlier in this report.

Surface water run-off and drainage

6.24 Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) states that development will only be permitted if it can be demonstrated that a proposal adequately provides for the implications of flood risk, in that it would not increase the risk of flooding on the site or elsewhere, and where possible reduce the risk of flooding overall. In addition, Policy WMP28b of the same Plan states that permission will not be granted for proposal that would, *inter alia*, cause damage to groundwater and surface water levels which would result in unacceptable adverse impacts on adjoining land or the quality of groundwater resources or potential groundwater resources. Furthermore, saved Policy EN5 of the Wealden Local Plan (1998) states that new development will only be permitted where adequate water resources are available and where it would not present an unacceptable risk to such resources.

6.25 The site itself is not considered to be at high risk of flooding. However, due to the nature of the proposed change of use it is acknowledged that surface water run off must be effectively managed to prevent run-off into the adjacent woodland. At application stage it was noted that no details had been submitted regarding on-site drainage, however it was observed during a site visit that the kerbing used to prevent surface water run-off into the adjacent woodland and other areas of the industrial estate was of poor quality in places. Subsequently, the applicant is proposing to seal the kerbing along the western perimeters of the site as well as excavate a 2 metres soakaway that will be backfilled with hardcore and Type 1 material below the inert waste bays. This approach seeks to ensure any surface water run-off infiltrates into the ground so as not to overburden the kerbing and therefore reduce the risk of surface water run-off into the adjacent woodland. Temporary water barriers are proposed for emergency use only to prevent any additional surface water run-off should the fire service require access to the Ancient Woodland or adjacent units.

6.26 The Pevensey and Cuckmere Water Level Management Board and Local Lead Flood Authority initially objected to the proposal on the grounds of insufficient information. The response continued to state that consideration of surface water runoff with regards to the apparent stockpiling of material on site

required clarification, as well as details of the composition of the water barriers proposed as it was considered that they appeared to interact with the surface water flow path. In addition, it was noted that the application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore, it was recommended that the applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area, as detailed in an informative later in this report.

6.27 Following the submission of additional details regarding the composition and use of the water barriers and confirmation from the applicant that there will be no materials stockpiled externally on site, other than within bays with their own soakaway, it has been concluded that the surface water run-off management plan proposed is acceptable. In doing so, concerns raised by the County Ecologist with regards to the risk of surface water run-off into the adjacent woodland have been addressed. In light of the above, it is considered that surface water run-off from the site can be effectively managed to ensure any unacceptable impacts on biodiversity and the adjacent woodland, as a result of the development, can be effectively mitigated.

Impacts on access and the highway

6.28 With regards to traffic and access impacts, Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan states that proposals will be permitted where, *inter alia*, access arrangements are appropriate; there are no unacceptable safety hazards for other road users; the level of traffic generated would not exceed the capacity of the local road network; no unacceptable adverse impact upon existing highway conditions in terms of traffic congestion and parking would arise; and there are suitable arrangements for on-site vehicle manoeuvring, parking and loading/unloading areas. In addition, Saved Policy TR3 of the Wealden Local Plan states that planning applications for new development will be permitted where the proposed development does not create or perpetuate unacceptable traffic conditions.

6.29 At consultation, the Highway Authority identified that the proposed trip generation to the site is 50 Heavy Goods Vehicles (HGVs) per day and that that given the previous use being part of the adjacent building, most of these trips would be additional to the existing use. However it was noted that the industrial estate road is private and the existing access at its junction with Ghyll Road was designed and built for industrial estate purposes at that time. The tracking drawings provided by the applicant show turning space for skip vehicles to be adequate. Therefore, the Highway Authority raise no objection to the proposal subject to a condition relating to the provision of parking on site, detailed later in this report. Heathfield and Waldron Parish Council objected to the proposal

on the grounds of traffic impacts and access issues, suggesting that there could be an increased conflict between domestic road users and HGVs both within the immediate and wider locality, noting the proximity to a nearby leisure facility used by children. Concerns were also raised regarding the use of a nearby bridge on Ghyll Road by HGVs as it was felt this could cause weakness in its structure. One letter of objection was received also highlighting these concerns, as well as observations of skips being left on the side of the road and lorries full of waste parked along grass verges. A second neighbouring business responded to say that there was no objection subject to the applicant not using parking spaces allotted for other users.

6.30 Whilst the concerns raised with regards to traffic impacts and access have been duly noted, following consultation with the Highway Authority, it is considered that the development will not give rise to unacceptable impacts in terms of traffic and access. It is noted that the site lies within an existing industrial estate with various uses, some of which may use similar vehicles to the proposed development, therefore it would be inappropriate to place restrictions on the operator in terms of types and numbers of vehicles used. In addition, the Site Dust Emissions Management Plan details measures that will be taken to ensure the development does not have an unacceptable impact on the highway, including wheel washing to ensure the surface on the approach to the site and the estate access road remain clean and free of mud and covering of lorries before leaving the site to prevent debris reaching the highway. Furthermore, it is noted that issues regarding the use of the nearby bridge by HGVs raised at consultation was not highlighted as an issue by the Highway Authority.

6.31 It is also acknowledged that the two representations received raised concerns regarding the applicant's use of parking spaces within the industrial estate which, at times, is causing an inconvenience to other users. Whilst the applicant is reminded to be mindful of other road users and that parking on grass verges, as alleged, is unacceptable this is fundamentally a concern to be raised with the landowner.

6.32 In light of the concerns raised above and the consultation response received from the Highway Authority, it is considered that the development associated with the proposed change of use of the site would not give rise to unacceptable impacts on users of the highway and is therefore considered acceptable.

7. Conclusion and reasons for approval

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in

accordance with the development plan unless material considerations indicate otherwise.

7.2 The proposal complies with Policies WMP1; WMP3a WMP 23b; WMP25; WMP26; WMP28a; WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013); Draft Policies RW1; Draft Policy RV1; Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Revised Policies Proposed Submission Consultation Document September 2021; Policy SP5 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017); East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan – Schedule of Suitable Industrial Estates (2017); Saved Policies EN1; EN5; EN6; EN13; EN27 and HE2 of the Wealden District Local Plan 1998 and Policies WCS14 and WCS12 of the Wealden District Core Strategy 2013.

7.3 In determining this planning application, East Sussex 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 plans.

8. Recommendation

8.1 To recommend the Planning Committee to grant planning permission subject to the following conditions:-

1. The development hereby permitted shall be carried out in full accordance with the plans listed in the Schedule of Approved Plans and Documents.

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

2. Notwithstanding the provisions of Part 7, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings, structures, plant or machinery shall be extended, altered or installed at the site (other than as expressly authorised by this permission), unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To enable the Waste Planning Authority to control the future use of the site in order to protect the amenity of the area in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

3. No activity or operation associated with the permitted use of the site including vehicle movements to and from the site, shall be carried out other than between the hours of 08.00-17.00 on Monday to Friday inclusive and the hours of 08.00-13.00 on Saturdays, and at no time on Sundays, Public and Bank Holidays except for works of essential maintenance or which are to respond to an emergency. No later than one week after the carrying out of such essential/emergency works full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Communities, Economy and Transport.

Reason: To protect the amenity of the locality, in accordance with Policy WMP25a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

4. The site shall only be used for the purposes identified in the planning application, namely the unloading, transfer, sorting, processing and reloading of inert and non-putrescible waste. No hazardous waste shall be permitted at the site.

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

5. There shall be no sorting, processing, screening or grading of waste outside the footprint of the waste transfer building unless otherwise agreed in writing in advance by the Director of Communities, Economy and Transport.

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

6. There shall be no storage of waste outside the footprint of the waste transfer building other than within the designated bays and containers specified within the Site Layout Plan (v0.5 Submission 02.09.2024), unless otherwise agreed in writing in advance by the Director of Communities, Economy and Transport.

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

7. The external storage of materials shall only take place within the bays in the 'Inert/Specified Waste' area indicated on the Site Layout Plan (v0.5 Submission 02.09.2024). Unless otherwise agreed in writing in advance by the Director of Communities, Economy and Transport, the bays shall not exceed 1.5m(h) x 5m(w) x 3m(d) and netting at the rear of the bays shall be maintained as new at all times.

Reason: To prevent the overspill of materials into the adjoining woodland and the uncontrolled spread of stored material on-site outside of the areas specified on the Site Layout Plan (v0.5 Submission 02.09.2024) and to protect the amenity of the locality, in accordance with Policy WMP25 and Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

8. Waste stored in the 'Inert/ Specified Waste' bays shown on the Site Layout Plan (v0.5 Submission 02.09.2024) shall not exceed the height of the walls of the bays.

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

9. Empty skips and containers shall be limited to a maximum height of 3 metres at all times, unless otherwise agreed in writing by the Director of Communities, Economy and Transport. Skips or containers which contain waste shall not be stacked upon one another.

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

10. All works and operations shall be carried out in full accordance with the details contained in the Site Dust Emissions Management Plan/SDEMP (Beyond Waste, May 2024) as already submitted with the planning application and agreed in principle with the Waste Planning Authority prior to determination.

All measures within the SDEMP shall be kept in place for the lifetime of the development.

Reason: To ensure that the measures considered necessary to ensure the minimisation of impacts on surrounding biodiversity and air quality impacts on local residents are carried out as specified and to ensure the continued protection of the environment and amenity of the area as required under Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Revised Policies Document 2021 and also included in Part 15 of the NPPF.

11. No more than 50 HGV movements (25 in and 25 out) shall take place to and from the site per day without the prior written agreement of the Director of Communities, Economy and Transport.

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

12. A record of all daily vehicle movements to and from the site, identifying vehicle type, operator and load, shall be maintained and be made available for inspection on the request of the County Planning Authority.

Reason: In order to allow the County Planning Authority to monitor and control the number of vehicle movements associated with the development.

13. Artificial illumination of the site shall only take place during the hours permitted by Condition 3 of this planning permission. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development within the approved site boundary unless details have been submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: In the interests of amenity and the protection of the adjacent Site of Nature Conservation Importance, and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

14. The level of operational noise emitted from the site shall, at all times, not exceed 5dB above background noise levels at the nearest noise sensitive receptor. All noise levels need to be determined in accordance with BS 4142:2014+A1:2019.

Reason: To protect the amenity of the locality, especially for people living nearby having regard to Policy NE4 of the Non Statutory Wealden Local Plan, Saved Policy EN27 of the adopted Wealden Local Plan 1998 and the requirements of Section 15 of the National Planning Policy Framework 2023.

15. Within one month of the date of this permission, the applicant shall submit for approval by the Director of Communities, Economy and Transport, a method statement detailing measures to be taken on the western boundary, including any boundary treatment, to prevent the spilling of materials into the adjacent woodland. Following approval, the measures shall be implemented within one month of their approval and maintained for the lifetime of the development.

Reason: To protect the biodiversity and local landscape character of the adjoining Ancient Woodland and to prevent the overspill of materials into the woodland, in accordance with Policy WMP25 and Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Saved Policy EN13 of the Wealden District Local Plan (1998).

16. Within one month of the date of this permission, the kerbing on the western boundary, shown on the Site Layout Plan (v0.5 Submission 02.09.2024), shall be fully installed and repaired. The kerbing shall be maintained in good order to provide a barrier capable of preventing run-

off from the site to the Ancient Woodland for the duration of the development.

Any subsequent damage to the kerbing shall be repaired within ten working days of the matter being brought to the attention of the applicant.

Reason: To protect the biodiversity and character of the adjoining Ancient Woodland and ghyll woodland, in accordance with Policy WMP25 and Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Saved Policy EN13 of the Wealden District Local Plan (1998).

17. Within one month of the date of this permission, parking areas shall be provided in accordance with the Site Layout Plan (v0.5 Submission 02.09.2024). The areas shall thereafter be retained for that use.

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

18. Within six weeks of the date of this permission, the soakaway beneath the Inert/Specified Waste bays, shown on the Site Layout Plan (v0.5 Submission 02.09.2024) shall be fully installed and then maintained for the duration of the development.

Reason: To protect the biodiversity and character of the adjoining Ancient Woodland and ghyll woodland, in accordance with Policy WMP25 and Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Saved Policy EN13 of the Wealden District Local Plan (1998).

19. Within 2 months of the date of this permission, the applicant shall seek advice from their consultant ecologist on the type and location of bat or bird boxes and any other measures to enhance the biodiversity value of the site, and details submitted for approval to the Director of Communities, Economy and Transport Any such measures must be implemented no later than 2 months following receipt of such advice.

Reason: To help minimise the potential impact of the proposed development on ancient and HPI woodland and to help provide appropriate mitigation and enhancement.

INFORMATIVES

1. Site Monitoring

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.

2. Environmental permit

The applicant's attention is drawn to the following comments/requirement from the Environment Agency:

Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from us.

Further information can be found on the gov.uk website – <https://www.gov.uk/topic/environmental-management/environmental-permits>.

The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk to obtain advice about environmental permitting matters.

Under the Environmental Permitting (England and Wales) Regulations 2016, the operator of a waste site will require an environmental permit for the importation, storage, and treatment of waste.

The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.

3. Surface Water Run-Off

The applicant's attention is drawn to the following comments/requirement from the Pevensey and Cuckmere Water Level Management Board:

The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore the applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area as required by the Board's Byelaw 3, which is the process by which the Board agrees the proposed discharge rates.

Should consent be given it will be subject to the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. This policy is available using the following link: https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf

4. High Pressure Gas Pipeline

The applicant's attention is drawn to the attached guidance from SGN and the comment below:

Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our assets will not be affected by the proposal. However, should your proposal change please contact immediately and we will re-assess.

Schedule of Approved Plans and Documents

Site Location Plan Version 1.3, Planning Supporting Statement, Ghyll Industrial Estate PEA Technical Note. Issue1, Site Dust Emissions Management Plan (Beyond Waste, May 2024), Site Layout Plan (V0.5 Submission 02.09.2024).

RUPERT CLUBB

Director of Communities, Economy and Transport

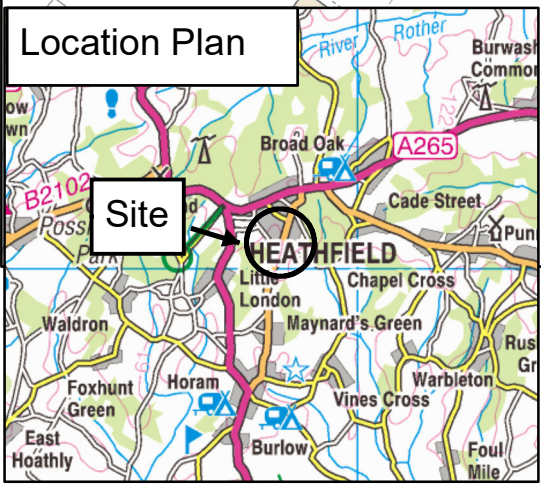
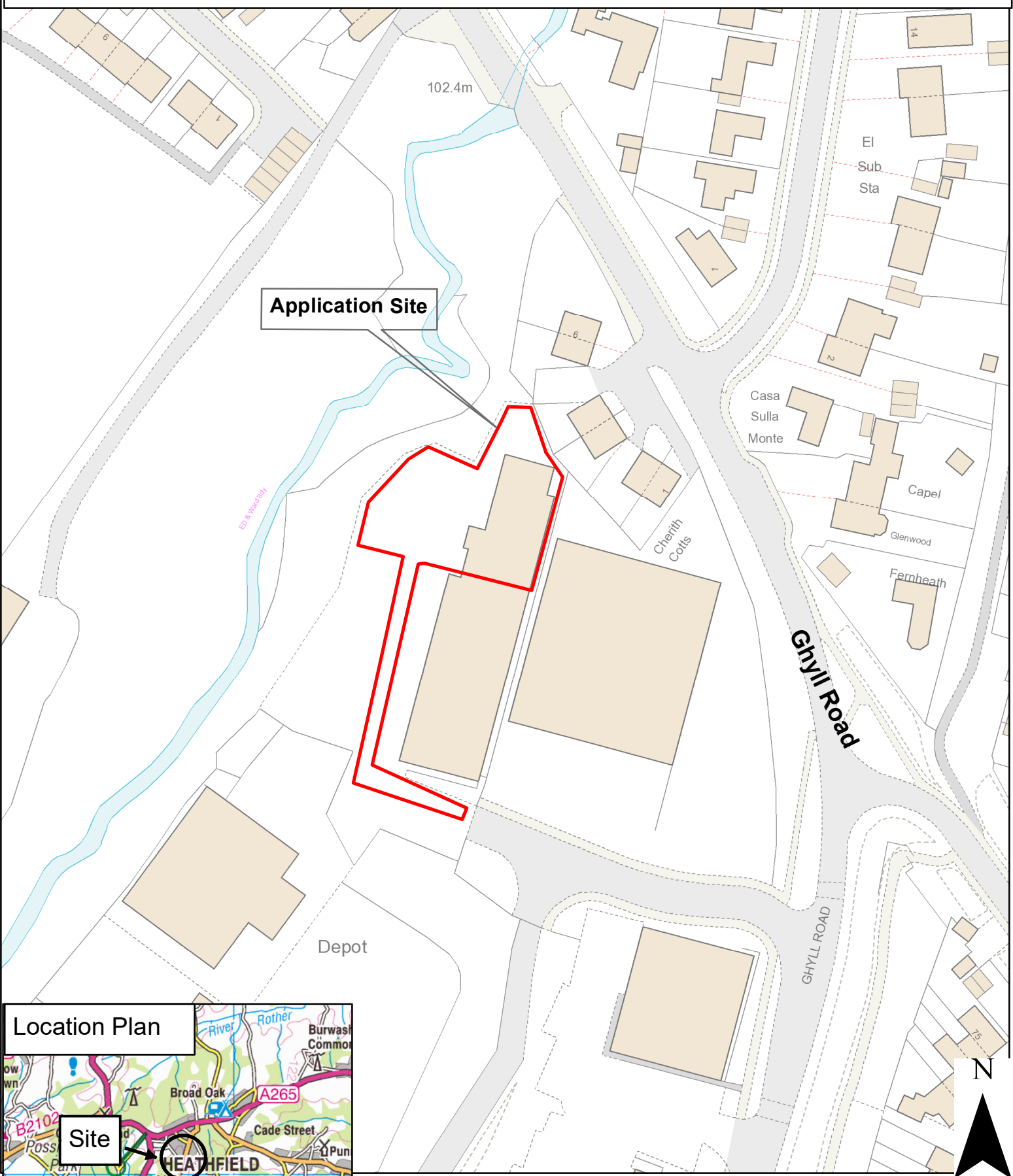
Date: 9 September 2024

BACKGROUND DOCUMENTS

Application File WD/888/CM

The Development Plan

WD/888/CM - Unit 4 Ghyll Road Industrial Estate, Ghyll Road, Heathfield TN21 8AW



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