

Committee: **Regulatory
Planning Committee**

Date: **17 September 2025**

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

Proposal: **Variation of Condition 3 of Planning Permission
LW/799/CM(EIA) to extend the hours of working.**

Site Address: **Fisher's Wharf, East Quay, Newhaven Port, Newhaven,
East Sussex, BN9 0BN**

Applicant: **Mr Richard Ford Brett Aggregates Limited**

Application No. **LW/896/CM**

Key Issues: (i) **Need for the proposal**
(ii) **Noise**
(iii) **Air quality**
(iv) **Traffic**
(v) **Impacts on nature conservation**

Contact Officer: **Helen Ogden 01273 336532**

Local Member: **Councillor James MacCleary**

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 applicant operates an aggregates processing facility at Newhaven Port, which is owned by Newhaven Port Properties Ltd. The operation of the facility involves the importation of marine aggregates by ship, which are then

processed, stored and transferred by road and rail. The affected area comprises land at Fisher's Wharf at East Quay, adjoining the River Ouse. The site extends from the river's edge, through a quadrant, bounded to the south by rail sidings, towards a rectangular shaped plot that extends from Mill Creek in the north, to the East Beach in the south.

1.2 Adjacent to the site lies an area of open beach and the Tide Mills Local Wildlife Site to the south and east. To the south-west the East Pier extends into the sea at the mouth of the Port. The South Downs National Park boundary lies to the east and north-east, approximately 200 metres and 400 metres away, respectively. The Newhaven 7b public footpath runs directly along the eastern boundary of the site.

1.3 The nearest residential properties are on the same side of the river and are located on Railway Road, Clifton Road and Beach Road. The predominantly residential areas of Bishopstone and the western outskirts of Seaford are about 1 kilometre to the east and Denton in Newhaven, is approximately 1.5 kilometres to the north. To the west of the River Ouse, the area is more densely populated than in the east. Residential properties, some of which are multi-storey apartment blocks, stand close to the river and the closest properties are on Fort Road near The Hope Inn, some 250 metres from the site. Newhaven Marina is within the river some 200 metres north of The Hope Inn and is accessed from the west bank. North of the marina, towards the A259, the Port's fishing vessels operate. About 400 metres south-west of the site on land overlooking the Port is Newhaven Fort which is a Scheduled Ancient Monument. An Air Quality Management Area (AQMA) is present about 1 kilometre to the north-west of the site, which covers the A259 one-way system around the town centre.

1.4 Other commercial and industrial activities take place within the Port, which operates on a continual year-round basis. To the north of the application site is a tidal waterbody known as Mill Creek, which separates the site from the Brighton to Seaford railway line and other industrial and commercial development.

1.5 Imported sea dredged sand and gravel is currently discharged from ships onto the quayside at East Quay, where it is then transported by conveyor to an existing aggregates processing plant. From there, the raw material is sorted into various sizes and grades of aggregate ready for distribution from site via Heavy Goods Vehicles (HGV'S) or by train. Part of the processed aggregate is used for the production of ready mixed concrete on site, whilst the remainder is transferred to an independent bagging company for onward distribution by HGVs.

1.6 The main access is gained from the A259 and onto the relatively recently opened Newhaven Port Access Road to the east. The application site consists of two areas, one within the applicant's existing aggregate processing facility and the other adjoining the site on its eastern side. The two areas amount to 0.12ha.

2. The Proposal

2.1 The proposal is for the variation of Condition 3 of Planning Permission LW/799/CM(EIA), which currently reads: *The site shall not be used for the development hereby permitted other than between the hours of 07.00 - 18.00 on Mondays to Fridays inclusive and 07.00 - 13.00 on Saturdays, except for the loading of train wagons with aggregate material, which shall take place between the hours of 06.00 - 20.00 on Mondays to Saturdays inclusive, excluding on Bank and Public Holidays. There shall be no activities outside these times except in an emergency or unless otherwise agreed in writing with the Director of Communities, Economy and Transport.*

2.2 The proposal relates solely to stage 1 of the original development of the site under extant permission LW/799/CM(EIA), which involved the importation of unprocessed marine dredged sand and gravel and subsequent off-loading and processing to produce construction aggregates, distribution by road and rail. The infrastructure of relevance within this part of the site consists of: water holding tanks and silt recovery; an aggregate processing plant equipped with feed hopper, conveyors, and washing, screening, crushing and sand dewatering plant and aggregate storage bays formed from precast concrete wall segments secured to the ground.

2.3 The proposal is to extend the hours of working from 07:00 -18:00 on Mondays to Fridays to 07:00-20:00, and from 07:00-13:00 on Saturdays to 07:00 – 17:00 for processing activities only. There are no proposed changes to the hours in which the loading of train wagons with aggregate material will take place, nor are there any proposed change to works taking place on Sundays or Public Bank Holidays, which will remain unpermitted.

2.4 The applicant has indicated that the current permitted hours of operation are too restrictive and as such, are hindering the supply of aggregates to the market, which is understood to be increasing in demand. The Supporting Statement submitted notes that without any new allocations for land won sand and gravel reserves within East Sussex, there is an increasing reliance on imported resources within the Plan area. This is covered in further detail within section 6 of this report. It is understood that the applicant is proposing new operating hours at its East Quay site to increase the productivity and in turn, throughput, of the site. The application seeks only to vary the operating hours

of the sand and gravel processing plant to ensure rail wagons are loaded to their maximum capacity.

2.5 The applicant has, on three consecutive occasions, requested and subsequently received permission, to vary Condition 3 of extant permission LW/799/CM (EIA) to temporarily increase the hours in which processing activities can take place as per the hours detailed in this current application. Details of these extended periods are as follows:

- Temporary permission was granted on 15th June 2023, limiting the extension of operating hours to the 30 November 2023.
- Temporary permission was granted on 13th December, limiting the extension of operating hours to 31st May 2024.
- Temporary permission was granted on 23rd August 2024, limiting the extension of operating hours to 23rd February 2025.

2.6 During these periods, it is understood that no complaints over activities taking place in the extended hours were submitted to East Sussex County Council. As such, the applicant is now seeking permission for the permanent extension of processing hours.

3. Site History

3.1 Permission was granted in August 2018 for the construction and use of plant, namely aggregate processing plant, aggregate bagging plant, concrete batching plant and buildings, ancillary offices and stores for processing and utilising aggregates landed at Newhaven Port and distribution of the products by road and rail together with access to the public highway and the extension of an existing rail siding. (LW/799/CM (EIA))

3.2 Permission was granted in January 2022 for the demolition of part of a warehouse building for the construction of 2 new aggregates stock bays and the eastern extension of 3 existing aggregates stock bays. (LW/858/CM).

4. Consultations and Representations

4.1 Lewes District Council: The committee objected to the proposal on the grounds of noise pollution, in particular from aggregates being moved around the site and between the wharf and the site, including out of hours operation. It was also noted that in the event ESCC is minded to approve the application the following should be sought:

- Ecological and Biodiversity Gains on site;
- Improvements in the reduction of emissions, dust and noise both from the plant operations and from HGV movements; and
- Controls that require HGV's to access the site via McKinlay Way and not via Beach Road, East Quay, Clifton Road and Railway Road.

4.2 Newhaven Town Council: The committee objected to this application as it was predicated purely upon extended operational hours and no other factor.

4.3 Newhaven Port Authority: No comments provided.

4.4 Newhaven Enterprise Zone: No response received.

4.5 East Sussex County Council Environmental Advice: Following submission of the original application documents, further noise monitoring was requested with the aim of capturing background noise levels without operations as well as noise levels generated by train and boat activity alone in order to gain a clearer understanding of the primary sources of noise associated with the application. Following receipt of these details it was concluded that in general, the activities taking place over the proposed extended hours is unlikely to exceed the background noise levels, other than occasionally, and so will not breach the existing planning condition covering noise. Furthermore, it was considered that the site is likely to generate significantly greater noise levels from the Brett ships unloading than from the day-to-day quayside activities. This is considered to indicate that noise complaints are more likely to be driven by ships unloading than by the day-to-day activities that are subject to the request to extend the weekday and Saturday operating hours.

4.6 Lewes District Council, Councillor Keene: Objected to the proposal on the grounds that it will raise significant concerns regarding noise pollution, dust emissions and general environmental and public nuisance. It was noted that the development already impacts the area during permitted hours and that any extension of hours would be neither reasonable nor necessary. It was suggested that airborne dust from cement and aggregate processing presents a risk to public health. It was also suggested that the extended hours will lead to an increase in heavy goods traffic, which must be strictly controlled. The proposal was felt to bring no meaningful community benefit, only greater disruption.

4.7 Local Ward Councillor James MacCleary (Newhaven and Bishopstone): Objects to the proposal, stating that it will be disruptive, not necessary for the viability of the business and detrimental to the quality of life of local residents.

Concern was raised for local residents who already suffer substantial disruption from businesses operating within the Port. The integrity of the noise report submitted was questioned, noting that as a resident living opposite the river, the operations of the facility are noisy and disruptive. It was further noted that the noise source is not only from aggregates moving around, but also the loading and unloading of the ships, the noise of the ships themselves and the noise of trains transporting aggregates out of the site.

4.8 Other representations: 26 letters of objection were received from local residents. In general, it was felt that the proposal will not benefit local residents or the surrounding area, with further concerns of potentially negative impacts on the future of the area as a result of the proposal. The main issues raised were that of noise pollution, impacts on air quality, increased heavy goods traffic and potential conflicts with the Newhaven Port Masterplan. Further details of these responses are included in section 6 of this report.

One letter of support was received stating that as a local resident, the noise from the port is not causing an issue, recognising that it is a working port.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013): Policies WMP4 (Sustainable provision and use of minerals in the Plan Area); WMP15 (Safeguarding wharves and railheads); WMP18 (Transport – Road, rail and water); WMP20 (Community involvement and benefits); WMP25 (General amenity); WMP26 (Traffic impacts).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Review Revised Policies, October 2024: Policies RM1 (Provision of aggregates) and RD1 (Environment and Environmental Enhancement).

5.3 Lewes District Core Strategy 2010-2030: Local Plan Part 1: Core Policies 9 (Air quality) and 10 (Natural environment and landscape character).

5.4 Lewes District Local Plan Part 2, Site allocations and development management policies, 2020: Policies DM20 (Pollution Management) and DM23 (Noise).

5.5 National Planning Policy Framework (NPPF) 2024

The NPPF does not change the status of the Development Plan as the starting point for decision making and constitutes national policy as a material consideration in determining planning applications. Parts 2 (Achieving Sustainable Development), 6 (Building a Strong and Competitive Economy) 8 (Promoting Healthy and Safe Communities), 4 (Promoting sustainable

transport), 10 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) and 17 (Facilitating the sustainable use of minerals) are particularly relevant in this case.

5.6 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.

5.7 Newhaven Neighbourhood Plan 2017-2030: The site lies outside of the Neighbourhood Plan area as it forms land in the ownership of the Port Authority. However, owing to the proximity of the site to the 'Eastside' identified in this plan, some consideration will be given to Policies ES3 (Eastside's Natural Environment) requiring proposals to consider impacts on the natural environment and H3 (Housing sites on Eastside) which requires proposed development for new housing in the area ensures, *inter alia*, the design of units are orientated so as to ensure future residents are protected from excessive noise and pollution from neighbouring businesses.

6. Considerations

Need for the proposal

6.1 Sustaining imports of marine aggregates through local wharves is particularly important in East Sussex and is articulated in the Waste and Minerals Local Plan. This is because of the scarcity of land-based mineral resources in this area. Policy WMP4 of the Waste and Minerals Plan states that proposals for minerals development should, *inter alia*, make provision for a steady supply of minerals in accordance with national policies. In addition, WMP15 of the same Plan states that, *inter alia*, the capacity for landing, processing, handling and the associated storage of minerals at wharves in Newhaven will be safeguarded. Policy RM1 of the Revised Policies Documents states that the Authorities will support the provision of (...) aggregate material over the 11-year Plan period by seeking to protect, maintain and enhance existing aggregate importation infrastructure and capacity.

6.2 It is understood that the proposed extension of hours would allow for the processing of up to 500 tonnes of additional material per hour, or approximately 7,000 tonnes per week, which is understood to help reduce the height of existing stockpiles. This increased throughput would, in principle, contribute positively to the steady supply of minerals in the Plan area. It is understood that operations currently require the loading of one train per day, involving

approximately four movements within the site to ensure the wagons are correctly placed for loading before leaving the site. It is also understood that additional processing time is required to ensure sufficient material is available to fill the train wagons during the currently permitted times. The applicant has confirmed that the site currently takes in enough raw product to produce the targeted tonnage details above and as such, it is not anticipated that additional ship movements are required to increase throughput at the site. However, as the County Council is unable to impose restrictions on the number of ships entering the Port, it would not be justifiable to assume this will remain the case.

6.3 At consultation, the local ward member, Cllr James MacCleary objected to the proposal stating that, *inter alia*, the proposed increase in processing hours was not necessary for the viability of the business. This view was echoed in other local representations received. When asked whether alternative options had been explored to meet the increased processing capacity required, the applicant stated that due to the fixed speed of the processing plant, processed material can only be increased by running for extended hours. The applicant did however state that the operator is always looking to improve the efficiency of the plant, which is welcomed.

6.4 Some representations received at consultation raised concern in terms of potential conflicts between the proposed development and the objectives of the Port Masterplan. Whilst these concerns are acknowledged and understood, any matters relating to the principle of the development in this location would have been considered and subsequently approved, under the extant permission and is therefore not considered a matter for this application. Since the time of the original permission a new Port Master Plan has been issued (dated 2024). The vision for this plan is referenced as “A port that grows sustainably, supporting the town of Newhaven and the wider regional economy, and is part of the energy transition” which is considered to remain largely in line with the vision provided in the earlier Plan, that would have been considered under the original permission. Furthermore, the Port Masterplan acknowledges the presence of Brett Aggregates and there is nothing to suggest in the Masterplan proposals that their continued operation and the proposed extended hours would present a conflict.

6.5 In conclusion, it is considered that increasing the processing activity should help to increase operational efficiency and throughput and in turn, make a positive contribution to the provision of aggregates to the Plan Area. It is considered that the proposal is supported by policies relating to minerals planning and in particular Policy RM1 of the Revised Policies Document, which has been adopted since the original permission (LW/799/CM (EIA)) was granted. Therefore, the need for the proposal is considered to be acceptable in principle.

Noise

6.6 Policy WMP25 of the Waste and Minerals Plan states that proposals should 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 including transport links. Proposals should also ensure that there is no significant adverse impact on air quality or the local acoustic environment. In addition, Policy DM20 of the Lewes District Local Plan Part 2 states that development with the potential to contribute to unacceptable levels of air or noise pollution will only be permitted where it can be demonstrated that, *inter alia*, the development will not have an unacceptable impact on health, the natural environment or general amenity. Policy DM23 of the same plan states that noise-generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses (existing or planned) will not be exposed to noise impacts that will adversely affect the amenity of existing users. The policy continues to state that where appropriate, proposals will be required to provide mitigation against noise impacts.

6.7 It is important to note that whilst the overall operation of the site generates several noise sources, only those directly associated with processing activities are to be considered as part of this proposal. No additional mitigation measures to those already secured under extant permission LW/799/CM (EIA) have been proposed. Activities include the unloading of materials from ships onto an overland conveyor belt which feeds the material into a screener for washing and sorting before being either moved into the relevant storage bay or loaded directly onto train wagons using HGVs. Ship movements, including the loading and unloading of material, fall under Schedule 2, Part 8, Class B of the Town and Country Planning General Permitted Development Order (GPDO) 2015 and are therefore not controlled by the County Council. Condition 3 of the extant permission allows the loading of train wagons with aggregate material between the hours of 06:00 and 20:00 Mondays to Saturdays inclusive. Whilst the timing of ships is controlled by the Port Authority and is dependent on tide schedules, as such it is not possible for the County Council to impose any restrictions on the movement of ships.

6.8 Noise emitted from the site is currently controlled by Condition 14 of the extant permission which states that the noise rating level from the site shall, at all times, not exceed the measured background noise level at the nearest noise sensitive receptors at The Hope Inn, Newhaven Marina and Marine Drive. The condition will remain in place and therefore continue to control any noise emissions from the site at any time, including the proposed extended hours. Under Condition 13 of the extant permission, various mitigation measures have

been put in place to minimise the sound impacts of the processing plant. These include the installation of 6m high barrier attenuation at the train wagon loading area and aggregate processing plant, as well as acoustic cladding to the crusher and screener.

6.9 At consultation, Lewes District Council objected to the proposal on the grounds of noise pollution, particularly from aggregates being moved around the site and between the wharf and the site, including out of hours operation. It was noted that should planning permission be granted, improvements should be sought in the reduction of emissions, dust and noise both from the plant operations and from HGV movements. In response, whilst such improvements would be welcomed, it is not considered reasonable or justified to request such measures by condition within the context of this application, unless the extended hours require such mitigation.

6.10 In order to meet the requirements of Policies DM20 and DM23 of the Lewes Local Plan Part 2, the proposal must demonstrate, *inter alia*, that the development will not have an unacceptable impact on health, the environment or general amenity and that users of the development will not be exposed to unacceptable noise disturbance from existing or future uses. The applicant submitted a noise monitoring report (Noise Assessment for Extension of Operating Hours, ref. 5361, dated 05.05.2023). Unfortunately, it was noted that as the report was unable to identify specific noise sources, it was difficult to ascertain the specific impacts of the processing activities that form the basis of this application. In addition, it is understood that owing to the nature of the operations, the times at which processing activity takes place may vary from day to day. It was therefore considered that the report did not provide a clear and sufficient representation of the noise emitted from the site during the extended hours proposed. As such, it is considered that the report, on its own merit, did not sufficiently demonstrate that there will be no significant adverse impacts on local amenity during the extended hours proposed.

6.11 Furthermore, as detailed in section 2 of this report, the applicant was granted permission to temporarily extend processing hours for a total of 18 months. Over this period, it is understood that the County Council received no complaints in relation to operations taking place in the extended hours. To ascertain whether the trial period could help to demonstrate that the site can carry out processing activities up to the extended hours proposed on a permanent basis, the applicant was asked to evidence that the site had been carrying out processing up to 20:00 Monday to Friday and 17:00 on Saturdays consistently, with no complaint. Unfortunately, the applicant was only able to confirm that the site operated up to 20:00 a total of 39 times; 24 times in August through to October of 2024 and 15 times between February and March of 2025.

This is not considered to be sufficient in demonstrating that processing activity is able to take place within the extended hours without complaint.

6.12 In light of concerns raised regarding noise associated with ship and train movements and in acknowledging the limitations identified in the originally submitted noise reports, the County Council requested additional noise monitoring to be undertaken. The objective of this monitoring was to separately capture background noise levels without operations, as well as noise levels generated by train and ship activity alone, in order to gain a clearer understanding of the primary sources of noise associated with the application.

6.13 At consultation, the County Environmental Team concluded that the data appears to show that the unloading of ships appears to be significantly noisier at the main noise sensitive receptors than the day-to-day Brett operations on the quayside, both during the currently permitted hours as well as the proposed extension of operating hours. It was also concluded that the loading of the trains seems to be about the same noise level, or below, at the main noise sensitive receptors than the day-to-day Brett operations on the quayside, both during the currently permitted hours as well as the proposed extension of operating hours. It was also noted that, when in port, the ferry dominates background noise levels, and frequently the residual noise levels. Furthermore, it was recommended that in light of the range of acoustic reports submitted there is sufficient data available to reach the conclusion that the site is and will continue to be audible during parts of the extended hours sought. However, it was considered unlikely that this will exceed background noise levels, other than occasionally and as such will not breach the existing planning conditions covering noise. It was noted that a possible exception is in the rear gardens of Marine Drive however, it is also noted that these noise sensitive receptors are over 1km away from the Brett site and over soft ground, so noise attenuation will be significant and other noise sources, such as from the A259, are likely to dominate. Furthermore, it was recommended that any noise experienced from the site should be viewed in the context of a working port, which includes noise from other industrial and commercial activity in addition to that from the applicant.

6.14 To meet the requirements of Core Policy 9 of the Lewes Core Strategy Part 1, the proposal must, *inter alia*, ensure that development will not have a negative impact on the surrounding area in terms of its effect on health, the natural environment or general amenity, taking into consideration cumulative impacts. Arguably, it could be considered that noise emitted from the use, movement, loading and unloading of ships and trains could generate cumulative impacts in forming part of the processing activity, with the exemption of any other noise sources on site such as concrete bagging. Any concerns regarding cumulative impacts are acknowledged, particularly in light of the most

recent monitoring reports highlighting noise generated by these sources. However, it is also important to acknowledge that such impacts would have been considered and subsequently approved, under the extant permission which assessed all operations on site, including concrete bagging. The potential cumulative impacts to be assessed as part of this permission would be limited to processing activities only and again, only within the extended hours proposed, which on balance are considered to be relatively minor in comparison. Furthermore, it is understood that noise generating activities within the Port area have changed over recent years, arguably creating more favourable conditions in comparison to those under which the original permission was granted, largely due to the departure of metal recycling business, Ripley's. With this in mind, and again, taking into consideration that the key activities potentially considered cumulative in nature within this context of this proposal fall under Permitted Development, it is difficult to conclude with any degree of certainty that the cumulative impacts of the proposed development are unacceptable. The applicant is encouraged to carefully consider operational activities moving forward to ensure, where possible, processing activities are not scheduled at the same time as the loading and unloading of ships and trains to ensure the site remains compliant with existing noise conditions.

6.15 In conclusion, it is acknowledged that the noise generated from the processing activities will, to some extent, be audible during part of the extended hours requested. The concerns raised at consultation are understandable given the extension of hours into the Weekday evenings and Saturday afternoons when leisure and recreational activities may increase during certain parts of the year. It is of the utmost importance that the County Council is satisfied that residential amenity will not be adversely affected by the proposed development. As detailed above, the reports submitted are considered to demonstrate that any noise generated from processing activities alone, are unlikely to exceed background noise levels. The site will be required by condition to continue to operate within the parameters of the Noise Management Plan approved under application LW/799/CM(EIA). Furthermore, the noise rating level from the site shall, at all times, not exceed the measured background noise level at the nearest noise sensitive receptors. Taking this into consideration and the consultation response from the County Environmental Team, it is not considered reasonable and justified to recommend refusal on the ground of noise pollution.

Air Quality

6.16 Policy WMP25 of the Waste and Minerals Local Plan requires that all proposals should ensure that there is no unacceptable effect on the standard of amenity appropriate to the land uses of the local and host communities likely

to be affected by the development; there is no significant adverse impact on air quality; there is adequate means of controlling dust, litter, odours and other emissions, including those arising from traffic generated by the development are secured and there is no unacceptable effect on the recreational or tourist use of an area. In addition, Core Policy 9 of the Lewes Core Strategy (2010-2030) Part 1, requires all proposals to, *inter alia*, ensure the development will not have a negative impact on the surrounding area in terms of its effect on health, the natural environment or general amenity, taking into account cumulative impacts.

6.17 The potential key air pollutants resulting from the proposal are likely to be from the movement of vehicles and plant, as well as the associated handling and transfer of aggregates. No additional data was submitted by the applicant in relation to the potential impacts of the proposed increase in processing hours on air quality. Under the extant permission, the applicant was required to submit an Air Quality Assessment for the site's operations as a whole to inform the application which, *inter alia*, set out a methodology for assessing dust and traffic pollution. The Council's decision on that extant permission considered that, taking account of the proposed mitigation, the overall assessment of residual dust emissions for the site is considered to be small. The applicant also agreed to contribute £15,000 towards improving air quality via the Newhaven Air Quality Action Plan. Any potential impacts associated with the increase in hours for processing activity only, are considered to be significantly less than those originally considered under the change of use of the site and as such no additional contributions to this agreement are proposed.

6.18 At consultation, local representations raised concerns that the proposal would have negative impacts on air quality, with particular regard to airborne dust from cement and aggregate particles and the associated risks to health. It was noted that loose sand is blown from the top of stockpiles. One response suggested that if permission is granted, a condition is included to address filtration to address the smells released from the operation which can have health implications.

6.19 The site currently operates in compliance with the Dust Mitigation Scheme approved in November 2018 under Condition 8 of the extant permission. (Newhaven Aggregate Facility Dust Mitigation Scheme – Rev 2, dated and received 08.10.2018). The document details various mitigation measures in place, including but not limited to, dampening down of all unsurfaced areas over which plant and vehicles are required to travel, routine sweeping of paved areas and minimisation of drop heights of aggregates into hoppers. The document also includes additional controls in the event that a trigger level is exceeded, including the temporary cessation of the activities responsible for causing dust impact. Furthermore, procedures to check the

effectiveness of such measures, including routine visual inspections the results of which are to be recorded in a site log. It is noted that in the event that a trigger level is exceeded and additional measures are employed the frequency of inspections will increase until such time as no dust is visible at the site boundary. The document also details the complaints action procedure for the site, to ensure any complaints received are dealt with effectively. This Dust Mitigation Scheme would equally apply to the extended hours, were permission to be granted.

6.20 It is understood that the proposal does not seek to increase the number of vehicles entering and leaving the site. The loading of train wagons is currently permitted to take place up to 20:00 Mondays to Saturdays using front-end loading shovel HGVs, with no current restrictions to the number of vehicle movements that can take place within this time period. The increase in hours of processing may result in an increase of vehicle movements within the site. However, it is not considered reasonable to impose further restrictions within the site as a result of the increased processing hours. As such, any potential adverse impacts arising on air quality as a result of the extended hours are not considered to be significant.

6.21 Whilst it is acknowledged that some concern was raised at consultation regarding potential impacts relating to odour, it is noted that this has would have been considered under the extant permission. As such it is considered unlikely that the proposed increase in hours will have an adverse impact on odour emissions related to processing activities over the additional hours proposed. However, in the event that complaints are received to this nature, the County Council request to be notified.

6.22 In conclusion it is considered unlikely that the proposed increase in processing hours will have a significant negative impact on local amenity in terms of air pollution. Subject to continued compliance with the existing conditions seeking to control dust and emissions, it is considered that the proposal does not conflict with relevant Development Plan policies. It is recommended that the applicant seeks advice regarding ways in which operational improvements can be made to ensure the continued reduction of emissions and dust from the plant operations and from HGV movements.

Traffic

6.23 Policy WMP18 of the Waste and Minerals Plan seeks to minimise the environmental and amenity effects of the transport of waste and minerals by promoting rail and water transport as an alternative to road transport. The policy requires proposals to demonstrate how, *inter alia*, access to the strategic highway network is suitable and how impacts on road safety and congestion

have been addressed, and what measures have been incorporated including mitigation to avoid unacceptable harm to the environment and local communities. Policy WMP26 requires proposals to, *inter alia*, ensure the level of traffic generated would not exceed the capacity of the local road network and no unacceptable adverse impact upon existing highway conditions in terms of traffic congestion should arise. The NPPF requires all developments that generate significant traffic movements should be supported by a Transport assessment.

6.24 At consultation, Lewes District Council objected to the proposal, stating that if the County Council are minded to approve the application, controls should be in place that require HGVs to access the site via McKinlay Way and not via Beach Rd, East Quay, Clifton Rd and Railway Rd. Concerns were raised by local residents regarding the potential increase in heavy goods traffic and resultant environmental impacts that would ensue, as a result of the proposed increase in processing hours. It was further noted that traffic movements must be strictly controlled, that all plant-related traffic should be confined to McKinlay Way and explicitly barred from using any other local routes.

6.25 It is understood that no additional HGV movements are proposed and as such, there should be no additional transport-related impacts as a result of the increased processing hours. Furthermore, there are no proposed increase to staffing levels and as such no change to staff car parking requirements. Existing extant conditions will be either carried over or amended where necessary, should permission be granted, ensuring restrictions remain in place to effectively manage any traffic related impacts that may arise. It is therefore considered that the proposal meets the policy requirements and is acceptable in terms of traffic related impacts.

Impacts on nature conservation

6.26 Policy RD1 of the Revised Policies Document 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, including Local Wildlife Sites. Furthermore, Core Policy 10 of the Lewes Core Strategy (2010-2030), Part 1 states that proposals shall, *inter alia*, ensure that the development will not harm nature conservation interests, unless the benefits of development at that location clearly outweigh the harm caused, in which case mitigation measures are to be provided.

6.27 The Tide Mills Local Wildlife Site (LWS, formally known as a Site of Nature Conservation Importance (SNCI)) adjoins the application site to the north, south and east. The Tide Mills LWS is designated in part for its vegetated

shingle habitat and associated plant and animal communities. The site also includes Mill Creek to the north of the application site, a tidal area that provides an important habitat for wading birds. Other designated sites within the locality include the Lewes Downs Special Area of Conservation (SAC), Castle Hill SAC, the Pevensey Levels SAC and Ramsar site and the Ashdown Forest SAC and Special Protection Area.

6.28 Any associated impacts of the processing activity in question upon conservation interests were considered alongside all other operations at the site, under the extant permission. As part of that decision, a contribution of £20,000 was secured through the Section 106 agreement towards the Sussex Local Wildlife Sites Initiative to provide mitigation and where necessary, compensatory measures. Any potential impacts on the Local Wildlife Site associated with the proposal in question are not considered to be over and above those impacts that have already arisen from the extant permission. Therefore, no additional contributions to this agreement are proposed. Furthermore, the proposal does not involve any additional development on land, nor does it propose any change to the existing, or introduction of new, lighting.

6.29 Lewes District Council have requested that onsite ecological and biodiversity enhancements are sought should the County Council recommend approval. The existing mitigation measures in place on the site, including screening around the plant, are considered adequate in preventing adverse visual or noise related impacts on local wildlife over the extended hours proposed. The issue of potential dust and noise emissions has been covered in more detail elsewhere in this report and conditions are in place to ensure the site operates in compliance with a dust management plan and relevant noise conditions.

6.30 Biodiversity Net Gain is not applicable to this application and as such, onsite enhancements are not required by condition. It is considered that there is potential for the applicant to provide offsite enhancements, however owing to the nature of the site and its operations, it is considered that effective and meaningful options are limited. The applicant is encouraged to seek further advice from a qualified specialist in this respect, as detailed in an informative later in this report.

6.31 Owing to the existing mitigation measures in place, it is not anticipated that dust and noise emissions emanating from the increased processing hours would create conditions beyond the application site boundary which would have an unacceptable adverse effect on the wildlife or habitats of Tide Mills nor would it be likely to give rise to significant effects on the interest features of the designated sites. Consequently, it is considered that there is no conflict with

relevant Development Plan policies or the provisions of the NPPF in protecting nature conservation interests on adjoining land and the proposal can be considered acceptable in terms of impacts on nature conservation interests.

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 With the Waste and Minerals Plan area being somewhat dependent upon marine won aggregate, the proposal is considered to accord with Policy RM1 of the Waste and Minerals Plan Revised Policy Document. The potential impacts upon the host community, particularly noise, air quality and nature conservation interests, as a result of the proposed extended hours have been given careful consideration. Any such impacts are either considered to be minimal and/or are capable of being controlled/mitigated against through existing extant conditions that apply to the site. It is considered that the proposed development complies with the following Policies: Policies WMP4; WMP18; WMP20; WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013); Policies RM1 and RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Review Revised Policies, October 2024; Core Policies 9 and 10 of the Lewes District Core Strategy 2010-2030; Local Plan Part 1 and Policies DM20 and DM23 of the Lewes District Local Plan Part 2, Site allocations and development management policies, 2020, and Parts 2, 4, 6, 15 and 17 of the National Planning Policy Framework 2024.

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.

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

8. Recommendation

8.1 The Planning Committee are recommended to grant planning permission subject to the following conditions:-

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

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

2. The development hereby permitted shall be carried out in accordance with the drawings and documents listed in the Schedule of Approved Plans as referenced under planning application LW/799/CM (EIA).

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

3. The site shall not be used for the development hereby permitted other than between the hours of 07.00 - 20.00 on Mondays to Fridays inclusive and 07.00 - 17.00 on Saturdays, except for the loading of train wagons with aggregate material, which shall take place between the hours of 06.00 - 20.00 on Mondays to Saturdays inclusive, excluding on Bank and Public Holidays. There shall be no activities outside these times except in an emergency or unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

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

4. The movement of vehicles associated with the use hereby approved shall not take place except via the Newhaven port access road (McKinlay Way) to the east of the site. No such vehicles shall use the port access via Railway Road, Clifton Road and Beach Road, unless for reasons of an emergency.

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

5. All activities associated with operations permitted under application LW/799/CM(EIA) and details hereby approved regarding the extension of permitted processing hours, shall be carried out in accordance with The Operational Travel Plan approved under application LW/799/CM(EIA).

The operational travel plan shall be implemented in accordance with the approved details.

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

6. All activities associated with operations permitted under application LW/799/CM(EIA) and details hereby approved regarding the extension of

permitted processing hours, shall be carried out in accordance with the Dust Mitigation Scheme approved under application LW/799/CM(EIA).

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

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

7. External lighting at the site shall be in accordance with details approved on 30 August 2018 under Condition 10 of LW/799/CM(EIA). No additional external lighting shall be installed on the site unless otherwise submitted to and agreed in writing by the Director of Communities, Economy and Transport.

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

8. All activities associated with operations permitted under application LW/799/CM(EIA) and details hereby approved regarding the extension of permitted processing hours, shall be carried out in accordance with The Noise Management Plan approved under application LW/799/CM(EIA).

The noise management plan shall be implemented in accordance with the approved details.

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

9. The noise rating level from the site shall at all times not exceed the measured background noise level at the nearest noise sensitive receptors at The Hope Inn, Newhaven Marina and Marine Drive, as shown at Appendix 2 in the Noise Assessment Report (ref. 4598), dated 12 October 2017, by WBM Acoustic Consultants, as measured in accordance with BS 4142:2014.

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

10. The applicant shall notify the County Planning Authority of the commencement of the permitted extended hours. Within one month of the start of the permitted extended operating hours a noise monitoring assessment will be carried out by a suitably qualified independent 3rd party acoustic consultant, following recognised good practice, to

determine compliance with condition 9 and a report submitted in writing to the Director of Communities, Economy and Transport.

The report shall:

- a) demonstrate whether the noise levels required by condition 9 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 9 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: In the interests of safeguarding the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. The Flood Risk Management measures, including proposed mitigation, as set out in Section 8.0 of the Water Environment and Flood Risk Assessment report by SLR Consulting Limited, dated October 2017 and approved under Permission LW/700/CM(EIA) shall be carried out as part of the development. The measures shall be fully implemented and subsequently maintained throughout the duration of the development.

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

INFORMATIVES

1. The permitted site operations will enable the production of recycled aggregate to be sold from the site. As such the site operator will be required to make annual returns (detailing sales production and capacity) to the minerals planning authority in respect of the Aggregate Monitoring survey. This information will then be collated and sent to the South East Aggregate Working Party on behalf of the Government.
2. 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.
3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition

("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be East Sussex County Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission does not require the approval of a biodiversity gain plan before development is begun because one of the statutory exemptions or transitional arrangements listed is relevant.

Schedule of Approved Plans and Documents

Supporting Statement, Site Noise Monitoring Report, Figure L-DR1 Rev A Site Location Plan, Wbm Technical Note 4903 Brett Newhaven August 2025 Rev2 (a), Wbm Technical Note 4903 Brett Newhaven August 2025 Rev2 (b)

RUPERT CLUBB

Director of Communities, Economy and Transport

BACKGROUND DOCUMENTS

See Electronic case file LW/896/CM