

Committee: **Regulatory
Planning Committee**

Date: **12 November 2025**

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

Proposal: **An alternate site layout (part retrospective) including the external processing of asphalt planings, temporary storage of containers, the installation of an LPG storage facility, the relocation of car and lorry parking, and a minor alteration to the configuration of acoustic fencing.**

Site Address: **Plots 6 & 7, North Quay Road, Newhaven BN9 0AB**

Applicant: **F M Conway Limited**

Application No. **LW/894/CM**

Key Issues: **1) Need
2) Air Quality
3) Impact on Amenity
4) Biodiversity**

Contact Officer: **Miss Kiran Sajjan Tel. 01273 481595**

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 application site is approximately 0.35ha in area comprising an existing asphalt plant and includes part of the private North Quay Road as far to the south where it meets the public highway near the flyover carrying the A259.

1.2 It is within an industrial area on the eastern side of the River Ouse to the north-east of Newhaven Town Centre with Denton Island intervening. The

closest residential properties are in the town centre, 200 metres south-west of the site, at Bridge Court on the north side of Bridge Street. Various industrial activities take place within the locality to the north, south and east. North Quay Road (a private road) adjoins Plots 6 and 7 to the east of the site and provides access to it from the public highway to the south.

2. The Proposal

2.1 Part retrospective planning permission is sought to regularise the site layout and to allow for some additions to the site. The proposal involves the external processing (crushing and screening) of asphalt plantings in the north-west of the site which would involve the relocation of the mobile crusher and screener to this part of the site. At present, external processing is being carried out at a site to the south known as Berth 1, North Quay under permission reference LW/574/CM. The land at Berth 1 is under the control of the applicant.

2.2 The proposal also comprises some retrospective elements including the installation of a Liquefied Petroleum Gas (LPG) storage facility roughly in the centre of the site; relocation of the car parking area to the eastern boundary and lorry parking to the south of the site office; the temporary storage of containers in the northern part of the site; a minor alteration to the configuration of the acoustic fencing and stocking bays on the western boundary. Finally, the construction of a covered open fronted storage bay to the west of the proposed external stocking and processing area is proposed. The storage bay would be 500 square metres in area and 12 metres in height at its tallest point.

2.3 As a result of the proposal and due to space constraints, the previously permitted gully waste plant and concrete batching facility have not been implemented and are now being omitted from the scheme.

2.4 Improvements to on-site drainage are proposed. The runoff is currently managed with runoff diverted to the River Ouse immediately to the west of the site. The existing scheme utilises petrol interceptors to treat the runoff from any contaminants before the water is diverted to the watercourse. Modelling shows that there would be 529 cubic metres of flooding on site in a 1 in 100 year + climate change event. Due to the presence of a flood defence wall running along the boundary of the site, excess water will need to be accommodated on site. To provide sufficient site storage, a barrier at the height of 3.6 metres Above Ordnance Datum is proposed. The barrier would be formed of a trief kerb (a concave concrete barrier), a floodstop flood prevention barrier at the northernmost access point (use of this access is infrequent) and speed humps would be utilised at the southern site entrances to ensure a continuous barrier is maintained whilst still allowing access into the site.

3. Site History

3.1 Planning permission was granted in July 2018 (ref. LW/789/CM(EIA)) for the development of the site to install and operate an asphalt plant, concrete batching plant and gully waste plant, together with ancillary development and

access. The permission was subject to the completion of a legal agreement (the requirements of which have been discharged) and is subject to conditions.

3.2 Subsequent to the original permission, the applicant applied to vary the approved drawings to facilitate changes to the layout of the approved development and specifications of the asphalt plant. Permission for these variations was granted in February 2020 (ref. LW/840/CM).

3.3 In August 2024, planning permission (ref. LW/886/CM) was granted for a height extension of the stack on the existing asphalt plant by 20 metres to aid dispersal and lower the concentration of pollutants. The stack extension was implemented in March 2025.

4. Consultations and Representations

4.1 Lewes District Council – The Planning Applications Committee resolved to object to the application on the grounds that there is insufficient data available within the submitted information to understand the impact on emissions and the opportunities for pollution mitigation.

In the event that East Sussex County Council (ESCC) is minded to approve the application, Lewes District Council requests ESCC to seek: (i) Ecological and Biodiversity Gains on site; and (ii) Ongoing improvements in the reduction of emissions, dust and noise both from the plant operations and from Heavy Goods Vehicles (HGV) movements

4.2 Lewes District Council, Pollution Control (Environmental Health) – No response received.

4.3 Councillor Keene – District Councillor (Ward: Lewes Priory) – Objects on the grounds that the application would formalise existing harm to public health and the environment. Concerns are raised regarding hazardous gas and particulate exposure, odour, noise and vibration. It is suggested that reorganising HGV movements and parking will increase emissions and disruption near homes. It is also suggested that relocating materials bays will move hazardous, odorous substances closer to residential boundaries. The proposal was felt to increase health burden.

4.4 Newhaven Town Council – Raises no objections to this application.

4.5 ESCC Noise Advisor, Environmental Advice - There are no changes being proposed to the site that would appear to significantly alter the acoustic environment.

4.6 County Landscape Architect – Raises no objections as the site changes would have a minor landscape and visual effect when considered in the context of the existing permitted uses on the site and the wider industrial uses on North Quay Road.

4.7 Highway Authority – Raise no objections as the retrospective location of the HGV parking allows sufficient space for HGVs to turn and egress in forward gear. The location of the car parking area is also acceptable.

It is further noted that, in addition to the road planings imported to the site, a small quantity of hazardous planings will also be imported, generating approximately 278 additional HGV movements per year equating to fewer than one per day. Given that not all consented uses are currently operational under the previous approval, a highway objection could not be justified as there would be no significant intensification in traffic.

4.8 Lead Local Flood Authority - Raise no objections subject to the inclusion of a planning condition to control the use of the proposed flood barriers and ensure they remain closed.

4.9 County Ecology – Raise no objections subject to the implementation of the proposed wildflower verge to provide ecological enhancement.

4.10 NatureSpace - The proposed development is not considered to be relevant to the District Licensing Scheme in this case and they consider there would be no likely impact on great crested newts or their habitats. Therefore, no comments are made.

4.11 Environment Agency – Raise no objections to the proposal however advise the applicant of the requirement for an Environmental Permit.

4.12 Representations – 9 letters of objection have been received from residents of Newhaven. The concerns raised are summarised below:

- The proposal would give rise to dust, odour and air quality impacts.
- Amenity concerns as a result of site layout changes.
- Health concerns.
- Insufficient community engagement.
- Incremental site changes have taken place without an holistic review of cumulative impacts.

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 Local Plan 2013: Policies WMP22 (Expansion and Alterations within the Site Boundary of Existing Waste Facilities); WMP23a (Design) and WMP25 (General Amenity).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Revised Policies Document July 2024: Policy RD1 (Environment & Environmental Enhancement).

5.3 Lewes District Joint Core Strategy 2016: Core Policy 9 (Air Quality) and Core Policy 11 (Built and Historic Environment and High Quality Design).

5.4 Lewes District Site Allocation and Development Management Policies 2020: Policies DM20 (Pollution Management) and DM25 (Design).

5.5 National Planning Policy Framework (NPPF) December 2024: Parts of relevance include Part 12 (Achieving well-designed places) and Part 15 (Conserving and enhancing the natural environment).

Although not part of the Development Plan, also of relevance to this decision are:

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 proposal is exempt due to it being part retrospective.

5.7 Newhaven Port Masterplan 2024: The Plan acknowledges the presence of FM Conway at Newhaven.

6. Considerations

Need

6.1 WMP22 of the Waste and Minerals Local Plan supports proposals for increased operational capacity within the site boundary of existing waste management facilities in principle where it is demonstrated that the development is required to meet current environmental standards or the development is required to improve the operational efficiency of the facility and the development would contribute towards meeting the Objectives of the Plan.

6.2 The variations to the site layout have been designed in such a way so as to be operationally efficient. All the main constituent materials required for the Proposed Development will be located within close proximity to where they are required, and will be laid out in such a way as to reduce emissions associated with the transport of the materials around the Site. The location of recycling activities within the north of the Site will minimise the transport distance between stockpiles and processing plant.

6.3 The revised layout incorporates changes to the location of the car parking, from that previously approved. These changes are retrospective and are required to minimise the risk of accidents. Staff parking is located along the eastern boundary of the site using a separate access from HGVs entering and departing the site. A one-way system for HGVs is operated on site.

6.4 Moreover, the proposed covered storage bay is required to store a small quantity of hazardous road planings arising from road resurfacing contracts. These planings will be kept segregated from the remainder of the planings on site within a new dedicated covered storage bay. It is understood this enclosed storage is required to meet Environmental Permitting requirements.

6.5 As set out above, the proposed and retrospective site layout amendments subject of this application are required to improve site efficiency and ensure the operations of the site can be carried out safely. As such, it is considered that the proposal is supported by Policy WMP22 of the Waste and Minerals Local Plan.

Air Quality

6.6 Policy WMP25 in the Waste and Minerals Plan requires that all proposals ensure there is no unacceptable effect on the standard of amenity appropriate to (existing and proposed) land uses likely to be affected by the development; there is no significant adverse impact on air quality; 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 or use of areas for public access.

6.7 Policy DM20 of the Lewes Local Plan Part 2 states that development that may potentially contribute to, or be adversely affected by, unacceptable levels of soil, air, water, noise or light pollution will only be permitted where it can be demonstrated that: its location is appropriate in terms of land use in relation to the uses in the surrounding area; the development will not have an unacceptable impact on health, the natural environment or general amenity; the development will not have an adverse impact on the use of other land and where relevant, the appropriate after-use of land can be secured.

6.8 Core Strategy Policy 9 seeks to improve air quality with applications that could impact on an Air Quality Management Area (AQMA) required to have regard to any relevant Air Quality Action Plan (AQAP), seek improvements to air quality through implementation of measures in the AQAP and provide mitigation where development would adversely affect an AQMA. There is long-standing and wide ranging legislative framework underpinning a national strategy aimed at improving air quality and protecting human health from the effects of pollution. One outcome of this has been the declaration in 2014 of an AQMA around Newhaven Town Centre and the swing bridge because of recorded levels of Nitrogen Dioxide (NO₂).

6.9 The site layout changes and additions to the site are not considered to give rise to adverse air quality impacts. It should be noted that this application is being considered against a baseline of the currently consented activities. The processing activities which are proposed to be relocated to the northern part of the site are already taking place on adjoining land within the control of the applicant.

6.10 Three surveys were carried out during the months of April – June 2024 in which concentrations of particulate matter (Total suspended particles (TSP), PM₁₀, PM_{2.5} and PM₁) were monitored at various locations. The surveys specifically focused on monitoring locations surrounding the crusher being located in the southwest on land under the control of the applicant at Berth 1,,

which was identified as the primary source of particulate matter within the site. There were a number of monitoring locations which were carried out in a transect (at increasing distances away from the crusher and the screener). Baseline levels of PM10 are around 12-16 micrograms per cubic metre, with elevated levels next to busy and dusty roads resulting from off-site sources i.e. passing lorries. Elevated levels of particulates attributed to the site (including the asphalt plant and associated screening and crushing and stockpiles) are not observed more than a few metres from the site boundary (beyond North Quay Road). PM10 reduces significantly by the time it reaches residential receptors to the east and northeast of the site as such no additional mitigation measures are required.

6.11 Regarding the matter of odour emissions, the main odour emission source from the operations of the asphalt plant were identified to be the rotary drying drum stack. Odour sniffing surveys were carried out between April and August 2024 and the results indicated that odour can be detectable at downwind locations reaching to the residential areas to the northeast of the site under the operations of the plant stack height at 20 metres. The stack height has subsequently been increased following the grant of permission LW/886/CM which is expected to improve odour emissions from the plant. The effects of odour emissions from the operations of the permitted extended stack become 'negligible' at all receptors. The submitted Particulate Matter and Odour Surveys' Analysis Report concludes that no additional odour abatement is required after installation of the approved extended stack height.

6.12 Moreover, the application is accompanied by a Dust and Odour Emissions Management Plan which sets out how dust and odour will be managed and controlled to prevent or minimise impacts.

6.13 Overall, it is considered that the proposed site layout changes and relocation of external processing to the north of the site would not give rise to adverse impacts to the air quality of the surrounding area. The proposal is considered to comply with Policies WMP25 of the Waste and Minerals Plan, DM20 of the Lewes Local Plan Part 2 and Core Strategy Policy 9.

Impact on Amenity

6.14 Waste and Minerals Plan Policy WMP23a requires all buildings associated with waste development to be of a scale, form and character appropriate to its location and to allow sufficient space for effective operations. In urban locations design should complement the existing or planned scale or built form of the local area and take account of local landscape character and distinctiveness. Policy WMP25 of the same Plan, as set out in paragraph 6.6, requires that all proposals ensure there is no unacceptable effect on the standard of amenity.

6.15 Policy RD1 of the Waste and Minerals Local Plan states that in order to conserve and enhance the local character and environment of the Plan Area, permission will not be granted where development would have a significant

adverse impact on particular sites and assets including the South Downs National Park.

6.16 Core Strategy Policy 11 of the Lewes District Joint Core Strategy 2016 seeks high quality design in all new development by ensuring, *inter alia*, that it respects the character and distinctiveness of built heritage and responds sympathetically to the site and its local context.

6.17 Policy DM25 of the Lewes Local Plan Part 2 supports development which contributes towards local character and distinctiveness through high quality design through a series of criteria including ensuring its scale, form, height, massing, and proportions are compatible with existing buildings, building lines, roofscapes and skylines and where there will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.

6.18 At present the processing of road planings is undertaken by the Applicant on land to the south of the site, known as Berth 1 in accordance with planning permission reference LW/574/CM, granted on 26 March 2009. The current proposal seeks to move these operations to the northern part of the applicant's site. It is considered that the relocation of this activity would be of benefit for protecting the amenity of the surrounding area by moving the processing operations further away from the town centre. The processing operations would be contained within the site and the proposed covered bay would screen views of the external processing area from the west.

6.19 Road planings imported to the site are currently delivered via HGVs and deposited within a stockpiling area within the north of the site. The relocation of the processing plant from Berth 1 will significantly improve the efficiency of operations as at present imported road planings must be transported via loading shovel from the stockpiling area to Berth 1 for processing before the recycled products are transported back to the site again for storage within the covered bays prior to use within the asphalt production. It is considered that the proposal would minimise double handling of materials and reduce noise impact by reducing the use of the loading shovel.

6.20 The retrospective elements of the proposal include LPG storage tanks and the revised location of the lorry parking. These elements of the proposal have been positioned in the proposed locations since the site was built out in 2020. The locations of these activities are not considered to give rise to any unacceptable impacts. The LPG storage tanks are located roughly within the centre of the site and are screened by the existing covered storage bays and the asphalt plant to the south and east.

6.21 The proposal includes an area in the north of the site for temporary storage of containers. Use of the container storage area is sought for a temporary period whilst the Applicant completes a project which they have been contracted to work on in London. It is anticipated that the storage of these materials will be required on site until the end of June 2026 when the stored materials will be removed offsite and the land returned to operational yard

space which will be used for stocking of materials in connection with the operation of the asphalt plant and recycling activities. The storage containers are not out of keeping with the industrial characteristics of the surrounding area. Following the removal of the temporary storage containers, the applicant has indicated that the area would be used for stocking of materials. A condition is recommended requiring the submission of further details of the use of this area.

6.22 It is considered that the proposed amendments would be in keeping with the nature of the site. The relocation of the processing area is considered to provide improvements to the amenity of residents and visitors of the town centre. The proposal accords with amenity Policies set out earlier in this report.

Biodiversity

6.23 Policy RD1 of the Waste and Minerals Local Plan Revised Policies Document states that to conserve and enhance the built and natural environment development should, *inter alia*, provide measurable net gain in biodiversity and enhancement of natural capital, following the mitigation hierarchy with gain provided on site where possible.

6.24 As the application is part-retrospective, the mandatory biodiversity net gain legislation does not apply in this case. However, a response from Lewes District Council requests that ESCC seeks on site biodiversity gains. This has been given due consideration and given the industrial nature of the site, and the surrounding land uses, it is not considered that the site is compatible with encouraging biodiversity to the site. Notwithstanding this, the applicant was asked to consider options for providing on-site enhancements to biodiversity. The applicant proposes to create a border of wildflower grassland measuring 95 metres in length and 2 metres in width along the northern boundary of the site.

6.25 It is considered that the proposed wildflower verge along the northern boundary would meet the aims of Policy RD1 to provide biodiversity gain on site where possible. A condition is recommended for the submission of an Ecological Design Strategy to secure the detail of the proposed biodiversity enhancement and ensure it is successfully established.

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 Permission is sought to retrospectively regularise the layout of the site and allow for some additional elements including a covered storage bay for hazardous planings and allow for the processing (i.e. crushing and screening) of recycled asphalt planings in the northwestern part of the site. The proposal has been considered in line with Policies WMP22, WMP23a, and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local

Plan 2013; Policy RD1 of the Revised Policies Document 2024 and Core Policies 9 & 11 of the Lewes District Core Strategy 2016 and Policies DM20 and DM25 of the Lewes District Site Allocation and Development Management Policies 2020. The proposal is supported by the provisions 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.

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

8. Recommendation

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

1. The development hereby permitted shall be 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 and documents listed in the Schedule of Approved Plans and Documents.

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

3. The temporary storage containers hereby permitted in the north of the site shall be removed by 31 August 2026. Prior to the area being brought into use for any other purpose, the applicant shall submit details of the permanent use of the area to the Waste Planning Authority for approval in writing, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

The approved permanent use of the area shall thereafter be implemented in accordance with the approved details.

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

4. Use of Berth 1, North Quay Road, Newhaven on land under the control of applicant for the importation, storage and processing of mineral, demolition and construction wastes pursuant to planning permission LW/574/CM shall cease on the implementation of any external processing activities allowed by permission LW/894/CM. If processing activities under permission LW/894/CM cease, the applicant shall notify the Planning Authority prior to bringing Berth 1 back into use for external processing.

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

5. Prior to the construction of the covered storage bay and the relocation of the crusher and screener to the north of the site an ecological design strategy (EDS) addressing enhancement of the site shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The EDS shall include provision of a minimum of 190sqm of wildflower grassland along the northern boundary of the site. Details should include, location, dimensions, build-up/depth, low nutrient substrate/soil type, native plant species list and percentages, sowing density or turf type, initial aftercare and maintenance, long-term management which must include the removal of arisings, timetable of works and roles and responsibilities for implementing the works. Details on the edge design e.g. kerbing, to avoid damage from machines or spill from stockpiled material being processed adjacent to it and additional features such as log piles/bee banks/substrate piles of value to insects should also be provided. The EDS should be written by an ecologist with experience of specifying wildflower grassland creation and management. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure provision of measures considered necessary to enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the NPPF (December 2024) and local policy.

6. The 500mm floodstop flood prevention barrier hereby approved in the north-east corner of the site shall remain closed at all times unless the operator requires use of the access in this area. The barrier shall be closed immediately after use. If the flood barrier is opened the operator shall inform the Planning Authority within 1 day of the flood barrier being opened and shall provide confirmation of its closure.

Reason: To ensure an appropriate means of flood enclosure is maintained.

7. The covered storage bay hereby permitted in the north west of the site shall be finished in corrugated aluminium sheeting and coloured as follows:

External ground to roof level – RAL 6028 Green.
Roof and internal faces – RAL 7038 Grey.

Unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To help integrate the development into the existing site appearance and ensure an appropriate appearance of the development in accordance with Policy WMP23a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. Construction and subsequent development shall be carried out in accordance with the conclusions and recommendations in Section 8.7 to the 'Report on Preliminary Ground Investigation', Issue 3, dated March 2017 by Applied Geology Limited (ref. AG2519-16AA17).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM20 in the Lewes District Site Allocation and Development Management Policies 2020.

9. If, during construction, contamination not previously identified is found to be present at the site then no further construction (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until the applicant has submitted and obtained the written approval of the Director of Communities, Economy and Transport for a remediation strategy detailing how this unsuspected contamination shall be dealt with. Construction shall be carried out in accordance with the approved remediation strategy thereafter.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM20 in the Lewes District Site Allocation and Development Management Policies 2020.

10. Piling, or any other foundation designs, using penetrative methods shall not be permitted other than with the written consent of the Director of Communities, Economy and Transport, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Construction shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM20 in the Lewes District Site Allocation and Development Management Policies 2020.

11. The recycled aggregate product (RAP) shed and the aggregate storage bays shall accord with the details approved in East Sussex County Council's letter dated 17 March 2020, namely application for approval of details reserved by condition, dated 27 July 2019, including accompanying statement and plan and the following drawings: (1) Column Layout: 19.0675-101C; (2) Elevations Sheet 1: 19.0675-200; (3) Elevations Sheet 2: 19.0675-201; & (4) Roof Steelwork Layout & Details: 19.0675-110A.

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

12. External materials and finish including colour of buildings and/or structure of means of boundary enclosure shall accord with the details approved in East Sussex County Council's letter dated 25 August 2023, namely:

Asphalt plant and mixed material storage

Structures are clad in corrugated aluminium sheeting and coloured as follows:

Ground level to 13.15m height – RAL 6028 Green.
Above 13.15m – RAL 7038 Grey.

Aggregate storage sheds

Finished in corrugated aluminium sheeting and coloured as follows:

External ground to roof level – RAL 6028 Green.
Roof and internal faces – RAL 7038 Grey.

Bitumen tanks and fuel storage tanks

Full height and tops – RAL 6028 Green.

Fibre/colour pigment silos

Full height and tops – RAL 7031 Grey.

Offices, laboratory and messroom

Comprised of portacabins which are finished in RAL 6028 Green.

The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To help ensure an appropriate appearance of the development in accordance with Policy WMP23a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

13. Construction shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Feb 2017) and the following mitigation measures detailed within the FRA:

- i) Landscaping or ground works are kept to the limits shown on drawings numbered "CWY51-EW-00-003 P1, Existing Site drainage" and "CWY51-EW-00-004 P2 Proposed Surface Levels" in order to minimise impact on flood levels and flows.

The mitigation measures shall be fully implemented prior to first occupation and subsequently retained in accordance with the timing and phasing arrangements within the scheme or within any other period as agreed in writing by the Director of Communities, Economy and Transport.

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

14. Within 3 months of the date of this permission, details of the technical design of the drainage system shall be submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To ensure that surface water runoff is controlled to ensure the development does not increase the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

15. The development shall be implemented and operated in accordance with the Meridian Surface Water Drainage Strategy October 2024 Rev P01, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

16. Prior to first use of the crusher and screener in the north of the site, a Noise Management Plan for the control and management of noise from the site operations and vehicle movements shall be submitted for the written approval of the Director of Communities, Economy and Transport. The development shall thereafter be carried out in accordance with the

approved details, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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

17. The development shall be carried out in accordance with the Environmental Fleet Management Plan for the control and management of vehicles associated with site operations approved in East Sussex County Council's letter dated 17 March 2020, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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

18. Site lighting and CCTV shall be carried out in accordance with the approved details in East Sussex County Council's letter dated 22 December 2023, namely: Lighting Location Plan and Light specifications, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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

19. The rating noise levels from the site shall not exceed those predicted at locations shown in WBM Technical Note (Ref. 4611, dated 28 February 2018), Appendix A, Table titled 'Night-time (with additional mitigation measures for top of asphalt plant and stack)' at any time.

Reason: To safeguard the amenities of the occupiers of residential properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3 of the Lewes Local Plan 2003.

20. Transfer of aggregate via North Quay Road between berth 5 and the application site shall not take place at any time other than between 0700 and 1900 hours Monday to Friday inclusive (excluding Bank and Public Holidays) and between 0700 and 1300 on Saturday unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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

21. HGVs shall not use the site routes between the covered storage bays and the site boundaries at any time other than between 0700 and 1900 hours on Monday to Friday inclusive (excluding Bank and Public Holidays) and

between 0730 and 1300 on Saturday unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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

22. Wharf usage shall be carried out in line with the details approved in East Sussex County Council's letter dated 22nd December 2023, namely:

Information as set out in the letter dated 7 August 2023 from PDE Consulting Limited reference 16/012/GM/23/026.

Reason: In the interests of monitoring the use of wharves to inform Policy WMP15 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

INFORMATIVES

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, hedgerows and scrub/planted shrubs are assumed to contain nesting birds between 01 March and 31 August inclusive (although nesting can occur outside of these 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.
2. Consideration should be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. The applicant's attention is drawn to 'Improving the Flood Performance of New Buildings', issued in May 2017 by the Department for Communities and Local Government (ISBN 9781859462874).

Schedule of Approved Plans and Documents

- 1a - Dust and Odour Analysis Report, 1b - Dust and Odour Emissions Management Plan, 2 - Surface Water Drainage Strategy, KD.NHVN.3.D.001 - Location Plan, KD.NHVN.3.D.003 - LPG Compound, Planning Application Supporting Statement 28 February 2025, Kd.nhvn.5.d.008 Elevations Storage Bay, Kd.nhvn.5.d.001a Revised Site Plan September 2025, Proposed Flood Defences Types and Locations

RUPERT CLUBB

Director of Communities, Economy and Transport

Date: 3 November 2025

BACKGROUND DOCUMENTS

The Development Plan