

Committee: **Regulatory
Planning Committee**

Date: **14 February 2018**

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

Proposal: **The expansion of an existing waste management use over adjacent land to provide for a fully enclosed Materials Recovery Facility**

Site Address: **Polegate Yard, Summerhill Lane, Hailsham**

Applicant: **Haulaway Limited**

Application No. **WD/796/CM**

Key Issues: **(i) Waste management and Principle of Development
(ii) Highway matters
(iii) Landscape and design
(iv) Effect on amenity
(v) Intensification of use
(vi) Screening of Application under Habitats Regulations 2010**

Contact Officer: **Sarah Iles – Tel: 01273 481631**

Local Member: **Councillor Daniel Shing and Councillor Gerard Fox**

SUMMARY OF RECOMMENDATIONS

1. The Committee is recommended that the application be approved subject to the completion of the following procedure:

- (i) The completion of a Legal Agreement to require: (1) details for the works to the public highway on Summerhill Lane/A22 junction; (2) the extension of the vehicle passing bay on the access track and the widening of the track; and (3) details for the continuation of the routing of vehicles travelling to and from the site via the A22 and Summerhill Lane;**
- (ii) To authorise the Director of Communities, Economy and Transport to grant planning permission, upon completion of the Legal Agreement in (i) above, subject to conditions, along the lines set out in paragraph 8.3 of the report.**

2. If the Legal Agreement has not been completed by 14 October 2018, the application will be referred back to Committee for determination.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. The Site and Surroundings

1.1 The application site at Polegate Yard, Summerhill Lane, Hailsham, is 2.26 hectares in area and comprises two main parts. The eastern part consists of a concreted yard, which is currently being used for waste management purposes and the storage of aggregates, and includes a building and surface water drainage infrastructure. The storage of aggregates occurs on an elevated area on this part of the site, which is approximately 3 metres higher than the floor level of the building. An electricity sub-station and portacabin office are also located at this part. The western part of the site is undeveloped, although areas within it have been used for the unauthorised storage of soils and plant. The application site includes a shared private track which allows access from Summerhill Lane some 240 metres to the north-west.

1.2 As well as the areas of the application site noted above, the site also includes an area of woodland and agricultural land to the north-west of the proposed building to host a drainage pond and tree planting, and land to enable changes to be made to the access track and along Summerhill Lane to its junction with the A22. Summerhill Lane is bordered by a hedgerow on its southern side, recognised as 'important' under the Hedgerow Regulations 1997, and a Tree Preservation Order (TPO) protects trees along its northern boundary.

1.3 The area surrounding the application site largely comprises woodland, hedgerows and fields. Several ponds are on adjacent land to the south-east, which form part of the Amazon Wood Fishery. The nearest residential properties involve 'Cliff Coombe' and 'Nightingale Place' about 220 metres to the west, 'Nightingale Farm' about 210 metres to the south-west, 'Coppards', which comprises Grade II Listed Buildings, about 180 metres to the north and 'Brownings', some 280 metres to the north-west. The Hailsham Roadways Depot, which adjoins the A22, is located on the north and east sides of 'Brownings', about 215 metres from the application site.

1.4 Footpath Hailsham 53b is located just to the east of the application site and tracks north-westwards, although becomes Footpath Polegate 3 as it enters the Fishery to the south-east. Footpath Polegate 9a tracks north-westwards across the field to the west of the application site and enters Summerhill Lane a short distance from the Lane's junction with the A22. Other public footpaths are present in the vicinity of the site, including the Cuckoo Trail, which is about 380 metres to the east and runs north-eastwards into Hailsham. The Pevensy Levels Site of Special Scientific Interest, Special Area of Conservation and Ramsar Site, is located about 1.6 kilometres to the east.

2. Site History

2.1 A ready mixed concrete plant was approved in 1962 covering the eastern part of the application site (reference K/62/45) and this use continued up to 2008.

2.2 In 2011, an application for a change of use from the concrete plant and depot use (part B2 and B8 uses) to an inert recycling operation (45,000 tonnes per annum), dry recyclables storage and skip storage area with acoustic screening bunds was approved (reference WD/662/CM), subject to the completion of a legal agreement and to conditions. The legal agreement was completed in 2013 and planning permission issued in April that year. The planning permission requires that no use takes place on the western part of the application site, and the recycling operation is restricted to sorting and storage only with no other waste processing allowed.

2.3 In 2015, planning permission (reference WD/739/CM) was granted for a new building for waste management purposes, an area for the storage of recycled aggregates and the provision of surface water infrastructure, subject to the completion of a legal agreement and to conditions. The development has been implemented and the permission allows for up to 25,000 tonnes per annum (tpa) of waste to be managed at the site.

3. The Proposal

3.1 The proposal is for the expansion of an existing waste management use on adjoining land to provide for a fully enclosed Materials Recovery Facility (MRF), together with associated development. Various surveys and assessments have been undertaken to accompany the application. The main elements of the proposed development comprise:

3.2 The creation of a level area throughout the eastern and western parts of the site to 15.0 metres AOD, which would involve the removal of some 13, 280 cubic metres of material. In addition, 890 cubic metres of soils would also need to be removed to enable the excavation for the drainage attenuation pond.

3.3 The construction of a large MRF building within the western part of the site, which would house specialised plant and equipment and would process dry mixed recyclable wastes into individual waste streams. The building would be irregular in shape to fit the site and would comprise about 42,000 square metres of floor space. It would be up to 90 metres long and 45 metres wide. A further building linking the proposed MRF building to the existing building is also proposed, which would be open-fronted, and measure about 35 metres in length and between 15-25 metres in width. The proposed buildings would stand 9.5 metres to the eaves and 13 metres to the ridge to complement the existing building. In addition, the proposed new buildings will be finished to generally match the existing building on the site.

3.4 The site currently receives construction and demolition (C&D) waste processed at the applicant's site in Hailsham, including card, carpet, metal and plastics, and this would continue to be accepted. In addition, the application site is proposed to accept dry mixed recyclable (DMR) waste, which would originate from source segregated collections, including local authority kerbside collections, and include card, glass, metal, paper and plastic bottles. Currently, the site receives up to 10,000 tpa of C&D material into the building and 15,000 tpa of recycled aggregates. The applicant is now proposing to abandon the importation of recycled aggregates and instead accept up to 30,000 tpa of DMR waste together with the existing 10,000

tpa of C&D waste, resulting in 40,000 tpa of material in total. This would be 15,000 tpa more waste overall than is currently accepted at the site, but less than originally approved in 2013 (45,000 tonnes per annum).

3.5 It is proposed that inputs into the MRF building would be undertaken by articulated heavy goods vehicles (HGVs) and inputs to the existing building will continue to be made by hook loader HGVs. Exports from the MRF building or the existing building would be made by articulated bulker or other type HGVs. The existing planning permission allows for up to 40 HGV movements (20 in, 20 out) per operational day. The proposed development would result in a further 26 HGV movements (13 in, 13 out). The combined total of HGVs movements per operational day would therefore be 66. All HGVs would continue to turn left from the access onto Summerhill Lane and then left onto the A22.

3.6 Surface water drainage from the roof of the MRF would require storage for flow attenuation to enable discharge to the ditch to the north of the site at the greenfield rate runoff. Consequently, an attenuation pond is proposed to be excavated on agricultural land to the north-west of the developed site.

3.7 Works to the public highway and access track are proposed to facilitate an increase in the numbers of HGVs and to accommodate articulated vehicles. Works to Summerhill Lane and the junction of the Lane with the A22 would necessitate the removal and replacement of a length of hedgerow. The existing passing place along the access track would also be enlarged.

3.8 A weighbridge is proposed to be installed with a control cabin and an existing single storey office would be replaced with a two storey cabin and additional car parking spaces would be provided. Tree planting is proposed on agricultural land to the west of the site to mitigate the loss of trees within the site and for screening purposes.

3.9 Construction activities would take place between the hours of 07.30 and 17.00 on Mondays to Fridays and 07.30 and 13.00 on Saturdays, with audible activities commencing from 08.00 on those days. Operational hours would be similar to the above, namely between 07.30 and 17.00 hours on Mondays to Fridays and between 07.30 and 13.00 hours on Saturdays. On Bank and Public Holidays, should local authority contracts require it, the site would be open only for the receipt of local authority collected DMR waste between the hours of 07.30 and 17.00.

4. Consultations and Representations

4.1 Wealden District Council raises no objections subject to the County Council being satisfied that the impacts to the wider character of the area, highway safety and residential/rural amenities are acceptable. Also, until the necessary compensation/mitigation measures are in place for the protection of the Ashdown Forest Special Area of Conservation (SAC), developments which might affect the SAC can only proceed where it can be demonstrated that they will not damage it. Essentially, this would mean demonstrating that the development would provide no more vehicle emissions than is currently the case along the affected roads in the SAC.

4.2 The District Environmental Health Officer has considered the noise impact assessment accompanying the application and additional information provided by the applicant. Thorough consideration has also been given to the noise report submitted by an independent consultant on behalf of the occupiers of 'Coppards'.

In summary, no objections are raised, although if planning permission is granted, a suite of conditions is recommended covering noise and air quality, including matters on the construction of the buildings, hours of use, dust suppression, reverse alarms and the submission of a noise management plan. It is also noted that because HGVs arriving at the site early in the morning might be particularly noticeable by residents on Bank Holidays, it is recommended that the hours of use on these days are reduced compared to what is being proposed.

4.3 Hailsham Town Council supports the application.

4.4 Polegate Town Council raises no objections, although some concern is noted regarding the potential pollution to the nearby fishing lakes if surface water flooding occurs and that adequate screening should be provided to nearby residential properties.

4.5 Long Man Parish Council has not submitted any observations.

4.6 The Highway Authority raises no objections. However, it notes that the proposal will result in a significant increase in the use of the site and introduce a large number of slow moving vehicles onto the A22 and the relatively narrow width of Summerhill Lane is not ideal. Despite this, the proposed changes to the A22/Summerhill Lane junction satisfy the relevant latest standards for a dual carriageway and appropriate visibility sight lines and stopping distances for a high speed road. The ESCC Road Safety Team has also assessed the proposal and is satisfied that the proposed works to this junction are acceptable and sufficient to mitigate the impact of the development. A legal agreement would be required for works to be undertaken within the public highway and to maintain the routing of HGVs and conditions are recommended regarding works to the access track, provision for additional car parking and a turning area and a limit on the amount of waste transported to the site.

4.7 The Environment Agency has not submitted any observations.

4.8 ESCC Flood Risk Management considers the proposals for the management of surface water runoff to be acceptable, subject to the inclusion of conditions if planning permission is granted. These should cover matters on detailed design, ground investigations, maintenance and management of the entire drainage system, management of flood risk during construction and evidence that the drainage system has been constructed in accordance with the agreed drainage designs.

4.9 Representations: Objections have been received from the occupier of a property in Coldthorn Lane and the occupiers of the 'Coppards' property in Summerhill Lane. The main reason for the objections relates to an increase in the levels of noise from the site resulting in a loss of amenity. Other reasons relate to the

hours of use and dust emissions, which are considered to affect health. A representation of support has also been received from a member of the public who notes that the presence of a materials recovery facility at this location offers future opportunity for recycling materials to be handled locally, reducing the need to transport the materials out of Sussex for processing.

Planning consultants, Parker Dann, have also submitted an objection, on behalf of the residents of 'Coppards', which states that the proposal does not accord with Parts 11 and 12 of the National Planning Policy Framework, nor policies in the Wealden Local Plan in relation to protecting the wider countryside setting of the residents' home, the setting of the heritage assets and residential amenity. It is also noted that the results of a noise report commissioned by the residents found that under the existing operating practices the noise levels from the site exceed the background level. A further matter is raised regarding the development constraints set by the District Council regarding Ashdown Forest, particularly in relation to an increase in vehicle movements.

One other representation, supporting the proposal, was received: The Joint Waste and Recycling Committee decision in September 2017 was to continue collecting a wide range of dry recycling from domestic households in Hastings, Rother and Wealden. Eastbourne and Lewes collect a similarly wide range of recycling materials which also requires sorting and processing. The presence of a materials recovery facility at this location offers future opportunity for recycling materials to be handled locally, reducing the need to transport recycling out of Sussex for processing.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP3b (Waste hierarchy); WMP6 (Safeguarding waste sites); WMP7a (Areas of focus); WMP22 (Increased operational capacity within existing facilities); WMP23a (Design principles for built waste facilities); WMP25 (General amenity); WMP26 (Traffic impacts); WMP28a (Flood risk) and WMP28b (water resources and water quality).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Sites Plan 2017: Policy SP6 (Safeguarding waste sites) - Map 28, SP-WCA/J Cophall Wood, Polegate Yard and Woodside Depot, Polegate.

5.3 Wealden Local Plan 1998: Saved Policies: GD2 (Development outside development boundaries); EN1 (Sustainable development); EN12 (Protection of trees and woodlands); EN14 (Landscaping); EN27 (Design and amenity); TR3 (Traffic impact of new development); TR10 (Heavy goods vehicles).

5.4 Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013: WCS12 (Biodiversity); WCS14 (Sustainable development).

5.5 National Planning Policy Framework (NPPF) 2012

The NPPF does not change the status of the Development Plan as the starting point for decision making but does constitute guidance as a material consideration in determining planning applications. In this case, the relevant parts are: 1 (Delivering sustainable development), 7 (Requiring good design) and 11 (Conserving and enhancing the natural environment).

5.6 National Planning Policy for Waste (NPPW) 2014

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

6. Considerations

Waste Management and Principle of Development

6.1 The applicant is seeking to expand the existing Polegate Yard waste management facility, to include a fully operational MRF, by developing adjoining land and by making changes to the existing operational site and access arrangements. Policy WMP23a of the Waste and Minerals Plan supports, in principle, buildings which allow sufficient space for the effective sorting, recycling, recovery and storage of waste. The expansion would involve an increase in the throughput of waste from 25,000 tpa to 40,000 tpa and involve up to 66 HGV movements per day compared to the existing permitted 40.

6.2 The existing facility is safeguarded as a waste management site under Policy WMP6 in the Waste and Minerals Plan and is identified as such in the Waste and Minerals Plan Sites Plan at Map 28. However, the site of the proposed extension in the western part is not allocated in the Sites Plan.

6.3 Works to increase the operational capacity of the existing facility are supported, in principle, by Policy WMP22 of the Waste and Minerals Plan and in general terms, the management of waste further up the waste hierarchy, as proposed, is supported by Policy WMP3b. However, the site is not identified in the Waste and Minerals Sites plan as an extension to an existing waste management facility. Notwithstanding this, the application site is within an Area of Focus identified under Policy WMP7a of the Waste and Minerals Plan in which expansions to existing waste facilities are considered to offer benefits in sustainability terms. Consequently, the site is considered to be acceptable for the expansion of the existing facilities.

6.4 Therefore, in terms of managing waste, the Waste and Minerals Plan supports, in principle, the increase in operational capacity of the existing waste management facility and its expansion under Policy WMP7a.

6.5 Although the application site is within an Area of Focus identified in the Waste and Minerals Plan, it is not within the development boundaries of either Hailsham or Polegate and is therefore within the countryside. The Wealden Local Plan, under Saved Policy GD2, states that development outside development boundaries will be resisted, unless it is in accordance with specific policies in the Plan. Although there

are no such policies in the Wealden Local Plan, or site specific policies in the Waste and Minerals Plan, as identified in the previous paragraph the provisions of Policy WMP7a does support the principle of the proposed use in this locality. In addition, the use of the existing eastern part of the site has been established under a previous planning permission (WD/662/CM) which is now safeguarded by Policy WMP6 in the Waste and Minerals Plan and Policy SP6 in the Waste and Minerals Sites Plan.

Highway matters

6.6 Policy WMP26 of the Waste and Minerals Plan requires proposals to, *inter alia*, have adequate access arrangements, generate no unacceptable safety hazards for other road users, not to exceed the capacity of the local road network and provide suitable on site manoeuvring and parking areas. Saved Policy TR3 of the Wealden Local Plan requires development not to create or perpetuate unacceptable traffic conditions and to provide a satisfactory means of access and Saved Policy TR10 of the same Plan seeks to control the movement of HGVs which would have a detrimental impact on the environment by reason of a material increase in the generation of HGVs within villages and along unsuitable country roads.

6.7 A Highways Statement has been submitted to inform the application. The proposal would generate up to 26 additional daily HGV movements on top of the existing 40 movements, which are currently permitted, thereby resulting in a total of 66. The proposed additional movements would involve articulated HGVs, a type not currently used at the site. The average number of HGVs is approximately 7 per hour (based on a 9.5 hours operational day), equivalent to one movement every 9 minutes. The applicant considers that at its most intensive, the peak rate might be twice the average rate and hence a peak rate of 14 movements per hour would result in approximately one movement every 4.5 minutes. It is anticipated that a peak would most likely occur in the afternoon, reflecting the completion of the day's activity and the wish to organise activities for the next working day. These HGV movements would be along a short section of Summerhill Lane to/from the A22 to the west, and would not impact on the highway network to the east of the site. Vehicles associated with the current use of the site are required, through a routeing agreement secured by a legal agreement, to only access/egress the site along this short section of Summerhill Lane to the A22. It is proposed that this arrangement continues and would, again, be secured through a legal agreement prior to planning permission being granted.

6.8 To accommodate the largest HGVs, it is proposed to provide highway improvements involving: (1) The widening of the site access near the junction with Summerhill Lane; (2) The widening of a section of Summerhill Lane to enable the passage of articulated HGVs; and (3) The widening of the junction of Summerhill Lane with the A22 to enable HGVs to exit the A22 onto Summerhill Lane without being impeded by a vehicle waiting to access the A22 on the Lane. It would also enable an articulated HGV to exit the Lane without crossing the centre line of the existing dual carriageway so the vehicle can stay within lane 1 and allow vehicles already on the A22 to overtake, if required. A Stage 1 Safety Audit of the proposed highway works has been carried out. In addition, the existing site access track passing bay would be widened to better facilitate movements of HGVs, particularly articulated vehicles.

6.9 The Highway Authority has considered the proposal and noted that it would result in a significant increase in the use of the site and introduce a large number of slow moving vehicles on to the A22, as well as increasing traffic flows on Summerhill Lane. Given the relatively high speed of vehicles on the A22 and the relatively narrow width of Summerhill Lane, this is not considered to be ideal. However, the proposed improvements to the A22/Summerhill Lane junction satisfy the latest Design Manual for Roads and Bridges standards for a dual carriageway and provide appropriate visibility sight lines and stopping distances for a high speed road. The ESCC Road Safety Team has also assessed the proposal and is satisfied that the proposed works have addressed any potential road safety issues at the junction. Taking into account the very good negative crash record on this stretch of the A22, the Highway Authority considers that the proposed improvement works to this junction are acceptable and sufficient to mitigate the impact of the development generated traffic. The other proposed works to Summerhill Lane and its junction with the site access are also considered to be acceptable from a Highway Authority perspective. The acceptability of the works is subject to the completion of a legal agreement covering works to the highway and HGV routeing, and to conditions, if the proposal is approved. As such, the proposal complies with Policy WMP26 of the Waste and Minerals Plan and Saved Policy TR3 of the Wealden Local Plan.

6.10 As a result of the proposed works to the highway on Summerhill Lane, sections of the hedgerow will need to be removed. Whilst this is unfortunate, a replacement hedgerow is proposed and full details of this will be required by condition. With appropriate replanting of the hedgerow and the improvements to Summerhill Lane, it is not considered that the proposal will have a detrimental impact on the environment and does not conflict with Saved Policy TR10 of the Wealden Local Plan.

6.11 In addition to HGV movements, it is anticipated that the proposal will also result in an additional 16 people working at the facility, bringing the total to 19, thereby generating up to 38 traffic movements per day. The applicant has confirmed that 85% of its current workforce at its sister site in Hailsham come from the local towns of Eastbourne, Hailsham and Polegate. The applicant anticipates that the additional jobs that will be created as a result of the current proposal would also be likely to be filled by people living within the immediate locality and should not result in an excessive number of commuter journeys from further afield and will not, therefore, have a significant affect on the wider highway network.

Landscape character

6.12 Policy WMP23a of the Waste and Minerals Plan requires the design of development in rural areas to take account of local landscape character and distinctiveness. Saved Policy EN14 of the Wealden Local Plan requires, in appropriate cases, landscaping to be carried out as part of development proposals, including the retention of significant hedgerows. Saved Policy EN27 of the same Plan requires new development to reflect local character and distinctiveness. The NPPF also requires development to be of good design and contribute positively to making places better for people.

6.13 A Landscape and Visual Appraisal (LVA) of the proposal accompanies the application. This relates the findings of a desk top study and field appraisal, describing the relevant landscape planning context as well as other relevant designations and environmental constraints. The settlement character of the area is of scattered and isolated farms and residential properties. The local landform undulates and the application site is topographically lower lying than the surrounding area. The new building, though substantial, would be set generally on the lowest part of the application site which would reduce its visibility within the surrounding area. The site is also well screened on all sides by mature trees and vegetation. Longer views from the north of the site would be largely screened by woodland and vegetation located both on the site boundary and between the boundary and public viewpoints such as along footpaths. Visitors to the Fishery would see the new building and other proposed development when passing along the access road but once they have passed the site and entered the Fishery, the surrounding vegetation would largely obscure the development. Some planting is proposed along the western part of the site which would soften views from this direction, particularly for users of Footpath Polegate 9a, which lies to the west of the site.

6.14 The LVA concludes that the proposed building would be similar in character to the existing development and would not introduce features which are uncharacteristic of the locality. Moreover, it states that there would only be very limited and localised effects on the local landscape character, resulting in little change to the character of the site and no significant change to surrounding landscape character areas. However, this assessment of landscape character does not take into account the impact that the increased scale of operations would have on the site and surrounding area, including along Summerhill Lane.

6.15 In this context, the assessment of landscape character and visual effects does not fully take into account: (1) The fact that the proposed building is more than double the size of the existing building and would significantly increase the scale of the overall built development on the site; (2) The impact of the increase in the size and movements of HGVs on the rural character of Summerhill Lane and the access track into the site; and (3) The impact of works to Summerhill Lane, which requires its straightening, the likely requirement to crown lift large overhanging branches to avoid damage from HGVs, and the loss of sections of a mature and important hedgerow. Whilst impacts on Summerhill Lane could have an adverse effect on its rural character, the proposed replanting of the hedgerow with mixed native species is considered to provide an opportunity to retain the local landscape character and it is recommended that details of the planting to be carried out are secured by a condition attached to any grant of planning permission. Additional planting to the north western boundary of the site is also proposed, which will increase screening of the site. Although the proposed building is large, it has been designed to complement the existing building on the site. In addition, whilst it has been stated by the applicant that the new buildings will be finished to generally match the existing building, no details of the external finishes have been submitted. It is, therefore, recommended that a condition is included requiring the submission of details of the external finishes of the building, which will ensure appropriate development in the countryside location.

6.16 The existing uses on the site have had an influence on the rural character of the locality, together with the presence of the A22. However, the proposed increase in activity at the site and the resulting changes to accommodate an increase in HGVs, should not adversely impact on the local character, particularly given the relatively short length of Summerhill Lane that HGVs will be travelling on. The proposed location of the building is on ground which, although currently undeveloped, does not consist of rich grassland or support mature planting and the proposal will not, therefore, result in the loss of valuable trees, vegetation or landscape. Any trees that it is necessary to remove will be replaced by new planting to the north west of the new building. Furthermore, given the topography of the area, the setting of the proposed building and the existing dense screening, on balance, it is not considered that the proposal will have an unacceptable impact on the landscape character of the area. The proposal thereby accords with Policy WMP23a of the Waste and Minerals Plan and Saved Policies EN14(1) and EN27(1) of the Wealden Local Plan.

Effect on amenity

6.17 Policy WMP25 of the Waste and Minerals Plan requires development to have no unacceptable effect on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development including transport links, no significant impact on air quality or the local acoustic environment, adequate means of controlling noise, dust and other emissions and no unacceptable effect on use of existing public access or rights of way. Saved Policy EN27 of the Wealden Local Plan requires development not to create an unacceptable adverse impact on the privacy and amenities of adjoining developments and the neighbourhood by reason of, *inter alia*, scale, noise and traffic movements.

6.18 Representations have been received from three local residents who object to the proposal, largely on the grounds of noise. An independent noise assessment was also commissioned by two of these residents (the occupiers of 'Coppards'), the results of which were submitted for consideration. A Noise Impact Assessment has also been submitted by the applicant to inform the planning application.

6.19 The effect of noise emissions from the site is an important consideration and emissions are currently controlled by a condition which identifies a maximum level at the boundary of the Amazon Wood Fishery. The District Council's Environmental Health Officer (EHO) has considered the findings of the assessments undertaken by both the applicant and the independent consultant. However, the two cannot be usefully compared, as the latter only considers the existing operation and does not assess the effect of the proposed development. As such, it is not considered to be beneficial in assessing the effects of noise.

6.20 The applicant has set out various measures, which seek to attenuate noise from the site, including the enclosure of the MRF within a sound proofed building, the inclusion of a link building between the existing building and MRF building to maximise screening from on-site vehicle movements to the Fishery and the lowering of site levels also to provide for acoustic screening from vehicles. Moreover, the new building would be located further to the south compared to the existing building,

which would have some benefit in reducing noise emissions experienced at the 'Coppards' property. The EHO considers that the impact of the new development on residential amenity will be low and does not raise an objection to the proposal.

6.21 It is acknowledged that as noise levels do fluctuate, there are times when operations would be likely to be audible in the locality, including from HGVs using the access track and idling at the site. This is of particular concern in the early mornings and on Bank Holidays when noise is likely to be sensitive to receptors. However, the potential receptors of such noise are residential properties to the north-east that are a minimum of 180 metres from the site, including its access track. Given this, the fact that the site already generates lorry movements, and that the A22 is closer to the properties that lie to the west and south of the application site, it is not considered that the noise generated by these additional vehicle movements is going to have an adverse effect on the amenity of occupiers of nearby properties and on the amenities of the locality more generally. Therefore, the proposal is considered to accord with Policy WMP25(a) of the Waste and Minerals Plan and Saved Policy EN27(2) of the Wealden Local Plan.

Intensification of use

6.22 The proposal is seeking to expand the operations at the site so that up to 40,000 tpa of waste can be treated compared to the currently permitted 25,000 tpa, an increase of 15,000 tpa, or a 60% increase in volume. To accommodate this, substantial works would be required at the site, including the construction of a building, which would occupy the entire western part of the application site. The number of HGV movements needed to service the facility would increase from the existing permitted 40 movements to 66 movements, and the type of lorries that would need to be used for this change would need to be of a larger, articulated design. These changes represent a significant increase in the intensity of operational activity.

6.23 Access to the operational site from the public highway (Summerhill Lane) is via a shared private track, which is of single width. Although there is an existing passing bay about half way along the track, this is proposed to be extended and the width of the track widened, to accommodate the articulated HGVs, so vehicles can pass. Taking account of the length and alignment of the track and the proposed increase in the number of HGVs using it, and the improvements to the track to be made, it is unlikely that an increase in the potential vehicle movements would be an issue with other users of the track, particularly visitors to the Amazon Wood Fishery. The proposed works to the existing passing bay would be secured through a legal agreement prior to planning permission being granted.

6.24 The increase in HGVs, particularly involving articulated vehicles, requires changes to the access near to its junction with Summerhill Lane, which would involve widening the track. Further changes are also proposed to widen Summerhill Lane by removing parts of the existing hedgerow on its southern side, involving sections of about 38 metres towards the eastern end and about 46 metres at the western end. Although the applicant proposes to re-plant the parts of the hedgerow which would be removed, the changes would nevertheless result in an urbanising effect to the Lane, specifically in its widening and straightening to accommodate a regular

passage of articulated HGVs. As a consequence, there could be an adverse change to the character of Summerhill Lane. However, the increase in use of Summerhill Lane is only over a relatively short section and links with the A22 dual carriageway to the west. In addition, as referred to previously, the replanting of the hedgerow with an appropriate mix of native species has the potential to enhance the landscape character of this section of Summerhill Lane, which would minimise any perceived urbanisation of this part of Summerhill Lane.

Screening of Application under Habitats Regulations 2010

6.25 The representation made by Wealden District Council states that developments that might affect the Ashdown Forest Special Area of Conservation (SAC), can only proceed where it can be demonstrated that they will not damage it. This is required in order to satisfy the Conservation of Habitats and Species regulations 2010 (known as the Habitats Regulations). As the competent authority in this case, it is for the County Council to consider whether this proposal alone, or in combination with other plans or projects, is likely to have a significant effect on the Ashdown Forest SAC, as well as any other sites designated under the Habitats Regulations.

6.26 The nearest Habitats Regulations designated site to the application site is the Pevensey Levels SAC and Ramsar site. Further afield and to the north of the application site lies the Ashdown Forest SAC and Special Protection Area (SPA).

6.27 The proposal is not directly connected with, or necessary to the management of either the Ashdown Forest SAC and SPA, or the Pevensey Levels. Nevertheless, it is still necessary to consider whether the proposal is likely to have a significant effect on the interest features of the designated sites, alone or in combination.

6.28 Due to the nature of the proposal, its location and the interest features of the Pevensey Levels SAC and Ramsar site, there is considered to be no significant effect from the proposal on the Pevensey Levels. In addition, due to the distance of the site to the Ashdown Forest, as well as its proposed use, it is considered that the proposal will not give rise to any recreational impact upon the Ashdown Forest, which could be deemed to undermine its SPA designation.

6.29 With regards to the Ashdown Forest SAC designation, this is sensitive to the effects of pollution associated with vehicles movements on the roads that pass through and immediately adjacent to the Ashdown Forest. This proposal is going to give rise to additional vehicles movements being generated from and to the site. Consideration has been given as to whether or not these movements will be on the roads that pass through, or adjacent to the Ashdown Forest.

6.30 The applicant has confirmed that should permission for this scheme be granted, it is likely to lead to a reduction in HGV and other lorry movements across the Ashdown Forest. This is because existing waste transfer stations in Maresfield and Hastings receive unsorted dry mixed recyclable waste, which is then dispatched for treatment in the London area. The vehicle routing between the waste transfer stations and the current receiving facility in the London area is understood to be through or near the Ashdown Forest SAC. The proposal is to allow the diversion of

some of that same material to the Polegate facility, which is south of both the Maresfield waste transfer station and the Ashdown Forest SAC. The proposal therefore reduces movements through or near Ashdown Forest SAC because the unsorted waste would no longer be sent to London. As highlighted in one of the representations received, a MRF in this location provides an opportunity for recycled materials to be handled locally and close to the source where they arise.

6.31 Consideration also needs to be given to the vehicles movements that will be generated from the additional 16 jobs that will be created on the site, should permission be granted. Due to the nature of the jobs that will be created and the location of the proposed facility, prospective employees will almost certainly be drawn from the nearby towns of Hailsham, Polegate and Eastbourne. Prospective employees are extremely unlikely to come from areas that will involve having to commute on roads through the Ashdown Forest in order to get to and from work. This view can be supported through information supplied by the applicant that shows that almost all employees at both this site and their premises in Hailsham commute from nearby locations and that no employees commute from a location and distance away that involves having to drive through the Ashdown Forest.

6.32 The above demonstrates that the proposal is not likely to result in an impact, either alone or in combination, on the Ashdown Forest SAC.

7. Conclusion and reasons for approval

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

7.2 The proposal is for an expansion to the existing waste management facility at Polegate Yard to include a fully enclosed operational MRF. The proposed throughput of waste material would increase by 15,000 tpa and the numbers of daily HGV movements would increase by 26. Changes are proposed to the access arrangements from the site to the A22, including along the public highway to accommodate the introduction of articulated vehicles. The proposed development will result in the creation of up to 16 new jobs, which will be a clear benefit in economic terms.

7.3 In planning terms, the proposal is not one-sided. Some policies support the development, others do not. While it is recognised that there would be advantages in the development of new facilities for managing waste, it is also recognised that such facilities need to be located in appropriate places. It is considered that with appropriate mitigation and controls the proposal will accord with Development Plan policies.

7.4 This proposal represents a significant development, which would involve an increase in both waste throughput and HGV movements, compared to existing permitted levels. Ordinarily, an extension of this scale would usually only be proposed in a location that has been allocated in the Waste and Minerals Sites Plan. However, although the proposed building would be large, the site is well screened due to existing vegetation and the topography. In addition, the site does fall within an

Area of Focus, where expansions to existing waste facilities are considered acceptable in principle.

7.5 The increase of activities would necessitate the removal of parts of a hedgerow along Summerhill Lane and the straightening of the Lane to accommodate the passage of articulated HGVs. Although this increase would be permanent, the imposition of a vehicle routeing agreement and works to the highway will not result in an unacceptable impact on the general amenities of the locality. The hedgerow is to be replanted and therefore any adverse impact on the landscape character of the area is likely to be only short term.

7.6 Despite the scale of the development, with the proposed planning conditions and controls, the benefits of the proposal in waste management terms are considered to outweigh any potential adverse effects which would arise within the locality. Therefore, on balance, it is considered that the proposal can be supported.

7.7 The proposal therefore complies with Policies WMP3b, WMP6, WMP7a, WMP22, WMP23a, WMP23b, WMP25, WMP26, WMP28a and WMP28b of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan 2013; Saved Policies GD2, EN1; EN2, EN12, EN14, EN27, TR3 and TR10 of the Wealden Local Plan 1998; and Policies WCS12 and WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013.

7.8 In determining this planning application, the County Council has worked with the agent in an appropriate 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.

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

8. Recommendation

8.1 The Committee is recommended that the application be approved subject to the completion of the following procedure:-

- (i) The completion of a Legal Agreement to require: (1) details for the works to the public highway on Summerhill Lane/A22 junction; (2) the extension of the vehicle passing bay on the access track and the widening of the track; and (3) details for the continuation of the routeing of vehicles travelling to and from the site via the A22 and Summerhill Lane;
- (ii) To authorise the Director of Communities, Economy and Transport to grant planning permission, upon completion of the Legal Agreement in (i) above, subject to conditions, along the lines set out in paragraph 8.3 of the report.

8.2 If the Legal Agreement has not been completed by 14 October 2018, the application will be referred back to Committee for determination.

8.3 The grant of planning permission shall be subject to the following conditions:

CONDITIONS TO FOLLOW SEPARATELY

BACKGROUND DOCUMENTS

Application file WD/796/CM

Planning permissions K/62/45, WD/662/CM and WD/739/CM

The Development Plan

The National Planning Policy Framework 2012

The National Planning Policy for Waste 2014

RUPERT CLUBB

Director of Communities, Economy and Transport

6 February 2018