

# Agenda Item 5

## Planning Committee – 14 February 2018

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**

### Proposed Conditions

#### Time Limit

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.

#### General Operations

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

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

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

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

4. Unless otherwise agreed in writing by the Director of Communities, Economy and Transport the total amount of waste imported to the site

shall not exceed 40,000 tonnes per annum, as specified in paragraph 3.11 of the Planning Supporting Statement Document, Reference WIE 11671-100-R-1.2.2-PlanStmt, dated August 2017.

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

5. Details of the tonnage imported to the site shall be recorded and within 2 weeks of the receipt of a request from the Head of Planning and Environment, details of the amount, source and type of waste imported to the site for the requested period shall be provided in writing.

Reason: To assist the County Council as the Waste Planning Authority in the monitoring of waste movements.

6. Unless otherwise agreed in writing by the Director of Communities, Economy and Transport, the site shall only be used for the importation, sorting, packing, storing and distribution of waste materials, including dry mixed recyclable waste. All waste handled at the site shall be in accordance with paragraphs 3.9 to 3.11, inclusive, of the Waterman Planning Supporting Statement dated August 2017 (reference WIE11671-100-R-1.2.2-PlanStmt). There shall be no crushing, grading, screening or processing of any other waste materials at the site.

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

7. All sorting of waste materials shall take place wholly within the buildings on the site. No loading, unloading, storage or processing of waste shall take place outside the buildings whatsoever.

Reason: For the avoidance of doubt and in the interests of protecting amenity of nearby residential properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. No skips or containers shall be stored outside the building to a height which exceeds 3 metres.

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

## Construction Programme

9. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted and approved by the Director of Communities, Economy and Transport. In addition to the details identified in Paragraph 5.1.3 of the Waterman Ecological Impact Assessment (Reference WIE11671-102-R-1-1-7-EcIA) dated August 2017, the CEMP shall include:

- (i) Wheel washing facilities;
- (ii) Working hours and site lighting during construction;
- (iii) Measures to minimise impacts to air quality;
- (iv) How complaints will be dealt with; and
- (v) A travel plan;

The CEMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing, and maintained for the duration of construction works.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and to protect the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

10. Unless otherwise agreed in writing, the MRF building and link building hereby approved shall be finished in Moorland Green, RAL 100 60 20 to match the existing buildings as specified in the Waterman Landscape and Visual Appraisal report, reference WIE11671-102-R-2.1.8-LVIA, dated August 2017.

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

11. The MRF building and link building hereby approved shall be constructed as outlined in Section 3.2 (pages 4 to 6) of the Waterman Noise Impact Assessment, dated August 2017, document reference WIE11671-101-R-1.1.4-NIA.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

12. Prior to the installation of any photovoltaic panels at the site, details of the design and extent of the panels shall be submitted to the Director of Communities, Economy and Transport for approval. The approved details shall be implemented in full.

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

### Hours of Operations

13. No audible works shall take place except between the hours of 08.00 and 17.00 Mondays to Fridays inclusive and between the hours of 08.00 and 13.00 on Saturdays and no such works shall take place on Sundays, Bank and Public Holidays.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

14. Subject to Condition 13 no activities associated with the development hereby approved shall take place except between the hours of 07.30 and 17.00 on Mondays to Fridays inclusive and 07.30 and 13.00 on Saturdays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport. Subject to the provisions of Condition 15, there shall be no activities on Sundays, Bank and Public Holidays.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

15. Notwithstanding conditions 13 and 14, and excluding Christmas Day and Boxing Day, on Bank and Public Holidays only local authority collected dry mixed recyclable waste shall be imported to the site, unless otherwise agreed in writing by the Director of Communities, Economy and Transport. Such activity shall only take place between the hours of 07.30 and 17.00. There shall be no processing of waste on these days.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

### Highways

16. No more than 66 heavy goods vehicle movements (i.e. 33 in and 33 out) shall take place to and from the site per day without the prior written agreement of the Director of Communities, Economy and Transport.

Reason: In the interests of safeguarding the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and

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

17. The development hereby approved shall not be occupied until the car parking, including a space for drivers with disabilities, has been marked out and made available based on the approved plans and shall be retained thereafter.

Reason: To ensure additional car parking is provided in accordance with Saved Policy TR3 in the Wealden Local Plan 1998.

18. The visibility splay to the east of the access road junction with Summerhill Lane shall be kept clear of all obstructions within the verge exceeding 600mm in height at all times.

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

#### Rights of Way

19. Unless otherwise agreed in writing, within 1 month of the date of this planning permission being granted the details of a replacement for the stile, including any proposals to reuse the existing stile where its deemed to be in serviceable condition, on public footpath Polegate 9a shall be submitted to and approved by the Director of Communities, Economy and Transport. The approved works shall thereafter be implemented in full within one month of the completion of the planting of the hedgerow.

Reason: To ensure appropriate access to the public right of way.

#### Noise

20. Noise emitted from the site shall not result in a noise level exceeding 46 dB LAeq 1hr (freefield) when measured at the application site boundary with the Amazon Wood Fishery.

Reason: To safeguard the amenity of users of the Amazon Wood Fishery and persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

21. The development hereby permitted shall not be brought into use until the measures for the minimisation of noise at source and of 'break-out' noise have been fully implemented in accordance with the details submitted in paragraph 4.3 of the Waterman Noise Impact Assessment, dated August 2017 (Reference WIE11671-101-R-1.1.4-NIA. These measures shall be maintained thereafter throughout the duration of the development, unless

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

Reason: To protect the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

22. Prior to the first use of the development hereby permitted, a Noise Management Plan to control noise associated with the facility shall be submitted for approval by the Director of Communities, Economy and Transport. The approved Noise Management Plan shall thereafter be fully implemented and maintained throughout the use of the development.

Reason: To safeguard the amenity of users of the Amazon Wood Fishery and persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

23. On completion of the building and within 3 months of the first use of the development hereby permitted, a noise monitoring report shall be submitted to the Director of Communities, Economy and Transport for approval. The report should demonstrate that the development complies with the noise restriction of Condition 20. If the development does not comply, the report should propose further measures for noise mitigation and a timetable of implementation to reduce noise to meet the restriction of Condition 20. The mitigation measures shall be fully implemented in accordance with the approved timetable.

Reason: To safeguard the amenity of users of the Amazon Wood Fishery and persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

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

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

#### Dust

25. The management of dust from site operations and vehicle movements shall be undertaken in accordance with the details set out in sections

(4.6) and (4.11) of the Planning Supporting Statement, reference WIE11671-100-R-1.2.2-PlanStmnt, dated August 2017.

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

### Lighting

26. The existing and proposed lighting shall not create light spillage beyond the site boundary. No additional artificial external lighting shall be installed or used at the site other than in accordance with details first submitted to and approved in writing by the Director of Communities, Economy and Transport.

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

### Contamination and Pollution Control

27. If during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Director of Communities, Economy and Transport for a remediation strategy detailing how the contamination shall be dealt with. The approved remediation strategy shall thereafter be implemented in full.

Reason: To ensure that risks from land contamination are minimised and to protect groundwater in accordance with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

### Drainage

28. Prior to construction of the development hereby permitted, ground investigations shall be undertaken to establish the depth to groundwater at the development site. The results from the investigations shall be used to confirm the design of the proposed attenuation basin.

Reason: To protect the quality and quantity of groundwater resources in accordance with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

29. Prior to construction of the proposed development, a detailed design for the drainage system informed by the principles of surface water management outlined in Waterman Flood Risk Assessment (August 2017) document reference WIE11671-103-R-1.2.3-FRA, shall be

submitted to and approved by the Director of Communities, Economy and Transport. The details shall be supported by evidence in the form of hydraulic calculations taking into account the connectivity of the different surface water drainage features and shall include detailed drainage drawings. The development shall thereafter be implemented in accordance with the approved details prior to the use of the development hereby permitted, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure surface water runoff is managed appropriately in accordance with Policies WMP28a and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

30. Prior to the use of the development hereby permitted, a maintenance and management plan for the entire drainage system associated with the development hereby permitted, shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The Plan shall include details of responsible persons for the management of all aspects of the surface water drainage system, including piped drains. The plan shall thereafter be implemented in full throughout the lifetime of the development.

Reason: To ensure the drainage system is managed appropriately in accordance with Policies WMP28a and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

#### Landscaping and Retention of Trees

31. The development hereby permitted shall be landscaped in accordance with the Waterman Landscape Management Plan, dated August 2017 (reference WIE11671-102-R-5.1.6-LMP) and the following further details:
  - (i) the replacement hedgerow species mix shall include standard oak;
  - (ii) honeysuckle shall replace the proposed blackberry in both the native tree and shrub planting to the north west of the new MRF building, and in the native understorey planting to the north of the site.

Prior to the development hereby permitted being brought into use a revised Landscape Proposals Plan incorporating these details shall be submitted to and approved by the Director of Communities, Economy and Transport.

The planting shall be undertaken during the first available planting season following the approval of the Landscape Proposals Plan. The programme for implementation and maintenance, including the management and maintenance of existing woodland at the site in the control of the operator, including the mature trees along the access track shall be undertaken in accordance with the Waterman Landscape Management Plan, dated August 2017 (reference WIE11671-102-R-5.1.6-LMP).

Reason: To integrate the development effectively into the surrounding environment, and to ensure the surrounding woodland is protected so that it can continue to provide appropriate visual screening to the development and ensure the appearance of the surrounding area is protected in accordance with Policies WMP23a, WMP23b and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN8 and EN12 of the Wealden Local Plan 1998.

32. In this condition `retained trees` means an existing tree which is to be retained in accordance with the approved plans and particulars and paragraphs (a) and (b) below shall have effect until the completion of the development hereby permitted.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Director of Communities, Economy and Transport. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 Tree Works.
- (b) If any retained tree is removed, uprooted or destroyed, becomes seriously damaged or diseased or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Director of Communities, Economy and Transport.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and to BS 5837: 2012 Trees in Relation to Design, Demolition and Construction before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor any fires lit, and the ground levels within those areas shall not be altered, nor shall any excavation be made, or operations carried out without the prior written consent of the Director of Communities, Economy and Transport.

Reason: In the interests of visual amenity and in accordance with Saved Policy EN27 of the Wealden Local Plan 1998.

### Ecology

33. During the course of the development hereby permitted, detailed ecological mitigation measures shall be undertaken as set out Waterman Ecological Impact Assessment (Reference WIE11671-102-R-1-1-7-EcIA) dated August 2017.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and to protect the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South

Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

#### INFORMATIVES

1. The applicant is advised that he should liaise with the Environment Agency regarding his responsibilities under the Environment Permitting Regulations.
2. The Applicant's attention is drawn to the provisions of:-

The Wildlife and Countryside Act 1981  
(Protection of certain wild animals in particular nesting birds and bats.)

3. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally February to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, clearance must stop until the fledglings have left. If protected species are encountered during clearance or construction, work should stop and advice should be sought from an ecologist on how to proceed.
4. The applicant is advised that should public footpath Polegate 9a need to be closed or temporarily diverted during the works to Summerhill Lane, it will be necessary to contact the County Council's Rights of Way Team at least 10 weeks in advance of any works commencing. The applicant should contact the Rights of Way Team at [rightsofway@eastsussex.gov.uk](mailto:rightsofway@eastsussex.gov.uk).

#### **NOTE TO MEMBERS**

Subject to further discussions between the applicant and the County Archaeologist, it may be necessary to include a condition(s) relating to archaeological investigations taking place.

#### **Schedule of Approved Plans**

Planning Supporting Statement and Appendices A-M, Appendix A - 001/A06 - Location Plan, Appendix A - 0003/A01 - Planning Application Boundary and other Land in Applicants Ownership, Appendix B - 0650/A01 - Section Plan, Appendix B - 0651/A01 - Sections Sheet 1, Appendix B -0652/A01 - Sections Sheet 2, Appendix C - 10112 Proposed Building Elevations, Appendix D - 0001/A02 - Vehicle Tracking On-site artic Movements, Appendix B - Carriageway Widening & Adjustments to Hedges WIE-SA-90-0110-A01, Appendix B - 02 Proposed General Arrangement WIE-11671-SA-90-0100-A02, Appendix B - 04 Proposed Contours WIE-11671-SA-90-0610-A02,

Appendix B - 05 Cut and Fill (Existing to Proposed Ground Surface) WIE-  
11671-SA-90-0620-A02