

Committee: **Regulatory
Planning Committee**

Date: **12 February 2020**

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

Proposal: **Wood recycling operations.**

Site Address: **Holley Woodshavings Squires Farm, Industrial Estate,
Office 1 Palehouse Common, Framfield, TN22 5RB**

Applicant: **Mr Paul Holley, Holley Limited**

Application No. **WD/836/CM**

Key Issues: **(i) Managing waste wood**
 (ii) Effect of dust
 (iii) Effect of noise
 (iv) Drainage
 (v) Highway matters

Contact Officer: **Jeremy Patterson – Tel: 01273 481626**

Local Member: **Councillor Chris Dowling**

SUMMARY OF RECOMMENDATIONS

1. The Committee is recommended to refuse planning permission, as set out at 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 0.4 of a hectare in area and is located within the applicant's open yard at the north-eastern part of Squires Farm Industrial Estate. The application site comprises the existing access and northern part of the yard, together with land to accommodate a screening bund along the eastern boundary. The remainder of the yard includes buildings and further open space with its boundaries consisting of security fencing, existing buildings and hedging. The application site also accommodates piles of materials, both baled and unbaled, and provision for parking. To the north, north-west and east, the yard is bordered by fields, largely used for grazing, with intervening trees and hedgerows; a minor water course is also present to the north. Various commercial and industrial units

are present within the industrial estate and the nearest residential properties to the wood processing activity are five recently constructed houses in Squires Lane, some 130 metres to the south-east and at Tewitts Farm, about 240 metres to the west and south-west. There are also several residential properties along Pump Lane, approximately 300 metres to the west with others located further north along the road.

1.2 Squires Farm Industrial Estate is not located within any development boundary and falls within the countryside. It is accessed from Palehouse Common Road, which joins the B2192, approximately 300 metres to the south-east. The B2192 connects to the A22 some 1.7 kilometres to the south-west at Halland. The south-eastern outskirts of Uckfield are about 3 kilometres to the north-west of the industrial estate.

2. Site History

2.1 The applicant has been involved in managing processed wood products for many years, including 25 years based at Squires Farm Industrial Estate. The applicant collected residues (e.g. wood shavings and sawdust) from timber mills, which were then processed, bagged and distributed. Non-bagged, bulk loads were also handled. In 1996, waste wood off-cuts were also retrieved from timber mills and brought to the site for processing using a grinding machine. Two planning permissions were granted by Wealden District Council: (i) In 1994 (ref. WD/94/0158/F), for a 'Change of use of Buildings A, B and C from B4 Industrial Use to B2 General Industrial Use on Buildings A and B and B8 Storage and Distribution Use of Building C' (in relation to the collection, baling and distribution of woodshavings); and (ii) In 1998 (ref. WD/98/1200/F), covering the adjacent open yard, for a 'Change of use of land to external use of Holley Woodshavings'. The latter sought retrospective permission for an extension to the yard into agricultural land.

2.2 In 2005, the company invested heavily in additional processing machinery to meet demand for the wood products. However, the recession of 2007 – 2009 resulted in the company having to significantly scale back the business so that it was reduced to only buying in bales and distributing them.

2.3 In 2012, without planning permission, a third party proposed to import waste wood and process it for export. However, while imports of waste increased at the site, no processing took place and the applicant was left with a substantial pile of waste wood when the third party vacated the site. Although the third party was prosecuted in 2015 / 2016 by the Environment Agency for not complying with a Waste Removal Notice and found guilty, the Court made no requirement for the persons involved to facilitate the removal of the waste wood. However, to protect the land, the County Council served an Enforcement Notice in 2016 on the applicant to require the cessation of the importation of waste wood and the removal of the deposited waste wood. Subsequently, the applicant sought to find ways of removing the waste wood but was unsuccessful.

2.4 In early 2018, the applicant received pre-application advice for a waste wood operation at the site. However, it came to the attention of the Council in the autumn of that year that further waste wood had been imported for processing without planning permission. Following investigations and the cautioning of the operator, due to a breach of the Enforcement Notice having taken place, the applicant submitted a planning application (ref. WD/820/CM) in March 2019 to regularise the operation, which also included the means to dispose of the historic waste wood. The planning application was due to be presented at the September 2019 Planning Committee with a recommendation for refusal but the applicant withdrew it before the meeting.

3. The Proposal

3.1 This proposal is similar to the development under WD/820/CM, as it is for the retention of a wood recycling facility, although now includes provision for an acoustic barrier. The development has now been operating on an unauthorised basis for over 12 months. Waste wood is imported, stored and processed into graded material for export and subsequent use in animal bedding, chipboard manufacture and fuel for biomass plant. This operation is proposed to allow for the removal of the historic waste wood comprising about 1,000 tonnes (referred to in paragraph 2.3 above), at the northern part of the site, which can, according to the applicant, be included in the processing of the freshly imported waste wood, while still meeting market product specifications. The applicant anticipates that by the end of the first operational year after any permission is granted, the historic waste wood stockpile would be exhausted. A maximum of up to 500 tonnes of fresh waste wood would be stored at the site at a height not exceeding 4 metres.

3.2 The proposed throughput of fresh waste material, involving both processed wood such as pallets and 'virgin' wood such as tree branches, would be up to 10,000 tonnes per annum, although it is not expected that this volume would be reached in the initial period of operations. Up to 8 (4 in, 4 out) daily vehicle movements would be required to facilitate the wood processing operations, half of which would be by heavy goods vehicles (HGVs). Transportation of wood waste would be controlled by the applicant who uses his own vehicles and any entry by third parties would be by appointment only. The main processing machine is a specialist wood shredder, which is served by a loading shovel, which is also used to move material around the site. A surface mounted weighbridge would be installed. The hours of operation would be between 0700 – 1800 on Mondays to Fridays and 0800 – 1300 on Saturdays with no operations on Sundays or Bank/Public Holidays, or Saturdays immediately following such holidays, except in emergencies. No shredding would take place in the hour of 07.00 – 08.00 Mondays to Fridays and not at all on Saturdays.

3.3 A 'square C-shaped' wall is proposed to be erected to provide a barrier against which the processing equipment would be located. According to the applicant, the wall would be constructed of concrete blocks and provide

acoustic screening, which would also help to contain dust. It would be 5.4 metres in height and 21.6 metres long. There would be two returns, the southern one being 3.6 metres in length and constructed from concrete blocks and the northern one being 3.8 metres in length and constructed from wood panelling. The applicant has indicated that the northern return comprises wood panelling so that it can be used as a moveable 'door' to provide more space when the machine is being cleaned. The highest part of the shredding machine is 3.03 metres with a width of 2.11 metres and a length of 12.05 metres. A water mister would be positioned over the discharge conveyor to dampen dust.

3.4 Part of the application site already benefits from a concrete surface where the processing takes place. It is proposed to extend the impermeable surface over the whole site in a phased manner as the historic waste wood is removed. The new impermeable surface would incorporate a contained drainage system involving the installation of a holding tank at the northern end of the site and kerbing to retain any on-site waters. It is anticipated that up to 167 tankers would need to enter the site per annum and remove collected rain water. The proposal also includes the formation of a bund along the eastern boundary, largely comprising degraded waste wood from the site, which would be some 2 metres in height and 6 metres in width. This would be subject to planting, to strengthen the screening at this part of the site. A large section of this bund is already in place.

3.5 The applicant has considered the possibility of using the existing buildings on site to accommodate the operations, as it could reduce potential noise and dust impacts. However, the applicant considers that they are unsuitable due to physical limitations of space and height, unsuitable construction and the requirement for retrofitting a fire prevention system and insulation, as well as adjoining other businesses.

4 Consultations and Representations

4.1 Wealden District Council raises no objections in planning terms, subject to an appropriate consideration of impacts on European sites and neighbouring amenity issues, especially noise and dust. There is a need for a Habitats Regulation Assessment and consideration on whether an Appropriate Assessment is required.

The Environmental Health Officer (EHO) advises that in considering the context of the application, which is for shredding to occur on a B2 industrial estate, which has been operating as such for many years, the recommendation can only be for approval subject to conditions.

4.2 Framfield Parish Council strongly objects for the following reasons: (i) Squires Farm Industrial Estate is situated in a rural setting surrounded by open countryside and has grown over decades but not without negative impacts; (ii) There are historic/listed buildings nearby; (iii) There is historic waste wood on site which should have been removed; (iv) Noise from the machine is the main issue, there is no enclosure, the barrier is a wall which

could reflect noise; (v) Dust suppression is ineffective and there are problems on adjoining land; and (vi) There is an increase in vehicle movements.

4.3 The Environment Agency raises no objections and notes that the applicant may require an Environmental Permit. It also states that it considers a sealed drainage system is an appropriate way of managing surface water at this site, due to the potential for contamination, requiring the removal by tanker.

4.4 The Lead Local Flood Authority (LLFA) (ESCC) raises concerns regarding the proposed management of surface water runoff, with particular regard to maintenance and management over the lifetime of the development. Although the LLFA notes the Environment Agency's policy, it strongly advises that the applicant reconsiders the drainage proposals, as they are unlikely to be sustainable in the long term. The LLFA considers that it would be preferable to separate runoff from the source of contamination, which would allow the site to discharge to the watercourse in line with national policy on surface water drainage. It has been noted that an automatic float trigger could be installed to monitor water levels but no confirmation has been given that an agreement is in place to tanker water off the site. If the site is flooded, it would be unlikely to have significant off-site impacts. While the LLFA does not support the proposal, it does not object and recommends conditions if planning permission is granted.

4.5 The Highway Authority raises no objections.

4.6 Local representations: 32 representations have been made, of which 20 raise objections and 12 offer support. A further two representations have been made by consultants, on behalf of the occupiers of Tewitts Farm, objecting to the proposal.

Local residents, landowners and employees at a business outside of the industrial estate have raised objections, which can be summarised as follows: (i) The adverse effects of noise from the operations, particularly from the shredder; (ii) An increase in traffic along Palehouse Lane; (iii) The adverse effect on the environment generally including pollution to the stream to the north of the site and the effect on people's health; (iv) Disruption to adjoining land, including an equestrian use; (v) Concerns over monitoring by the Council; (vi) The operation should be fully enclosed within an appropriate building; and (vii) Dust escaping from the site to adjoining land which affects the fields for grazing livestock, cutting grass for silage and the health of persons and animals. The consultants who have submitted representations on behalf of the occupiers of Tewitts Farm have raised certain matters including the effects of the development in relation to dust and noise emissions, environmental impact and the effect on the setting of listed buildings.

Persons from within the Squires Farm Industrial Estate and those from businesses involved in the waste wood and haulage industries, together with employees of the applicant's business have offered support. The nature of this support relates largely to: (i) The development being at an appropriate

location on an industrial estate; (ii) The applicant having been long established at the site; (iii) Recycling should be supported and more facilities should be provided; and (iv) The business provides an important product for other businesses and treats waste wood from other operators.

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 (Turning waste into a resource), WMP7a (Sustainable locations for waste development), WMP7b (More detailed criteria for waste development), WMP25 (General amenity), WMP26 (Traffic impacts), WMP27 (Environment), WMP28a (Flood risk and drainage).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, Waste and Minerals Sites Plan, Schedule of Suitable Industrial Estates 2017: I/AN, Squires Farm Industrial Estate.

5.3 Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan 2013

The Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan was adopted on the 19 February 2013. The Core Strategy Local Plan is the key policy document setting out a strategic vision, objectives and spatial strategy for the area up to 2027. Currently saved development management policies contained in the Wealden Local Plan 1998 remain part of the Development Plan for the area.

5.4 Wealden Local Plan 1998 Saved Policies: TR3 (Traffic impact of new development); EN27 (Design).

5.5 National Planning Policy Framework 2019 (NPPF):

The NPPF sets out the Government's planning policies for England and how they should be applied. Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Parts 12 (Achieving well-designed places), 14 (including flooding) and 15 (Conserving and enhancing the natural environment) are relevant in this case.

6. Considerations

Managing waste wood

6.1 While the application site is not within a distinct Area of Focus under the provisions of Policy WMP7a of the Waste and Minerals Plan (although it is close to Uckfield and the A22 Areas of Focus), it is within an existing industrial

estate, which accords with criteria supporting the location of waste facilities outside Areas of Focus, under Policy WMP7b of the Plan. Moreover, the Waste and Minerals Sites Plan includes a Schedule of Suitable Industrial Estates for waste management uses and Squires Farm Industrial Estate is included. This estate appears to have been in existence for many years and was originally developed on a farmstead. It comprises a number of one and two storey industrial units of differing sizes for industrial type uses, such as motor repairs, stone masonry and freight distribution. The estate also houses a waste transfer station and a metals recycling facility.

6.2 The applicant has submitted this proposal to retain a wood recycling operation, which would also seek to address the requirements of the Enforcement Notice involving the removal of the pile of historic waste wood. After alternative options had been considered, without success, the current proposal offers an opportunity to dispose of the waste wood (other than the waste material used in the bund), as part of a new operation to import and process fresh waste wood. The processed material would then be transferred for use in different markets. As such, it represents a beneficial way of managing waste wood, particularly when compared to disposal through landfill (although much of this type of wood would be likely to find its way to other recyclers). Allowing the importation and processing of fresh wood would enable much of the historic material also to be processed and then blended with the fresh material to an acceptable standard for re-use. This approach accords with the thrust of Policy WMP3b of the Waste and Minerals Plan, which seeks to manage waste as a resource.

6.3 The applicant is well established in managing wood products and has occupied the site at the Squires Farm Industrial Estate for 25 years. Although it appears that little, if any, actual wood processing has taken place at the site for about 10 years under the provisions of the extant District Council planning permission, processing had been a feature of operations in previous years. The principle of the proposal to recycle waste wood is supported by policy and no 'in principle' objections have been received from the District Council, the Environment Agency, or the Highway Authority.

6.4 Notwithstanding the above, it should be noted that the applicant has indicated that after the first operational year, that is, the first year after any planning permission is granted, all the historic waste wood would have been removed from the site. However, the facility has already been operating for over a year and only a relatively small amount of historic waste wood has been removed. Based on what has been stated in the application, the applicant could have already removed this waste as part of the recycling operations. This then would have complied with the terms of the extant Enforcement Notice in relation to the removal of the waste and benefited the applicant by freeing up space within the yard. Unfortunately, this has not happened.

Effect of dust

6.5 Policy WMP25 of the Waste and Minerals Plan requires, *inter alia*, that proposals should 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, that there is no significant adverse impact on air quality or the local acoustic environment and that adequate means of controlling noise, dust and other emissions are secured. Saved Policy EN27 of the Wealden Local Plan requires development not to create an unacceptable adverse effect on the privacy and amenities of adjoining developments and the neighbourhood by reason of, *inter alia*, form and noise. The NPPF at Part 12 requires development to, *inter alia*, function well and add to the overall quality of the area, be sympathetic to local character and create places that promote health and well being, with a high standard of amenity for existing and future users.

6.6 The processing of waste wood can generate dust and create nuisance for neighbouring uses and several representations refer to this. The applicant has submitted a Dust Management Plan (DMP) to accompany the application, which identifies the causes of dust and the sensitive receptors that could be affected. It also describes the methods which would be involved in the management of dust to reduce emissions. The main principles for preventing dust emissions at the site are through avoidance, then containment followed by suppression. As well as the actual processing of wood, the DMP considers vehicle movements and materials storage, as well as how dust would be monitored. Although the Management Plan appears to address the main issues and could significantly reduce emissions if it was fully implemented, existing management practices at the site raise concerns on how effective the future management of dust would be. This is because it is evident that dust currently escapes from the site onto adjoining land, even though a water spray has apparently been in use to dampen dust and the northern and eastern boundaries of the site are lined with trees, which would have the effect of containing some dust when in leaf.

6.7 Of particular concern is the effect of dust on adjoining land, which is used for agricultural purposes. Although the landowner to the east of the application site, who farms this land, did not make a representation regarding application WD/820/CM, she has for the current application and raises concerns on the effect of wood dust on the fields for grazing livestock and for the production of silage, as well on her own health. Although the DMP refers to employing best practice in terms of housekeeping operations, it is likely that dust will remain a concern for the farmer even with the construction of a barrier wall, due to the operation being carried out in the open and her land being down wind of the prevailing wind direction.

6.8 In spite of the proposed mitigation measures to control dust, which have apparently been employed during the period of operations up to now, dust emissions will be likely to continue to be generated to the extent that it will cause a nuisance and concern in the undertaking of farming activities on adjoining land. This is considered to be a serious matter and to allow the

operations to continue would likely result in harm. Therefore, in relation to dust emissions, the proposal is considered to be unacceptable, thereby conflicting with Policy WMP25 of the Waste and Minerals Plan, Saved Policy EN27 of the Wealden Local Plan and the provisions of Part 12 of the NPPF.

Effect of noise

6.9 The policy considerations regarding the effects of noise are similar to those for dust and so paragraph 6.5 is also relevant to this issue.

6.10 The matter of noise is an important consideration in dealing with this proposal and has proved to be a complicated one. The Squires Farm Industrial Estate includes various businesses which fall under general industrial, storage and distribution use classes and which appear to have limited planning controls regarding hours of use, vehicle movements or on noise emissions. There are also two permitted waste uses on the estate, one of which is a transfer station, which has controls on hours of use and vehicle movements but no noise controls. The other relates to an indoor scrap metal business, which has controls on hours of use. The estate is located outside of any development boundary and falls within the countryside with the surrounding area being rural in character. Therefore, noise generated from uses within the estate can have the effect of being at odds with the rural nature of the area.

6.11 In this case, the development has been operational for over a year and local residents have made representations regarding the type and duration of noise from the site and the associated impact on their amenity. The development is carried out in the open and involves the use of a wood shredder to process fresh waste wood, the re-shredding of that material and the shredding of the historic waste wood. A loading shovel facilitates this use.

6.12 Last September, planning application WD/820/CM was due to be recommended for refusal due to the likely impact of noise and the effect on amenity and the applicant withdrew it so further consideration could be given to mitigation. A revised Noise Impact Assessment has been submitted to inform the current application and the applicant considers that it addresses the concerns relating to noise. Mitigation measures have been included, specifically, a barrier wall, a commitment for no shredding to take place on Saturday mornings and the submission of a Noise Management Plan to minimise noise associated with site operations.

6.13 The Noise Impact Assessment includes calculations which have been undertaken to determine the noise level at the nearest residential properties at Squires Lane and Tewitts Farm from the operational plant. This has taken into account, *inter alia*, the intermittent nature of the operational noise by assuming that the noise will be +3 dB higher than the predicted modelled noise level and the effects of carrying out wood processing activities behind a 5.4 metres high acoustic barrier.

6.14 The predicted noise levels indicate that there would be an estimated +5 dB increase in noise levels above the background level during weekdays at Squires Lane and a +2 dB increase at Tewitts Farm. On Saturday mornings, it would be +10 dB and +3 dB, respectively. Although these results are only indicative forecasts and subject to some uncertainty, they do indicate that the most likely adverse effects would take place on Saturday mornings at Squires Lane when the shredder is in use. To avoid this effect, the applicant has stated that no processing would take place at this time. In terms of weekday processing, a +5 dB increase at Squires Lane would be likely to result in a noticeable increase in noise levels. However, the residential properties in this location were approved and built in the knowledge that the industrial estate would be a neighbour and that a mix of operational activities takes place (and could change in the future). Therefore, taking context into account, this level is not considered to be unacceptable. In relation to Tewitts Farm house, the predicted noise levels are not significant. This does not mean that there would be no increase in noise levels or that they would not be noticeable but that any such increase would fall within the World Health Organisation's recommendations relating to noise and the associated annoyance thresholds.

6.15 Monitoring and modelling of noise levels provide an indication of the potential noise rather than a precise assessment. Furthermore, people react to the same types and levels of noise in different ways. Consequently, judgements have to be made and advice taken from appropriate practitioners. Taking into account the predicted noise levels and the context of the site, together with the conditions recommended by the EHO and those that the County Council would wish to include if planning permission was granted, it is not considered that the potential effects of noise justifies a reason for refusal.

Drainage

6.16 Policy WMP28a of the Waste and Minerals Plan requires development to reduce flood risk and incorporate measures to reduce surface water runoff. The NPPF also requires development not to increase flood risk and to be flood resistant and resilient. Sustainable drainage systems should be incorporated into development, unless there is clear evidence that this would be inappropriate.

6.17 Currently, the application site drains surface water via infiltration into the underlying soils where there is no impermeable hardstanding, with excess runoff discharged to adjoining land, primarily to the adjacent watercourse to the north, as the site slopes down to the north. The site is within a Flood Zone 1, which identifies land as having a low risk of fluvial flooding.

6.18 The applicant has submitted a Flood Risk Assessment to inform the application and a full surface water management scheme is proposed, in line with Environment Agency permitting requirements. Due to the potential for contamination, all runoff from the application site is proposed to pass to a sealed system, from where it would be tankered off site, as trade waste, to a wastewater treatment works, although the location of a suitable treatment works is currently unknown. The drainage system would only be installed

once the historic waste wood is removed so that the affected area can be treated with an impermeable hardstanding. The system would involve an impermeable hardstanding, which would be contoured to direct water to the northern boundary where it would be intercepted by open drainage gullies and discharged into a lined concrete tank, which would be sized to accommodate runoff to certain rainfall standards, including accounting for climate change. The tank would be set into the ground at a depth of 1.925 metres and cover an area of 120 square metres. It would have capacity for 195 cubic metres of water and accommodate a raised kerb standing at 300mm. An engineered wall/concrete upstand is also proposed around the entire perimeter of the recycling facility to prevent off-site discharges and to ensure all runoff is directed to the tank. The LLFA estimates that given an average annual rainfall of 750mm per metre square and the proposed hardstanding area at 3,865 square metres, the proposed tank (at 195 cubic metres) will need to be emptied 15 times per year. Since the capacity of a water tanker is normally 18 cubic metres, the applicant will need to arrange for an average of 167 trips per year to a wastewater treatment works.

6.19 The Environment Agency has considered the proposal and raises no objections. Although it accepts that storage and tankering of collected waste water has its own potential risks, it nevertheless considers that the proposed sealed drainage system is the most appropriate option and would require that system as part of the Environmental Permit for the site. The County Council, as LLFA, has also considered the proposal and following the response of the Environment Agency, also raises no objections. However, the LLFA does not support the proposed method of drainage, as it is considered unlikely to be sustainable in the longer term. Instead, the LLFA considers that it would be preferable to separate runoff from the source of contamination so that the runoff could be discharged into the watercourse. Concerns are also raised regarding this type of management regime in relation to the reliance on tankers, due to the high cost of disposal and that no guarantee can be provided that the storage unit will be emptied in a timely manner.

6.20 As the proposed drainage system cannot be installed before the removal of the historic waste wood, surface water will continue to drain from the site in its current form. However, the site has a low risk of flooding and the Environment Agency has not raised concerns regarding the existing drainage arrangements. If planning permission is granted, conditions should be included for the drainage works, including a timetable for installation, so they can be expedited once the historic waste wood is removed, thereby meeting appropriate drainage standards.

Highway matters

6.21 Policy WMP26 of the Waste and Minerals Plan requires that development should have appropriate access arrangements and provision for on site vehicle manoeuvring, parking and loading / unloading. There should be no unacceptable adverse impact on existing highway conditions as a result of the traffic generated. Saved Policy TR3 of the Wealden Local Plan also

requires development not to create or perpetuate unacceptable traffic conditions and that a satisfactory means of access is provided.

6.22 The proposal would result in a modest level of additional traffic being generated from the site with a daily average of 4 HGV movements (2 in, 2 out), and another 4 movements for light vehicles. Additional tanker movements associated with the surface water drainage system would involve, on average, 3-4 loads per week.

6.23 The Parish Council and local residents have raised concerns regarding the use of Palehouse Common Road by heavy vehicles, due to the rural nature of the road. However, the Highway Authority has considered the proposal and raised no objections. It notes that the industrial estate benefits from a private access road which is of sufficient width to accommodate 2-way traffic. Palehouse Common Road has a speed limit of 60mph and the necessary visibility requirements are in place. Moreover, the applicant has indicated that vehicles associated with the proposal use the B2192 to and from the site and not Palehouse Common Road beyond the industrial estate to the north-west and no changes to this route are proposed. However, it is unknown which route tankers would need to take to a wastewater treatment works to dispose of waste water, as a suitable facility has not been identified.

Other matters

6.24 Ashdown Forest: Wealden District Council has brought the Habitats Regulations to the attention of the County Council, regarding Ashdown Forest. The Ashdown Forest is designated as a Special Protection Area, Special Area of Conservation (SAC) and Site of Special Scientific Interest, thereby affording it the highest protection in nature conservation terms. It is important that levels of nitrogen deposition in the Forest are not increased to a level that adversely impacts the heathland that benefits from the SAC designation. One of the causes of nitrogen deposition is from vehicle emissions. Proposals should therefore consider the potential for issues relating to air quality and emissions, which may affect the heathland habitat. The level of traffic generated by the proposal is considered to be minor with no likely impact on the Forest. However, it is unclear on the potential route of any tankers which would be required to facilitate the removal of waste water from the site, as no suitable treatment works has been identified. Consequently, no assessment can currently be made of such movements on the interests of the Forest. However, if planning permission is granted, a condition should be included requiring further details on the location of the wastewater treatment works to be used for the disposal of waste water and any associated routing implications for the Ashdown Forest at that time.

6.25 Listed building: The residential property at Tewitts Farm is a grade II listed building and representations have been made stating that the development would adversely affect the building and its setting. In considering whether to grant planning permission which may affect a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses. Case law has held that the desirability of preserving a listed building or its setting must be given 'considerable importance and weight'. However, the proposal is contained within the industrial estate and is over 200 metres from the listed building with intervening fields and trees between the two sites. The listed building has been restored over time by the occupiers in the knowledge of the presence of the industrial estate and a large agricultural building has been constructed in close proximity to the listed building within Tewitts Farm. Taking these matters into account, it is not considered that the proposal would affect the listed building or its setting.

6.26 Eastern bund: The proposal includes provision for a bund at the eastern side of the application site, which would be approximately 6 metres wide, 2 metres high and 130 metres in length. Much of this is already in place (although not to the stated maximum dimensions) with the north-eastern section, currently where the historic waste wood is located, remaining. Planting of trees and shrubs would take place on the eastern side of the bund. The applicant has noted that the reason for the bund would be to strengthen the screening of the eastern boundary of the site by forming a second line of landscaping behind the existing boundary hedge and to prevent encroachment of site operations at this boundary.

6.27 Despite the potential screening effect, the bund is a significant structure and appears to be a way of disposing of rotten material from the historic waste wood pile, rather than having to remove it from site. Although decomposed wood can form part of a compost to facilitate plant growth, the bund would need sufficient other soil/compost to provide for a more effective medium for water retention and nutrients for shrubs to thrive. Given that a hardstanding forms the ground surface beneath the bund, the planting of trees would be inappropriate. Although other material could be added to the bund to make it more suitable for shrub growth, the siting of such a large structure in this location is not considered appropriate. There is already an existing, robust boundary hedge on the eastern side, which screens the site. There appears to be no justifiable need for the bund. However, if planning permission is granted, conditions should be included restricting its size and use of materials, as well as identifying an appropriate planting mix and subsequent management programme.

6.28 Visual effect: The application site is contained within the existing Holley's yard and therefore forms part of the developed area of the existing industrial estate. The machinery and piles of material are typical features in the context of the industrial area and the site is well screened on all sides by existing buildings and vegetation. The proposed barrier wall would be a significant structure in the central part of the yard and visible from adjacent units within the estate. However, public views into the site are minimal and the proposal would not give rise to any adverse visual effect.

7. Conclusion and reason for refusal

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 to retain a wood recycling operation within the Holley's yard at the Squires Farm Industrial Estate. The operation takes place in the open and involves the shredding of imported fresh waste wood, the re-shredding of that wood and the shredding of on-site, historic waste wood. Measures are proposed to reduce noise, including the erection of a substantial barrier wall. In principle, this type of operation within an industrial estate can be supported, as it represents a development which is normally considered suitable within industrial areas and one which seeks to manage waste as a resource. As stated elsewhere in this report, were this development to be permitted, it would be a way of achieving compliance with the extant Enforcement Notice, regarding the removal of the historic waste wood.

7.3 However, Squires Farm Industrial Estate is located within the countryside and the general area is rural in character, with adjoining fields, some of which are used for agriculture. The nature of the wood recycling operation can result in the generation of significant levels of dust which finds its way onto adjoining land. As well as being a nuisance, its deposition constitutes a serious concern for the farmer who owns land to the east of the application site, regarding the grazing of livestock and the production of silage. Despite the application proposals including measures to reduce dust, there is uncertainty as to their effectiveness. Consequently, there is a real risk of continuing harm to the farming interests of this land, which is considered to be unacceptable. As such, the proposal would conflict with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998 and the provisions of Part 12 of the National Planning Policy Framework 2019.

7.4 Although there are some concerns regarding noise, the proposed mitigation is considered to be acceptable given the context of the site. There are also concerns regarding the management of surface water runoff but as this would involve contaminated water, the Environment Agency would be responsible for controlling its discharge through a permit. Ideally, this type of development should be fully enclosed, which would likely prove beneficial in controlling dust and noise emissions, as well as directing surface water runoff to the water course.

7.5 This proposal is very finely balanced in terms of merit. However, the harmful effects of dust emissions to adjoining land cannot be ignored and therefore, the development is recommended for refusal.

7.6 In determining this planning application, the County Council has worked with the applicant and agent in a positive 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.

7.7 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 refuse planning permission for the following reason:

1. The development generates dust which is deposited on adjoining land. This creates concern and nuisance for landowners, particularly regarding the undertaking of agricultural activities which is considered to be harmful. Consequently, the development is unacceptable and conflicts with Policy WMP25 (a), (b) and (c) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policy EN27 (2) of the Wealden Local Plan 1998 and the provisions of paragraph 127 of the National Planning Policy Framework 2019.

RUPERT CLUBB
Director of Communities, Economy and Transport
4 February 2020

BACKGROUND DOCUMENTS

File WD/836/CM
Withdrawn planning application WD/820/CM
ESCC Enforcement Notice, dated 2 February 2016
The Development Plan
The National Planning Policy Framework 2019
Wealden District Council planning permissions