

Committee: **Regulatory  
Planning Committee**

Date: **13 July 2022**

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

Proposal: **Use of site as a waste transfer station for construction  
and demolition waste and installation of two offices**

Site Address: **Faircrouch Depot, Faircrouch Lane, Wadhurst TN5 6PT**

Applicant: **Mr Needham, Green Lane Goose Ltd**

Application No. **WD/859/CM**

Key Issues: (i) **Managing waste in the High Weald AONB**  
(ii) **Effect of heavy goods vehicle (HGV) traffic**  
(iii) **Noise and air quality**

Contact Officer: **Jeremy Patterson**

Local Member: **Councillor Bob Standley**

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## **SUMMARY OF RECOMMENDATIONS**

**1. The Committee is recommended to refuse planning permission for the reasons set out in paragraph 8.1 of this report.**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

### **1. The Site and Surroundings**

1.1 The site is the former Wadhurst Household Waste Recycling Site (HWRS), which ceased operating in 2018, and is vacant. It is just over 0.2ha in area, rectangular in shape and comprises a concrete base with a mix of metal mesh fencing and wooden close-boarded fencing marking the boundary. A line of trees also largely surrounds the site. Access is via metal palisade gates fronting Faircrouch Lane. Wadhurst Business Park, comprising six units, adjoins the site to the north and the London-Hastings railway line is located slightly further north within a cutting. Wadhurst Railway Station is located a short distance to the south-east. A public footpath (Wadhurst 54) skirts along the southern boundary of the site and tracks westwards and a small car park is present to the south of the site. The Lodge residential property is situated about 40 metres to the south-east on the opposite side of Faircrouch Lane. Faircrouch Lane connects with Station Road (B2099) about 70 metres to the north and to

the south, it joins Fairglen Road, which connects to Best Beech Hill (B2100), a distance of about 1.9 kilometres. The village of Wadhurst is about 1.6 kilometres to the south-east of the site with much of the developed area off the High Street being within a Conservation Area. The whole area is within the High Weald Area of Outstanding Natural Beauty (AONB).

## **2. The Proposal**

2.1 Since the planning application was originally submitted, the applicant has changed the scale of the proposed operation and the layout of the site. The proposal remains for the change of use of the site to a waste transfer station (WTS) for construction and demolition waste and for the installation of two portacabin offices, but now limits the operation to the hand sorting of waste with the use of an excavator and a loading shovel to move materials, rather than incorporating the use of a crusher, screener and trommel, as originally proposed. Concrete Lego blocks would be used to form two bays to contain materials. Five staff would be employed, and six car parking spaces would be provided. Up to 20 heavy goods vehicles (HGVs) would deliver loads daily, resulting in 40 daily movements, with an annual throughput of 30,000 tonnes. The proposed operating hours would be from 07.00 to 17.30 Mondays to Fridays (excluding bank holidays) and from 07.30 to 13.00 on Saturdays.

## **3. Site History**

3.1 It appears that the site had been used as a facility to dispose of household waste from about 1983 until its closure in 2018. The last record of a planning application involved an extension to the site at its western side, which was granted permission in 1996, subject to conditions (ref. WD/136/CM).

## **4. Consultations and Representations**

4.1 Wealden District Council raises no objections subject to the following: (a) the impacts on neighbour amenity from noise are fully assessed by requiring the submission of a noise assessment prior to determination and, in the event planning permission is granted, the imposition of any conditions recommended in that report to mitigate noise be imposed in addition to a condition to control hours of working; and (b) the proposed number of vehicle movements is compatible with the amount of waste material to be processed and that it is satisfactorily established that the proposed number of vehicle movements is of a compatible scale with previous traffic generation to site and the proposed HGV movements can take place on the local highway network in a safe and convenient manner without detriment to other users of the highway network.

4.2 Wadhurst Parish Council raises objections on the following grounds: This is not an appropriate location for a waste transfer station for construction and demolition waste. The noise, fines and dust from these activities would affect the amenity of the adjoining business park and nearby dwellings. The stated times of opening are significantly longer than the previous use of the site as a household waste recycling site, further impacting on neighbours' amenity. Construction site on-site crushing would lessen the carbon footprint and confine

the impact of construction activities to construction sites, which would be a temporary, rather than permanent, nuisance for neighbours. The estimated 20 HGV delivering to the site daily would travel through the centre of the village, exacerbating the severe congestion which is already experienced. Faircrouch Lane itself is single lane in places. There is concern that the bridge over the railway at the entrance to Faircrouch Lane may not be of sufficient strength to accommodate this number of daily HGVs.

Following the changes made to the application, the Parish Council maintains an objection and notes the following: It does not consider that the health, safety and welfare implications for the neighbouring Business Park have been adequately considered, in particular for the Faircrouch Garage workers, who are largely outside. No impact assessment has been given on air quality resulting from crushing operations. The proposal would harm the character of the area and does not preserve or enhance the AONB. The site is outside the development boundary and the effects of the proposal would be greater than the previous use. Faircrouch Lane is unsuitable for HGV use and the Parish Council does not agree with the Highway Authority that the proposed use is similar to the previous use, as there would be more HGVs.

4.3 The Highway Authority notes that following the submission of further information relating to trip rates from the previous use of the site, there are concerns about the additional trips associated with the site access onto Faircrouch Lane. While the proposed use of the site is 40 daily HGV movements, the previous use of the site has been identified as between 8-34 movements per week and only operated 3 days a week. The proposal would therefore result in a significant intensification of the proposed access. Faircrouch Lane at the point of access is subject to a derestricted speed limit meaning visibility splays of 2.4m X 215m are required either side of the access point. Although speeds are likely to be below this, visibility falls far below the required standard and there are concerns about any additional vehicle movements using the site access. If the applicant believes speeds are low enough to justify a reduction in driver sightline, then a speed survey in accordance with CA185 should be undertaken. While it should be noted any additional movements of HGV vehicles on Faircrouch Lane is far from ideal, it is noted that the development site is only located 85m to the south of the junction connecting Faircrouch Lane to the B2099 which can partially accommodate the two-way flow of traffic. Furthermore, there is no crash data from a 10- year period to suggest the existing HGV vehicle movements on Faircrouch Lane have been linked to accidents. Overall, the visibility from the proposed access onto Faircrouch Lane is not considered acceptable to due to significant intensification of trips. It should also be noted any additional HGV movements on Faircrouch Lane is far from ideal for the aforementioned reasons.

4.4 The Environment Agency raises no objections and notes that an Environmental Permit may be required.

4.5 Flood Risk Management ESCC raises no objections.

4.6 High Weald AONB Officer does not wish to comment on the proposal.

4.7 NatureSpace notes that the site is within the amber impact zone for great crested newts (GCN). Although it is considered unlikely that the proposal would cause an impact on GCN or their habitats, an informative is recommended highlighting the responsibilities of the applicant under the legislation.

4.8 Other representations: Fifteen residents have raised objections, including on the following grounds: (i) The volume of HGV traffic and the associated effects from noise, pollution, and hazards. Faircrouch Lane used to be blocked sometimes when it was a HWRS and access to property was sometimes difficult but the application notes that the type/number of vehicles will be no different compared to when it was a HWRS, which is not the case; there were never 20 HGVs per day. Faircrouch Lane (and Fairglen Road) is single track in places with the passing of vehicles difficult, there are no footways, and the road has a history of slippage. The volume of traffic through Wadhurst village is already a massive problem with concerns on pollution and safety; (ii) Extra stress on the weak railway bridge with the proposed numbers of HGVs; (iii) Potential for adverse effects from noise and dust from operations and traffic leading to loss of tranquillity and air quality; and (iv) Impact on AONB and wildlife in area. The operation of the HWRS was beneficial to local people but now the application is for a commercial waste use which is not of benefit.

#### **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); WMP5 (Provision of built waste facilities); WMP6 (Safeguarding waste sites); WMP7a (Sustainable locations for waste development); WMP7b (More detailed criteria for waste development); WMP25 (General amenity); WMP26 (Traffic impacts); WMP27 (Environment).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017: Policy SP6 (Safeguarding waste sites); Map 58 SP-WCA/AO Wadhurst HWRC.

5.3 Wealden Local Plan 1998: Saved Policies: GD2 (Development outside development boundaries); EN6 (Landscape conservation of the High Weald AONB); EN19 (Development within Conservation Areas); EN27 (Design); TR3 (Traffic impact of new development); TR10 (Heavy goods vehicles in rural areas).

5.4 National Planning Policy Framework 2021: Part 15 (Conserving and enhancing the natural environment).

5.5 National Planning Policy for Waste 2014 (NPPW): 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.

5.6 High Weald AONB Management Plan 2019-2024: Objective OQ4: To protect and promote the perceptual qualities that people value by, *inter alia*, recognising and acting to minimise the impact of traffic noise and congestion on rural lanes.

## 6. Considerations

### Managing waste in the High Weald AONB

6.1 The applicant proposes to import up to 30,000 tonnes of construction and demolition waste annually, which would be hand sorted with loading and unloading using an excavator and loading shovel. In principle, the proposal is supported by Policies WMP3b and WMP5 of the Waste and Minerals Plan, as it would involve the establishment of a new site for the management of construction and demolition waste with the opportunity of turning that waste into a resource. The site is also safeguarded as a household waste recycling site under Policy WMP6 of the Waste and Minerals Plan and Policy SP6 of the Sites Plan. Although proposals for new waste facilities should first be sought within Areas of Focus, as set out in the Waste and Minerals Plan, Policy WMP7a states that small-scale facilities should not be precluded from the High Weald AONB where the development is for local needs and where it would not compromise the objectives of the designation. In identifying more detailed criteria for locating waste development outside Areas of Focus, Policy WMP7b directs the location of waste development to, *inter alia*, previously developed land. Saved Policy EN6 of the Wealden Local Plan requires that development should conserve or enhance the natural beauty and character of the AONB, while the NPPF affords great weight to conserving and enhancing landscape and scenic beauty in AONBs.

6.2 Although the site is safeguarded as a HWRS in the Waste and Minerals Plan and Sites Plan, that use has since ceased and there appears to be little likelihood of it being used again for the management of household waste. As the proposal is not for the management of household waste, the safeguarding policies for this site do not apply to it. Although the site is previously developed, it is located within the AONB. As referred above, although small-scale facilities may, in principle, be acceptable in the AONB for local needs, this proposal is not considered to be small-scale and by its nature, would not only serve local needs. Policy WMP5 refers to small strategic facilities having a capacity of 15,000 tonnes per annum, whereas the proposal is seeking to double that to 30,000 tonnes per annum. The previous HWRS operated only 3 days per week and served the local area. Throughput for its last operational year (April 2017 – March 2018) involved about 1,700 tonnes of waste, significantly less than what is being proposed. The character of the proposed waste use compared to the previous HWRS is very different: the previous use comprised a small-scale facility serving a local need, whereas the proposal would represent a significantly larger commercial facility managing construction and demolition waste, at a capacity over seventeen times greater. Moreover, the regular flow of HGV traffic delivering and transferring construction and demolition waste, together with the use of an excavator and loading shovel within an open site,

would not conserve or enhance the natural beauty and character of the landscape. As such, it is not considered that the proposal would be an appropriate development in this location by reason of its nature and scale and its effect on the character of the AONB landscape, thereby conflicting with Policy WMP7a of the Waste and Minerals Plan, saved Policy EN6 of the Wealden Local Plan and Part 15 of the NPPF.

### **Effect of heavy goods vehicle (HGV) traffic**

6.3 Policy WMP26 of the Waste and Minerals Plan requires that development should, *inter alia*, have suitable access arrangements and that no unacceptable safety hazards would be generated. Saved Policy TR3 of the Wealden Local Plan requires, *inter alia*, that development does not create or perpetuate unacceptable traffic conditions and saved Policy TR10 seeks to control the movement of HGVs by resisting development 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. Saved Policy EN27(2) requires that development should not create unacceptable adverse impacts on the amenities of the neighbourhood, including from traffic movements.

6.4 The proposal would generate up to 20 HGV deliveries of construction and demolition waste daily, which would equate up to 40 daily movements. The previous HWRS use during its last fully operational year generated between 4 and 17 loads, or 8 and 34 movements per week. The proposal would generate significantly more HGV traffic than the previous use and change the character of vehicular traffic using the area. Although controls could be placed prohibiting the use of Faircrouch Lane and Fairglen Road to the south of the site by HGVs, they would still need to route through Station Road into the western part of Wadhurst to connect with the B2100 Mayfield Lane to travel west or continue through the village travelling eastwards towards Ticehurst; journeys would also likely be taken to the north-west along the B2099 towards the A267. The Parish Council and fifteen local residents raise objections to the proposal, including on the grounds of increased HGV traffic through Wadhurst village, which would be likely to lead to increased congestion through an already congested part of the B2099; such an increase would also be likely to adversely affect the character of the Conservation Area. Although the District Council does not raise objections *per se*, this is subject to certain criteria, including that the proposed number of vehicle movements is of a compatible scale with previous traffic generation to the site, which it is not. The Highway Authority has also raised concerns on the visibility from the access associated with the intensification of the use of the access by HGVs.

6.5 Allowing a permanent new use in this location, which would generate up to 40 HGV movements within the surrounding highway network, including through Wadhurst village, to source construction and demolition waste, is not considered to be acceptable in terms of the effects it would be likely to have on the character of the area, the amenity of other road users and on the occupiers of nearby properties. Moreover, visibility from the access is not considered to be acceptable by the Highway Authority. As such, the proposal conflicts with

Policies WMP25 (a) and (c) and WMP26 (a) and (d) of the Waste and Minerals Plan, saved Policies EN19 (6), EN27 (2), TR3 (1) and TR10 of the Wealden Local Plan and Objective OQ4 of the High Weald Management Plan.

### **Noise and air quality**

6.6 Policy WMP25 of the Waste and Minerals Plan seeks to protect the amenity of the local and host communities likely to be affected by the development and requires there to be no significant adverse impact on air quality or the local acoustic environment. Similarly, saved Policy EN27 requires development not to create unacceptable adverse impacts on the amenities of adjoining developments and the neighbourhood through noise. Both the District and Parish Councils, as well as local residents, have raised concerns regarding the potential for noise and the effect on air quality. The application is accompanied by a noise assessment report. It confirms that the nearest sensitive receptors are the adjoining industrial units and a residential property, some 40 metres to the south-east. The background noise level has been calculated at about 39 dB with the existing (ambient) noise levels at the boundary of the site being about 51 dB. [The background sound level is the sound level exceeded for 90% of the measurement period and provides a measurement of relatively continuous sounds that make up quieter 'lull' periods in between sound events. It is often referred to as the background sound level. The ambient sound level is the measurement of notional steady sound which has the same acoustic energy as the fluctuating sound over a specified time period. It is often used for measuring all sources of sound in the environment, which can be referred to as the ambient sound].

6.7 The estimated noise rating level at the nearest noise sensitive receptor, based on the assumptions and modelling undertaken by the consultant, would be about 45 dB, which would be about +6 dB above the background level and -6 dB below the ambient level, the latter dominated by existing noise from the nearby road and railway. Although the consultant concludes that the predicted noise level falls under the 'no observed adverse effect level' and so noise mitigation measures are not required, the character of the noise from the proposal, such as short duration noisy events involving vehicles tipping, revving, plant moving materials and excavator bucket breaking up material, will mean that the noise experienced by neighbours will be likely to be more intrusive than is indicated in the report.

6.8 However, given that noise will be likely to occur only during normal working hours and the site had previously been used as a HWRS, albeit not for the last four years and at a much-reduced scale than that proposed, it is considered that noise could be controlled at the site to an acceptable level. Therefore, if planning permission were to be granted, conditions should be included to mitigate the effects of noise to acceptable levels.

6.9 Representations from the Parish Council and local residents raise the matter of a need for an air quality assessment for the crushing operations. Since the application was submitted to the County Council, and as set out in paragraph 2.1 of this report, the proposed use of a crusher, screener and

trommel has been withdrawn by the applicant. Given these changes, an air quality assessment for this proposal is not considered necessary to determine the acceptability of the proposal in planning terms. However, it is accepted that were planning permission to be granted there would be a need for suitably worded conditions to ensure that air quality matters, including dust arising from operations, is suitably managed and not to the detriment of neighbouring properties. Any associated Environmental Permit would also be expected to consider and address this matter.

## **7. Conclusion and reasons 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 for a permanent change of use of the site from a HWRS to a waste transfer station for the management of construction and demolition waste. Concerns have been raised regarding the impact of the development on surrounding roads, including through Wadhurst village from the use of HGVs, as well as on the character of the Conservation Area, and on the poor visibility from the access associated with the intensification of the use by large vehicles. Concerns have also been raised regarding noise and dust from operations, as well as on the AONB. The former HWRS use served local needs but ceased operating in 2018. During its last operational year, it generated about 1,700 tonnes of waste with weekly HGV movements between 8 and 34. The proposed facility is a commercial operation, which would not only serve local needs, and would involve up to 30,000 tonnes of waste per annum and 40 HGV movements per day. The proposed development is not small-scale and is of a different character to the former use by reason of its scale and nature. It is not an appropriate form of development within this AONB location, in which the character of the landscape would not be conserved or enhanced, thereby conflicting with Policies WMP7a, WMP25 (a) and (c) and WMP26 (a) and (d) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, saved Policies EN6, EN19 (6), EN27 (2), TR3 (1) and TR10 of the Wealden Local Plan 1998 and Objective OQ4 of the High Weald Management Plan 2019. The development is unacceptable and should be refused planning permission.

7.3 In considering this planning application, the County Council has worked with the agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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



## **8. Recommendation**

8.1 To recommend the Planning Committee to refuse planning permission for the following reasons:

1. The proposal would be a permanent and intensive form of development at this site in the High Weald AONB which would be inappropriate by reason of its scale and nature and would not conserve or enhance the natural beauty or landscape character of the area, thereby conflicting with Policy WMP7a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, saved Policy EN6 of the Wealden Local Plan 1998 and the provisions of Part 15 of the National Planning Policy Framework 2021.
2. The proposed development would generate a significant number of HGV movements on a permanent basis which would change the character of traffic within the area and be detrimental by reason of increasing congestion along the B2099, including through Wadhurst village Conservation Area, with the associated effects of noise and disturbance, thereby conflicting with Policies WMP25 (a) and (c) and WMP26 (d) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and saved Policies EN19 (6), EN27 (2), TR3 (1) and TR10 of the Wealden Local Plan 1998.
3. The visibility at the site access is inadequate for the significant intensification of HGV movements and conflicts with Policy WMP26 (a) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

RUPERT CLUBB

Director of Communities, Economy and Transport

5 July 2022

### **BACKGROUND DOCUMENTS**

Application WD/859/CM

The Development Plan

National Planning Policy Framework 2021