

**LW/05/2292
(LW/462/CM)
Newhaven
21.11.05**

Construction and operation of an Energy Recovery Facility together with ancillary infrastructure, including waste transfer station, administration/visitor centre, landscaping and highway works at land at northern end of North Quay Road for Onyx South Downs Ltd

1. Introduction

- 1.1 Onyx South Downs Ltd (now renamed Veolia East Sussex Ltd.) submitted this major planning application to East Sussex County Council (ESCC) in November 2005 for the development of an Energy Recovery Facility (ERF) and associated infrastructure on land at the northern end of North Quay, Newhaven. The proposal requires the undertaking of an Environmental Impact Assessment (EIA) and Environmental Statements were submitted as part of the application. These Environmental Statements comprise substantial volumes of information in which the applicant explains how the proposal relates to the wide range of planning issues relevant to the proposed development. The Environmental Statements are available for Members to view in the Planning Department.
- 1.2 Although the description in the application is for the proposed development of an 'Energy Recovery Facility' (ERF) at Newhaven, the development is more commonly known as a waste incinerator, because the primary purpose of the development would be the disposal of waste material by incineration. The recovery of energy is a secondary purpose of the facility.
- 1.3 ESCC are the Waste Planning Authority and will determine the application. The views of Lewes District Council are required, to be forwarded to ESCC, so that the District Council's views can be taken into account when the County Council determine the application. As a local authority with statutory responsibilities for planning, environmental health and economic regeneration, the District Council's views should carry significant weight when the County Council determine the application. At the time of writing it is not known when ESCC will determine the application.
- 1.4 A separate Integrated Pollution Prevention & Control (IPPC) application has been made to the Environment Agency. If planning permission is granted, the IPPC permit will provide a basis for monitoring and controlling any pollution from the facility. A separate response on the IPPC application is being prepared by officers.
- 1.5 The proposed facility would receive and burn waste from homes across East Sussex and Brighton & Hove, which would be brought to the site by lorry. It would process about 210,000 tonnes of waste annually. In the process, it would generate about 19 MW of electrical power, most of which would be fed into the national grid, with some of the power used on site.
- 1.6 The applicant states (in the EIA Supporting Statement, para. S6) that "an integrated waste management strategy is being followed by ESCC and Brighton and Hove City Council (BHCC). This has been thoroughly tested through the Waste Local Plan process, which concluded that a mix of facilities including materials recycling, composting, energy recovery and anaerobic digestion is the Best Practical Environmental Option (BPEO) for municipal waste within the East Sussex and Brighton & Hove area. A key

objective of the strategy is to keep waste management as self-contained within the Waste Local Plan area as possible.”

- 1.7 The applicant adds that “At present the majority of household waste within the East Sussex and Brighton & Hove area goes to landfill/landraising sites. The main objective of the Council’s strategy, which reflects national policy, is to minimise the volume of waste sent to landfill whilst setting challenging targets for recycling and recovery.” Furthermore, “the ERF proposal for Newhaven is an important component within the Integrated Waste Management Strategy and will be essential if the recovery and landfill avoidance targets of the Councils are to be met. Its size and timing has been planned so as not to crowd out other initiatives for recycling and composting as part of the Council’s strategy.”
- 1.8 For clarification, the applicant, Onyx South Downs Ltd, is the operating arm of South Downs Waste Services Ltd. South Downs Waste Services Ltd has been contracted by ESCC and BHCC to provide integrated waste management services for the municipal waste arisings within the two Council’s areas, under a 25 year contract (awarded in April 2003) supported by the Government’s Private Finance Initiative (PFI). The company intends to do this by the provision of a range of new facilities across the area to divert waste away from landfill and achieve specific targets for recycling and recovery, set in the PFI contract and the Waste Local Plan. Notwithstanding the contractual relationship between the applicant and ESCC as Waste Disposal Authority, the County Council as Waste Planning Authority will have to determine this planning application solely on its planning merits.
- 1.9 A site visit is being arranged for the Committee prior to the meeting. Councillors have also visited an ERF at Southampton, similar to that proposed in this application.
- 1.10 Since the application was submitted, LDC officers, advised by specialist consultants, have been in dialogue with ESCC planning officers and the applicants on a wide range of technical issues using a “question and answer matrix” to clarify a wide range of points. The matrix can be seen at the Planning Department or online at www.lewes.gov.uk. This work has assisted preparation of this report.

2. Proposal

- 2.1 The site comprises 4.74 ha of land at the north end of North Quay Road, adjacent to the River Ouse. North Quay is an industrial area, comprising a narrow strip of land between the River Ouse to the west and the railway to the east, on the northern edge of Newhaven. The site of the ERF is currently used for the storage and processing of aggregates. Immediately to the north is the Sussex Downs Area of Outstanding Natural Beauty (AONB) and the proposed South Downs National Park. To the south, within the industrial area, is a range of port and non-port related uses, some with associated wharf facilities. The application site also includes the length of North Quay Road itself, from the site to the slip road leading off the A259 next to the flyover.
- 2.2 The ERF facility would include the main energy recovery building, with administration and visitor/education building, gatehouse with two

weighbridges, external bays for the storage of bulk recyclables, internal road system and parking for 36 cars, fuelling and vehicle washing facilities, site landscaping and lighting, a new access off North Quay Road into the site, and modifications to the existing road junction between North Quay Road and North Way, by way of the provision of a new mini-roundabout.

- 2.3 The ERF building would have an oblong footprint and curved roof, aligned north/south. Inside the building there would be various chambers, including a tipping hall, bunker hall and boiler hall. The building would be 170m long by 55.5m wide. The building would have a curved profile, and for the majority of its length would have a height of 24m above ground level, although the part of the building enclosing the waste bunker would be 27m above ground level. There would be twin chimneys projecting out of the building to a height of approximately 65m above ground level. The building would be partially sunk into the ground up to 13m deep (the maximum feasible depth given geotechnical and other constraints). The administration and education building would be a four storey elliptical structure 15.5m high, and would be attached to the main building by bridges at various levels.
- 2.4 Overall, the buildings would have a grey non-reflective finish, with the tone being varied between individual sections of the building. At each end of the building and along part of the sides, the finish would be semi-translucent. The building would be bounded on the north and west sides by grassed bunding and planting.
- 2.5 The ERF is designed to deal with non-inert household and municipal waste generated from across the whole of East Sussex and Brighton & Hove and would be operational on a 24hr basis, 365 days per year. Dual furnace provision would allow continued operation during planned maintenance periods.
- 2.6 The wastes received would be deposited into a holding bunker, before being fed into a furnace where it would be burnt. This would produce heat, which would be recovered and used to generate up to 19 MW of electricity. 16.6 MW would be available for export to the local electricity network, with the remainder used by the facility.
- 2.7 The EIA's traffic assessment is based on the maximum capacity of the facility (253,000 tonnes per annum) rather than the anticipated operational capacity (210,000 tonnes per annum) (the latter figure is lower because of planned maintenance shut downs). It is estimated that on this basis there would be an predicted 256 daily vehicle movements with 264 as the worst case scenario if all occasional deliveries (e.g. replacement elements of the plant) occurred on the same day. With the exception of local waste collection vehicles operating in Newhaven, Peacehaven and Seaford, all waste vehicles would arrive and depart via the A27 and A26, including those from Brighton & Hove, which would be unable to use the A259 due to a weight restriction at Peacehaven.
- 2.8 Refuse collection vehicles would bring waste direct to the plant from nearby areas (e.g. Lewes District and part of Wealden). Waste from elsewhere in East Sussex/Brighton & Hove would be brought to the site by large lorries from a network of waste transfer stations at Brighton,

Maresfield and Hastings where waste would be collected and compacted for onward transport to Newhaven.

- 2.9 The combustion process naturally would produce emissions which would be dispersed to the atmosphere by the twin chimneys. The EIA includes a section on air quality, and concludes that the prevailing movement of emissions would be to the north-east, towards South Heighton and Denton and the Downs beyond. Prior to discharge by the chimneys, the combustion gases would be cleaned in a treatment system designed, according to the applicant, to comply with the exacting standards of the EC Directive on Waste Incineration (2000/76/EC) and enforced by the Environment Agency as conditions of the IPPC permit required to operate the facility.
- 2.10 At the ERF facility there would be approximately 36 staff employed, with approximately 20 staff on site at any one time.

3. Key Policies

- 3.1 There are many European, national, regional, county-wide and local policies which have relevance to the proposal. Some are specific to the disposal of waste, while others are more general planning policies relating to specific effects which the development may have, or to the application site and its surroundings. The following is necessarily a summary of what are considered to be the primary policies which provide the policy framework for consideration of the proposal.

European, national and regional policies

- 3.2 The basis for European Policy on waste management is the Waste Framework Directive (75/442/EEC as amended), which sets objectives for the management of waste. These have been transposed into UK legislation via the Waste Management Licensing Regulations 1994. More recently, the focus has been on the diversion of waste away from disposal to land. This principle has been embodied in the European Landfill Directive (adopted in 1999), which aims to progressively reduce the disposal of biodegradable municipal waste that is disposed of to land without any form of pre-treatment. The main requirement is to achieve by 2020 a reduction in the amount of biodegradable municipal waste disposed of to land to 35% of that which was produced in 1995. Currently over 70% of municipal waste is disposed to land.
- 3.3 'Waste Strategy 2000: The National Waste Strategy for England and Wales' (2000) proposed changes in the way waste is managed by reducing the amount produced, re-using, recycling and composting waste, and recovering energy where possible.
- 3.4 Changes to Waste Management Decision Making Principles in Waste Strategy 2000 (DEFRA July 2005). This removed explicit reference to the concept of 'best practicable environmental option' (BPEO) which featured in the earlier Waste Strategy 2000: The National Waste Strategy for England and Wales. Instead, a series of broad planning principles are set out which should be used when making decisions about the best approaches to managing waste and assessing potential sites for waste management facilities. Waste decision making should be based on

principles including (1) communities taking responsibility for their own waste (2) consideration of alternative options in a systematic way (3) effective community engagement in the decision making process (4) environmental impacts of possible options being assessed in the long and short term (5) decisions aiming to deliver the environmental outcomes that do most to meet these objectives, taking account of what is feasible and what is an acceptable cost.

- 3.5 Consultation on the Review of England's Waste Strategy (DEFRA 2006). The overall objective of a revised waste strategy is to further reduce the impacts of waste management on the environment, while developing the economic benefit of using waste as a resource and meeting European obligations. The Review includes proposals to set future standards for local authorities on reducing and recycling household waste, for piloting more recycling services for small businesses, encouraging energy recovery (but not at the expense of practicable waste prevention, recycling and composting), placing further restrictions on the use of landfill in the longer term and continuing to develop markets for recycled materials. The consultation period on this publication expires on 9 May 2006.
- 3.6 PPS10: Planning for Sustainable Waste Management (July 2005). PPS10 generally follows the principles established in "Changes to Waste Management Decision Making Principles in Waste Strategy 2000" set out in para. 3.4 above. PPS10 provides guidance to local planning authorities on both preparing development plans and on considering planning applications for waste related development, with the overall aim of assisting the provision of new facilities for sustainable waste management.
- 3.7 PPS9: Biodiversity and Geological Conservation (August 2005): Highlights sustainable development objectives, and aims to ensure that development should have minimal impacts upon biodiversity/geological diversity, and should enhance and restore it wherever possible.
- 3.8 PPS23: Planning and Pollution Control (November 2004): Indicates that planning and pollution control regimes should complement rather than duplicate each other. Para.10 indicates that "The planning system should focus on whether the development itself is an acceptable use of land, and the impacts of those uses, rather than the control of processes and emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced".
- 3.9 PPG24: Planning and Noise (November 2004): Indicates that much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise, and that the planning system should not place unjustifiable obstacles in the way of such development. However, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance.
- 3.10 PPG9 – Proposed Alterations. Regional Waste Management Strategy: No Time To Waste (August 2005). Responses to public consultation currently being considered by the Secretary of State. These Alterations generally reaffirm the waste hierarchy and reflect the key principles set out in Waste 2000 and PPS10 as summarised above.

- 3.11 Draft South East Plan 2006 (South East Plan Regional Assembly) is intended as a full revision of RPG9. It is at consultation until 23 June 2006. The Plan provides a framework for the region to 2026. The Plan's policies for waste include aiming to reduce growth in waste generated, minimising reliance on landfill through recycling and composting as much as possible, with further recovery of energy from materials that cannot be recycled, and providing for a large number, and range, of new facilities to provide for recycling and recovery.

Strategic Policies

East Sussex and Brighton & Hove Waste Local Plan (WLP)

- 3.12 Policy WLP9 – Site specific Allocations for Energy from waste and Material Recovery Facilities.

“Proposals for energy from waste with material recovery facilities will be supported on suitable land within the following area of search as shown on the proposals map and accompanying inset plan in Appendix 4 (of the WLP).

North Quay, Newhaven (Area of Search) (Inset Plan 5).”

- 3.13 The supporting text to Policy WLP9 of the WLP at para. 6.29 states that “A facility at North Quay, Newhaven would serve the western part of the Plan Area. The area of search comprises an existing industrial estate which contains aggregate recycling and scrap metal transfer waste facilities and is accessed by water and rail. Existing waste uses and aggregate handling and processing facilities would be safeguarded but some redevelopment within the existing estate may be necessary and a development brief would address these issues. The transportation of waste by rail; or water, will be encouraged.”
- 3.14 Para. 6.30 of the WLP follows, stating that “The location at North Quay, Newhaven would be suitable for rail or water transfer of waste, to or from road vehicles, subject to the rail link being reopened and/or the site selected having access to the wharf. This could be used for bringing in waste to a facility or facilities or for taking out recyclates or saleable by-products of waste management (including waste reprocessing) and residues. Proposals for further waste recovery capacity, including energy from waste, will undoubtedly come forward in the east of the Plan area. Any such proposal will be considered on its merits using the Plan's generic policies, including WLP19.”
- 3.15 Policy WLP19 – Energy from Waste Facilities. “Proposals for Energy from Waste facilities will be permitted, subject to other policies in the Plan where relevant, where a need is demonstrated which cannot practically be met by waste management methods higher up the waste hierarchy. Proposals shall be on land that is located within permitted or allocated industrial or waste management sites or on other suitable previously developed land.

Proposals shall:

- a) be well related to major sources of waste; and

- b) pursuant to Policy WLP2, provide for the majority of the waste and residues to be transported to and from the site by rail or water unless it is demonstrated why that would not be practicable; and
 - c) include the maximum efficient capture of energy and, where feasible, provide heating for local use; and
 - d) include an assessment of the environment and health impacts which demonstrates that the process will not materially endanger health or harm the environment”
- 3.16 Policy WLP2: Transport Strategy: “Proposals will be required to demonstrate that:
- a) the proposed facility is located as closely as practicable to the sources of waste that will be managed by it;
 - b) access and use by modes of transport other than road have been considered and, if not proposed, why it would not be practicable; and
 - c) if road transport is to be used, the proposal is located and designed to minimise the length and number of road traffic movements and the proposal will comply with Policy WLP36.”
- 3.17 Policy WLP10: Site-specific Allocations for Waste Disposal to Land: “Proposals for non-hazardous and stable non-reactive hazardous waste disposal to land will be permitted, subject to other policies of the Plan where relevant, on the following sites:
- a) Beddingham Landfill Site
 - b) Ashdown Brickworks, Bexhill”.
- 3.18 Policy WLP15: Small Scale Recycling Collection Facilities: “Proposals for small scale recycling collection facilities will be permitted, subject to other policies of the Plan where relevant, where it is demonstrated that they are:
- a) in locations which are accessible by a choice of means of transport including public transport, walking and cycling; and/or
 - b) located where trips can be combined with the use of adjacent facilities; and/or
 - c) part of a major development scheme.”
- 3.19 Policy WLP35: General Amenity Considerations: “All proposals shall satisfy the following criteria:
- a) the development is of a scale, form and character appropriate to its location;
 - b) there is no unacceptable adverse effect on the standard of amenity appropriate to the established, permitted or allocated land uses likely to be affected by the development;
 - c) adequate means of controlling noise, dust, litter, odours and other emissions are secured; and
 - d) there is no unacceptable adverse effect on the recreation or tourist use of an area, or the use of existing public access or rights of way; and
 - e) there is no unacceptable adverse effect on areas or features of demonstrable landscape, archaeological, architectural, geological, ecological, or historic importance.”

3.20 Policy WLP36- Transport Considerations. “ Proposals will not be permitted where:

- a) access arrangements are inadequate for the volume and nature of traffic generated by the proposal;
- b) unacceptable safety hazards for other road users, cyclists or pedestrians would be generated;
- c) the level of road traffic generated would exceed the capacity of the local road network;
- d) an unacceptable adverse impact upon the existing highway conditions in terms of traffic congestion and parking would arise;
- e) there are inadequate arrangements for on site vehicle manoeuvring, parking and loading/unloading areas; and
- f) adverse traffic impacts that would arise from the proposal cannot be satisfactorily mitigated by routeing controls or other highway improvements.”

East Sussex and Brighton & Hove Structure Plan 1991 – 2011

3.21 General policies in the Structure Plan which are relevant to the proposal include Policies S1 (sustainability), S2 (infrastructure), S3 (strategic pattern of development), S5 (development boundaries), TR1 (integrated transport), TR3 (accessibility), TR16 (parking standards), TR18 (cycle parking), TR30 (lorry routing), EN1 (environment), EN2 (development within and adjacent to AONB's), EN3 (character of AONB), EN13 (air quality), EN14 (light pollution), EN15 (noise pollution), LT4 (tourism impacts), W1 (sustainable waste management), W2 (best practicable environmental option), W3 (proximity), W5 (waste transport), W8 (strategic criteria), W9 (location of waste management), W10 (waste minimisation), W17 (need for other waste facilities).

ESCC and Brighton & Hove CC Minerals Local Plan (1999)

3.22 Policy 9 of the adopted Minerals Local Plan allocates the application site as an area for the receiving and processing of marine aggregates. Policy 10 seeks to encourage the use of rail transport for distribution of aggregates inland. The area is also identified through Policy 32 as a Minerals Consultation Area, where consultation is required with the County Council (as Minerals Planning Authority) on any proposals for development which would sterilise imported mineral facilities.

Local Policies

Lewes District Local Plan

3.23 In the Proposals Map to the Lewes District Local Plan, the site is within the Newhaven Planning Boundary. The western half of the site is covered by site specific Policy NH24, which states:

“Planning permission will be granted by the District Council only for port-related uses (B1-B8) at North Quay.”

3.24 General policies in the Lewes District Local Plan which are relevant to the proposal include Policies ST2 (general infrastructure), ST3 (design, form and setting of development), ST7 (external lighting), ST11 (landscaping),

ST13 (noise), ST30 (protection of land and air quality), CT1 (planning boundary), CT3 (protection of rural landscape), T1 (travel demand), T9 (traffic calming),

Lewes District Council Draft Sustainable Waste Management Strategy 2005 – 2010

- 3.25 This local Strategy aims to ensure that the Council complies with waste management legislation and meets its statutory targets and exceeds them where practical and resource considerations allow. Waste prevention and minimisation is the first priority. Furthermore, the Council has signed up to an aspirational target of 'zero waste' disposed of directly to landfill. The draft strategy has recently been the subject of consultation and will be reported to Cabinet on 3 May.

4 Relevant History

- 4.1 None relevant to this proposal.

5 Representations Received

- 5.1 **Newhaven Town Council** object on the following grounds:

- a) Compliance with Waste Local Plan: The application, which is said by the applicant to be in compliance with the Waste Local Plan, was actually submitted while the WLP was in the process of formulation.
- b) The application description is misleading. The proposal is described as an 'Energy Recovery Facility', but this is nonsense. The aim is clearly the disposal of waste by incineration.
- c) The building would be substantially larger than any other building in town, would be visible from virtually every point in town, would be visually intrusive and would resemble a 1950's 'B' movie spaceship, doing nothing to enhance the views of the Downs or the valley in which it would be located.
- d) The building would have a negative impact on leisure and tourism facilities in the area, including footpaths, boat traffic, users of the ferry and the use of the AONB/future National Park.
- e) The proposal does not conform with the Local Plan designation that the site be used for port related activities.
- f) Extensive congestion would be caused on the local road network, with increased traffic hazards, fumes and pollution.
- g) For Onyx to claim any sort of local community involvement or real public consultation is totally false. Public opinion has been clearly known and yet Onyx have still brought forward this application.
- h) The EIA is incomplete. It does not properly consider the effects of local geography. The valley location makes it highly probable that emissions from the incinerator will simply sit in the valley and become concentrated. When eventually breaking up, prevailing winds would disperse the emissions north and east over Lewes, Ringmer, Uckfield and Alfriston. Also, there are houseboats less than 100m away from the site, and therefore the claim by Onyx that the nearest residential property is 250m away is false.
- i) The proximity principle has not been applied, and the small town of Newhaven with a population of 11,000 should not be expected to take

responsibility for dealing with waste from other areas (with a population of 750,000 spread from areas up to 50 miles and more away).

- j) It is clear from discussion with local businesses that the incinerator would seriously limit the opportunities for regeneration and inward economic investment for the town. It would also have a serious effect on local property values. To claim otherwise is total nonsense.
- k) The development would exacerbate existing flood risks to neighbouring sites and properties by creating flood defences for the development alone. Also, it is unlikely that the proposed flood defence bunds would be effective in protecting the site in the event of storm co-incident with a high tide (storm surge conditions).
- l) The site assessment only considers the site suitable for an incinerator. No other waste management options seem to have been considered.
- m) The use of an incinerator to dispose of waste works counter to composting, reuse and recycling. This is counter to sustainability and inconsistent with declared national waste policy. The general thrust of emerging policies, plans and directives is to use waste as a resource. Waste, as a resource, has value (e.g. compost, created from waste at Rainham in Essex, is sold back to the public locally and via B&Q).
- n) Onyx state in the application that in the burning of waste, dioxins will be completely destroyed by the process, but later include dioxins in the list of all possible emissive elements and substances. There can therefore be no confidence in Onyx's assertion that such emissions "will not add to the health risk in terms that could be considered significant". Evidence from noted toxicologists and chemists suggests that there are very serious consequences to life and health, even when such plants are operating within the regulations. Furthermore, it cannot be certain that, without 24hr monitoring, regulatory limits are being adhered to. It is clear from the prosecution of France in the European Court that incinerators can be and are operated outside the regulations for years on end. Self-regulation does not work.

5.2 **Peacehaven Town Council** comment that the site should be accessed from the north rather than via Newhaven; The A26 is not suitable for the traffic movements and the development should finance the necessary improvements to that road; The proposal would have an unacceptable impact on the A259.

5.3 **Seaford Town Council** object to the principle of incineration. More specifically, on grounds that (1) The facility should be located more centrally, is contrary to the proximity principle and will place unnecessary pressure on both the strategic and local road networks, including the already congested A259 as experienced by Seaford residents (2) The massive building would be totally out of scale and would have widespread substantial visual impact in the landscape (3) There has been no meaningful public consultation, and public opinion is very firmly against the proposal (4) The social and environmental impact of the development on nearby communities is not adequately considered, with varying levels of confidence in the estimates of impact and scientific uncertainty about the effect of pollution (5) It is socially unjust to locate the facility at Newhaven, a relatively deprived community, while the rest of East Sussex, Brighton and Hove would remain unaffected (6) There would be a negative effect on economic development in Newhaven, with some sources of employment and local investors lost (7) There would be increased flood risk to users of surrounding land (8) There has been no realistic alternative attempt to look

at other sites, despite the drawbacks of Newhaven (9) The capacity would be higher than needed for current demand, suggesting little expectation of any increase in recycling or composting, which is inconsistent with national policy and regional waste policy (10) The issue of health and air quality has not been adequately addressed by Onyx, with inappropriate air data and modelling in the application (which does not take account of the valley location or local topography). The incinerator should be located away from the main areas of population. The Town Council's policy is to stop the increase in waste being generated (with increased composting and recycling), the remainder having to be landfilled but very soon also to be treated by a Mechanical Biological Treatment (to take out more recyclable and compostable materials and isolate, and then stabilise, toxic substances).

- 5.4 **Telscombe Town Council** object on grounds that (1) Newhaven lacks the necessary road infrastructure to accommodate the development, with the 224 daily HGV movements adding to congestion on the A27 and the A26 with a knock-on effect of more congestion on the A259 (2) the chimney stacks may not be tall enough to disperse pollutants, and residents of Telscombe, Saltdean and the Ouse Valley may be subject to health risks given the weather and wind conditions (3) detrimental visual impact on the surrounding area and AONB.
- 5.5 **Piddinghoe Parish Council** comment that (1) Piddinghoe has a unique location in relation to the site, being about 1km to the north-west (2) Onyx is an agent for ESCC and BHCC, and has a contract with ESCC to use all reasonable efforts to obtain planning permission to construct the development. ESCC therefore have a prejudicial interest, and instead of ESCC determining the application, the application should be called in for the Secretary of State to decide (3) Although there has been a measure of public relations activity by Onyx, there is no evidence of any effort to carry out any actual 'public consultation' by Onyx (4) Alternative methods of waste disposal to the incinerator have not been properly investigated, and there is no need for an incinerator (5) Transport to and from the site via the A26 is unacceptable, and would force more traffic onto minor roads such as the C7. (6) Transport to and from the site within Newhaven under the flyover at the junction with the A259 is unacceptable, given the congestion at that location (7) The variable winds would carry pollution from the incinerator to the village and the coastal towns, not just over the open areas of the South Downs (8) The incinerator building would be wholly out of scale and bulk with everything in Newhaven, with major landscape impact (9) More time is needed for public consultation, with indicators provided by Onyx on site (e.g. balloons) of the height of the incinerator.
- 5.6 **Kingston Parish Council** object on grounds that (1) the development would put unnecessary pressure on the strategic and local road networks, and the impact on Kingston village (specifically the C324) has not been considered (2) unacceptable in landscape terms, with the incinerator visible from Kingston Ridge (3) local opinion is firmly against the development (4) the EIA is incomplete, and does not properly consider the effects of local geography or operational difficulties on nearby communities such as Kingston and Iford, with pollution not being effectively or consistently managed and health risks resulting for generations to come (5) Newhaven and the local area should not be expected to take waste from other areas such as Brighton & Hove, who should make provision for dealing with their

own rubbish (6) regeneration opportunities would be lost (7) flood risk would be worsened (8) the site assessment only considers sites suitable for 'energy recovery', not other waste management options (9) the development does not allow recycling and composting to grow unless overall waste continues to rise, which is inconsistent with national policy (10) the proposal would recycle and compost less material than regional waste policy advises, so other authorities in the south-east will have to do more to make up for the poor performance of the county (11) toxic waste and ash, propelled by floodwater, could be spread into the whole Newhaven area, particularly as climate change causes rise in sea levels.

- 5.7 **Firle Parish Council** object on grounds that the EIA is incomplete and does not properly consider the effects on nearby communities, and that there would be undue pressure on the local road network from the lorry traffic generated.
- 5.8 **Lewes Town Council** object on grounds of pressure on strategic and local roads, unacceptable landscape impact, strength of local opinion, inadequate EIA, Newhaven should not take responsibility for the rubbish from other areas, opportunities for regeneration would be suppressed, increased flood risk, other waste management options should be considered, contrary to national and regional waste policy, no account of climate change leading to pollutants spread by floodwater to the whole Newhaven area.
- 5.9 **Newick Parish Council** understand that if the application proceeds there will be a holding station at Maresfield Park, Maresfield, for the waste. This would create increased traffic on the A272 which is already extremely busy and has more than its fair share of accidents.
- 5.10 **ESCC as Highway Authority** does not wish to restrict the grant of consent, subject to various comments and completion of a Section 106 Agreement. The Highway Authority accept the level of parking provision at the site. The Authority also consider that the traffic generated by the facility can be accepted in highway terms on the road network, as junctions operate within capacity, the overall increase in traffic compared to that existing would not be material (i.e. there would be a less than 5% increase) and conditions caused by the nearby swing bridge and level crossing would not be materially worsened. The mini-roundabout is proposed at the North Quay Road/North Way junction where the increase in traffic is material (being over 5% increase) and this should be secured by Section 106 Agreement. The site is well located to enable staff to travel by rail and bus. The Section 106 Agreement, as well as the mini-roundabout, should secure a routing agreement (access via the A26 only); provision of a travel plan for staff and visitors; provision of cycle parking and improvements to pedestrian facilities in the vicinity of the site and to NCN Cycle Route 2.
- 5.11 **Sussex Downs and Weald NHS Trust** comment that during construction the creation of dust has the potential to lead to annoyance, stress and health impacts. Concern is expressed that the modelling to assess dust impact during construction has not taken into account any adverse weather conditions. The Trust wish to ensure that the EA has been consulted on the chimney height and the air dispersal modelling used, plus the adequacy of the data and parameters used. Concern is raised that there may be an increase in roads accidents associated with the increase in

HGV traffic in the town. The Trust will be commenting to the EA on the IPPC application.

5.12 LDC Environmental Health Officer (EHO) has carried out a detailed assessment of the application and EIA in terms of the environmental health aspects of the proposal and his advice is summarised as follows:

- Noise: The construction and operation of the facility would be inherently noisy unless correct mitigation methods are adopted to minimise noise and vibration so that either there is no impact or the impact is insignificant. During operation the EFW facility would add to overall noise levels in the Ouse Valley and would be audible at a variety of sensitive locations such as residential properties and places of informal recreation. However, through the use of carefully designed and tailored mitigation measures, noise and vibration emanating from the ERF would be made to be insignificant in terms of British and World Health Organisation Standards. The houses in New Road would be most adversely affected, where a 1 to 2 db increase in background noise at night and during peak traffic periods would be experienced but, assessed against current standards, this impact is considered to be insignificant. Notwithstanding this, detailed assessment of the EIA does raise various points of clarification. ESCC are urged (1) to review those parts of the EIA relating to the houses in New Road to ensure that noise would be minimised (2) to seek clarification as to how background noise levels were ascertained in the methodology used to assess the noise impact, particularly taking into account adverse weather conditions (3) to ensure that noise has been sufficiently mitigated so that existing background noise levels in Newhaven and the surrounding area do not increase and 'creep' upwards.
- Odour: By their very nature elements of municipal waste decompose and, in doing so, produce an objectionable smell. The main source of odour from the EFW facility would be from the tipping hall where waste is tipped before being combusted. The main means of controlling this odour is by drawing the primary air used in the furnace from the tipping hall by large fans, so that the odorous compounds in the air are combusted. Primarily odour would be controlled under the IPPC permit through implementation of an Odour Management Plan, and the EHO notes that at recent visits to operating ERF facilities in Southampton and Portsmouth there was no discernible odour at the site perimeters. While odour from the ERF itself when operational is not anticipated to be significant, the EIA does not provide an Odour Management Plan for when the plant is not operating. Overall, ESCC are urged (1) to seek clarification of how odour would be controlled during periods of shut down and also if the induction fans in the tipping hall fail (2) to secure controls that ensure that any waste to be removed from the facility is done so quickly and in sealed containers, that the tipping hall doors are closed during cleaning and that the air induction fans continually operate. Dust generated within the tipping hall is similarly combusted after being drawn into the furnace.
- Health Risk: Given the substantial public concern about the health impact of the proposal, at the scoping study stage, the District Council requested that an independent and comprehensive Health Impact

Assessment (HIA) be undertaken as part of the EIA. While the EIA includes an assessment for emissions to air, contaminated land and controlled waters, it does not include a comprehensive HIA addressing whether (1) there are any health and well being impacts likely to disproportionately affect specific population groups (2) there are any health and well being impacts likely to cause changes in the quality of life, illness, disability or death rates in the local population (3) there are likely to be ongoing public and community concerns about the potential health impacts of the proposal. By declining to carry out such a HIA the application has not followed the spirit of Policies WLP10 and W15 of the WLP and ESBHSP 1991-2011, nor has it been demonstrated that a genuine response to community concerns been made or that every reasonable measure will be taken to address these concerns. From the assessment that has been carried out as part of the EIA, including the potential risks arising from dioxins, furans and trace metals, the Health Protection Agency has concluded that, provided the facility is operated under strict conditions within the Waste Incineration Directive (implemented as part of the IPPC) there would be no significant risk to health arising from these sources. However, as well as remedying the shortcomings of the HIA, ESCC are urged (1) to require more detail of the method for controlling hazardous contaminated ground material at the construction phase to minimise risk to site workers, residents and workers in neighbouring businesses (2) to require details of mitigation of potential dust problems during the construction phase (the North Quay area already generates complaints about dust from businesses in the vicinity of the site) (3) to ensure issues of noise mitigation during construction are properly addressed, (particularly as the construction phase is estimated to be of 36 month duration) (4) to seek clarification of issues of road safety from lorry traffic generated by the ERF facility, and of the emission of pollutants from lorry traffic such as NO₂ and PM₁₀ in conjunction with the facility (particularly since pollution levels in the centre of Newhaven on the A259 are close to the National Air Quality objectives for NO₂). Overall, the applicant would need to satisfy ESCC that the public's and EHO's health concerns have been, or are being, addressed. The applicant must comply with Policies WLP10 and W15 and must demonstrate beyond reasonable doubt that there will be no harm to health at both the construction and operational phases.

- Contaminated Land: The investigations to date, set out in the EIA, are comprehensive and in accordance with current good practice and guidance. The proposal would result in contamination on the site being remedied. The EHO recommends that conditions be imposed to ensure that this outcome is achieved, should development proceed.

The EHO comments that the applicant should provide sufficient funding to the District Council to employ a dedicated member of staff to specifically deal with environmental health concerns arising from the development at both the construction and operational phases.

- 5.13 English Nature comment that there is unlikely to be a significant impact on the national and international sites designated for nature conservation, as mentioned in the application.

- 5.14 Countryside Agency raise no objection but have major concerns about the impact on the AONB and South Downs National Trail. Further explanation must be given to detailed design including colour and materials before the development can be considered to conserve and enhance the natural beauty of the area.
- 5.15 South Downs Joint Committee objects to the application unless:
- a) It is independently verified that the proposal truly represents the BPEO in terms of process, location and design, taking fully into account the national importance of the AONB landscape; and
 - b) It would not compromise the waste management authorities' ability to meet or exceed their recycling targets by other means, or to manage waste higher up the waste hierarchy; and
 - c) The permission, if granted, is subject to conditions requiring the approval of materials for the buildings; implementation of a landscape scheme; minimal light spillage; approval of the origin for the lime for the flue desulphurisation, which should not be obtained from a national park; removal of the bottom ash through the existing aggregates facility or by water; a periodic reassessment of the comparative costs of waste transport by road and rail (or water), with investment being required in rail (or water) should the comparative costs become significantly closer.
- 5.16 Highways Agency (who have responsibility for traffic management of the A26 Trunk Road) raise no objection.
- 5.17 Southern Water raise no objection.
- 5.18 Police Community Crime Prevention Officer considers that the ERF facility should not give rise to any significant crime risks, subject to typical security measures including fencing, CCTV etc.
- 5.19 East Sussex Fire and Rescue Service advise that the authority has no objection and will deal with any fire safety or fire service access issues when consulted at the building regulation stage. At this stage the authority only comment that the site owners should ensure that the provision of adequate water supplies are included in the design, so water is readily available to effectively attack any fire.
- 5.20 Network Rail requested that (1) a hydrological report be provided to establish the effect of construction and dewatering of the strata under the railway (2) confirmation that the flood defence barrier would not increase flood risk on the railway (3) transport information be provided to assess the affects of additional road traffic on the operation and use of the level crossing.
- 5.21 Defenders of the Ouse Valley and Estuary (DOVE) have submitted a 77 page letter of detailed objections to ESCC. The main grounds of objection are that:
- a) The application conflicts with the structure plan and government policy guidance and expectations of acceptability, prejudices comprehensive development of the area and the pattern of development in Newhaven. This will have an adverse effect on the economy, leading to a loss of employment and traditional industries, an imbalance between jobs and

homes and poses a threat to the viability and vitality of Newhaven town centre.

- b) The excessive bulk of the incinerator will have a poor relationship with adjoining and nearby buildings, overlooking adjoining properties and blocking natural light due to its structure and emissions, and is visually intrusive. It will generate considerable noise, disturbance, smells and pollution in what is a residential area 24 hours a day.
- c) The road system is inadequate and there will be considerable environmental damage caused by 224 HGV's per day to and from the incinerator.
- d) The incinerator will have a very negative effect on the AONB (proposed national park) landscape due to its bulk and the pollution produced. Furthermore, it poses a threat to wildlife in the river, sea and surrounding countryside.
- e) The development poses increased flood risk to residences, businesses and wildlife, as the flood defences will increase the velocity and momentum of any floodwaters.
- f) The application does not satisfy WLP, Regional Plan and Lewes District Local Plan Policy and Directives.
- g) The plan has no valid BPEO, as it has not followed protocols or engaged in a consultation process before a decision was made to locate the incinerator at North Quay. The North Quay Site Specific BPEO should have rejected this site due to the Atmospheric Temperature Inversion problem that occurs at coastal sites.
- h) The Sustainability Statement contradicts what public knowledge know to be the reality of the scheme, and other statements (on health) in the application.
- i) The EIA suffers from being a minimal cost desktop study that uses recycled material from earlier projects and data from various websites, has not established a credible baseline against which to measure future pollution effects, has not been subject to peer review, and does not meet the requirements of the Town and Country Planning Regulations 1999.
- j) The installation of the incinerator may lead to civil unrest. There has been a complete lack of public consultation and where public input has been made it has been ignored, contrary to the provisions for public consultation set out in European Directives, PPG1 and PPS1. There has been no communication with those in Lewes, Ringmer, Glynde, Firle, Chailey, Falmer etc who would be affected by the incinerator.
- k) The application totally breaks the proximity principle. Newhaven, population 10,500 and which generates approximately 3,500 tonnes of waste per year, is being asked to process 245,000 tonnes of waste per year from 735,000 people. This is wholly unreasonable.
- l) The claims that incineration is safe cannot be demonstrated. There will be no continuous monitoring of the really dangerous health damaging emissions, as it is too expensive or impossible, and there is no requirement for it. The precautionary principle should be applied. The pollution will have a significant impact on the health of the incinerators neighbours, resulting in rapidly declining property values, a poor workforce and lack of investment in new industries.
- m) Incineration does not significantly reduce waste and is not conducive to recycling, does not reduce transport movements nor transport pollution, and does not remove the need for landfill. Incineration produces hazardous waste, which is more difficult to landfill. The

residues produced are more harmful than the original waste.
Incineration is the complete opposite of a sustainable solution.

- n) Construction would be excessively expensive, given the depth of piling required and construction requirements, and the cost passed onto the ratepayer would be unacceptable.
- o) The proposed education centre is not wanted or required. It would be a propaganda centre, and DOVE already has one of the leading websites in the country on issues relating to waste.
- p) The Newhaven site is unsuitable, breaks many of the principles of the governments planning guidance and European directives. The incinerator solution would lock East Sussex and Brighton & Hove, and more importantly the public, into an inflexible solution that will last for at least 25 years and possibly 35 years. This will prevent innovation in the waste hierarchy. Rejection of the planning application is urged.

5.22 Friends of the Earth (FoE) make detailed representations, commenting (in summary) that (1) the proposal should be subject to public inquiry with the Secretary of State determining the application (this would allow proposed changes to the Waste Local Plan to be tested, and allow the application to be assessed against a relevant and up to date development plan) (2) there is a conflict of interest between the managerial role of ESCC as Waste Disposal Authority and the impartiality of ESCC as planning authority, and the applicant and ESCC are partners holding a commercial contract to provide facilities to a delivery timetable within that contract. The FoE object on grounds:

- a) The proposal conflicts with WS2000, PPS10, Draft Regional Waste Management Strategy policies and Structure Plan Policies, as it has not been demonstrated that there is a need for an incinerator at Newhaven, that recycling targets would be met, and that efforts to increase recycling and composting would not be undermined.
- b) Conflict with WS2000 and PPS10, as it has not been shown that practical options for the pre-treatment of waste in accordance with the waste hierarchy have been taken into account.
- c) The application fails to demonstrate that these facilities represent the BPEO for the waste streams to be managed at the site.
- d) It has not been shown that there is an overriding need to override Lewes District Local Plan Policies NH20-24 which allocate the site for port related uses.
- e) Conflict with ESBHSP and Draft WLP Policy, as it has not been demonstrated that the site is appropriate relative to the sources of waste, that the facility is the most suitable technology to deal with the waste streams, and that there are no more suitable alternatively located sites.
- f) The proposal provides no evidence of the amounts of waste from London that may need to be managed in the plan area in accordance with apportionment envisaged under Regional Strategy.
- g) It has not been demonstrated that there is an overriding need for a WTS in this location, particularly having regard to the principles of self-sufficiency and the strong preference to locate such facilities as close as possible to the sources of waste. This facility in this location is considered to be contrary to ESBHSP and WLP Policy.
- h) The proposal increases HGV movements to an unacceptable degree, contrary to ESBHSP, WLP and Lewes District Local Plan Policies.

- i) The application has failed to demonstrate that the proposal will not have an adverse impact on the amenity of neighbouring residents and the surrounding area from noise generated by the development and by the increase in heavy goods vehicles, contrary to ESBHSP, WLP and Lewes District Local Plan Policy.
- j) The proposal is out of scale with the surrounding area and would have a harmful impact on the townscape setting of the site, contrary ESBHSP, WLP and Lewes District Local Plan Policy.
- k) The proposal would adversely affect the landscape, damaging views into and out of the AONB and proposed national park, contrary to ESBHSP Policy.
- l) It has not been demonstrated that the proposals make sufficient contribution to the delivery of sustainable development criteria, particularly in respect of climate change mitigation, contrary to PPS1, ESBHSP and WLP Policy.
- m) The proposal does not satisfy flooding and groundwater policies in PPG25, WLP and ESBHSP.
- n) The proposal does not explain how it forms part of a coherent integrated package for sustainable economic regeneration, contrary to ESBHSP Policy S15.
- o) The application fails to show how it has been shaped by community involvement, and the proposal is in breach of PPS1 in respect of community dialogue and the UK Sustainable Development Strategy 'Securing the Future'.

5.23 Tomsetts Distribution, who are a haulage and distribution company located immediately adjacent to the application site to the south, object on grounds that (1) the development would inevitably have a severe and detrimental effect on the business, which has grown over the years with significant capital investment, and now employs 70 people (50 located or operating out of the Newhaven premises) and has 42 lorries, with about 48/50 vehicle movements per day (2) the use of rail and water transport in connection with the site should be fully explored (3) North Quay Road is not constructed to full highways standard, is substandard in drainage and is generally inadequate (4) congestion would be caused in North Quay Road outside the site entrance (5) there would be increased congestion at the A259 junction at peak times and when the swing bridge and level crossing are operating (6) construction close to the company's site would raise serious environmental health issues to staff (7) unless concerns about health risk from emissions and odour from the plant are eliminated, the company will inevitably lose staff and will have to relocate, with the potential loss of 50 jobs within the Newhaven area (8) the regeneration process in Newhaven would be reversed (9) the proposed development would be massive, dominating the area and out of keeping with any other buildings.

5.24 Aggregate Industries, who occupy part of the application site, object unless assurances are provided that the planning permission will include provision of a suitable alternative site which does not disadvantage Aggregate Supplies.

5.25 Norman Baker MP objects on grounds of increased pressure on the strategic and local roads, with increased congestion and pollution; landscape impact; lack of meaningful public consultation and involvement; inadequacy of the EIA; contrary to the proximity principle; suppression of

continued regeneration initiatives in the town; increased flood risk; lack of proper assessment of alternative sites; inconsistency with national and regional policy which encourages recycling or composting; inadequacy of flood defences to cope with worsening severe storm levels and the rise in sea levels; danger to public health from pollutants, and the site should be located away from any population centre.

- 5.26 David Rogers OBE, local County and District Councillor, objects on grounds that the proposal would damage the regeneration process for the town; the increase in traffic would prejudice road safety conditions, including at the level crossing where there would be conflict with children and parents from the nearby Grays Nursery School; potential flood risk; the proposal would contribute to climate change, and damage efforts to increase recycling; this domineering building would be a constant reminder to local people of how they are seen by others, with negative psychological impact; wide and unacceptable visibility of the building from the AONB; contrary to port-related land use designation; the proposal is based on outdated strategies and ideas, and fails to comply with emerging thoughts concerning waste management; conflict with the proximity principle; strength of opinion against the proposal.
- 5.27 Residents Association of Seaford Head (RASH) object on grounds of (1) lack of transport infrastructure (2) landscape impact (3) contrary to public opinion (4) environmental impact with a widespread effect on health from emissions from the incinerator (5) Newhaven should not take responsibility for waste from large urban areas (6) negative effect on economic development (7) increased flood risk (8) flawed site selection process, with other waste options not being considered (9) inconsistency with national policy concerning recycling and composting (10) reliance on other authorities elsewhere to make up for deficiencies in recycling and composting (10) spread of toxic material propelled by floodwater following change in sea levels.
- 5.28 Public Objection: The proposal has attracted a very substantial amount of public objection, with over 10,000 letters and many petitions (including from individual residential roads and schools) being submitted to ESCC. The grounds of objection raised by the public reflect the same concerns as those detailed by the consultees above.

6 Material Considerations

- 6.1 Waste management and disposal is a national issue, and East Sussex and Brighton & Hove are not unique in having to address the issue and make difficult choices about how to deal with the waste produced by households within their areas, as disposal to landfill is gradually phased out and more sustainable waste management facilities introduced.

Overall Approach To Waste Management

- 6.2 The Waste Local Plan (WLP) produced by ESCC is up to date, only have been adopted in March 2006. The WLP indicates that the strategy is based on the principles of sustainable waste management, embodied in the legislation and planning guidance summarised in the 'Policy Context' of this report (Section 3 above). These principles include the national aim to divert waste from disposal to land by increased recycling and recovery.

The WLP indicates that, to implement the strategy, sufficient “appropriate” land should be identified for future waste management requirements. Furthermore, in order to allow a move away from dependence on landfill, “A large proportion of the Plan area’s waste, particularly municipal waste and some commercial and industrial wastes, will need to be managed by new facilities that are strategically located to meet the needs of residents and businesses.” (para. 5.2 of WLP).

- 6.3 To achieve the targets for recovery of municipal waste the Plan indicates that new types of treatment provided by a range of facilities will need to be established. Strategic facilities include ERF facilities, with the capacity to deal with significant amounts of waste. The WLP (para. 5.62) states that there “may” be a need for ERF facilities to be provided to ensure that adequate waste management capacity is provided overall.
- 6.4 The WLP envisages a “two major facility” strategy involving an ERF in the west of the county by 2009, followed – if necessary – by a second major facility in the east of the county after 2012. The latter facility may involve “new technology” methods of waste treatment.
- 6.5 The WLP goes on to identify a site within the county for an ‘energy from waste’ facility. Finding a site for a large development such as this that complies with the proximity principle and a range of other considerations is difficult, as the area has major urban areas sited with the sea on one side and a nationally important AONB (and proposed national park) landscape on the other.
- 6.6 The WLP states that in the western area “it has not been possible to identify an acceptable site for ‘energy from waste’ within the built up area of Brighton & Hove, because of the densely developed nature of the built-up area, and problems of traffic generation” (para. 5.63). The AONB is a fundamental constraint to the north and east. The WLP concludes that “A detailed examination of the constraints indicated that the most appropriate site to serve the area is at North Quay, Newhaven. The site is an existing industrial estate which includes some sizeable parcels of vacant land and is consequently allocated as an area of search. Traffic from Brighton & Hove would be routed along the trunk roads via the A27 because of the weight restriction on the A259 between Newhaven and Peacehaven, and road access is generally good provided a suitable access onto the A26 is achieved. This site has the option of waste transport by rail and water.” Land at North Quay, including the application site, is consequently allocated, in principle, for an ‘energy from waste’ facility under Policy WLP9.
- 6.7 Lewes District Council’s submissions to the Public Inquiry into the Draft Waste Local Plan (July 2003) put forward an alternative strategy. Instead of household waste being disposed of via one or two large incinerators, it should be dealt with more locally in a number of plants, and not by incineration. An approach based on Mechanical/Biological Treatment (MBT) was proposed as one possibility; another was by a number of anaerobic digesters. The Council argued that such an alternative strategy would have considerable advantages, particularly treating waste close to where it is created (thereby complying more closely with the proximity principle) and reducing the large scale movement of waste around the county to big centralised plants (thereby complying more closely with

sustainable development principles). It would avoid the use of mass burn incineration and the siting of a large plant at Newhaven.

- 6.8 The WLP Inquiry Inspector did not support the draft WLP's approach of identifying sites for specific forms of waste treatment, considering that this approach had "serious weaknesses", and particularly a lack of flexibility. The Inspector supported more flexible policies allowing a range of waste treatments including not only incineration, but also a range of other possible technologies such as those suggested by the District Council at the WLP Inquiry. (Inspectors report para.'s 5.103-5.108).
- 6.9 As a matter of principle, the Council's submissions to the WLP Inquiry against incineration are considered to be equally valid now. It is therefore considered that the District Council raise strong objection against the application in principle, because incineration is not considered to be an acceptable means of waste disposal, particularly given that there is an alternative strategy available which would negate its need.
- 6.10 Lewes District Council's submissions to the Waste Local Plan Inquiry objected to the siting of an incinerator at North Quay. The grounds for objection centred on the harmful effect on Newhaven's prospects of regeneration and on the AONB, and that Newhaven was poorly located in terms of compliance with the proximity principle. At the time of the 2003 Inquiry there was no planning application for an ERF plant for the site, and therefore objections could not be specific to an actual proposal. Now that a planning application has been submitted with its required EIA, further consideration of the anticipated impact of the facility can be given. These and other specific issues are considered below.
- 6.11 It should be noted that the WLP Inspector accepted that "North Quay is in principle a suitable location for a wide range of waste management facilities and that there is no overriding case for excluding thermal treatment. The actual type(s) and capacity of facilities would be determined at the application stage in the light of the policies of the WLP and an analysis of the Best Practicable Environmental Option (BPEO). This gives the flexibility I regard as essential to allow for the latest thinking and techniques for waste management, and take account of the availability of alternative locations". (Inspector's Report, para.22.45).

The Best Practicable Environment Option (BPEO)

- 6.12 The BPEO is a tool for strategic decision making. It is defined by the Royal Commission on Environmental Pollution as:
- "The outcome of a systematic and consultative decision making procedure, which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes, for a given set of objectives, the option that provides most benefit, or least damage, to the environment as a whole, at acceptable cost, in the long term, as well as the short term".*
- 6.13 Preparation of a BPEO analysis was a requirement of Planning Policy Guidance Note 10 on Waste Management, which was current at the time of the WLP Inquiry in 2003. A BPEO was prepared by East Sussex/Brighton & Hove late in the WLP process. However, this exercise

was criticised by the WLP Inspector, who “attached little weight to it”. (WLP Inspector’s Report, para. 5.55).

6.14 The BPEO is no longer part of the national planning policy guidance in PPS10. This is because the Government considers it will be unnecessary, given the requirement to prepare strategic environmental assessments/sustainability appraisals of Waste Local Development Documents, under the new Local Development Framework regime. However, as no sustainability appraisal was required, or undertaken, for the WLP, the BPEO process is considered to remain relevant for consideration of this application. Accordingly, the applicants have submitted two reports, as part of the supplementary material for the application, seeking to support their view that the current proposal represents BPEO. These are:

- Strategic Compliance Report
- Site Specific Compliance Report

Both reports are available for inspection in the Planning Department.

6.15 The Strategic Compliance Report refers to three key considerations for determining the BPEO for waste management purposes, derived from the Government’s Waste Management Strategy 2000, as follows:

- The waste hierarchy
- The proximity principle
- Regional self-sufficiency

6.16 In the waste hierarchy, energy recovery is the second least desirable option, being better than disposal to land, but worse than waste reduction, reuse and recycling/composting. Nevertheless, as part of an integrated approach to waste management, the report claims Onyx’s overall strategy will result by 2015 in over 70% of waste being recycled or recovered, with over 90% being diverted from landfill.

6.17 On the proximity principle, the report acknowledges that some waste will travel significant distances by road from place of origin to treatment at Newhaven. However, it claims that the network of transfer stations will compact and bulk up loads, and result in more efficient transport of waste compared to current arrangements.

6.18 The report claims that the Onyx strategy will result in a high degree of self-sufficiency for the WLP area and that, unless this facility is provided, forthcoming closure of the County’s two existing landfill sites at Beddingham and Pebsham will force waste to be exported out of the area for disposal. Export of waste out of the area would not accord with the proximity principle or the sustainability objective of reducing travel.

6.19 The applicant’s report concludes that the proposed development will accord with the WLP and represents the BPEO, at the strategic level.

6.20 Your officers do not endorse the conclusions of the BPEO Strategic Compliance Report submitted with the application. BPEO varies according to the size of facility, the mix of the waste stream, and over time. It is not

surprising that a strategy based on an individual facility in excess of 200,000 tonnes per year capacity, and which is rather dismissive of newer technologies such as anaerobic digesters or MBT, arrives at the conclusion that mass burn incineration is the BPEO. Moreover, the consultative decision-making element of BPEO is not addressed.

6.21 The second BPEO report prepared by Onyx's consultants is the Site Specific Compliance Report. It examines the local environmental and social impacts of six alternative sites in the WLP, which were shortlisted from over 300 sites originally identified for consideration across the WLP area. The six sites were:

- Sheepcote Valley, Brighton
- Pebsham Waste Disposal Site, Hastings
- Eastside, Newhaven
- North Quay, Newhaven
- Ashdown Brickworks, Bexhill
- Ashdown Business Park, Maresfield.

6.22 Each of these sites were assessed against twelve main planning criteria considered important for operational, planning and environmental reasons. Sites have been assessed on the basis of whether, if developed, they will meet/partially meet/not meet the requirements of each criteria. Onyx's consultants consider that North Quay ranks best in this analysis.

6.23 Again, your officers take issue with the conclusions reached by this analysis. Several examples illustrate why your officers feel that this analysis is neither accurate nor consistent.

- North Quay is indicated as "partly meeting" the criteria for proximity to the floodplain. Plainly, the site is within the tidal floodplain of the Ouse and this should count against the site, rather than be considered as partial compliance.
- North Quay's proximity to the Sussex Downs AONB is not reflected in its landscape sensitivity score, a point also identified by the South Downs Joint Committee.
- Sheepcote Valley is scored lower than North Quay or Eastside in terms of its proximity to areas of major waste arisings, despite being located in by far the largest urban area in the WLP area.
- The analysis fails to take account of a range of abnormal costs associated with development of the North Quay site, and there is no comparison of how these relate to any abnormal costs which may arise on the other sites. The abnormal costs at North Quay include flood defences, land decontamination, and the need for underground structures to mitigate landscape impact.

Accordingly, your officers feel that the BPEO assessment provided by the applicant should attract little weight. The assessment of North Quay compared to other shortlisted sites and the conclusions drawn are highly questionable.

Effect on regeneration

- 6.24 In recent years Newhaven has received substantial investment, mainly by the development of key derelict brownfield sites by significant regeneration projects, such as at Denton Island and West Quay. These developments have lifted Newhaven's image and sent out positive messages that this is a town looking to a prosperous and vibrant future. The vision is that this regeneration process is continued, to strengthen Newhaven's economic position for the benefit of local employment and business, to increase the town's self-sufficiency, and to bring unused and underused land back into use. The process is long term and ongoing, with the intended future development of other derelict and vacant land which is allocated in the Lewes District Local Plan. These areas of land include, for example, significant areas at Railway Quay and at Eastside.
- 6.25 Onyx consider that the proposed EFW facility would not have any adverse impact on the regeneration programme, together with inward economic investment into the town or property prices.
- 6.26 Notwithstanding the submissions of Onyx on this issue, it is considered that there is very strong concern that future inward investment into Newhaven could be significantly prejudiced by the ERF facility. It is hard to see how this major waste facility, which would have such a large and perceptible presence in the town through its sheer physical size and lorry traffic generation, would have any positive or even neutral effect on Newhaven's ongoing regeneration. Fears about a risk to health could be a major constraint to some forms of business, such as food processing, looking to invest in the area, and to inward population migration into the town. Similarly, it is hard to see how property prices would be competitive to other towns when the ERF facility would be such a major local feature. Currently, there are no identifiable 'spin-off' economic advantages and in employment terms the jobs available at the facility would not be so great as to weigh heavily in favour of the proposal.

Landscape Impact

- 6.27 Clearly the EFW development would have a significant visual presence in the town. Although located on the northern fringe of the built up area and sited on industrial land, the building would be of such a scale as to dominate its surroundings.
- 6.28 The building, together with the twin chimneys, would be wholly out of scale with the generally modest scale of local development. The development would be highly conspicuous and visible over a wide area, from viewpoints within Newhaven itself, from the higher land forming the sides of the Ouse Valley (including the residential areas of Denton, Mount Pleasant and South Heighton), and from the AONB (and proposed national park) to the north. The partial sinking of the building into the ground and the proposed landscape mitigation measures within the site seek to offset the visual impact of the development and to assimilate it into the wider landscape. Nevertheless, the applicants own landscape impact analysis concludes that there would be a "moderate to substantial adverse impact" from many viewpoints. The development would provide a very 'hard edge' to this part of the town which bounds the AONB.

- 6.29 The emission plume at the top of the chimneys would be a feature of the development in certain conditions. The height and visibility of the plume would be determined by factors including the wind direction, wind strength, temperature and moisture of the release, and temperature and humidity of the surrounding atmosphere. The applicants EIA analysis suggests that the plume would be visible for only around one third of the daylight hours over the year.
- 6.30 The design of the building is considered to be of a reasonable standard in itself for a facility of this type. However, given its substantial size and scale in relation to its surroundings, it is considered that the impact on townscape and landscape would be unacceptable. Where similar sized ERF facilities are located elsewhere, they tend to assimilate better into much larger urban areas, where the building can form a part of a wider urban landscape which itself often features a range of large scale buildings. In Newhaven, a small town with no buildings of any comparable scale to that proposed (even within the North Quay industrial area), the ERF plant would inevitably dominate its surroundings and affect the public image of the town.
- 6.31 Similarly, there is very strong concern that the degree of traffic generation in the form of lorry movements would adversely affect the AONB (proposed national park) landscape. Apart from local lorry movements generated from Newhaven itself, Peacehaven, Telscombe and Seaford, lorries from the wide area served by the facility would have to access the site via the A27 and A26 from Beddingham to Newhaven. While the lorry movements on the A27 would tend more to be assimilated into existing high traffic flows along that major east/west route, the lorry movements on the A26 between Beddingham and Newhaven would be particularly noticeable. While it is the case that refuse lorries already access the Beddingham Landfill Site via the A26, the increased volume of lorry traffic, together with its passage along the full length of the A26 from Beddingham to Newhaven, would be a significant change from the current position. It is considered that this traffic impact would be detrimental to residents living along the route of the A26 to Newhaven, and to the informal recreational use of the AONB by walkers, cyclists and riders.

Environmental Health Issues

- 6.32 The potential impact of the EFW facility on environmental health issues is covered in significant technical detail in the EIA. These impacts are of major concern to the local community together with organisations and individuals further afield. The advice of the Council's Environmental Health Officer (EHO) on these important issues is summarised in para. 5.12 above.

Noise

- 6.33 The applicant has submitted that "the assessment of noise (within the EIA) has indicated that there should be no significant adverse noise or vibration effects resulting from the operation or construction of the ERF". The applicant indicates that this would be achieved in part by measures including (1) enclosure of the waste processing and power generation within one building (2) acoustic louvres installed to minimise noise breakout through the facades where air circulation is required (3) the waste

tipping entrance to be sited on the south side of the building, away from the nearest residential properties in New Road (4) no deliveries at night (5) a site boundary noise limit of 53 dB LAeqT “to ensure that noise levels do not give rise to adverse noise effects” (6) silencers installed between the ID fans and the chimney to minimise noise emissions (7) the majority of reversing of HGV’s to be undertaken within the waste tipping hall (8) all vehicles within the applicants direct control to be fitted with low noise annoyance reversing alarms (9) the ERF would be at least 250m from the nearest residential dwelling (10) best practicable means adopted to minimise, where practicable, the noise generated during construction.

- 6.34 The Council’s EHO has advised that the construction and operation of the ERF would be inherently noisy, and that correct mitigation methods would be vital to ensure that noise and vibration is minimised to an acceptable level. Provided such measures are installed and continually used to suppress noise, the impact of noise in Newhaven and further afield should be controlled to an acceptable level. This advice has been reached having taken into account the existing background noise levels in the area. As part of the assessment, however, some further analysis of the methodology used by the applicant to estimate the impact of noise, as summarised in para. 5.12, should be carried out to ensure that noise is, and continues to be, insignificant.

Odour Control

- 6.35 The applicant has submitted that odours arising from waste within the tipping hall would be contained there before combustion within the furnace. The applicant thereby submits that odour arising from the ERF would be contained within the building and would not give rise to any significant external effects.
- 6.36 The EHO generally agrees with the applicant that, provided proper controls are in place, the ERF should not generate odour to the extent that it is significant in the locality. This is the case having taken into account the effect of prevailing winds, and the frequency when doors to the tipping hall would be open to allow waste to be deposited prior to combustion. The EHO does advise, however, that ESCC need to seek clarification as to how odour would be controlled in periods of shutdown and if the fans in the tipping hall fail, and that all other reasonable measures are taken to control odour escape into the outside air. Subject to these provisions being complied with, it is considered that odour emissions should not be significant.

Air Quality and Public Health

- 6.37 Government advice in PPS10: ‘Planning for Sustainable Waste Management’, provides advice to local planning authorities on the issue of health. Para.30 states that “Modern, appropriately located, well-run and well-regulated facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. However, planning operates in the public interest to ensure that the location of the proposed development is acceptable and health can be material to such decisions”. Para. 31 goes on to state that

“Where concerns about health are raised, waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies. Rather, they should ensure, through drawing from Government advice and research and consultation with the relevant health authorities and agencies, that they have advice on the implications for health, if any, and when determining applications consider the locational implications of such advice.”

- 6.38 The general thrust of national planning policy in PPS10, therefore, is that local planning authorities should generally leave the issue of the effect of a proposed development on human health to the pollution control authorities. In this case the pollution control authority is the Environment Agency, who will consider the pollution issue through consideration of the IPPC application. As indicated in para.3.8 above, PPS23: 'Planning and Pollution Control', states that planning authorities should work on the assumption that the pollution control regime will be properly applied and enforced.
- 6.39 In relation to this application, however, the impact of emissions emanating from the twin chimneys following combustion of the waste, and their effect on air quality and the health of the local and wider community, is a major concern of the public. It is therefore considered that the District Council can legitimately consider the issue, given that the location of the proposed development is close to populated areas and wider rural areas used for recreation.
- 6.40 The assessment of this issue is necessarily of a highly technical nature, as borne out by the scientific information put forward by the applicant in the relevant sections of the EIA.
- 6.41 The operation of the ERF would be governed by the Waste Incineration Directive (WID), which requires adherence to emission limits for a range of specified pollutants. The applicant has undertaken an assessment of the effect on air quality and health of the “key” pollutants, including dioxins and metals, covered by the WID. The assessment uses survey data to establish the existing position with regard to air quality and pollution, and identifies the location of ‘human receptors’ (e.g. residential properties, schools, hospitals and pedestrians) and sensitive ecosystems (e.g. Sites of Special Scientific Interest). The results of the assessment indicate that the ‘pollution climate’ is typical of similar locations throughout the UK, in that concentrations are highest near to major roads, and then fall markedly away from these roads. In addition, Newhaven’s coastal location means that it experiences the regular supply of large quantities of “clean” air from the onshore wind, which is dominant for most of the year.
- 6.42 The EIA goes on to quantify, through the use of dispersion modelling, the effects on local air quality of emissions from the proposed ERF’s chimneys. According to the applicant, the dispersion modelling shows that a chimney height of 65m “is sufficient to ensure adequate dispersal of pollutants, with regard to existing air quality and ambient air quality standards”. The applicant concludes, on the basis of the assessment, that, overall, emissions from the ERF will not have a significant effect on local vegetation or ecosystems, and “in particular, no significant adverse effects are predicted for the European designated sites or the local SSSI’s.

- 6.43 The EIA further considers the effects of emissions from operational vehicles travelling to and from the site. The applicant predicts that the increase in pollutants from these vehicles would be negligible, and therefore concludes that emissions from operational vehicles will not give rise to any significant air quality effects.
- 6.44 The applicant states that, once operational, “emissions to atmosphere through the chimney result in increases in ground level concentrations of pollutants, relative to those that exist already. When the maximum additional concentrations are added to worst case background concentrations, the cumulative concentrations are estimated to be significantly lower than the appropriate assessment criteria for the protection of human health. The assessment found that exposure to dioxins, furans and trace metals emitted from the ERF does not pose a significant risk to health. It also found that the (theoretically) maximum exposed individual is not subject to a significant carcinogenic risk or non-carcinogenic hazard arising from the exposures via inhalation and the ingestion of foods.”
- 6.45 The composition and relative quantities of pollutants forming part of the emissions from the twin chimneys would be continually monitored within the ERF facility electronically, with graphical data displayed and recorded in real time on screen in the control room. Alarms are triggered if any of the pollutant levels rise to the statutory thresholds. Members observed the data on screen at the time of the visit to the ERF facility in Southampton, where emission levels were well below those thresholds. The information is recorded for monitoring by the Environment Agency who enforce the IPCC permit, which regulates emissions. As part of their enforcing role, the Environment Agency can make unannounced visits to the facility to inspect the equipment in use and the data being recorded, or request logs showing past operating data.
- 6.46 The District Council's EHO has reviewed the assessment methodology and findings of the EIA, and considers that the conclusions of the EIA appear to be reasonable as far as they go. But, as indicated in para. 5.12 above, he advises that the applicants Health Risk Assessment falls short of a comprehensive analysis of the wider spectrum of health effects which could be caused by the ERF and its associated traffic. Further clarification of detail and additional verifiable work should therefore be carried out by the applicant to demonstrate that no harm to health will arise in both the short and longer term.
- 6.47 The detailed submissions of some objectors, such as DOVE 2000, challenge many aspects of both the methodology and findings of the applicant on health risk. The objectors strongly assert that it is beyond any reasonable doubt that the ERF facility would be highly dangerous to air quality and public health. The huge number of letters expressing concern, or even alarm, about health risks demonstrate that this is a very real issue for many local people. It is therefore considered that ESCC must thoroughly test the applicant's submissions on this issue in determining this planning application. Until then, strong concern is raised that the ERF facility would potentially pose a serious risk to air quality and public health in the local and wider community.

Existing Uses

- 6.48 The site is currently used for the storage and processing of aggregates. Such a use is typical of the established character of this industrial area. Such a use is also unneighbourly, and it would be difficult to identify a suitable site for its relocation elsewhere. The text to Policy WLP9 of the WLP states that, in relation to the development of an ERF facility on this site, existing waste uses and aggregate handling and processing facilities would be safeguarded. The text also comments that some redevelopment within the existing estate may be necessary and a development brief would address these issues.
- 6.49 A development brief has not been published for the development of the site. Such a brief would typically be prepared by the local authority to provide guidance to prospective developers of the site in question. In this case the future of the existing aggregate use is unclear, and the occupier of the site has objected to the proposal given the uncertainty for the business arising from the proposal. ESCC must ensure that the existing business on the site has certainty that a suitable alternative site is available and secured.

Highway Capacity and Transport

- 6.50 The Highway Authority (responsible for traffic management of the A259 and North Quay Road) and Highways Agency (responsible for the A26) have concluded that the strategic and local highway network is capable, in terms of design and capacity, to satisfactorily accommodate lorry traffic generated by the ERF facility. This subject to the provision of a mini-roundabout, at the expense of the applicant, at the junction of North Quay Road and North Way.
- 6.51 It is considered that, in pure highway terms, the conclusions of the Highway Authority and Highways Agency about the adequacy of the strategic and local road network appear to be reasonable. The impact on the short stretch of the A259 in Newhaven itself between the A26 and North Quay Road seems the more questionable, particularly given the long tail backs which often form when the swing bridge and, to a lesser extent, the level crossing, are open. However, the extra lorry traffic would tend to exacerbate the lengths of queuing traffic rather than causing any intrinsic highway hazard in itself. In addition, the applicants can themselves, to some extent, regulate the pattern of lorry movements to and from the plant to avoid peak hours and swing bridge opening times.
- 6.52 The impact on other vehicle users would therefore tend to be of increased inconvenience and slightly longer queuing/journey times. In these circumstances it is considered that the advice of the Highway Authority and Highways Agency should be followed, and that no objection could reasonably be raised on the effect of the extra lorry traffic on the road network in highway terms, provided that suitable planning conditions are imposed to regulate lorry routing and movement patterns.
- 6.53 The text to Policy WLP9 of the WLP indicates that the transportation of waste by rail; or water, will be encouraged. Although there is a commitment within the application that the applicant would monitor the possibility of transport by rail and water to the site, the matter appears to

be left to commercial considerations to decide whether such transport would be used. It is unlikely to be a practical commercial proposition for the foreseeable future.

Flood Defences

- 6.54 As North Quay is within the River Ouse tidal flood plain and is at risk of flooding, a flood defence barrier has been incorporated into the proposed landscape scheme. This effectively takes the form of a bund around the proposed development, and secures the site from a 1 in 200 year flooding event. The defence incorporates a further flood barrier to block the flow of displaced floodwater across the existing wharf into the neighbouring site. Together with a flood evacuation plan (during a 1:200 year flood it is estimated that North Quay Road would be flooded to a depth of approximately 1m for four hours), the applicant submits that these measures “will ensure that the facility and its staff are not at risk from flooding, and that the proposals will not give rise to any adverse off-site flood related environmental effects”.
- 6.55 Concern has been expressed by some objectors that the EIA is flawed in its analysis of the effect on the potential for flooding, submitting instead that the development would increase the risk of flooding to nearby premises and the wider area.
- 6.56 The District Council normally takes the professional advice of the Environment Agency (EA) on flooding issues. At the time of writing, however, the EA have not responded in writing to consultation on the planning application. At the time of writing their views on the flooding issue are therefore not known.
- 6.57 Notwithstanding the absence of any advice from the EA, it would appear that there is no evidence to counter the applicant’s view that the ERF facility would not increase the possibility of flooding in the locality. However, ESCC need to ensure that the advice of the EA, when known, is fully taken into account, together with the case made by objectors on this issue, when the application is determined.

Construction

- 6.58 If permitted, it is estimated that construction of the ERF would take around 36 months. During this time it is clear that there would be considerable potential for noise and disturbance to the town generally and beyond to the adjacent AONB. The effect of construction is not normally a planning consideration of notable weight, but in this case the scale of the development would be so substantial, and of such prolonged duration, that it is valid to consider the issue. As part of the construction process, ground conditions would require that deep piling would need to be undertaken to provide the foundations for the building, which would generate significant noise in itself.
- 6.59 While recognising that the effect of construction in itself would not normally constitute grounds for refusal of the application, it is clear that poorly regulated construction could have a significant effect. It is therefore considered that comprehensive controls should be imposed as part of any planning permission, to ensure that the impact of noise, disturbance,

vibration, dust and vehicle movements during the construction period is reduced as far as possible.

Departure Procedure

- 6.60 Whilst the recently adopted WLP allocates the site for major waste facilities, the proposal does not accord with other important policies in the Development Plan in force in the area. For example, Lewes District Local Plan Policy NH24 specifically allocates the site for port related uses and Policy 9 of the Minerals Local Plan allocates the site for the landing and distribution of marine dredged aggregates. The ERF facility would conflict with these policies.
- 6.61 In the event that ESCC resolve to grant permission, the application should therefore be subject to referral to the Secretary of State as part of the 'Departure Procedure'. The Secretary of State would then decide whether to 'call-in' the application for his own determination following a public inquiry into the proposal, or whether ESCC as Planning Authority should be permitted to determine the application itself.

7. Conclusions

- 7.1 This is a major planning application for a development of great significance to Newhaven and the wider area. The proposed ERF is a large strategic facility designed to burn non-inert municipal and household waste collected from across East Sussex and Brighton & Hove, and is promoted as part of an "integrated" strategy to deal with the county's waste in accordance with prevailing policy guidance. A secondary purpose of the facility is the generation of energy from the waste.
- 7.2 The overall approach to waste management, based on incineration and with reliance on a single ERF at North Quay, is considered to be seriously flawed. Alternative strategies, using a larger number of smaller facilities and based on technologies such as MBT or anaerobic digestion, should be pursued which would more closely achieve fundamental principles including that of proximity, the waste hierarchy and sustainability.
- 7.3 It is recognised that the application site is part of a wider area of North Quay which is allocated in the adopted WLP under policy WLP9 for the provision of energy from waste with material recovery facilities. Notwithstanding this policy, there are significant reservations about the selection of North Quay for this proposed development.
- 7.4 It is considered that the selection of North Quay for the proposed ERF is based on a BPEO analysis which appears unsound as a justification for the current proposal. The analysis does not follow good practice for a BPEO assessment, particularly its lack of any consultative input, and the assessment of North Quay compared to other shortlisted sites and the conclusions drawn are highly questionable. It is considered that North Quay is not well suited in terms of application of the proximity principle, being relatively remotely located away from Brighton & Hove and the county's other larger urban areas, the main source of waste. The site is not therefore in a sustainable location given the distance waste would travel by road to be disposed of at the site.

- 7.5 It is considered that the ERF at North Quay could seriously prejudice the prospects for the ongoing regeneration of Newhaven; that the sheer scale and physical presence of the ERF would dominate its surroundings in a negative manner; that lorry traffic generation would adversely affect the quality of the AONB and amenities of residents living along the A26; that it has not been demonstrated conclusively that the ERF would not adversely affect public health; and that the future of the existing aggregate use on the site is uncertain.
- 7.6 For the above reasons, the application should be refused.
- 7.7 Without prejudice to the above, it is considered that ESCC should seek clarification of various points of technical detail on issues relating to the public and environmental health impacts of the proposal.
- 7.8 In the event that ESCC resolve to grant permission, the application should be subject to the 'Departure Procedure', including referral to the Secretary of State, given that the application does not accord with certain provisions of the Development Plan in force in the area.
- 7.9 In the event that planning permission is granted, strict and effective controls should be imposed to minimise the effect of construction on the locality, including controls on dust, noise and the routing of traffic movements. At the operational phase, similarly strict and effective controls should be imposed to ensure that the ERF operates with the minimum impact in all respects. The District Council's Environmental Health Officer wishes to continue dialogue with ESCC and the applicant in this respect.

Recommendation

That Lewes District Council recommend to East Sussex County Council that:

- a) The application be refused on the following grounds:
1. The use of incineration as a means of the major disposal of waste, with reliance on a single Energy Recovery Facility at Newhaven to serve East Sussex and Brighton & Hove, is unacceptable in principle. Alternative, more flexible, waste management strategies involving a number of smaller facilities, located to serve the area's main sources of waste and to provide shorter travel distances for waste treatment, together with scope for higher levels of waste recycling and recovery, should be pursued.
 2. While it is recognised that land at North Quay is allocated in the Waste Local Plan under policy WLP9 for the provision of energy from waste with material recovery facilities, the selection of this site at North Quay, Newhaven, to receive and manage waste generated from East Sussex and Brighton & Hove, is unacceptable in principle. The site selection process included in the application, whereby North Quay is regarded as being the BPEO, should be accorded little weight since the assessment of North Quay compared to other shortlisted sites and the conclusions drawn are highly questionable.
 3. North Quay is in an unsustainable location to serve its purpose to receive waste on the scale proposed as it fails to comply with the

proximity principle, being relatively remotely located in relation to the main sources of waste, contrary to policy WLP 19 (a) of the Waste Local Plan. The proposal would give rise to an unacceptably high number and length of lorry trips to and from the site by road.

4. The proposed ERF could seriously prejudice the prospects for the ongoing regeneration of Newhaven, to the detriment of the future prosperity of the town.
 5. The sheer physical scale of the ERF building would dominate its surroundings, to the detriment of Newhaven and the surrounding area, including the Area of Outstanding Natural Beauty, and proposed National Park, to the north, contrary to policy WLP35 (a) and (e) of the Waste Local Plan.
 6. Lorry traffic generated by the ERF would detract from the landscape and recreational use of the AONB between Beddingham and Newhaven, and would detract from the amenities of residents living along that route.
 7. It has not been demonstrated conclusively that the proposed ERF would not materially endanger public health and the environment, as required by policies WLP10, WLP15 and WLP19(d) of the Waste Local Plan.
 8. Provision has not been made for the future of the existing aggregates use on the site.
- b) Should East Sussex County Council be minded to resolve to grant planning permission, the application should be subject to the 'Departure Procedure' given that the proposal is contrary to certain policies in the Development Plan in force in the area. This procedure should include referral to the Secretary of State.
- c) In the event that planning permission is to be granted, East Sussex County Council are urged to ensure that it has been demonstrated conclusively that there is no risk to public health arising from any aspect of the proposal. Furthermore, strict controls should be imposed to ensure that the impact of construction of the facility, through dust, noise, vibration and construction traffic, is minimised. Management Plans should be secured, where appropriate, to assist minimisation of construction impact. Furthermore, the applicant should provide sufficient funding to the District Council to employ a dedicated member of staff to specifically deal with environmental health concerns arising from the development at both the construction and operational phases.
- d) The District Council's Environmental Health Officer wishes to continue dialogue, as appropriate, with the applicants and the County Council up to and beyond determination of the application, in order to help minimise the impact of the development at both the construction and operational phases, should planning permission be granted. Details of those matters on which the District Council considers clarification or more detail should be sought, including on environmental health and contaminated land issues, would be raised as part of this dialogue.

1. Proposal

- 1.1 Planning permission is being sought for the installation of a septic tank to serve the use of the site as a private gypsy site. The site is occupied by a single family with a touring caravan and mobile home.

2. Key Policies

- 2.1 LDLP ST3 – Design Form and Setting
 CT1 – Key Countryside Policy
 RES21 – Provision for Gypsies

3. Relevant History

- 3.1 The appellant began engineering operations on the site in September 2003 culminating in the stationing of a caravan and mobile home on the site. Enforcement and stop notices were served against which an appeal was lodged. An Inquiry took place in August 2004 to consider the unauthorised change of use of the land to a private gypsy caravan site and the stationing of caravans/mobile residential homes and associated engineering operations. The Inspector dismissed the appeal, considering that the use would '*seriously harm the character and appearance of the area and thereby conflict with development plan policies for the protection of the AONB and countryside generally*'. He also considered that the '*retention of the unauthorised use would be unacceptable on highway safety grounds*' due to the increase in vehicle movements to and from the site, the proximity to the petrol filling station access and conflict with vehicles using the A275. He concluded that '*the serious harm to the character and appearance of the area is not outweighed by other material considerations relating to need for gypsy sites, the appellants wish to find a settled site and his personal and family circumstances. As far as highway safety is concerned use of the site access would represent a source of serious danger because of the proximity of the petrol filling station access and minor road junction nearby*'. (A full copy of the decision notice is available on file).
- 3.2 In view of the clear evidence that was submitted showing that there were no available authorised sites in Lewes and the wider area and the disturbance and disruption that would result from finding another site the Inspector dismissed the appeal but allowed a two year period for compliance with the enforcement notice to allow the appellant to find an alternative site. That period of compliance expires on 23 August 2006.

4. Representations Received

- 4.1 **Hamsey Parish Council** – understand the need from a personal and hygiene view point but do not condone the unlawful use of the land and the enforcement order requiring the land to be returned to its original state.

- 4.2 South Downs Joint Committee – negligible visual impact but would formalise the unauthorised site and represent a degree of permanence, therefore object to the proposal.
- 4.3 South Downs Society – recommends refusal due to previous Inspectors decision, and that this proposal would extend the use of the site.
- 4.4 One neighbour representation received, objecting due to the enforcement notice on the site and since installation of the tank implies long term occupation. The applicants will be leaving the site in accordance with the Inspectors report in eight months time therefore a long term facility is not required.

5 Material Considerations

- 5.1 The applicant is seeking permission to install a septic tank on the site. The applicants agent as contacted and asked to state why such a facility is now required bearing in mind that the site has been lived on, in caravans, for over two years without such provision. The applicants agent has stated that, in justification for the tank, that Mrs Lee has rheumatoid arthritis (something that was known about when the appeal was considered), Mr and Mrs Lee have a number of children and the current arrangement is wholly unsatisfactory for a young family living in the 21st century. The applicant has confirmed that the septic tank will serve the mobile home and therefore the portaloos will be removed.
- 5.2 The agents also state in their letter that Mr Lee intends to submit an application to seek to continue to use the land for the purpose of a private gypsy site before the period of compliance ends on 23 August 2006 and would include the retention of the septic tank in the application if it were to be approved. Clearly from this information the applicant does not have any intention of vacating the site or complying with the enforcement notice.
- 5.3 From the information submitted with the application, and obtained subsequently, the case for the septic tank relies mainly on the assessment of the Family's personal circumstance, in particular the health of Mrs Lee and the fact that there are children living on the site. Mr Lee and his family have been living on the site for over two years without such a facility, managing with their existing arrangements, and have for long periods of time been travelling away from the site. Notwithstanding the obvious comfort that such a facility would bring to the family, no medical evidence has been submitted to support the need for such a facility on the site or to justify it for the period that remains before the compliance period comes to an end.
- 5.4 In considering the Enforcement appeal the Inspector did not consider that either the health of Mrs Lee or the needs of the children outweighed the harm that the continued unauthorised use of the site would cause to the AONB or that upholding the enforcement notice would impinge on their human rights. Therefore it has to be considered whether the installation of a septic tank on the site would detrimentally impact on the AONB. As such the facility will be buried in the ground and therefore, in terms of visual amenity, the installation of a septic tank would not result in any harm to the AONB.

- 5.5 It is considered that the proposed facility would not further impact on the AONB and would improve the comfort of the applicant and his family for the period that they are resident on the site. It would not in itself prejudice the Council from pursuing the Enforcement case when the period of compliance expires.
- 5.6 On balance it is considered that planning permission can be granted for a temporary period to run with the existing compliance period on the enforcement notice.

Recommendation

That planning permission is granted subject to the following condition:

The septic tank hereby permitted shall be removed and the land restored to its former condition on or before 23 August 2006.

Reason – Permission is only given to meet the special needs of the applicant having regard to Policies ST3 and CT1 of the Lewes District Local Plan.

<p style="text-align: center;">Summary of reasons for decision and any relevant development plan policies/proposals</p>
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<p>It is considered that the proposal meets the aims and objectives of Lewes District Local Plan Policies ST3 and CT1 and does not impact on the AONB or surrounding countryside.</p>

LW/06/0069
Lewes
17.01.06

Part demolition of flint boundary wall and provision of replacement flint wall including gated emergency access, turnstile and footpath at the Dripping Pan, Ham Lane for Lewes District Council.

1. Proposal

- 1.1 The proposal seeks to address the current failing condition of the existing boundary wall fronting onto Ham Lane and at the same time, meet the needs of Lewes Football Club, who need to improve the Dripping Pan Ground to meet league standards. This would be achieved by demolishing part of the existing wall, constructing a replacement flint wall with extra openings for vehicles and pedestrians.
- 1.2 It does not appear that the wall itself has any registered owner, having checked with the Land Registry, the Dripping Pan deeds and the Highway Authority. The wall itself is in a very poor state of repair, with sections in imminent danger of collapse. The Council's Chief Building Control Officer believes that further sections of the wall might be in danger of falling during the next couple of years.
- 1.3 In the absence of any known owner, the Council has prepared a scheme which would enable a replacement wall to be constructed and for the structural stability of the wall to be addressed and public safety maintained. Provision of openings in the wall for pedestrians and vehicles would provide the spectator segregation and emergency access required by the Football Club to meet Nationwide Conference league standards. The Council is seeking a solution for the benefit of the wider community.

2 Key Policies

- 2.1 LDLP ST3 – Design, Form and Setting.
H5 – Development within or Affecting Conservation Areas.

3 Relevant History

- 3.1 There is no planning history relevant to this application. However Cabinet reports dated 26 April 2005, 24 November 2005 and 11 January 2006 (financial update) provide a background outline to the Council's decision to fund and carry out the proposed works on behalf of the community.
- 3.2 The decision to seek planning permission for this proposal follows the consideration of a range of options; the commissioning of a specialist archaeological report; and identification of a preferred option which the Council (as landowner) considers to be "affordable and acceptable".
- 3.3 A third party has asked the Department of Culture, Media and Sport to "spot list" the wall. English Heritage are currently considering this request on behalf of DCMS, but no decision has yet been made.

4 Representations Received

- 4.1 **Lewes Town Council** – “agrees with the conclusions of the Oxford Archaeological Report, as listed in section 2 of the Cabinet report on 26 April 2005, and in particular that the character of this part of Lewes would be affected if the wall was to be removed in whole or in part. Town Councillors are keen to support any option that fully recognises its importance as a topographical and historic townscape feature and takes account of practical considerations such as the development plans for Lewes FC and financial constraints.

The subject of the wall was raised at a recent liaison meeting with the Friends of Lewes and subsequently discussed at some length in Council on 2 July. Members were advised that the Lewes Buildings Preservation Trust and FoL have jointly commissioned another expert report on the wall and that there appear to be further practical and affordable options to which your Cabinet report refers are seen as valid but not comprehensive and there was support for further discussion before any commitment is made to a course of action. We further understand that the Chairman of the LBPT, Dr J Lawrence, will write to you with details of his proposals in the very near future and you are asked to ensure that these are given due consideration before any final decision is taken”.

- 4.2 **Design & Conservation Officer** – “I have always had doubts about the approach to this which employs a heavy engineering solution to a problem which occurs throughout the District in flint walls. Given that this is also a retaining wall, and the scale of the retention behind the wall, it seems that traditional repair which is my preferred option, is not being considered by the applicants. The treatment has been complicated by the desires of the football club to adjust ground levels and obtain a new entrance off Ham Lane, which in itself is of restricted width at this point.

I favour a traditional repair of the wall, something which has been done in the past, from evidence on site. I object on townscape terms to the loss of height of the wall over part of its length, and firmly believe the existing height should be retained. The wall is of mixed date and the investigations done so far have not concluded that it is definitely of Priory Wall origin, but it is clearly on the line of the former boundary of the Priory.

We have as an Authority insisted upon the retention of retaining walls of a similar nature retaining a bank behind, in Seaford. The solution there was to drill ground anchors into the wall core and cover the anchors with flint finishes. This solution should be investigated by the applicant more fully in my view. We should, in my opinion, refuse consent for the removal of this wall which itself is the boundary of the Conservation Area and is being considered for Listed Building status at present.

The impact of lowering the wall is in my view unacceptable and loss of evidence of historic rebuilding of what is in itself a historic wall on an ancient line is also unacceptable, both from townscape and historic fabric considerations.

This approach is supported by pre-application comments of English Heritage”.

- 4.3 Environmental Health - no objection subject to conditions.
- 4.4 English Heritage – Believe that the Dripping Pan bank may overlie earlier earthworks relating to post medieval gardens of the Lords Place Manor House which have intrinsic value and group value with the Mount and Priory ruins and perhaps the foundations of the medieval priory precinct wall. Flint walls, such as the one at Ham Lane, are an important contributor to the character of the town.

The application will have a detrimental effect of considerable scale on both the Ham Lane wall itself and the eastern bank of the Dripping Pan and may reveal and subsequently destroy evidence of the garden earthworks and precinct wall.

The recreation of a flint boundary wall along Ham Lane with integrated turnstile entrance and emergency exit gates has the potential to be detrimental to the character of Lewes, if it is carelessly designed and implemented.

- 4.5 ESCC Archaeologist – no objection but requests condition to secure scheme of investigation.
- 4.6 ESCC Highways – do not wish to restrict the grant of consent, but concern over the narrow width of the road, necessitating vehicles overrunning the footway and the need to possibly close off the road whilst works take place.
- 4.7 Friends of Lewes – object to the proposal for the following reasons: the wall should be reconstructed to the same height as the original wall and not be reduced in height; surprised that the engineers opinion that the remainder of the wall (adjacent to the tennis courts) is sound and can remain. Observations show that this part of the wall to be in an equally sorry state, and whilst it may not be liable to collapse, sizeable pieces will continue to fall from it. It is our opinion that this part of the wall should be replaced as part of the proposed work. Its inclusion being a condition of granting consent; whilst we accept the reason for the large gateway we do not agree that an additional turnstile opening is appropriate. Ham Lane is narrow and at times quite busy, even a small crowd gathering at the proposed turnstile would be inconvenient and possibly dangerous.
- 4.8 Lewes Priory Trust/Lewes Buildings Preservation Trust – object as the proposal would destroy much of what is a most important part of Lewes' historic heritage and that a careful proposal for an alternative proposal has not been given a fair hearing. Supporting material is misleading in terms of ownership, history of the wall, and the Trusts commissioned report is not included or considered. (A summary letter outlining the Trusts experiences with the project was also submitted).
- 4.9 Lewes Football Club – condition of wall means capacity and safety certificates cannot be issued. The banks are of no archaeological significance, conflicting views over history of wall. Without works to this wall the Conference League would not allow Lewes Football Club to continue playing semi-professional football at the very highest level.

- 4.10 Lewes F C Supporters Club – significant discussions on the wall; very real risk that without these improvements they may not be allowed to play in the Conference League; the football club contributes to the profile of the town as a whole.

Copies of all consultation responses are available for viewing on the application file.

5 Material Considerations

- 5.1 The eastern wall to the Dripping Pan, which fronts onto Ham Lane, is in a generally poor condition and parts are in urgent need of stabilisation, dismantling or rebuilding. The wall is neither a Listed Building nor a scheduled ancient monument, but it is believed to follow the course of one of the outer walls of the Cluniac Priory of St Pancras, the main remains of which are located approximately 300m to the west. The wall forms the eastern boundary of the Conservation Area where it abuts Ham Lane and varies in height from between 2.4 to 3m.
- 5.2 The proposal is to remove that section of the wall (approximately 60m) which is in the poorest state of repair and to lower and landscape the embankment immediately behind it (within the Dripping Pan). The wall will then be rebuilt to a height of approximately 2m, with a concrete core and faced in flint with brick piers at the new openings, and to provide an emergency vehicle entrance and pedestrian turnstile in the new wall.
- 5.3 A full archaeological investigation of the wall and its surroundings was commissioned and undertaken by Oxford Archaeology on behalf of Lewes District Council. They evaluated the history of the wall and assessed the impact that four possible options, being considered for the wall at that time, would have. They stated that *“although the actual fabric is not particularly old or intrinsically significant the wall is important as an historical topographical feature which defines part of the former Priory precinct. It is also of significance as the local flint construction adds to the character of this part of Lewes”*. The report comprehensively assesses the existing wall, the historical setting of the site and the wall alignment and comments on the four options for repair.
- 5.4 In conclusion the report states that *“as the fabric of the wall is neither particularly old nor intrinsically significant the repair (or rebuilding) of the wall should not result in unacceptable loss of important historic fabric but the removal of the wall (or even a section of the wall) would affect the character of this part of Lewes. It would also diminish the significance of the wall as a feature defining the outline of this part of Priory precinct. The outline of the precinct can be traced in the street pattern on modern maps but it is only defined by walls in a few areas including that in the current study flanking Ham Lane”*.
- 5.5 The report goes on to conclude *“in terms of conservation or sensitivity towards the historic fabric or features the best option for ensuring the safety of the wall would probably be to repair in a traditional manner those sections of the wall which have either collapsed or which are structurally unstable. However this would not be a permanent solution and the significance of the wall would not justify this approach”*. The need for a

permanent solution makes this approach unsustainable.

- 5.6 *“The rebuilding the wall with a reinforced concrete core and flint facing would form a permanent solution and would be a good option as it would retain the wall as a townscape feature. However it would be very expensive and would cause major disruption through the closure of Ham Lane. A compromise would be to take down those sections of the wall which have collapsed or are in imminent danger and remove the Dripping Pan bank immediately behind. This would be relatively cheap and cause less disruption than other options but it would compromise the integrity of the wall as a feature defining this part of Priory precinct”.*
- 5.7 A number of options have been considered to find a permanent solution for the repair of the wall in the absence of an identifiable owner, including localised repair. The option put forward and which forms the basis of this application was considered to be the best compromise solution, offering a permanent solution that was viable in view of the fact that the Council are not the owners of the wall. This scheme was discussed with Planning Officers before the submission of the application and was viewed more favourably than the provision of a close boarded fence along the alignment of the wall (a previous option) by the Design and Conservation Officer. However, following the detailed consultation responses received and the assessment provided by Oxford Archaeology, it is clear that the best option, in terms of maintaining the integrity of the wall as a townscape feature and ensuring the historical continuity of the wall, would not be viable.
- 5.8 Therefore the compromise offered in this application maintains a flint faced wall, albeit at a lower height than the existing wall with two new openings. It removes the bank from the western side of the wall, and offers a permanent solution, ensuring the longevity of the wall. It also ensures that the needs of Lewes Football Club to meet the requirements of the Conference League for ground standards, allowing the club to continue playing at this level, are fulfilled.
- 5.9 The scheme as submitted would maintain a wall on this historic alignment, albeit at a reduced height. This in itself should not be problematic and the wall could be increased in height to match the height of the existing wall. However, the wall would not be a retaining wall and would necessitate reducing the height of the bank along its entire length, which in the opinion of English Heritage would ‘have a detrimental effect of considerable scale on both the Ham Lane wall itself and the eastern bank of the Dripping Pan and may reveal and subsequently destroy evidence of the garden earthworks and precinct wall’.
- 5.10 The scheme attempts to resolve the public safety concerns over the current state of the wall with a scheme that is financially viable and at the same time would enhance the football ground so that it meets the current Conference League standards. However, due to the financial constraints the scheme as submitted results in a wall that is lower than the original and as a consequence would result in the lowering of the existing bank, an important historical and topographical feature, along its entire eastern length.

5.11 On balance, and with due regard to all the material considerations raised and discussed within this report, it is considered that the proposal would be detrimental to the character of the Conservation Area through the lowering of the wall, and would result in the loss of an important historical topographical feature (the bank). It is therefore not possible to support this approach and therefore the application is recommended for refusal.

Recommendation

That the Committee, acting on behalf of Lewes District Council for the purposes of Regulation 4 of the Town and Country Planning General Regulations 1992 resolve to refuse planning permission for the following reason:

It is considered that the proposal, due to the lowering of the wall and the removal of the bank, both important topographical and archaeological features, would be detrimental to the character and appearance of the Conservation Area and compromise the integrity of the wall as a defining feature of this part of Priory precinct, contrary to Policies ST3(f) and H5 of the Lewes District Local Plan.

1 Proposal

- 1.1 The site is a detached bungalow located at the north end of Cissbury Avenue. It is accessed from a short track leading off the end of Cissbury Avenue, and is on the edge of the built up area, with open downland extending away to the north.
- 1.2 It is proposed, in outline, to demolish the existing building and to erect two chalet bungalows on the site. All details of the proposal would be reserved for consideration at the 'reserved matters' stage.
- 1.3 The application has been amended since the original submission. It was submitted as a proposal for two houses to replace the existing bungalow, but has been amended to two chalet bungalows.

2 Key Policies

- 2.1 Within Peacehaven Planning Boundary.

3 Relevant History

- 3.1 LW/05/1897: Outline application for the demolition of bungalow and erection of three houses. Refused November 2005, on grounds of an unacceptable intensification of built development on the site, being detrimental to the character of the locality and setting of the AONB.

4 Representations Received

- 4.1 **Peacehaven Town Council** recommended refusal of the original submission for two houses, on grounds that the buildings would be highly visible on this urban fringe site to the detriment of the character of the adjacent AONB, and would be contrary to Structure and Local Plan policy. At the time of writing the Town Council's views on the amended proposal for two chalet bungalows had not been received.
- 4.2 Highway Authority does not wish to restrict grant of consent, commenting that conditions would be attached at the detailed stage. The "formalisation" of the turning head at the end of Cissbury Avenue would be beneficial to the development and, if the applicant is happy to do this, the Highway Authority would adopt the completed turning head.

5 Material Considerations

- 5.1 The site is within the Planning Boundary, where new development can be acceptable in principle, provided that it complies with district wide policies in the Lewes District Local Plan. Such district wide policies include policies to protect the character of local areas and the setting of the AONB. The

previous application for three two-storey houses was refused because of conflict with those policies.

- 5.2 As originally submitted, this application for two houses was considered to be unacceptable, as such two storey buildings would look conspicuous and out of place on this site on the urban edge of Peacehaven.
- 5.3 The two chalet bungalows now proposed, however, should have a lower profile more akin to the existing bungalow and therefore would have less visual impact in this location. This is important particularly because the extensive vegetation around the site is likely to be removed, making the site more exposed to view. The design and appearance of the chalet bungalows would be subject to the Council's approval at a later stage, if this application is granted. In principle, it is not considered that the chalet bungalows would adversely affect the character of the locality or the setting of the adjacent AONB.
- 5.4 It is not considered that there would be any undue impact on local residential amenity, as the nearest house is 'side on' to the site and is some 30m away from the existing bungalow on the site.
- 5.5 The proposal for two chalet bungalows is considered to be acceptable.

Recommendation

That outline planning permission be granted, subject to the following conditions:

1. OUT.85* - Submission of Reserved Matters
2. OUT.86* - Commencement of Development
3. LEV.69 – Levels **[ST3]**
4. MAT.73b - Approval of External Materials **[ST3]**
5. LS.59 - Details of Boundary Treatment **[a2 ST3]**
6. HRS.55 - Hours of Construction Work **[ST3]**

**Summary of reasons for decision and any relevant
development plan policies/proposals**

It is considered that the proposal meets the aims and objectives of Lewes District Local Plan Policy ST3 and respects the character of the location.

**LW/06/0109
Newhaven
31.01.06**

**Erection of a single storey rear extension (existing
outbuilding to be demolished) at 24 Southdown Road
for Lewes District Council Property Services**

1 Proposal

- 1.1 The application concerns a semi-detached house located on the north side of Southdown Road.
- 1.2 It is proposed to enlarge the dwelling by the addition of a single storey rear extension. The extension is proposed to be 5.2 metres deep and 4.0 metres wide and finished with a pitched and hipped roof rising to the house eaves.
- 1.3 The proposal would necessitate the demolition of an existing flat roof extension, whose siting and footprint is approximately that of the proposed extension.
- 1.4 The application has been submitted by the Council's Property Services Group.

2 Key Policies

- 2.1 Within the Newhaven Planning Boundary.

3 Relevant History

- 3.1 None.

4 Representations Received

- 4.1 **Newhaven Town Council** have raised no objections.

5 Material Considerations

- 5.1 The proposed extension would have a pitched roof but would otherwise cover (approximately) the footprint of the relatively large flat roof extension now on the site. The extension is proposed to be placed centrally against the rear of the house, which would result in gaps of 2.0 metres & 1.7 metres between it and the respective side boundaries.
- 5.2 The extension is considered to comply with Local Plan Policies ST3 & RES13, as it would conform to the 60 degree outlook guideline applied to the adjacent properties and would respect the amenities of those adjacent properties given the impact of the existing extension.
- 5.3 Accordingly the proposal is considered to be acceptable.

Recommendation

That the Committee acting for Lewes District Council for the purposes of the Town and Country Planning General Regulations 1992 resolve to carry out the development described in the application subject to the following condition:-

MAT.72 – Matching Materials **[RES13]**

Summary of reasons for decision and any relevant development plan policies/proposals

It is considered that the proposal meets the aims and objectives of Lewes District Local Plan Policies ST3 and RES13 and respects the character of the locality.

LW/06/0237
Hamsey
23.02.06

Double garage to be formed beneath ground floor level (amendment to approval LW/01/0718 to change from flat to pitched roof) and correction to block plan – resubmission of LW/05/0749 at The Old Wheelwrights Shop, The Street, Offham for Mr & Mrs E Styles.

1. Proposal

- 1.1 This application has been submitted after a correction to the block plan on the originally submitted application LW/05/0749 considered at Committee on 14.12.05. This application was recommended for approval but the Committee decided to refuse permission due to the detrimental impact on the adjacent Listed Building. The report relating to this application is attached at Appendix 1.

2. Key Policies

- 2.1 LDLP ST3 – Design, Form and Setting of Development
RES18 – Garages and other buildings, ancillary to existing dwellings
CT2 – Landscape Conservation and Enhancement
H2 – Listed Buildings
H5 – Development within or affecting a Conservation Area

3. Relevant History

- 3.1 Appeal LW/05/0749 – Awaiting date for site visit by Planning Inspector.
- 3.2 LW/05/0749 – Double garage to be formed beneath ground floor level accessed from existing driveway (amendment to approval LW/01/0718 to change from flat to pitch roof) – Refused 16.12.05
- 3.3 LW/01/0718 – Double garage to be formed beneath ground level, accessed from existing driveway – Approved 14.08.01

4. Representations Received

- 4.1 **Hamsey Parish Council:** Object. The Parish Council is of the view that this development would be overbearing and highly visible, dominating the local street scene.
- 4.2 Highway Authority – No objections
- 4.3 Design & Conservation Officer:

Comments as per previous application: The original application for a garage below ground level and hidden from view, was granted consent on this basis. In my opinion it would have been considered unsuitable with a pitched roof above ground level. Any roof structure would impact on the adjacent Listed Buildings. The attempts to redesign and achieve a lower pitch have not achieved a great improvement visually. It is better on balance than the former scheme, but still impacts on the neighbouring Listed Buildings. It also fills a gap in the open space of the Conservation Area.

- 4.4 Residents: Six letters of objection detailing the following concerns; the temporary roof struts that have been erected at the site clearly show the adverse effect the pitched roof would have on neighbouring listed properties, the Conservation Area and AONB. The pitched roof would protrude far above ground level, visible from the surrounding area and would be out of character and extremely dominant in such a location. The scale and siting of the garage would detract and dominate the village street scene and would be detrimental to the appearance and character of the village. There is concern that this application may lead to a further application for conversion of the garage to a dwelling or an application for a new dwelling within the fenced area of the site.

5. Material Considerations

- 5.1 The main consideration in the determination of this application is whether the amendment to the block plan, detailing the correct location of the garage, would have materially affected the determination of the previous application and whether the amended block plan showing the garage in its correct location would lessen the impact of the proposed pitched roof on the setting of the adjacent Listed Building, (the reason for which the previous application was refused by the Committee).
- 5.2 The corrected block plan shows the garage located further from the Listed Building, Woodcock Cottage, to the north and accurately depicts the degree of visual separation between the two buildings, with implications for the impact of the proposed pitched roof on the setting of the Listed Building.
- 5.3 The garage at its closest point is some 12m from the nearest point of Woodcock Cottage. This area has a variety of trees and shrubs, which clearly separate and partially screen the garage from the Listed Building. It is not considered that the proposed pitched roof would compete with or dominate the surrounding Listed Buildings or have an adverse impact on their setting.
- 5.4 The 2 metre high wall or fence surrounding the garage as detailed on the plans, could be erected under “permitted development” without the need for planning permission. It is relevant, however, is so far as the presence of a wall or fence to this height in this location would further reduce the potential impact of the roof extension on the setting of Woodcock Cottage.
- 5.5 Notwithstanding the objections raised, it is not considered that the proposed pitched roof to the garage would have a significant impact on the visual amenities or character of the surrounding Conservation Area, AONB or Listed Building.

Recommendation

That Planning Permission is granted subject to:

1. MAT.73b - Approval of External Materials **[ST3]**
2. HRS.55 - Hours of Construction Work **[ST3]**

3. The garage hereby permitted shall be not be used for any purpose other than the parking of vehicles and storage facilities.

Reason – In the interests of residential amenity with regard to Policy ST3 of the Lewes District Local Plan.

**Summary of reasons for decision and any relevant
development plan policies/proposals**

It is considered that the proposal meets the aims and objectives of Local Plan Policy and respects the character of the location, complying with Policies ST3, RES18, CT2, H2 and H5 of the Lewes District Local Plan.

APPENDIX 1

LW/05/0749
Hamsey
15.04.05

Amendment to approval LW/01/0718 (for a double garage to be formed beneath ground floor level) to change from flat roof to pitch roof at The Old Wheelwrights Shop, Offham for Mr & Mrs E Styles.

1. Proposal

- 1.1 Permission is sought for an amendment to the roof design of the garage, to a pitched and fully hipped roof. The approved application LW/01/0718 detailed a double garage, with the flat roof built below the adjacent ground level, 2.5m above the level of the driveway itself. The area above the garage was originally intended to be grassed over at a height of 3m above the level of the driveway.
- 1.2 The currently proposed garage roof would be pitched and fully hipped, protruding approximately 2.8m from eaves level, a total of 4.8m from the driveway level. The roof would have a 35-degree pitch and would be constructed from reclaimed clay tiles and boarding to match the materials used in adjoining properties.
- 1.3 This is an amendment to the originally submitted scheme for a pitched roof with barn hips to each end at a total height of 5.2m.

2. Key Policies

- 2.1 LDLP ST3 – Design, Form and Setting of Development
RES18 – Garages and other buildings, ancillary to existing dwellings
CT2 – Landscape Conservation and Enhancement
H2 – Listed Buildings
H5 – Development within or affecting a Conservation Area

3. Relevant History

- 3.1 LW/01/0718 – Double garage to be formed beneath ground level, accessed from existing driveway – Approved 14.08.01

4. Representations Received

- 4.1 **Hamsey Parish Council** object to the application for the following reasons: The original approval for application LW/01/0718 was given for a flat, turf covered roof to blend in with the landscape. The amendments to the roof detail are of no consequence, it is still a pitched roof that sticks above the skyline. The comments made on the previous scheme still pertain to this current proposal, they were; The roof design would be highly visible, detrimental to and out of keeping with the village scene. There are concerns that the new roof design may lead to an application for change of use of the garage, to a residential dwelling and therefore a condition prohibiting the buildings use for residential purposes should be imposed.

4.2 Highway Authority – No objections

4.3 Design & Conservation Officer:

Original Scheme: I feel this is unacceptable in the context of the adjacent listed cottage and the setting of adjacent buildings. The consent is for something completely hidden from view, below the adjacent ground level. The whole spirit of this approval was on that basis and in my opinion would have been considered unsuitable with a pitched roof above ground level. Recommend refusal on grounds of its adverse effect on the adjacent listed house, character of the Conservation Area and the open space within the village.

Current Scheme: The original application for a garage below ground level and hidden from view, was granted consent on this basis. In my opinion it would have been considered unsuitable with a pitched roof above ground level. Any roof structure would impact on the adjacent listed buildings. The attempts to redesign and achieve a lower pitch have not achieved a great improvement visually. It is better on balance than the former scheme, but still impacts on the neighbouring Listed Buildings. It also fills a gap in the open space of the Conservation Area.

4.4 Local Residents:

Original Scheme: Eight letters of objection detailing the following concerns: The previous application was granted due to it being below ground level and not visible in the streetscene, therefore it would not have had any adverse impact on the Conservation Area or Area of Outstanding Natural Beauty. The proposed pitched roof would be overbearing, over dominant, out of character with the surrounding area and buildings and highly visible, dominating the village street scene. The pitched roof as opposed to a flat roof as originally intended could lead to an application for use as a residential dwelling. The proposal goes against planning policy in terms of maintaining and enhancing the landscape and character of the area, having an adverse impact on the Conservation Area and Area of Outstanding Natural Beauty.

Current Scheme: Eight letters of objection reiterating the comments made on the original scheme, including objections to any pitched roof in this location, development such as this is unnecessary, extremely dominant and in direct conflict with both national and local objectives to preserve or enhance the character of the Conservation Area, Area of Outstanding Natural Beauty and historic buildings. The original consent granted was for a structure hidden from view and below ground the current proposal goes against the spirit of this approval. There is no justification for the change from a flat roof hidden below ground level to a pitched roof. The current scheme does little to reduce the bulk and height of the proposed roof, which is exacerbated by the more expansive pyramid shape.

5. Material Considerations

5.1 The main considerations in the determination of this application are whether the alteration of the garage roof from a flat roof with turf over, to a pitched, fully hipped roof, would significantly impact on the visual amenities

and character of the surrounding Conservation Area and Area of Outstanding Natural Beauty and the setting of the adjacent Listed Buildings.

- 5.2 The applicant's justification for the amendment to the roof detail is the requirement for a storage area above the garage and the unforeseen problems with maintaining the turf covered roof above the previously approved garage scheme, which would slope steeply.
- 5.3 The proposed roof although visible to those properties that surround the garage, would not be highly visible in the wider streetscene, viewed from the public realm. When viewed from the road, the proposed roof would be level with the existing tree line behind and would be considerably lower than the ridge of the building to the north. Therefore notwithstanding the Design and Conservation Officers comments, it is not considered that the pitched roof would have a detrimental impact on the visual amenities or character of the Conservation Area or Area of Outstanding Natural Beauty.
- 5.4 The closest point of the garage is located approximately 8m from the nearest point of Woodcock Cottage, a Grade II Listed Building. This distance is separated by a variety of trees and shrubs, which clearly separates the garage from the listed building. There are no windows except one small rooflight, on the south elevation of Woodcock Cottage and therefore any visual impact of the development on the listed building would be significantly reduced. The nearest point of Bank Cottages to the south-east of the development is 25m away being separated by tall hedges. The proposed pitched roof would not compete with or dominate the listed buildings and is not considered to have an adverse impact on their setting.
- 5.5 It is not considered that an alteration to a pitched roof would in itself lead to an application for residential conversion of this building. The application site is within a Conservation Area and Area of Outstanding Natural Beauty and outside any development boundary identified in the Lewes District Local Plan and therefore new housing development in this location would be contrary to planning policy. In any event a proposal for a dwelling would require separate planning permission and therefore this is not a matter for consideration with regard to this application.

Recommendation

That Planning Permission is granted subject to the following conditions:

1. MAT.73b - Approval of External Materials **[ST3]**
2. HRS.55 - Hours of Construction Work **[ST3]**
3. The garage hereby permitted shall be not be used for any purpose other than the parking of vehicles or domestic storage ancillary to the residential use of The Old Wheelwrights Shop.

Reason – In the interests of residential amenity with regard to Policy ST3 of the Lewes District Local Plan.

**Summary of reasons for decision and any relevant
development plan policies/proposals**

It is considered that the proposal meets the aims and objectives of Lewes District Local Plan Policies ST3, RES18, CT2, H12 and H5 and respects the character of the location.

LW/06/0249
Ditchling
06.03.06

Change of use of land from youth area to agricultural and change of use of land from agricultural to youth area cricket pitch at land to west and east of the main cricket pitch, Keymer Road for St James's Montefiore Cricket Club.

1. Proposal

- 1.1 Planning permission is being sought to relocate the existing youth cricket pitch (situated to the west of the main clubhouse) to agricultural land to the east of the main clubhouse. The existing youth pitch will revert back to agricultural land.

2. Key Policies

- 2.1 LDLP ST3 Design Form and Setting.
 CT4 Protection of Agricultural Land.
 RE4 New Recreational & Leisure Development in the
 Countryside.

3. Relevant History

- 3.1 LW/04/0450 – change of use of agricultural land to cricket pitch, re-alignment of hedgerow, new access and overflow car park – refused.

4. Representations Received

- 4.1 **Ditchling Parish Council** – object to the application on the grounds that it was not considered to be a land swap, the proposed land is much larger in acreage. It would be further erosion into agricultural land in the AONB which at present is used for grazing. It would have a detrimental effect on the strategic gap between Ditchling and Keymer and would have an adverse impact on the rural character in terms of visual impact and intensification of use of site.
- 4.2 Mid Sussex District Council – no objections.
- 4.3 ESCC Highways – does not wish to restrict the grant of consent but adds that it would not wish to see parking overspill onto the highway.
- 4.4 Environment Agency – no objections.
- 4.5 The Ditchling Society – supportive of the application because it does not result in any environmental damage, protects the village from future development (green belt), endorse improved facilities for the young, would want to see the application approved subject to carrying out the measures outlined in the application.
- 4.6 Eight letters of objection received, objecting on the following grounds: more land will be lost, undermine flooding/drainage measures put in place, site is in the AONB and proposed national park, parking problems, undermines the green gap, road congestion, damage to the environment,

clutter on the site, loss of well used agricultural land.

- 4.7 One letter of support provided the measures stated in the supporting letter (with the application) are carried out.

5. Material Considerations

- 5.1 A previous application for the improvement of the youth facilities on this site was refused in 2004 on the grounds that it would have resulted in a reduction in the strategic gap between Keymer and Ditchling, and that the intensification of the use of the site would have a detrimental impact on the character of this countryside location. At that time the application sought to increase the land area of the cricket club by 2.32 hectares to the east whilst retaining all the existing land and facilities.
- 5.2 The current application is seeking what amounts to a land swap. The agricultural land to the east will provide a new youth cricket pitch. The land will cover 1.74 hectares and will not impact on any of the existing hedgerows (unlike the previous application). All hedgerows will be maintained and a further length (45m) of hedgerow planted. No new openings are to be created.
- 5.3 Land to the west of the clubhouse, nearest to existing residential properties in Keymer, covering an area of 0.95 hectares and currently accommodating an Astroturf pitch, will revert back to agricultural land.
- 5.4 Whilst this land-swap increases the size of the cricket facilities by 0.79hectares overall, the swap does serve to maintain the strategic gap between the two settlements. Conditions can be imposed to ensure that the youth pitch that will be removed will revert back to agricultural use and appropriate boundary hedging is provided to the site.
- 5.5 Unlike the previous application, the new location does not impact on any of the existing hedgerows or drainage ditches that cross the site. Neither does it result in any new opening onto the highway. Thus its impact on the countryside, the AONB and proposed national park is minimised.
- 5.6 The proposed land swap does not imply an increase in the number of club members or matches that take place. However it will permit two matches to be played simultaneously and improve the facilities generally on the site. It will result in the clubhouse being centrally located within the clubs grounds and will allow the facilities to be enhanced without detriment to the countryside setting. The proposal will also increase the gap between the cricket pitch and the nearest residential properties.
- 5.7 On balance it is considered that the land swap and resulting relocation of the youth area is acceptable and would not have a detrimental impact on this countryside location.

Recommendation

That planning permission is granted subject to the following conditions:

1. Before the development hereby approved is commenced on site full written details of the means and timetable for the reversion of the existing youth

area back to agricultural land, including details of all new boundary treatment and hedgerows, and the removal of all structures and the astro turf pitch shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved before the new pitch is first used.

Reason – In order to protect the countryside from unacceptable levels of development and to protect its inherent character having regard to Policies RE4 and CT1 of the Lewes District Local Plan.

2. Details of the proposed new hedge planting to the proposed new youth pitch shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved before the new pitch is first used.

Reason – In order to protect the countryside from unacceptable levels of development and to protect its inherent character having regard to Policy CT1 of the Lewes District Local Plan.

**Summary of reasons for decision and any relevant
development plan policies/proposals**

It is considered that the proposal meets the aims and objectives of Lewes District Local Plan Policies CT1 and RE4 and respects the character of the location.

LW/06/0266
Seaford
07.03.06

**Two storey side extension and enlargement of garage
at 38 Chyngton Way for Mr N Smith.**

1. Proposal

- 1.1 The property is at the corner of Chyngton Road and South Way.
- 1.2 Permission is sought for a two storey extension to the east side of this detached two storey dwelling, with a further single storey projection to the rear of the two storey extension and an enlargement to the existing integral garage at the front.
- 1.3 The side extension would measure 3.6m in width, extending the full depth of the property at two storey level, and maintaining a 1.3m gap to the boundary. This extension would have a front hipped roof, which would match an existing feature on the opposite side of the house. Single storey extensions would project 3.4m forward of the side extension (to provide a double garage in combination with an existing integral garage), and 1.9m in depth at the rear.
- 1.4 The main two storey extension would match the design and form of the existing forward projection, with a fully hipped roof, rising to a maximum height of 6.4m. The front and rear single storey projections would also have hipped roofs to match the existing property.

2. Key Policies

- 2.1 Within Seaford Planning Boundary
- 2.2 LDLP H12 – Within Area of Established Character

3 Relevant History

- 3.1 No relevant history.

4. Representations Received

- 4.1 **Seaford Town Council.** Object. Does not comply with rhythm of street in an Area of Established Character. Detrimental to street scene.
- 4.2 Highway Authority. Do not wish to restrict grant of consent.

5. Material Considerations

Design and Form

- 5.1 The dwelling lies on the south side of Chyngton Way, Seaford, which is within an Area of Established Character. Local Plan Policy H12 aims to preserve, inter alia, the spacious character of the area. This can be achieved by ensuring that adequate open gaps between dwellings are retained.

- 5.2 The proposal maintains a 1.3m separation between the extension and the boundary and there would be over 3m separation to the garage of the adjoining property. The proposal is not considered to harmfully reduce the degree of visual separation between dwellings or prejudice the quality of the Area of Established Character.
- 5.3 It is considered that the design of the extension respects the character and appearance of the property as existing and does not introduce any elements, including the forward projection, that would be harmful to the established building line along Chyngton Way. The fully hipped roof form is identical to the existing front projection on the west side of the property and the front first floor windows are also identical in size and position. Whilst the design and form of the extension is not subservient in relation to the existing dwelling, it is not overbearing and, it is considered, does respect the character and appearance of the dwelling and street scene.
- 5.4 Overall, it is considered that the design and appearance of the extension is acceptable.

Residential amenity

- 5.5 The proposed extensions would be located 1.3m from the boundary with the adjoining property and 7m from the adjoining dwelling itself. Whilst the extensions would project further to the rear of this property, the proposal is not considered to be overbearing or unneighbourly to the detriment of the amenities of the occupiers.
- 5.6 The proposed extensions do not include any new windows that would result in a loss of privacy to the adjoining properties. This aspect can be covered by the imposition of a condition to control new windows on the side elevation.

Car parking

- 5.7 The proposal involves the creation of a further integral garage space as well as maintaining several off street parking spaces forward of the dwelling. This is considered to be acceptable.
- 5.8 Overall, the proposed extensions and alterations are considered to be acceptable.

Recommendation

That planning permission be granted subject to the following conditions.

1. MAT.73b - Approval of External Materials **[ST3(b)]**
2. RES.103 - No Windows, Doors etc **[east ST3]**

**Summary of reasons for decision and any relevant
development plan policies/proposals**

It is considered that the proposal meets the aims and objectives of Local Plan Policy and respects the character and form of the dwelling and Area of Established Character complying with Policies ST3, RES13 and H12 of the Lewes District Local Plan.

LW/06/0268
Telscombe
02.03.06

Demolition of existing buildings and erection of eight x two bedroom flats and one x one bedroom flat at 356-358 South Coast Road, Telscombe Cliffs for Spirit Trading (Sussex) Ltd

1. Proposal

- 1.1 The site is at the corner of South Coast Road and Central Avenue, opposite the Telscombe Civic Centre. The site includes the vacant single storey former post office building and the two storey 'Videobox' building which has a flat above.
- 1.2 It is proposed to demolish all buildings on the site. A three storey building would be erected, having the roof eaves at two storey level and the second floor accommodation in the roof which would be served by dormers. The building would have frontages onto both the South Coast Road and Central Avenue. It would be built in brick with a tiled roof, and would feature bays and balconies to some of the windows. Nine parking spaces would be provided behind the building, with access from Central Avenue.

2 Key Policies

- 2.1 Within Telscombe/Peacehaven Planning Boundary.
- 2.2 LDLP PT7 – Commercial uses encouraged along the South Coast Road.

3 Relevant History

- 3.1 LW/02/1370: Outline for demolition of buildings and erection of part single, part two storey building comprising three flats. Approved 2002.
- 3.2 LW/03/0820: Demolition of buildings and erection of 14 flats. Refused July 2003.
- 3.3 LW/03/1702: Demolition of building and erection of 13 flats. Refused December 2003 and dismissed on appeal (mainly because the building, being of up to five storeys, was considered to be out of keeping in the locality).
- 3.4 LW/05/0513: Demolition of building and erection of 11 houses with underground parking. Refused May 2005.

4 Representations Received

- 4.1 **Telscombe Town Council** raise no objections, but there are considerable concerns about the car parking as there are double yellow lines outside the site. There is concern regarding access to the parking area and the lack of provision for extra cars owned by residents and visitors. The lay-by outside the shops has restricted parking and it is felt that this will cause a considerable problem in an already over congested road. Without this new development the grass verges are continually being damaged by vehicles.

- 4.2 One letter of objection received on grounds of overshadowing and loss of light, domineering effect of new building, overlooking and loss of privacy, noise and pollution from cars.

5 Material Considerations

- 5.1 The site is within the Planning Boundary, where new development can be accepted, subject to compliance with district wide policies in the Lewes District Local Plan. Previous applications for redevelopment of the site have been refused because of conflict primarily with Policy ST3 of the Lewes District Local Plan, as those developments have been considered to be excessive in size and height, and to impact unduly on the amenities of neighbouring occupiers.
- 5.2 It is not considered that there is any conflict with Policy PT7 of the Lewes District Local Plan. While encouraging commercial uses along the South Coast Road corridor, the policy does not exclude residential use adjacent to the A259.
- 5.3 Adjacent to the site to the east is Channel View, a two storey flat roof terrace of houses which back onto the site. To the north are two storey shops with flats above, with a pitched roof, fronting onto Central Avenue. As the proposed development would have a two storey eaves height (albeit with rooms in the roof served by dormers), it is considered that the scale and height of the building would be generally in keeping with nearby development. The building would be set forward compared to the existing buildings on the site, but this is considered to be acceptable in terms of the effect on the street scene.
- 5.4 The separation distance between the new building (flank wall) and nearest properties in Channel View would be approximately 11m. This is greater than the existing distance between the flank wall of the 'Videobox' building and Channel View. Also, the development would generally provide a more open aspect immediately behind the Channel View houses, because an existing rear wing of the 'Videobox' building would be removed and replaced with open car parking. Some bedroom (and a kitchen) windows in the new development (at the back of the part fronting onto Central Avenue) would be about 21m distance from windows in the Channel View properties backing onto the site. This dimension is generally regarded as an acceptable minimum distance between properties and would prevent an unacceptable degree of overlooking of the existing Channel View houses.
- 5.5 The car parking area may give rise to some noise and disturbance in relation to the Channel View occupiers. However, the 10 spaces proposed should not generate an unduly high or frequent level of disturbance. There would be a 2m high close board fence along this boundary. On balance, this is considered to be acceptable.
- 5.6 If the Committee are minded to approve the application, a financial contribution from the developer (£23,064) would be required to help offset the shortfall in open space in Peacehaven. A planning condition (Cond 1) is recommended requiring the prior completion of a Section 106 Legal Agreement to cover this requirement.

- 5.7 The concerns of the Town Council about overspill parking are noted. However, the 10 parking spaces accord with the parking standard, provision is made for cycle storage within the development and the site is adjacent to the A259 with its regular bus service. In these circumstances it is not considered that the likelihood of frequent overspill parking occurring, to the detriment of local highway conditions, would justify refusal of the application.
- 5.8 The design and appearance of the building would be traditional, with brick elevations and a tile pitched roof and would not detract from the character and appearance of the area.
- 5.9 The proposal is considered to be acceptable.

Recommendation

That planning permission be granted, subject to the following conditions:

1. LA.56 – (£23,064) required to help offset the shortfall in open space in Peacehaven
2. MAT.73b - Approval of External Materials **[ST3]**
3. LEV.69 – Levels **[ST3]**
4. HRS.55 - Hours of Construction Work **[ST3]**
5. LS.59 - Details of Boundary Treatment **[a2 ST3]**
6. LS.57 - Hard and Soft Landscape Works **[Reason ST3]**
7. H.35 - Parking and Turning of Vehicles **[Reason ST3]**

**Summary of reasons for decision and any relevant
development plan policies/proposals**

It is considered that the proposal meets the aims and objectives of Lewes District Local Plan Policy ST3 and respects the character of the location.

1. Proposal

- 1.1 The site of 0.024 hectares comprises an open piece of grassland to the north of Foxhill and to the rear of garage blocks serving the nearby residential properties. The site is bounded by a footpath that links Foxhill with Glynn Road West.
- 1.2 This is an outline application with no reserved matters submitted for consideration at this stage.
- 1.3 It is proposed to erect a pair of semi detached houses on this plot.

2 Key Policies

- 2.1 Within Peacehaven Planning Boundary.
- 2.2 LDLP ST3 – Design, Form and Setting of New Development.
RES5 – Unidentified residential sites.

3 Relevant History

- 3.1 LW/06/0036 – Outline application for the erection of two x three bedroom semi-detached houses. Withdrawn 14.02.06

4 Representations Received

- 4.1 **Peacehaven Town Council:** No comments.
- 4.2 Highway Authority. Recommends that consent be refused for the following reasons. The proposal would lead to increased traffic hazards on the Foxhill access road/adopted footway by reason of the inadequate visibility at the proposed accesses and as a result would introduce conflict with vehicles and pedestrians using the footway. The application would however meet with adopted parking standards.
- 4.3 Objections from seven households have been received on grounds that the proposal would cause harmful traffic generation through the narrow garage road network, lead to vehicle pedestrian conflicts on the pavement, the properties would lead to a loss of light to the properties to the north and loss of open play space. Furthermore, the land is classified as open grass on a covenant, that would have to be amended if planning permission were to be granted.

5 Material Considerations

- 5.1 The previous application LW/06/0036 for an outline application for two x three bedroom dwellings was withdrawn as it attracted a recommendation of refusal from the Highway Authority based on the lack of on site parking facilities available on site.

Principle of redevelopment

- 5.2 The site lies within the Peacehaven Planning Boundary where residential development is permissible subject to detail. Development will only be allowed where it is demonstrated that there will not be any harmful impact of the development on the character and appearance of the locality, amenities of local residents or traffic/pedestrian safety.

Design and Form

- 5.3 This outline application provides indicative details on the design and form of the properties which seek to respect the scale, design and form of the adjoining terrace properties. Such design is considered to be appropriate in this setting and could be acceptable at the reserved matters stage.

Residential Amenity

- 5.4 Whilst the drawings submitted are for information only, it is considered that the development could be controlled so that the properties would not impinge harmfully on the amenities of nearby residents through overshadowing or loss of privacy.

Access and Parking provision

- 5.5 The application forms detail that the proposed properties would provide one off street parking space per dwelling which would be provided in front of the dwellings, accessed via the existing road network associated with the adjacent garage blocks. Such a parking provision for two bedroom properties is considered to be acceptable in this location that is close to bus routes and local services.
- 5.6 Notwithstanding the above, the access to the parking spaces would involve the direct crossing of a pedestrian footpath that links Foxhill with Glynn Road West. Any cars accessing the parking spaces would have to cross this footpath with visibility to the south being severely restricted by the rear garden fence of 34 Foxhill which directly abuts this footpath. Therefore, such an access would be likely to result in an unacceptable impact on pedestrian and vehicular safety and should be resisted.
- 5.7 Therefore, whilst details are reserved at this stage with respect to the access to the properties, it has not been demonstrated to the satisfaction of the District Council that the development would not impact harmfully on pedestrian and vehicular safety in the locality.

Recommendation

That outline planning permission be refused for the following reason.

The applicants have failed to demonstrate to the satisfaction of the Local Planning Authority that vehicular access to the proposed properties would not have a harmful impact on pedestrian and vehicular safety with regard to persons utilising the footpath linking Foxhill and Glynn Road West. The proposal is therefore considered to be contrary to the provisions of Policies ST3 and RES5 of the Lewes District Local Plan.