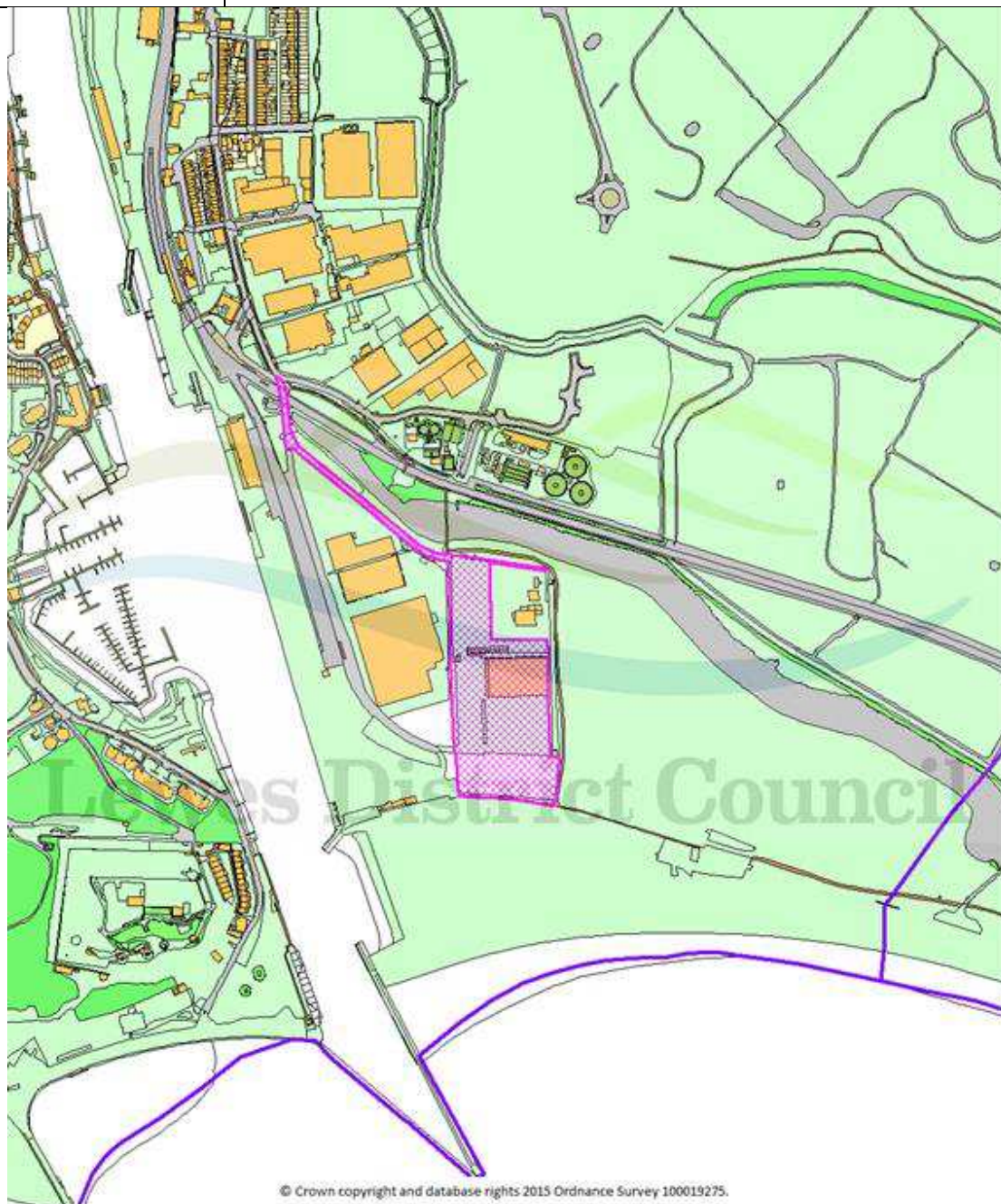


<b>APPLICATION NUMBER:</b>	LW/17/0940	<b>ITEM NUMBER:</b>	<b>7</b>
<b>APPLICANTS NAME(S):</b>	Brett Aggregates Ltd	<b>PARISH / WARD:</b>	Newhaven / Newhaven Denton & Meeching
<b>PROPOSAL:</b>	Consultation by ESCC for the construction and use of plant, namely aggregate processing plant, aggregate bagging plant and buildings, concrete bagging plant and buildings, ancillary offices and stores for processing and utilising aggregates landed at Newhaven Port and distribution of the products by road and rail together with access to the public highway and the extension of an existing rail siding.		
<b>SITE ADDRESS:</b>	The Barn East Quay Newhaven East Sussex		
<b>GRID REF:</b>	TQ 45 00		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 This application has been submitted to East Sussex County Council (ESCC) for determination as a 'county matter'. ESCC have sought the views of Lewes District Council on the application. The purpose of this report is to establish the views of this Council, which will be forwarded to ESCC, to be taken into account when the application is determined.

1.2 The application is reported to the Committee at the request of Councillor Rowell. The ESCC planning application ref. no. is LW/799/CC (EIA).

1.3 The application indicates that the development would be carried out in three stages, as follows:

### Stage 1 (indicative commencement 2018):

1.4 Collecting aggregates imported by ship to the existing berth at East Quay and developing facilities to enable them to be processed, bagged and transported from the Port by rail and road. A daily average of 17 lorry loads is expected, resulting in 34 lorry movements (17 in and 17 out) per day, with no more than six loads in any hour (intended to minimise the potential conflict with school and nursery drop-off times). The application indicates that the use of rail for distribution of the aggregates would be maximised.

1.5 The facilities required would include an aggregate processing plant, feed hopper and conveyors, aggregate storage bays and weighbridge and office.

### Stage 2 (indicative commencement 2019):

1.6 On relocation of the Rampion Offshore Windfarm building elsewhere on East Quay, a conveyor would be installed and the rail siding extended to improve cargo discharge and rail loading efficiency and provide more space for aggregates storage. Output by rail would remain unchanged. Development would be little changed from Stage 1, but the extended land would improve the efficiency of ship discharging and train loading and would make more space available for aggregate storage.

1.7 The applicant suggests that, if permitted, a condition could be imposed "restricting outputs and lorry movements to those identified for Stages 1 and 2 development (in Section 4 of the Supporting Statement) until the intended Port Access Road (PAR) is open to traffic, after which that road must be used by all traffic to and from the development site".

### Stage 3 (indicative commencement 2020):

1.8 After completion of the PAR, increased levels of aggregate processing and bagging and a ready-mix concrete batching plant would be added. All traffic associated with the development would use the new PAR.

1.9 Infrastructure for Stage 3 would include a concrete batching plant, cement silos and water storage tanks. It is estimated that traffic generated, all of which would use the then constructed PAR, would average 109 lorry movements per day.

1.10 The applicant suggests that, if permitted, a condition could also be imposed "preventing the use of the Stage 3 development until the PAR is open to traffic".

1.11 Ship docking, unloading and leaving would be as directed by the Harbourmaster as part of permitted port operations. The operation of Stages 1-3 would take place between 07:00 to 18:00.

1.12 The application is submitted with an Environmental Impact Assessment (EIA), which can be viewed at [www.eastsussex.gov.uk](http://www.eastsussex.gov.uk). The EIA covers topics including townscape and visual impact, biodiversity, cultural heritage, flood risk and drainage, noise, air quality, road traffic, and employment and economics.

1.13 All phases of the development would be located on land north of footpath 40b, which defines the existing southern edge of the active port operational area (this is not on the port expansion land approved under LW/15/0034).

1.14 A Stage 4 proposal, to build a concrete block-making plant on the port expansion land, has been withdrawn from this application. The applicant has indicated that this part of the application has been withdrawn "as a consequence of the public reaction to the Stage 4 proposals following a public exhibition and the formal consultation process.....".

1.15 This report, including the 'Planning Considerations' (assessment) section, concentrates on what are considered to be the main issues arising from the application.

## 2. RELEVANT POLICIES

### **East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (2013)**

**LDLP: – ST03** – Design, Form and Setting of Development

**LDLP: – CP11** – Built and Historic Environment & Design

**LDLP: – CP4** – Economic Development and Regeneration

**LDLP: – NH20** – Upgrading and Expansion of The Port

## 3. PLANNING HISTORY

**LW/13/0731** - Works to existing warehouse, extension to roof and erection of new warehouse - **Approved**

**LW/81/1836** - Container park and possible portable office. - **Approved**

**LW/02/1608** - Application for hazardous substances consent in respect of the storage of ammonium nitrate fertilizers - **Approved**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**4.1 Newhaven Town Council** – Objects in the "strongest possible terms" on grounds of:

- Health and wellbeing, from dust blowing towards the town, pollution and noise from lorry traffic.
- Transport, from additional lorry movements onto a highly congested road network which is regularly at a standstill.
- Visual impact of the concrete block making plant (officers note: this is now deleted from the application).
- Coastal impacts, from an inappropriate development close to sensitive areas, such as the beach, the SDNP and the SNCI.

- Footpath and leisure uses, whereby access to the East Pier may be affected by the development.
- Safeguarding sites for minerals, whereby the development would be more suited to the North Quay area where sites are allocated for minerals use.
- Environmental impact on flora and fauna, from the effect on the adjacent wildlife reserve at Tide Mills.
- Employment generation, whereby the provision of 93 jobs (if all four stages were implemented) would be a poor return in terms of job creation.
- Impact on regeneration of Newhaven, whereby the proposed development is not aligned with regeneration aspirations. 'Clean and green' businesses were expected, but this is the opposite and would discourage 'clean' businesses setting up in the town.

4.2 The TC commissioned consultants to assess the supporting reports submitted with the application. The consultants concluded that:

Transport Assessment:

- Development stage trip generations are generally acceptable;
- Distribution of those trips onto the highway network is only partly acceptable;
- Assessment of impacts on the highway network is not generally acceptable, and a more detailed assessment is required of performance over a wider network.

Noise:

- Traffic related noise is only assessed on Beach Road, and should be assessed on the approved residential site adjacent to the Port Access Road;
- The assessment results for Beach Road of a +2 db(A) increase in traffic related noise over an 18hr weekday assessment period is probably of the order expected. The conclusion that the impact is negligible is agreed, but the report does correctly caveat that the impact of individual HGV movements cannot be described as negligible.
- No noise assessment of the construction stage has been reported.
- General noise impacts could mean up to 10db difference which is significant, on residential receptors and the tranquillity of the Tide Mills habitat.

Air Quality:

- The modelled results for changes in levels of pollutants are probably of the right order, but values are rounded which could mask small but consistent low-level changes;
- No assessment on air quality of construction traffic has been reported.

**4.3 Natural England** – No objection in terms of the effect of the proposal on Statutory Nature Conservation Sites, specifically the Brighton to Newhaven Cliffs SSSI.

**4.4 South Downs National Park** – The SDNPA objected to the originally submitted scheme (including Stage 4) due to landscape and visual impact, with particular focus on the SDNP. The SDNPA highlighted the view from Tide Mills, commented that the Landscape and Visual Impact Assessment was "astonishingly poor" and that the proposal lacked landscape mitigation measures.

**4.5 The Open Spaces Society** – Objected on grounds that Stage 4 would compromise views and access to the beach.

**4.6 Sussex Wildlife Trust** – Objected on grounds that a significant portion of the Tide Mills Local Wildlife Site, along with the priority habitat it contains, would be destroyed.

**4.7 ESCC County Ecologist** – Insufficient information has been provided to assess the potential impacts of the proposed development on biodiversity. Consideration should be given to the impacts of the proposals on the wider SNCI. Reptile surveys should be carried out in accordance with best practice to inform appropriate mitigation. Opportunities should be incorporated to enhance the site for biodiversity.

**4.8 South Highton Parish Council** – Objected on the grounds that this development would have a significant detrimental impact on the amenities, health, wellbeing and quality of life of our local residents and the Parish Council believes this application should be refused.

**4.9 ESCC SUDS** – No objection. As the development does not propose increasing the impermeable area at the site, it is not considered that the proposal would significantly impact on surface water flood risk.

**4.10 Seaford Town Council** – Supported the response of Newhaven Town Council. Major intrusion into view along the coast from Seaford, detrimental effect on Tidemills, effect of dust and noise on the Bishopstone area and contrary to the 'Harbour Masterplan' (which is aimed at introducing green and clean industries to work alongside the Rampion Wind Farm).

**4.11 Southern Water Plc** – Recommends conditions requiring foul and surface water drainage details to be submitted to and approved by the LPA prior to the start of development.

**4.12 ESCC Highways** – The Highway Authority responded in January 2018, objecting due to insufficient information being submitted on the application. The HA advised that the Transport Assessment provides vehicle numbers but does not provide an impact assessment to understand how the highway network will manage the additional vehicles, together with committed developments and backland growth. Junction modelling was therefore requested, so that the Highway Authority was able to understand the impact of each stage of the development.

4.13 Officers note: It is understood that discussions have since taken place between the HA and the applicant's consultants regarding the above matters. However, the final recommendation of the HA is awaited at the time of writing.

**4.14 Newhaven Chamber Of Commerce** – Are 'deeply concerned' about the application, believing that this type of business will have the most detrimental effect on the regeneration of Newhaven. A 'Clean, Green and Marine' outlook is necessary to attract the construction of hotels, retail outlets and leisure facilities. The visual and environmental effects of this business will deter companies from all of these sectors from investing in the area. Employment would be limited and the road system will be overloaded.

**4.15 ESCC Archaeologist** – Recommends that conditions requiring a programme of archaeological works are imposed on any consent.

**4.16 LDC Regeneration & Investment** – The vision for East Quay, which incorporates the application site, is for commercial development that supports a sustainable and vibrant Port in Newhaven. It is recognised that this is a significant and vital component of the local economy.

4.17 Whilst the proposal (when all four stages are completed) is estimated to create near to 100 jobs, 74 of which will be net additional jobs to the area, they are primarily low skilled employment opportunities. The development proposals will cover an estimated 5.17ha. Based on 100 jobs, this equates to more than 500m<sup>2</sup> per job which we consider is a low employment density for the type of industrial use being proposed.

4.18 We acknowledge that there is a need for additional marine dredged aggregates through Ports. Newhaven is a working, maritime-focused port and is the only operational port in East Sussex. We also acknowledge that this proposal fits with the published Port Masterplan.

4.19 Any consent should be subject to the construction of Phase 1a of the PAR, and appropriate mitigations to minimise the impact on surrounding commercial and residential sites.

4.20 We are concerned at the low density of employment provided through the scheme, although we do recognise that new job creation is important in Newhaven. We would also like to see a commitment to offering the newly created jobs to local people, perhaps through an employment open day, and would encourage Brett's to collaborate with local colleges to consider skills provision and training where the business requires. Should consent be granted, we would welcome the opportunity to discuss these employment opportunities with the applicant to maximise local benefit from the proposals.

## **5. REPRESENTATIONS FROM LOCAL RESIDENTS AND OTHER GROUPS**

5.1 Approximately 1000 individual objections have been received to the application.

5.2 The main grounds of objection are that:

- The proposal is contrary to the clean, green mantra of the Port Masterplan and is not the type of clean commercial, employment generating use which would benefit Newhaven and its regeneration;
- There would be a damaging effect on the local environment and ecology, including at Tide Mills;
- The proposal conflicts with local planning policy;
- A limited employment opportunity would result;
- There would be an unacceptable increase in lorry traffic on local roads, which are already congested;
- The extra lorry traffic would cause highway hazards, noise and pollution;
- The development would give a poor impression of Newhaven on arrival to the town by ferry;
- There would be an adverse effect on tourism in the area.

5.3 Many objections refer to the initially proposed Stage 4 part of the proposal (the concrete block making building and process on the port expansion land), but Stage 4 has been deleted from the application.

5.4 A petition has also been submitted to the County Council "to prevent the destruction of the Western End of Tide Mills and Seaford Bay by refusing inappropriate development and dirty, low value, low tech, environmentally and ecologically unfriendly industries such as ready mixed concrete and concrete block making as applied for by Brett Aggregates. Preserve the Western End of Seaford Bay and Tide Mills by maintaining and

enhancing the unspoilt coast line". In November 2017 the petition had over 2,700 signatories.

5.5 Friends of Tide Mills object on grounds of change to the Tide Mills environment, the type of industry is at variance with the Port Masterplan and the effect on the saturated road network and levels of air pollution.

5.6 Community Action Newhaven (a "group of local residents supporting other residents who may wish to voice their opposition to the proposal, and campaigning for a clean, green Newhaven"), object strongly on grounds of:

- Incompatibility with local policies, plans and strategies for the area (which promote a 'clean and green' vision for Newhaven);
- Incompatibility with policies on tourism (the SDNP Draft Local Plan sees Newhaven as the 'gateway' to the South Downs, but this development will be the first thing people see when arriving by ferry and will create a negative impression of the town);
- Incompatibility with policies on traffic, pollution and air quality (the A26, A27 and A259 are already congested, and air pollution in Newhaven already breaches legal limits with consequent risks to health);
- Inadequate information on train journeys (train journeys could potentially cause more rail crossing closures which would add to traffic congestion or noise at night);
- Additional impact on health and wellbeing (from dust from the actual operations);
- Cumulative impact of housing other development (on, for example, traffic levels and air quality);
- Incompatibility with Enterprise Zone Plans and other employment policies;
- Visual impact (particularly the Stage 4 building - now removed from the proposal);
- Biodiversity obligations/destruction of vegetated shingle habitat (and the effect on Tide Mills, its birdlife and ecology);
- A strategic look at where industry should be located should be taken, and Newhaven cannot continue to be where everything difficult to place gets dumped.

5.7 Sussex Ornithological Society objects on grounds of the "severe detrimental effect on the Tide Mills local Wildlife site (LWS). The LWS lies downwind of the development and is likely to be severely degraded by dust, noise and water pollution".

5.7 The full text of representations can be viewed on [www.eastsussex.gov.uk](http://www.eastsussex.gov.uk).

## **6. PLANNING CONSIDERATIONS**

### The applicant

6.1 For information, the Brett group is a construction and building materials group of businesses, with its three core areas being the supply of aggregates, ready mixed concrete and landscaping and building products.

### East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 (WMLP)

6.2 The WMLP forms part of the Development Plan for the area, and therefore should be given substantial weight by ESCC in determining the application. Whilst the site is not specifically identified in the Sites Plan for safeguarding, any proposal which assists in meeting the supply needs for construction aggregate materials in the Plan area would be supported in principle, subject to being acceptable in environmental and amenity terms. As

this proposal would make a significant contribution to the aggregate needs of the Plan area, the proposal is supported in principle in waste and minerals terms.

### Alternative locations

6.3 The application includes a detailed commentary on why other sites, in the applicant's view, have been unable to produce aggregates to make a significant contribution to meeting the demand in East Sussex.

6.4 By way of context, the position is that the only 'land-won' sand and gravel extracted in East Sussex is from a quarry straddling the East Sussex/Kent border (at Camber/Lydd). Aggregates therefore need to be imported into the County. Importation by road from quarries outside the county makes little contribution to meeting demand. Importation by rail (the only terminal being at North Quay, Newhaven) is limited because the source of supply (outside East Sussex) needs to also be rail connected. Therefore, there is reliance on the contribution of marine dredged aggregates, as confirmed by the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 (WMLP). WMLP policy WMP15 recognises the part local wharves must play to achieve an adequate supply of aggregates in the WMLP Area.

6.5 Wharves at Newhaven, Rye and Shoreham have been used for for the importation of sand, gravel and crushed rock. However, the applicants contends that wharves at North Quay, Newhaven have shallow water and access restrictions (and that smaller scale shipping operations are no longer viable), Shoreham has shallow water and is not rail connected and Rye also has shallow water and limited area. East Quay, Newhaven Port, however, is said to have deep water, no river access restrictions and ample space to process landed aggregate. East Quay also has the benefit, compared to North Quay, of avoiding the need to close the swing bridge to traffic for ships using its wharves.

6.6 The above arguments about the alleged deficiencies of alternative locations are not, however, considered to carry significant weight in the consideration of the proposal. The fact is that the wharves at North Quay, Shoreham and Rye are, notwithstanding particular issues applying to each, available for use for the importation of aggregates. There is therefore not considered to be an over-riding need for the proposal at East Quay, although it is true (as referred to above) that the proposal receives the general support of the WMLP because of the significant contribution it could make to the aggregates needs of the Plan area.

### The need for planning permission

6.7 The applicant submits that the proposed development (as amended without Stage 4) would normally be 'permitted' under the General Permitted Development Order 2015 (Class 1 of Part 7 - Developments relating to an industrial process, or Class B of Part 8 - Dock, pier, harbour, water transport, canal or inland navigation undertakings). However, an Article 4 Direction 'Relating to Land at Tide Mills' (made in 1977) applies to port land forming part of the site, which withdraws permitted rights granted under those parts of the GPDO, and this means that planning permission is required for the development within the Article 4 area. The part of the development on port land west of the Article 4 area (next to the river) would be 'permitted development', including offloading of aggregates from sea going vessels, their storage and rehandling.

### Port Masterplan for Newhaven



6.8 The Port Masterplan for Newhaven Port was published by Newhaven Port and Properties in 2012, and comprises a strategic framework from which the port is intended to develop over the next 20 to 30 years. The starting point of the Masterplan was that Newhaven needs a higher level of economic activity, leading to long-term job creation, in order for both the town and the port to have a sustainable future. The Masterplan set out five key strategic objectives, being:

1. Maintain the Newhaven - Dieppe ferry route
2. Invest in infrastructure to establish a clean technology and renewable energy business cluster
3. Increase international trade through the port, with a focus on renewable energy supplies such as biomass
4. Invest in infrastructure for the continued development of the fishing and leisure marine sectors
5. Enhance the natural marine environment by establishing a public access conservation area on port land.

6.9 The Masterplan referred to Newhaven being home to businesses in the clean technology and renewable energy sector, including the Energy from Waste Plant at North Quay, and the University Technical College which has since been built adjacent to the swing bridge. The Operations and Maintenance Base for EON's Rampion Off-Shore Wind Farm has since been added at the Port, which is consistent with the type of business anticipated by the Masterplan.

6.10 Much of the thrust of opposition to this application is that the proposal is not founded in 'clean technology', and therefore is not in accordance with the Port Masterplan. This objection appears well based, although the application sets out how the buildings would meet BREEM (Building Research Establishment Environmental Assessment Method) 'Very Good' ratings (through measures including the use of solar panels, green roof, water and energy monitoring systems and so forth).

6.11 Policy CP4 (Encouraging Economic Development and Regeneration) indicates that the Council will support the "continued use of Newhaven port for freight and passengers including plans for expansion and modernisation of the port as identified in the port authority's Port Masterplan. Support will also be provided to the delivery of onshore infrastructure and support services for the Rampion offshore windfarm". The text to the policy states that "Development and job-creation opportunities related to the Port are considered vital to the regeneration of Newhaven and the surrounding coastal area and to improve the continental 'gateway' to the South Downs National Park". The text goes on to indicate that the onshore base for the Rampion offshore windfarm will be a key element in the town developing as a centre for green industries and innovation.

6.12 Planning policy colleagues have advised that, as a matter of interpretation of CP4 and its supporting text, the industrial operation proposed in the application does not directly conflict with CP4. The policy does not preclude support for industrial proposals at the port. It is, however, a matter of judgement whether the proposal is acceptable on its own merits, taking into account factors such as job creation, the contribution of the proposal to the regeneration of Newhaven and surrounding coastal area and the 'gateway' to the National Park.

6.13 The Port Masterplan in itself is not Council policy, but is a statement of intent of the Port. It is therefore considered that the contention that the proposal conflicts with the Masterplan cannot reasonably form grounds for refusal of the planning application. In any case, the proposed operation is bound to be of interest to Newhaven Port in commercial terms, as the operation is fundamentally characterised by the import of aggregates by sea.

Newhaven Port is a working port and the proposed operations are typically found in a port environment.

### Employment

6.14 The application indicates that Stages 1 and 2 would create a total of 19 jobs, and 31 jobs when Stages 1-3 are operative. As indicated by the Council's Regeneration and Investment Team, while any job creation is welcomed, there is concern that this is low density employment. Potentially, other more labour intensive developments (whether or not based on 'clean' technology) could more positively benefit the local employment market. However, there is no scope in the planning process to refuse permission in the hope or aspiration that a 'better' job creating proposal would come forward, and therefore this is not considered to be grounds for objection to the application.

6.15 As indicated by the Council's Regeneration team, a commitment by the applicant to offer jobs to local people, and a collaboration with local colleges to provide skills training to local young people, would be welcome to maximise the local benefit of the development.

### Effect of noise

6.16 The nearest residential properties are Fort Gate and Mariners Wharf (on the opposite side of the river) and front on to Beach Road/Transit Road on the approach to the site. However, noise from port activities can be an issue further afield, such as at the Hillcrest and Gibbon Roads areas on higher land to the west.

6.17 The application indicates that various noise control measures would be applied, including noise-reducing lining to chutes and conveyors, acoustically lined cladding to fixed plant, no use of tannoys or reversing 'bleepers' on lorries.

6.18 The Council's Specialist Advisor has assessed the proposal and provided observations to ESCC on the potential noise impacts arising from the proposal. He has raised various questions about the technical information submitted with the application. While there is an acceptance that this is a working port where some noise is inevitable (and can be accepted) from port activity, the onus is on the applicant to put forward measures which would be effective to minimise the impact of noise from the various processes involved in the application (including from the unloading of aggregates from ships at the quayside).

### Effect of dust

6.19 The application indicates that various dust control measures would be applied, including all combustion powered plant to be fitted with exhausts directed upwards (to prevent dust at ground level), 'drop' heights of aggregates into hoppers, rail wagons and lorries to be minimised and all unsurfaced areas to be damped down. The concrete batching plant would also be subject to dust suppression measures.

6.20 Again, the Council's Specialist Advisor has assessed the proposal and provided observations to ESCC on the potential dust impacts arising from the proposal. As per the position regarding noise, the onus is on the applicant to put forward measures which would be effective to minimise the impact of dust from the various processes involved in the application.

### Air Quality

6.21 The Council's Specialist Advisor has assessed the proposal and provided observations to ESCC on the potential for adverse effect on air quality arising from the proposal, particularly given the Air Quality Management Area (AQMA) designated on the town centre ring road. These adverse effects largely arise from the passage of lorry movements to and from the site.

6.22 While raising various technical questions on the submissions of the applicant, the Specialist is generally satisfied that, given the level of traffic anticipated as described in section 1 of this report, the proposal would not unduly adversely affect air quality conditions, over and above that which might reasonably be expected by port development.

#### Effect on Tide Mills and local ecology

6.23 There appears to be no evidence that the proposed operations would have any adverse effect on the area of ecological, wildlife and birdlife interest at Tide Mills. However, ESCC will need to ensure that no such impact would arise, if permission is granted.

#### Traffic generation

6.23 As indicated in the 'Site Description/Proposal' section above, the anticipated lorry traffic generated by the proposal would be 34 lorry movements for Stages 1 and 2, which would approach and leave the site off the A259 (The Drove) via Railway Road, Clifton Road and Beach Roads.

6.24 Stage 3 would be dependent on the PAR being built, at which time the expected lorry traffic (from Stages 1-3) would amount to an average of 109 movements per day using the PAR. At this time all traffic would avoid the aforementioned roads and join the A259 at the roundabout by the Drove Retail Park.

6.25 At each Stage, the majority of lorry traffic from and to the wider highway network would use the A26, linking from and to the A27.

6.26 While the concerns expressed about additional lorry traffic in Newhaven are acknowledged, it does not seem likely that anticipated traffic levels (34 movements per day for Stages 1 and 2, 109 for Stages 1-3) would have a significant impact on the local road network. This matter, however, is still subject to the final analysis and recommendation of the Highway Authority. It would be unrealistic to expect that developments at the port should not generate any lorry traffic; traffic is likely to result as a normal consequence of healthy port activity and business.

6.27 In terms of the impact of lorry traffic on local living conditions (particularly on residences fronting Railway, Clifton and Beach Roads), the applicant has indicated that a rolling replacement programme of HGV's operated by the company is being carried out, and that new vehicles would have the latest Euro 6 model engines, which are much cleaner than their predecessors. Such vehicles are also fitted with tracking systems, which monitor the speed of the vehicle and how it is being driven. The on-board computer can be set up to restrict routes which can be travelled and set speed limits of the applicants choosing (which would be 15mph using Beach and Railway Roads). It is also said that the speed limit would help reduce noise and exhaust emission gases from lorries on these roads.

6.28 The applicant has proposed that Stage 3 would not proceed until the PAR is completed, which will provide road access to the port whilst avoiding the residential areas along Railway, Beach and Clifton Roads. The current position is that delivery of the PAR

remains an ESCC objective, and that following detailed design work ESCC are aiming for a construction start in late spring/early summer.

### Visual impact

6.29 The fact that the formerly proposed concrete block making plant (Stage 4 of the proposal) has been removed from the application has taken out the most significant and prominent building from the application. It seems likely that the objection from the SDNPA concentrated on Stage 4. The current proposal, comprising Stages 1-3, would be located within the existing port operational area.

6.30 It is considered that Stages 1-3 would have a neutral effect on local views of the site, as these stages would be seen in the context of the port, and there would be no expansion beyond the existing port operational area. Local and closer views would similarly not, it is considered, form a sound basis to object to the proposal, but mitigation could be included to improve their appearance. This mitigation could take the form of, for example, painting the existing galvanised metal security fence, providing landscaping and choosing the colours of the various elements of the scheme carefully with the aim of integrating them into their setting.

### Conclusion

6.31 This application has attracted very considerable public opposition, which ESCC will need to take into account when the application is determined. In response to that opposition, the applicant amended the proposal to remove the highly contentious Stage 4 of the originally submitted proposal (for the concrete block-making plant on the expanded port land) from the application.

6.32 Stages 1-3, which now constitute the development to be determined, are within the existing port area. The aggregate based proposal is founded in meeting a county wide demand, whereby material is imported through the existing port. The subsequent processing operation is not considered to accord with the general thrust of the Port Masterplan to promote 'clean businesses', but would nevertheless help meet a demand and would generate some (albeit quite limited) employment. The proposal would not, it is considered, generate excessive amounts of lorry traffic over and above that which might be expected from normal port activity.

6.33 If ESCC consider that the application is acceptable in principle, strict and enforceable measures should be imposed by condition or legal agreement to control the environmental impacts of the development and processes involved. It is recommended that this approach should form the substance of Lewes District Council's response to ESCC on the application.

## **7. RECOMMENDATION**

7.1 That Lewes District Council recognise that the application would make a significant contribution to the supply of aggregates, and is supported in principle by the adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan. The Council also acknowledge that substantial local objection has been raised to the application which, where founded in planning concerns, needs to be weighed up in the planning balance.

7.2 Should East Sussex County Council be satisfied that the planning balance lies in favour of the proposal in principle, Lewes District Council urge that strict controls are

imposed by condition or legal agreement, in ensure that the environmental impact of the operations are as limited as reasonably possible.

7.3 Such controls would include detailed measures to control noise from the operations (such as noise-reducing lining to chutes and conveyors, cladding to fixed plant, no use of tannoys or reversing beepers on lorries), dust (such as ensuring exhausts on combustion powered plant are directed upwards and drop heights of aggregates to be minimised) and traffic (such as the use of tracking systems to control speed along the approach roads). Stage 3 should not be implemented until such time as the Port Access Road (PAR) is complete, at which point all traffic from the proposal (Stages 1-3) should be required to use the PAR for access to and from the site.

**This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Application and EIA		LW/799/CM (EIA)