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## Appeal Decision

Site visit made on 27 June 2017

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28<sup>th</sup> July 2017**

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**Appeal Ref: APP/P1425/W/17/3172151**

**East Sussex Gliding Club, Kitsons Field, The Broyle, Ringmer BN8 5AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by East Sussex Gliding Club against the decision of Lewes District Council.
  - The application Ref LW/16/0775, dated 7 September 2016, was refused by notice dated 17 March 2017.
  - The development proposed is described as 'creation of safe landing strips for gliders'.
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### Decision

1. The appeal is allowed and planning permission is granted for the creation of safe landing strips for gliders at the East Sussex Gliding Club, Kitsons Field, The Broyle, Ringmer BN8 5AP in accordance with the terms of the application, Ref LW/16/0775, dated 7 September 2016, subject to the conditions set out in the Schedule to this decision.

### Procedure Matters

2. Some of the application plans were amended prior to the application's determination and I have therefore only had regard to the drawings that formed the basis of the Council's decision.
3. At my request, and for the purposes of clarification, the appellant has provided some information concerning the planning history for the gliding club's operation, including a copy of planning permission LW/87/83.
4. In connection with this appeal it has been submitted that lorries (HGVs) servicing the development could generate emissions that would contribute to nitrogen deposition within the Ashdown Forest Special Protection Area/Special Area of Conservation (SPA/SAC), with the potential to cause harm to this European protected site. That concern having been raised in the light of a High Court challenge made by Wealden District Council against the adoption by Lewes District Council and the South Downs National Park Authority of their joint Core Strategy, with the challenge being successful insofar as it concerns the Park Authority's adoption of the joint Core Strategy. Given the representations that have been made concerning the SPA/SAC I have sought the appellant's and the Council's comments on those representations and I shall return to this matter below.

## Main Issue

5. The main issue is the effect of the development on the living conditions for the occupiers of neighbouring properties, with particular regard to noise during the construction works.

## Reasons

6. The development would involve the re-engineering of the gliding club's pair of grass track runways and the area of land between the runways. The works would involve the raising of the ground levels of the runways. While there would be some variation in the degree of land raising to be undertaken, the maximum increase in height would be around one metre<sup>1</sup>. The works have been designed to address the waterlogging of the runways following prolonged periods of rainfall. To that end the runways would be capped by a half metre deep layer of chalk. A field drainage scheme would also be installed as part of the works. The affected parts of the airfield would be re-laid to grass following the completion of the works.
7. To allow the gliding club to remain functional during the development the works would be phased, enabling at any given time one of the runways to remain operational throughout the two year duration of the works. The two year period for the works assumes Monday to Saturday working.
8. The development would involve the importation of 95,000 cubic metres (m<sup>3</sup>) of materials, 13,800 m<sup>3</sup> of chalk and 81,200 m<sup>3</sup> of subsoils<sup>2</sup>. It is anticipated that the imported material would be transported by HGVs in 12 m<sup>3</sup> loads<sup>3</sup>. The appellant has indicated that between 30 and 40 loads of materials would be delivered during each day of the works. However, the Council in making its appeal case has submitted that in the event of the appeal being allowed the number of loads received at the site should be restricted to 30 per day, which would amount to 60 HGV movements per day<sup>4</sup>. The appellant has not objected to a daily load limit of 30 per day and I have therefore assessed the development on that basis. Assuming that the HGVs delivering material to the site would have payloads of 12 m<sup>3</sup>, the total number of HGV movements generated by the development would be of the order of 15,834, ie 7,917 inbound movements and 7,917 outbound movements.
9. This development has been proposed notwithstanding the fact that land raising was undertaken following the granting of a planning permission in 1999 by the County Council. While the previously approved scheme included the installation of a drainage scheme it has been submitted that those works were ineffective, because the runways have been affected by subsidence and the previously laid drains have been subject to some collapse and silting.
10. The Council is concerned that the development would be harmful to the living conditions of the residents living 'near the access routes to the site'. That is because it is alleged that the number of HGV movements generated by the works would cause noise and disturbance for residents of the area. The glider club is directly accessible via The Broyle (the B2192) and there are various

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<sup>1</sup> Based on the differences in existing and proposed levels for the five cross sections shown on drawing 15/329/102

<sup>2</sup> Volumes as stated on page 3 of the appellant's Planning Support Statement and Design and Access Statement

<sup>3</sup> As advised by the County Council's waste and minerals team, a figure that applies a bulking factor to the 14 to 15 cubic metre lorry volumes referred to in the application's supporting documentation

<sup>4</sup> Ie 30 loaded HGV movements and 30 empty HGV movements

other 'A' (A22, A26 and A27) and 'B' (B2124) class roads in the area that would be the most likely routes for the HGVs making trips to and from the site in association with the development. The application was accompanied by a vehicle routing map showing that the unclassified roads linking the B2124 and B2192 with one another, ie Half Mile Drove and Shortgate Lane would not be used.

11. The greatest intensity of HGV activity associated with the works would affect B2192, given that all HGVs would have to use it to gain access to the site. However, there are a relatively small number of dwellings in the immediate vicinity of the site and I saw that the B2192 is quite heavily trafficked, with it being actively used by HGVs, not least because it provides access to the building supplies business opposite the gliding club.
12. Notwithstanding the nature of the Council's reason for refusal it has provided no evidence demonstrating what the current volume of traffic using the B2192 is and how that volume might be increased during the works. Similarly no acoustic evidence relating to the current noise levels in the area and how they might be affected has been provided by the Council. The Council has therefore presented no evidence quantifying how a maximum of 60 HGV movements per day would affect the local noise climate.
13. Given the prevailing volumes of traffic using the B2192 I observed, I consider, in relative terms, that the extra noise arising from 60 HGV movements per day would be quite limited. Were the works to be undertaken between the hours of 08:00 and 18:00 on Mondays and Fridays and 08:00 to 13:00 on Saturdays then the hourly movement averages for those days would respectively be six and twelve movements. I consider that those average hourly movements would generate levels of noise that would not be discernible by residents living near the access routes to the site. In practice there could well be peaks and troughs in the flow of HGVs to and from the site. However, even at levels of intensity greater than the hourly averages I have previously mentioned, I consider that the noise associated with the HGV movements would not be harmful to residents' living conditions.
14. While not part of the reason for refusal the Council in making its appeal case has sought to argue that the noise associated with the on-site earth moving would be noticeable and thus disturbing to the residents living close to the site. However, that contention is not supported by any acoustic evidence, ie noise monitoring data or commentary from the Council's environmental health/protection department. It is inevitable that some noise associated with the on-site works would be discernible by residents, particularly those occupying the small cluster of properties at the western end of the airfield, with the prevailing wind affecting how much noise transmission there might be. However, there is scope for noise mitigation measures to be used and the works would be of a temporary nature. The available evidence does not persuade me that the on-site noise associated with the works would cause undue disturbance for the residents of the area.
15. For the reasons given above I conclude that the development would not cause unacceptable harm to the living conditions of the residents of the area as a consequence of either HGVs using the local highway network or the on-site works. There would therefore be no conflict with saved Policy ST3 of the Lewes District Local Plan of 2003 and paragraph 17 (the fourth core planning

principle) of the National Planning Policy Framework. That is because the development would be respectful of the amenities (living conditions) of residents of the area because the works would not give rise to undue noise disturbance.

16. Conflict with Policy CP11 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 has been cited in the reason for refusal. However, I find Policy CP11 not to be relevant to the issue that gave rise to the refusal of planning permission because this policy addresses the design (appearance) of new development. I am also of the opinion that Policy WMP8b of the Waste Local Plan<sup>5</sup> is not of direct relevance to the concern that gave rise to the refusal of planning permission because this policy concerns the general principle of depositing inert waste and the end purpose and appearance of the deposited material. I further consider that there would be no conflict with Policy 8.1 of the "Ringmer to 2030" Neighbourhood Plan made in February 2016 because no evidence has been provided demonstrating that the volume of traffic generated by the development would '... result in severe detrimental impacts to the local road system'.

### **Other Matters**

17. Concern has been raised that the development would result in the additional use of the gliding club with the result that residents would experience increased noise disturbance when there are aerotow or self-propelled glider launches. However, powered glider launches are controlled by conditions imposed on planning permission LW/87/83 and are not for consideration as part of the appeal development.
18. The detailed consideration of the quality of the chalk and soils to be used in connection with this development would be a matter for the Environment Agency under the regulations it administers and is therefore not a matter for my consideration.
19. With respect to the development's potential implications for the SPA/SAC, the works for which permission has been sought would last for two years. It is therefore likely that the works would have been completed prior to the bulk of the new housing and other new development planned for over the life of the extant development plans for Lewes and Wealden District Councils having been built and occupied. Given the scale and timing of the appeal development relative to the other planned development in the area, and allowing for a worst case scenario of all of the HGV traffic travelling in the vicinity of the Ashdown Forest, I consider that the HGV movements generated by the development alone and/or in combination with other development in the area would not give rise to an adverse effect on the SPA/SAC.

### **Conditions**

20. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of the national policy and guidance. There are a number of instances of the suggested conditions duplicating the requirements of other suggested conditions and I have therefore avoided that duplication in the conditions that I have imposed.

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<sup>5</sup> East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan adopted February 2013

21. Apart from the standard time limit condition, I find it necessary that the development should be implemented to accord with the submitted plans for certainty. In order to safeguard the living conditions of nearby residents it also necessary that conditions limiting the works in the following ways are imposed: the works should not exceed a duration of two years from their commencement; the total number of HGV movements per day should not exceed 60; and the working times should be 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays, with no works on Sundays and bank or public holidays. With respect to HGV movements the condition suggested by the Council refers to the number of 'vehicle movements' and if that wording was to be used then it would include the vehicle movements of the construction personnel as well as HGVs. For clarity the wording of the vehicle movement condition that I have imposed specifically refers to HGVs entering and exiting the site.
22. To safeguard the living conditions of nearby residents and the local environment it is necessary for a construction management plan (CMP) to be submitted and approved prior to the works commencing. The CMP should include details of: the phasing, sequencing and duration of the works within their individual phases; a noise attenuation scheme; fencing to protect trees and hedgerows; dust control; and the construction of the facilities for the storage of oils, fuels and chemicals. With respect to the attenuation of noise the Council has suggested two conditions the first of which (condition 13) makes references to a 100 metre buffer zone, while condition 14 would require the noise emitted from the site not to exceed 68dB(A). However, no noise monitoring has been undertaken to date and I therefore consider defining a buffer zone and a target noise level would be inappropriate as there is no evidence demonstrating that they would serve their intended purpose. I therefore consider that details of a noise attenuation scheme should be submitted as part of the CMP and that the submitted details should include: the pre-development background noise levels; the maximum noise levels for the duration of the works at the boundaries of the site; noise attenuation fencing or barriers; and any construction plant noise suppression measures.
23. With respect to the CMP the Council has suggested that the details to be submitted for approval should include the size and routing of HGVs, the construction and removal of the internal haul routes and the location of wheel washing facilities. However details relating to the routing of HGVs and the siting of the wheel washing facilities are shown on the application plans and will be subject to the approved plans condition and I therefore consider that there is no need to submit further details for those matters. I am also of the opinion that there is no need for details of the size of HGVs visiting the site to be submitted. That is because the HGVs will be using A and B class roads in accordance with the requirements of the routing plan. Given the scale of the site I am also of the opinion that there is no need for details of the internal haul routes to be submitted, with it being the contractor's responsibility to manage the safe movement of vehicles and pedestrians within the works site.
24. To safeguard the local water environment it is necessary that details for the disposal of surface water, including any alterations to the existing ditches and watercourses within the site, are submitted for the Council's approval. As those drainage arrangements will be integral to the development it is necessary for them to have been approved prior to the commencement of the development. To safeguard the local water environment it is also necessary

that no land raising or excavation works be undertaken within five metres of the top of any ditches or watercourses within the site. To safeguard the local environment only inert soils and green chalk should be used in connection with the works.

25. In the interests of highway safety I have imposed a condition limiting vehicular access to the site for the duration of the works to the access shown on the application drawings. To ensure that HGVs waiting to enter the site can stand clear of the B2192 it is necessary that any gates to be installed at the works entrance are sited a minimum of 17 metres from the back edge of the carriageway, as per the details shown on drawing 15/329/103-500 Revision A. The Council's fifth suggested condition would require details of the construction site entrance to be submitted for approval. However, I consider it unnecessary to impose the suggested fifth condition because sufficient details relating to the site entrance are shown on drawing 15/329/103-500 Revision A and that drawing will be subject to the approved plans condition.
26. In the interests of highway safety it is necessary that wheel washing facilities and an HGV turning area are available within the works site for the duration of the works. However, there is no need for further details of the location of the wheel washing and turning areas to be submitted as they are shown on drawing 15/329/103-500 Revision A. I consider it unnecessary for the specific details of the wheel washing equipment to be submitted for the Council's approval. I have, however, imposed a condition requiring a wheel washing facility to be provided in the location shown on the aforementioned drawing.
27. The fourth suggested condition would require marker posts and profile boards to be installed as a means of checking that the development was being implemented in accordance with the details shown on the approved drawings. However, it will be the applicant's responsibility to ensure that the development is implemented in accordance with the details shown on the drawings subject to the plans condition and I therefore consider it unnecessary to impose the suggested condition. I am similarly of the view that there is no need to impose a condition requiring a post completion topographic survey to be submitted to the Council, with powers being available to the Council to address any breaches of control if it is considered expedient to use them.
28. The third suggested condition requires details of the submission of a site restoration scheme. However, the development would be of a permanent nature and I therefore consider that the suggested site restoration condition is unnecessary. It is however, necessary to safeguard the appearance of the area that the runways are re-laid to grass once the works have been completed.
29. As all of the trees and hedgerows within the site are situated along its boundaries and will not be directly affected by the works I consider that there is no need to impose a condition requiring that they should be retained.

## **Conclusion**

30. Having regard to the provisions of the local and national planning policies drawn to my attention and in the absence of evidence demonstrating that the

development would be harmful to residents living near the the site, I conclude that the appeal should be allowed.

*Grahame Gould*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be completed within two years of it being commenced, further to the local planning authority being notified in writing of the commencement of the development.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered Ordnance Survey location plan; 15/329/100 Revision B – Topographical Survey; 15/329/101 – Proposed Drainage Layout; 15/329/102 – Sections; 15/329/103-200 Revision A – Access Details Topographical Survey; 15/329/103-500 Revision A – Access Details Topographical Survey; and unnumbered traffic routing plan.
- 4) The development hereby permitted shall not be commenced until a construction management plan has been submitted to and approved in writing by the local planning authority. The details to be submitted as part of the construction management plan shall include:
  - a) The phasing, sequencing and duration of the works within the individual phases of the works.
  - b) A scheme to attenuate noise during each phase of the works, which shall include:
    - i. the identification of the pre-development background noise levels at the boundaries of the site and the maximum noise levels at the boundaries of the site while the works are being undertaken;
    - ii. the type, location and height of any fencing or other barriers to be installed to control the level of noise arising from the works; and
    - iii. any construction plant noise suppression measures.
  - c) The location and specification for tree and hedgerow protection fencing.
  - d) Dust suppression measures; and
  - e) The location and construction of the facilities for the storage of oils, fuels and chemicals.

For the duration of the development hereby permitted the construction management plan shall be implemented in accordance with the approved details.

- 5) The development hereby permitted shall not be commenced until details of a surface water disposal scheme, including any phasing associated with its

installation, have been submitted to and approved in writing by the local planning authority. The details to be submitted as part of the surface water disposal scheme shall include any alterations to the existing ditches/watercourses within the site. The surface water disposal scheme shall be implemented in accordance with the approved details and the drainage scheme shall be made available for use in accordance with any phasing that forms part of the approved scheme.

- 6) The parts of the site affected by the development hereby permitted shall be re-seeded with grass no later than the end of the first planting season following the completion of the works.
- 7) No land raising or excavation works shall be undertaken within five metres of the top of any ditches or watercourses within the site.
- 8) Only inert soils and green chalk shall be used in connection with the implementation of the development hereby permitted.
- 9) The number of heavy goods vehicle movements per day associated with the implementation of the development hereby permitted shall not exceed 30 inbound movements and 30 outbound movements.
- 10) In implementing the development hereby permitted the on-site works and the arrival and departure of heavy goods vehicles shall only take place between the hours of 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. No works or heavy goods vehicle arrivals or departures shall take place on Sundays and bank or public holidays.
- 11) For the duration of the development hereby permitted the means of vehicular access for the construction traffic to the site shall only be via the access shown on the application drawings and at no time shall the northern field access be used. For the duration of the works any gate or gates to be installed at the access to the site from The Broyle/the B2192 shall be sited a minimum of 17 metres from the back edge of the public highway.
- 12) Prior to the receipt of any chalk or soils at the site wheel washing equipment shall be installed in the location shown on drawing 15/329/103-500 Revision A and the wheel washing equipment shall thereafter be retained for the duration of the works.