

APPLICATION NUMBER:	LW/19/0371		
APPLICANTS NAME(S):	Newhaven Port & Properties	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Planning application for construction of two link roads between Newhaven Port and the East Sussex County Council Port Access Road along with associated gates, fencing and landscaping		
SITE ADDRESS:	Land south and west of the East Sussex County Council Port Access Road, Southern Roundabout		
Recommendation	Grant planning permission subject to conditions and a S106 agreement.		



1. SITE DESCRIPTION / PROPOSAL

Site Description

1.1 The site comprises approximately 1.23ha and is located immediately to the east of Newhaven Port and adjoining the boundary with the Newhaven Port Access Road. To the north is Mill Creek. Under construction by ESCC at the moment is a bridge over Mill Creek, which will form part of the Newhaven Port Access Road Project (PAR), which has received DoT funding. The section of road southwards from the bridge will terminate in a new roundabout adjacent to the boundary of the Newhaven Port and Properties land.

1.2 The site was formerly scrub land that has been cleared by ESCC in order to provide a temporary haul road and construction area. It is relatively flat and open. A Public Right of Way runs along the eastern boundary of the operational area of the Port, providing access to footpaths 40a and 40b, leading to Seaford Bay and Tide Mills.

1.3 Although the site falls within the Planning Boundary, it is also wholly within the Tide Mills Local Wildlife Site. The boundary of the SDNP is approximately 100m to the north west of the site and 400m to the west. The site lies within Flood Zones and 2.

Proposal

1.4 Planning permission is sought for the construction of two private roads that will carry two-way traffic, including HGVs, between the port and the public highway, linking in to the PAR. The roads will connect at the new roundabout at the end of the PAR that is currently under construction. The southern access road will extend to the southern boundary of Newhaven East Quay, whilst the western access road will connect to the northern end of the Newhaven East Quay hardstanding on the southern bank of Mill Creek. The length of both sections of the road totals 0.29km.

1.5 There would be a security barrier on each section of the road and a security building at the top of the southern section. This will be the subject of a separate planning application. Four new 12m high light columns will be installed at various points along the roads.

1.6 A scheme of landscaping is proposed alongside the link roads, in line with the scheme under construction by ESCC.

1.7 In order to facilitate the works a diversion of public footpath will be required, moving it from alongside the current operational Port boundary to alongside the eastern boundary of the PAR and associated link roads. A footpath along the eastern part of the PAR will provide access to footpaths north of Mill Creek. The footpath that runs to the south of the proposal, which would be unaffected, links this area to Cycle Route 2, which runs along the A259, via Mill Drove.

2. RELEVANT POLICIES

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

LDLP: – ST11 – Landscaping of Development

LDLP: – ST30 – Protection of Air and Land Quality

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – NH20 – Upgrading and Expansion of The Port

LDLP: – SP1 – Provision of Housing and Employment Land

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP9 – Air Quality

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage

LDLP: – CP13 – Sustainable Travel

LDLP:- E1 – Land at East Quay, Newhaven Port

LDLP:- DM1 - Planning Boundary

LDLP:- DM23 - Noise

LDLP:- DM24 – Protection of Biodiversity and Geodiversity

LDLP:- DM25 – Design

LDLP:- DM35 – Footpath, Cycle and Bridleway Network

LDLP:- DM27 – Landscape Design

3. PLANNING HISTORY

Although there are numerous entries in the planning register relating to this area, only the ESCC applications relating to the PAR are of relevance:

LW/2061/CC - To vary Condition three on existing planning permission for the Port Access Road - LW/2061/CC – **Approved 1st May 2007**

LW/2565/CC - Construction of a new road between A259 Drove Road roundabout and port area, south of Newhaven to Seaford Railway and creek, including environmental buffer and landscaping – **Approved 19th September 2002.**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – The Committee noted the proposals and made no comments at this stage. The Chair suggested further conversations with BAM Nuttall to see whether enhanced habitats could be provided in due course.

Seaford Town Council – At tonight's Planning and Highways Committee meeting it was RESOLVED to raise no objection. There was some concern expressed however regarding the adequacy of the feeder road joining the main highway network at the roundabout on the A259 and a request that further consideration should be given to the improvement of this part of the network.

ESCC Rights Of Way – As set out in paragraph 5.8 of the application design and access statement, a public path diversion order will be required to facilitate this development. Through pre-application discussions with the applicant a suitable diversion of Public

Footpath Newhaven 7b has been identified, to include minor alterations to Public Footpaths Newhaven 40a and 40b, as shown in drawing: PB7307-RHD-DE-HN-DRD-0100 GA. Any connection between the Port and Port access Road will impact on Public Footpath 7b in particular. A diversion is felt to be greatly preferable to the path being confined by fencing and subject to road crossings and is seen as essential to ensure that the amenity of the path is maintained.

Footpath 7b has been subject to a similar diversion in the past, to facilitate the development of the existing Port areas. The aspect of the path will not be substantially different if it is diverted to enable this application, inasmuch as the developed Port area will be maintained to its west with the open area of Tide Mills to its east. In addition to preserving the aspect of the path, a benefit of the diversion will be to create a connection with the roadside footway which will run alongside the Newhaven Port Access Road on its completion. This in turn will provide a direct connection with the public paths at the Ouse Estuary Nature Reserve. With the improved connectivity between Tide Mills and the beach and the path network to the north of the Mill Creek it is felt that the diversion would result in an improvement to public access in the area. Therefore, we do not object to the application, subject to a diversion being achieved by way of an order made by the Planning Authority under Section 257 of the Town and Country Planning Act 1990, which would be supported on the basis that the amenity of the affected public footpaths will be improved.

Environmental Health – No comments received.

East Sussex Fire And Rescue Services – No comments received.

ESCC Highways – I do not wish to raise objection on highway grounds. This application seeks consent for 2 internal private roads to connect the port to the approved public highway section of the Port Access Road/ McKinley Way. These roads are to provide internal connection so that associated port traffic (and any traffic associated with other uses in this area) has a designated purpose-built route onto the strategic highway network. This application effectively completes the port road to allow related traffic to access East Quay for its permitted activities and minimise the traffic related impact on roads such as Railway Road which is not ideally suited due its residential characteristics.

The Port Access Road (PAR) intends to accommodate traffic that has and is to be generated by development that has been approved under consented and/or allocated development schemes that have been subject to transport modelling. The adopted road construction is designed to accommodate port related traffic such to include haulage vehicles and HGVs. The intention is that where East Quay related traffic has to currently route through Beach Road and Railway Road, this traffic will be able to be diverted onto the more suitable PAR via the proposed sections of road subject of this application.

The construction of the proposed roads should be to an adoptable standard and have sufficient width to accommodate anticipated vehicle sizes. The Port Access Road is currently under construction by East Sussex Highways up to the Port Access Roundabout, all which will be adopted highway. The proposed roads that connect to this are shown on drawing 'General Arrangement' DR-D-0100 P09.

The infrastructure shown on this drawing such as security building, parking bays, security barriers should all be on the private section of the road and kept clear of the proposed adopted highway. The initial arm sections of the Port Access Roundabout need to be retained as public highway. An overlay plan is required setting out the extent of the public highway and the port associated security infrastructure clear of it.

The applicant's attention is drawn to the necessity to ensure that no surface water is allowed to flow from the development onto the highway and similarly no surface water from

the highway should be allowed to flow into the site. The provision of positive drainage measures will be required to collect any flow of surface water.

In principle the proposal is acceptable, but details to indicate the reposition of security related buildings, parking, barriers and any lighting and measures for surface water drainage should be submitted for re-consultation.

LDC Regeneration & Investment – No objection, fully support the proposal which will facilitate further economic regeneration of the area.

LDC Planning Policy Comments –

This planning application should be considered against the policies of the adopted Lewes District Local Plan Part 1 (LPP1), the policies of the Submission Lewes District Local Plan Part 2 (LPP2), and relevant ‘saved’ policies of the Lewes District Local Plan 2003 (LDLP 2003).

The National Planning Policy Framework (NPPF) may also be a material consideration. In accordance with the Cabinet resolution of 17th April 2012, only those ‘saved’ LDLP 2003 policies that are consistent with national planning policies are applicable to the determination of planning proposals in the district.

The LPP2 will not gain full weight as part of the development plan for the area until it is adopted. However, the plan was submitted for examination in December 2018 and a number of hearing sessions were held April 2019. Following these hearing sessions, the Inspector recommended that modifications to a small number of policies be published for consultation prior to the submission of his final report.

All the other LPP2 policies have essentially been found ‘sound’ and can therefore be given substantial weight in the determination of relevant planning applications, unless other material considerations indicate that it would be unreasonable to do so. The ‘sound’ policies are BA01, BA02, BA03, CH01, DM1-23, and DM25-37.

The proposed development is located on a site currently allocated for the upgrading and expansion of Newhaven port. It is located within the Newhaven planning boundary, as defined on the LPP1 Proposals Map, and within the Tide Mills Local Wildlife Site. The principal planning policies relevant to this proposal are therefore:

- ‘saved’ Policy NH20 of the LDLP2003
- Core Policy 4 (Criteria 2 & 7) of the LPP1
- Core Policy 10 (Criteria 1 & 2) of the LPP1

I consider that the proposed development accords with the above development plan policies and is therefore acceptable in principle. However, in view of the close proximity of the Newhaven Air Quality Management Area, its coastal location, and the potential impact on the public footpath network, the development should also comply with:

- Core Policy 9 of the LPP1
- Core Policy 12 of the LPP1
- Policy DM35 of the LPP2

Other relevant policies are DM1, DM21, DM22, DM23, and DM27 of the LPP2. If it is considered that the application also accords with these policies, it should be recommended for approval

Environment Agency – We have no objection to the proposal as submitted.

ESCC Archaeologist – Based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. Although the applicant's heritage assessment highlights the proximity of a World War 1 seaplane base, I have assessed historic maps and photographs and I consider the extent of the former seaplane base is outside the proposed works area. Historic maps do indicate a narrow gauge railway passed through the area in the early 20th century. I have visited site and noted remains of this railway, comprising a narrow linear concrete strip. I have taken photos of this feature, including a section where the utilities have cut through it and will add these to the Historic Environment Record. For this reason I have no further recommendations to make in this instance.

ESCC County Ecologist – Proposed Grass Mix - I am pleased to hear that Royal Haskoning will contact the Millennium Seedbank with regards to a suitable seed mix. As discussed at the meeting on 13/11/19, if the MSB cannot provide a seed mix, they can advise on how best to collect seed from the local area, e.g. through strimming. The best contact at the MSB is Stephanie Miles (s.miles@kew.org.). Details regarding the seed mix can be agreed by condition.

Outline Construction Management Plan - Noted.

Compensation and Net Gain -The figure being suggested as an amount for compensation and net gain (£6200) is noted. Whilst I substantively agree with how the figure has been derived, given that this is based on previously calculated amounts that date back almost 20 years, I consider that an allowance should be made for inflationary increases over that period of time. What rate of inflation is used and how this influences the proposed payment is not a matter I am able to advise on and should be for the District Council to consider and agree.

Planning Conditions - In light of the above, and taking into account previous comments, if the Council is minded to approve the application, conditions should be required for the seed mix, robust method statements for the protection of the LWS and reptiles, implementation of the CEMP (which includes a pre-works check for badgers, sensitive lighting scheme and precautions with regards to breeding birds), and a Landscape and Ecological Management Plan.

The figure for compensation and net gain should be secured by S106, and either paid to Lewes District or to Newhaven Town Council, to be a contribution towards implementation of recommendations from the Ouse Estuary Nature Reserve hydrological study.

In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective

South Downs National Park – The site for the proposed development is approximately 100-150 metres south-west of the boundary of the South Downs National Park (SDNP). The site is close to and within the context of the existing infrastructure and industrial built environment in this part of Newhaven.

Notwithstanding this context, it would be appropriate to consider any noise implications that would be generated from the road on the tranquillity of the nearby National Park.

In May 2016 the South Downs National Park became the world's newest International Dark Sky Reserve (IDSR). It is noted that the submitted lighting assessment has considered the impact of the infrastructure lighting required in connection with the development, against the Dark Skies reserve status of the SDNP. In addition to this, it would be helpful if

clarification can be provided as to whether the proposed lighting would meet the lighting standards of the Institute of Lighting Professionals (ILP) for this zone.

As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park; this document can be found at: <http://www.southdowns.gov.uk/about-us/integrated-landscape-character-assessment>

Taking into account the above in the determination of this application, the SDNPA would also draw attention of Lewes District Council, as a relevant authority, to the Duty of Regard, as set out in the DEFRA guidance note at:
<http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues at: <https://www.gov.uk/government/>

ESCC SUDS – Mill Creek is adjacent to the application site and as a consequence part of the site is within the extent of Flood Zone 2. The creek is a designated Main River, making the management of the flood risk associated with it the responsibility of the Environment Agency (EA).

It is our understanding that surface water from the application site will be managed through carriage drainage to gullies which are connected to the proposed swales and pond and finally discharge to the Mill Creek. This is acceptable in principle subject to an EA Discharge Permit.

The submitted Micro Drainage calculations show the gross catchment areas which each section of the swale will serve; however, the General Arrangement (drainage layout) drawing number: PB7307-RHD-DE-HN-DR-D-0100; Rev: P09, shows only three road gullies along the entire road. The number of gullies will have implications on the catchment areas and the functionality of the entire swale along the proposed road. Therefore, the applicant should submit hydraulic calculations commensurate with the proposed drainage layout. The drainage layout should include the full proposed drainage system with referenced drainage features, the catchment areas for each gully/section of the swale, and the final proposed ground levels since the road will have a side hung profile.

We note that the proposed outfall will be placed above the expected Mean High Water level, which is 2.2m according to the supporting hydraulic calculations. However, there is no supporting information to show where this value came from. The applicant should include information of the expected Mean High Water levels within the Mill Creek at the proposed outfall location. If the proposed outfall is placed below the mentioned level, the detailed hydraulic calculations should consider a surcharged outfall equivalent to the Mean High Water Springs (MHWS) level. Also the applicant should submit hydraulic calculations for the submerge condition based on the predicted 1 in 100 year flood level showing how that even will be managed safely.

British Geological Survey (BGS) data indicates that the entire site is at risk of ground water flooding and that groundwater on site is less than 3m below ground level. High groundwater could have an impact on both the hydraulic capacity and the structural integrity of the proposed pond and swale. Therefore, the applicant should carry out groundwater monitoring between the autumn and spring to demonstrate that there will be at least 1m unsaturated zone between base of the storage structures. If this cannot be

achievable, the applicant should submit information on how impacts of high groundwater will be managed in the design of the drainage system to ensure that storage capacity is not lost and structural integrity is maintained.

It is noted that the surface water drainage system has been designed to allow for a 20% climate change factor which is reasonable. However, consideration should be given to the 40% climate change event as a sensitivity test in accordance with the latest Environment Agency climate change allowance guidance.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. Surface water discharge rates not exceeding 2.5 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features and should be commensurate with the proposed drainage layout.
2. The details of the outfall of the proposed swale and attenuation pond, and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the swale and attenuation pond should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
5. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
 - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
 - b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
6. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Objections received from 7 local residents on the following grounds:

- Effect on wildlife
- Noise and disturbance
- Over development

- Continued development of the area
- Potential for increased traffic in wildlife sensitive area
- Additional pollution
- Building in the countryside
- Effect on AONB
- Lack of information
- Lack of infrastructure
- Loss of open space
- Loss of right of way
- Out of character
- Overbearing building/structure
- Smell/fumes
- Traffic generation
- Pollution on a family beach
- Stop using Newhaven as a dumping ground
- Historical significance of site
- Flooding
- Potential erosion of strategic gap
- No need for development

Sussex Wildlife Trust: The Sussex Wildlife Trust (SWT) objects to this application. As acknowledged in the Environmental Report (ER) and Extended Phase 1 Habitat Survey the proposed link roads are within Tide Mills Local Wildlife Site (LWS) and will result in the permanent loss of habitat. However, there appears to be no indication in these documents that the reduction in the physical extent of the LWS has been properly considered and will be compensated for, or that the proposal will result in net gains to biodiversity as required by paragraph 170 of the National Planning Policy Framework (NPPF). LWSs are non-statutory sites designated at a county level which are recognised as providing a comprehensive, rather than representative, suite of sites across the country. They are fundamental components of the UK's ecological network and need to be valued appropriately. Tide Mills LWS contains both priority habitat and species and has already been degraded in a piecemeal manner by previous Lewes District Council and East Sussex County Council planning decisions. To allow further destruction without adequate mitigation and compensation is contrary to Core Policy 10 and NPPF paragraph 175.

SWT is disappointed to see that the permanent loss of 1.23ha of the habitat in the Tide Mills LWS is only categorised as minor adverse in paragraph 2.5.1 of the ER and disagrees that because the proportion of the LWS that is going to be lost is apparently small, this negates the need to mitigate the whole loss. Tide Mills LWS is not uniform in its extent. It contains a mosaic of habitats each of which have their own value, however the cumulative value of this mix, especially in terms of the range of species supported, is larger than the sum of its parts. It is well documented that the area to the south of Mill Creek is of particular value for birds and reptiles where other parts of the LWS may not be.

SWT would like to see further consideration of the mitigation required in terms of the loss of LWS habitat and demonstration that there will be an overall net gain to biodiversity. We also note that there is no scope for further enhancements to the existing nature reserve. Any mitigation should include bringing a wider area of the LWS into positive management.

6. PLANNING CONSIDERATIONS

Principle

6.1 The proposed link roads will create access to the East Quay of Newhaven Port, which is allocated in the extant Local Plan for employment use (policy NH20) and in the soon-to-be adopted Local Plan Part 2 (policy E1).

6.2 It is recognised that the Port will play an increasingly important economic role in the District and its expansion and enhancement is supported by CP4, in order to help revitalise the economy of the coastal area. The area that is covered by policy E1 has previously been constrained by poor vehicular access. The constriction of the PAR, together with these two new link roads, will unlock capacity for new employment space in this part of Newhaven and significantly enhance the development potential of the site.

6.2 The site falls within the Planning Boundary, so the proposal is not in conflict with policies CT1 and DM1.

Ecology

6.3 One of the key issues of concern has been the impact of the proposal on the ecology in the area. The proposed development will result in the loss of 1.13ha of habitat, which is made up of:

- Permanent loss of 0.90ha of coastal and floodplain grazing marsh;
- Permanent loss of 0.14ha of neutral semi-improved grassland;
- Permanent loss of 0.09ha of dense scrub; and
- Permanent loss of 0.05ha of bare ground.

6.4 During the course of the application, agreement was reached between the developer and the County Ecologist for satisfactory off-site mitigation measures to compensate for the loss, including a net habitat gain of 10%. Due to the limited land available for on-site habitat creation opportunities, options for off-site habitat creation were agreed to be the most appropriate. It is proposed that a financial contribution towards the Ouse Estuary Nature Reserve hydrological study recommendations will be made by Newhaven Port to LDC through a Section 106 Agreement, to address the concerns raised by the ESCC Ecologist.

6.5 The total financial contribution, to be secured by s106, has been calculated as £10,000, including habitat compensation, net gain considerations and inflation.

6.6 The County Ecologist is satisfied with the offer and now supports the proposal, subject to conditions.

6.7 The objections raised by Sussex Wildlife Trust are noted. Subsequent discussions and agreement reached with the applicant as outlined above are supported by the County Ecologist resulted in a suite of mitigation measures which are considered to be satisfactory.

6.8 It is considered that, on balance, the proposal does not conflict with policies ST11, CP10 and DM24.

Design and amenity

6.9 Policies ST3, CP11 and DM25 cover broad aspects of good design, including some aspects of amenity. The proposal is compliant with the aims of the relevant aspects of these policies.

6.10 Policies ST30 and CP9 are specifically related to air quality. The application was accompanied by a detailed Environmental Report covering, amongst other things, impact

on air quality during construction and the measures that will be taken to mitigate the impact. These are considered to be satisfactory.

6.11 Post construction, it is considered that the proposal accords with the relevant aspects of these policies in that it will lead to an improvement in air quality to residents on Beach and Railway Roads by moving Port related traffic onto the PAR.

Lighting

6.12 The proposal will involve the installation of four new lighting columns, in addition to the one existing column in the vicinity. A Lighting Impact Report was submitted with the application, which, taking into consideration policy SD8 (Dark Night Skies) of the SDNP Local Plan (July 2019), concludes:

"The impact of the Proposed Development's lighting was considered in accordance with industry recognised best practices, guidelines and standards applicable for lighting such environments. Based upon the Baseline Lighting Assessment and the information available at the time of the assessment, the overall artificial lighting impacts associated within the Proposed Development on the surrounding area will be minimal, if recommended mitigation measures are implemented.

Additionally, the observable impact from the assessed viewpoints would be minor adverse. In terms of potential impacts towards the South Downs National Parks, to the northeast of the site, which is a Dark Sky Reserve, this is assessed to be negligible, based on the current lighting surrounding the Newhaven Port."

6.13 It is considered that from this aspect, the proposal will not lead to any harm to the SDNP. Details of the lighting columns are required by condition.

Flood Risk

6.14 A detailed Flood Risk Assessment was submitted with the application which concludes that

"The site is at:

- *Low risk of flooding from fluvial sources in both defended and undefended scenarios;*
- *Low risk of flooding from sea (tidal) sources in the defended and undefended scenarios;*
- *Low risk of flooding from groundwater sources;*
- *Very low risk of flooding from surface water sources;*
- *Low risk of flooding from sewers; and*
- *Very low risk of flooding from reservoirs, canals, and other sources.*

Including an allowance for climate change, the indicative maximum water depth for the undefended scenario would be 0.32m for a 1 in 200 year event by 2070 and 0.91m for a 1 in 200 year event by 2115. The indicative maximum water depth for the defended scenario would be 0.39m for a 1 in 200 year event by 2070 and 1.11m for a 1 in 200 year event by 2115. A Surface Water Drainage Strategy has been developed for the site and the primary design mitigation against increased surface water flood risk would be the use of swales within the surface water drainage design.

An Environmental Permit for Flood Risk Activities may be required for the Proposed Development as it crosses the embankment in the south which forms part of the tidal flood defence. It is recommended that the Emergency Evacuation Plan for Newhaven Port is extended to include the Proposed Development following construction.

Access and egress from the Proposed Development requires users to pass through Flood Zone 3 in all directions. However, its use is transient in nature and therefore it is recommended that the Proposed Development be evacuated should a flood warning be issued. On the basis of the flood risk to the site and the proposed flood risk management techniques, including resistance measures, it is considered that the Proposed Development is appropriate in line with the National Planning Policy Framework"

6.15 The SuDS Team has raised no objection to the proposal and has recommended conditions to be attached to the decision.

6.16 It is considered that, subject to the conditions, the proposal would not be in conflict with policy CP12.

Noise

6.17 The Environmental Report also covers noise mitigation measures during construction which are considered to be satisfactory and to meet industry standards.

6.18 The introduction of a new road will clearly increase noise levels in the area. However this has to be considered against the background of the existing noise levels arising from the existing activities of the Port. It should also be recognised that this area has been allocated for the expansion of the Port, which will inevitably bring about increased noise levels. However, this should be balanced against the fact that the development, together with the PAR, will remove HGV traffic from residential areas to the north.

6.19 Policy DM23 seeks to ensure uses such as residential are directed away from areas that would generate noise levels that would lead to significant loss of amenity. Given the aspirations for the area, it is considered that there would be no conflict with this policy.

Traffic

6.20 The Highways Authority supports the proposal as:

".. a key priority for the County Council (as acknowledged in the Council Plan) as we and partners consider it to be an integral piece of infrastructure that will aid in the economic regeneration of Newhaven. In particular, the Port Access Road will provide improved connectivity into Newhaven Port from the strategic road network, supporting the delivery of the Enterprise Zone objectives and unlocking employment land within the Port".

6.21 It is recommended that the proposed roads be constructed to adoptable standards and are of sufficient width to accommodate anticipated vehicle sizes. An Informative has been added to this effect.

6.22 One of the objectives of policy CP13 is to work with other agencies to improve accessibility to support sustainable communities. The proposal is consistent with the aims of this policy.

Public access

6.23 The proposed diversion of footpath 7B is supported by the Rights of Way team and is considered that it will improve connectivity between Tide Mills and the beach, and the path network to the north of Mill Creek. As noted above, the diversion will not have any impact on connections to the existing cycle way to the north. It is East Sussex County Council's intention to provide a link off their roundabout on to Footpath 7b and it is understood that

they are continuing to progress a scheme for that purpose. This is indicated on the submitted plan.

6.24 The link roads past the security barrier will be for Port traffic only, and no public access can be provided beyond this point for safety and security purposes as it would allow unchecked access into the working areas of the Port. Existing pedestrian access to the beach will be maintained by the diversion of Public Footpath 7b.

6.25 In this respect, the proposal is fully compliant with policy DM35

Conclusion

6.26 The proposal will open up the Employment Site allocated under policies NH20 and E1. Once developed, the site will help to consolidate economic growth and regeneration in Newhaven, the impacts of which will reach beyond the area.

6.27 The concerns raised in respect of the impact on ecology have been addressed with mitigation measures agreed with the County Ecologist.

6.28 In all respects the proposal is considered to comply with relevant local and national planning policies. Approval is therefore recommended.

7. RECOMMENDATION

7.1 That planning permission is granted, subject to a S106 agreement to secure financial contribution of £10,000 toward habitat compensation, and subject to the conditions below.

7.2 Should the S106 fail to be signed within 6 months of the committee decision, the application should be refused under delegated powers.

The application is subject to the following conditions:

1. Prior to the construction of the road, details of the surface water discharge rates not exceeding 2.5 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings shall be submitted to and approved in writing by the LPA in consultation with the LLFA. The hydraulic calculations should take into account the connectivity of the different surface water drainage features and should be commensurate with the proposed drainage layout.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

2. Prior to the commencement of development the details of the outfall of the proposed swale and attenuation pond, and how it connects into the watercourse should be provided as part of the detailed design, and shall be submitted to and approved in writing by the LPA in consultation with the LLFA. This should include cross sections and invert levels

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely, shall be submitted to and approved in writing by the LPA in consultation with the LLFA.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

4. The detailed design of the swale and attenuation pond should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided. The details shall be submitted to and approved in writing by the LPA in consultation with the LLFA prior to the commencement of development.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

5. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
- b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

6. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

7. Before the development hereby approved is commenced on site, details of the proposed seed mix to be incorporated within the Landscape Proposals as shown on approved drawing 6812_006 shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent unless otherwise agreed in writing.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits in accordance with policies ST11 and CP8 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation or in accordance with the programme approved in writing with the Local Planning Authority.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits in accordance with policies ST11 and CP8 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

9. Before the development hereby approved is commenced on site, details of the methodology for a sensitive, supervised clearance of reptiles and a suitable receptor site, shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent unless otherwise agreed in writing.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits in accordance with policies ST11 and CP8 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

10. Before the development hereby approved is commenced on site, the measures set out in the approved CEMP in respect of protected species shall be carried out in full.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits in accordance with policies ST11 and CP8 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

11. Before the development hereby approved is commenced on site, details of the proposed fencing shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent unless otherwise agreed in writing.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies ST3 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

12. No development shall take place until full details of the proposed lighting columns have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason; To enhance the general appearance of the development having regard to policies ST3, CP11 and DM25, of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework.

14. No development that would result in the stopping up of a public footpath/right of way shall take place until details for the footpath diversion, and the creation of a footpath link from the diverted footpath to the east of the road back up to the new roundabout, as shown on approved plan PB7307-RHD-DE-HN-DR-D-0100 Rev P09, shall be submitted to and approved in writing by the LPA and shall thereafter be constructed in accordance with the approved details before the road is brought into use.

Reason: In the interests of improving accessibility to the wider footpath network having regard to Policy DM35 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

15. The road hereby approved shall not be brought into use until the details for the provision of 2 x secure cycle stands to be provided in the vicinity of the new roundabout have been submitted to and approved in writing by the LPA and shall be implemented as approved.

Reason: In the interests of improving accessibility and to enhance the shared path constructed along the Port Access Road having regard to Policy CP13 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

INFORMATIVE(S)

1. The applicant is advised that the roads approved by way of this planning permission should be built to an adoptable standard and have sufficient width to accommodate anticipated vehicle sizes. The proposed roads that connect to this are shown on drawing 'General Arrangement' DR-D-0100 P09. The infrastructure shown on this drawing such as security building, parking bays, security barriers should all be on the private section of the road and kept clear of the proposed adopted highway. The initial arm sections of the Port Access Roundabout need to be retained as public highway. An overlay plan is required setting out the extent of the public highway and the port associated security infrastructure clear of it.

2. The applicant's attention is drawn to the necessity to ensure that no surface water is allowed to flow from the development onto the highway and similarly no surface water from the highway should be allowed to flow into the site. The provision of positive drainage measures will be required to collect any flow of surface water.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Transport Assessment	20 May 2019	Transport Statement
Proposed Layout Plan	20 May 2019	D-0100 General arrangement
Biodiversity Checklist	20 May 2019	Habitat Survey
Waste Minimisation Statement	20 May 2019	Waste Assessment Report
Lighting Detail	20 May 2019	Lighting Impact Assessment Report
Additional Documents	20 May 2019	Preliminary Risk Assessment
Flood Risk Assessment	20 May 2019	Flood Risk Assessment
Additional Documents	20 May 2019	Environmental Report
Additional Documents	20 May 2019	Drainage Strategy
Other Plan(s)	20 May 2019	6812_001 Landscape Designations _ Context

Additional Documents	20 May 2019	Appendices to Townscape / Landscape and Visual Impact Assessment
Additional Documents	20 May 2019	Landscape and Visual Impact Assessment
Additional Documents	20 May 2019	LANDSCAPE PROPOSALS, MAINTENANCE AND MANAGEMENT PLAN
Landscaping	20 May 2019	6812_006 Soft Landscape Proposals
Design & Access Statement	20 May 2019	Planning, Design & Access Statement
Location Plan	20 May 2019	Location Plan
Other Plan(s)	27 January 2020	Public Rights of Way Plan
Additional Documents	23 January 2020	Revised CEMP