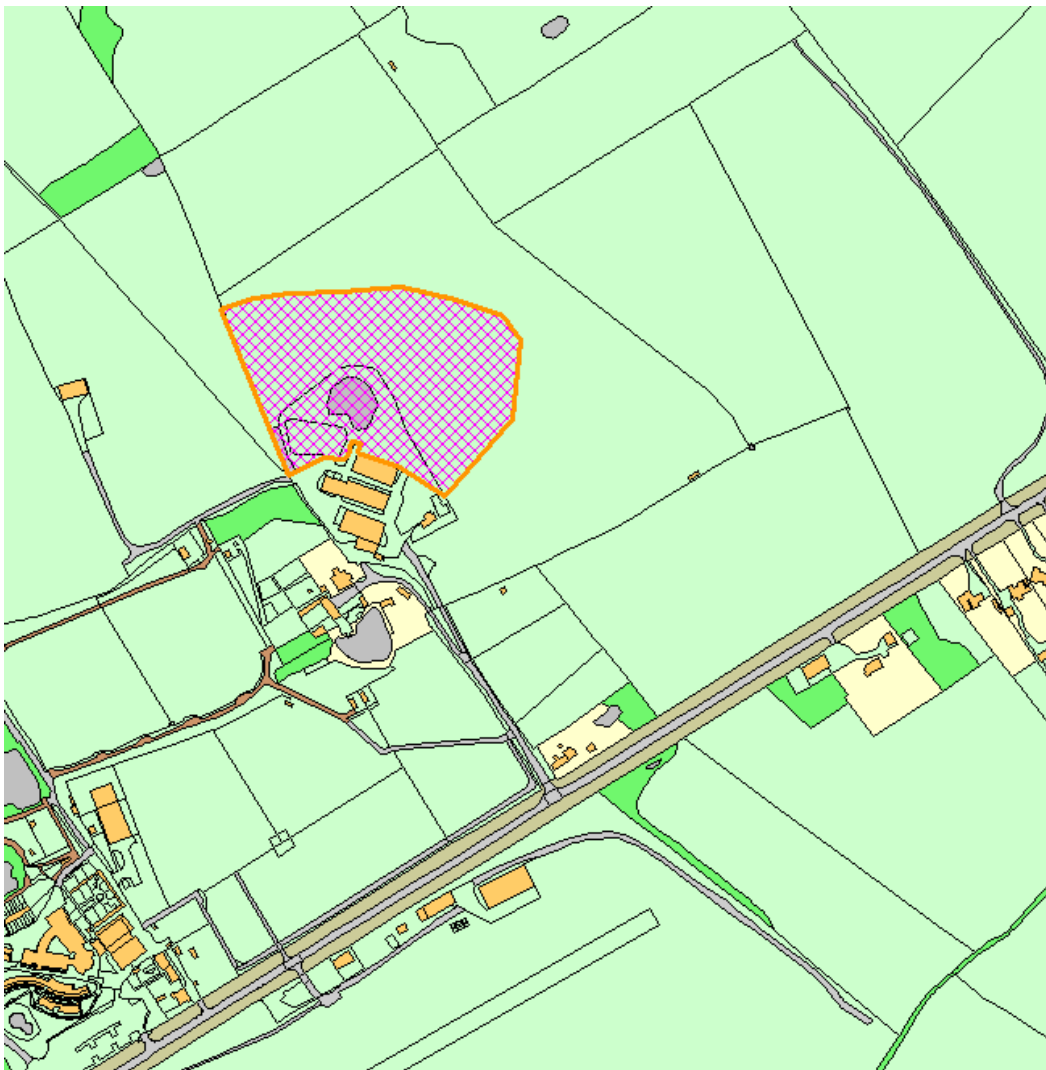


Report to: Planning Applications Committee
Date: 6 October 2021
Application No: LW/20/0485
Location: Upper Lodge Farm, The Broyle, Ringmer, East Sussex, BN8 5AP
Proposal: Amended scheme - Replacement of existing farmyard manure store with an upgraded facility, repair and upgrade of existing slurry lagoon and associated earth engineering works.
Applicant: Mr Farnes
Ward: Ouse Valley & Ringmer
Recommendation: Grant Planning Permission.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 The proposed development is considered to be acceptable and necessary for the future operation of the farm.
- 1.2 Approval is recommended, subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- Conserving and enhancing the natural environment

2.2 ESCC Waste and Minerals Plan (2013)

- Waste hierarchy (WMP3),
- Location (WMP7),
- General Amenity (WMP25)
- Traffic Impacts (WMP 26)

2.3 Lewes District Local Plan

- LDLP: – CP10 – Natural Environment & Landscape
- LDLP: – DM24 – Protection of Biodiversity and Geodiversity
- LDLP:- DM27 - Landscape Design
- LDLP:- DM35 – Footpath, Cycle and Bridleway Network

2.4 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan

- WMP3a: - Promoting waste prevention, re-use and waste awareness
- WMP6: - Safeguarding existing waste management facilities
- WMP25: - General amenity
- WMP26: - Traffic impacts

2.5 Ringmer Neighbourhood Plan

No policies relevant to this proposal

3. **Site Description**

- 3.1 The application site is located on the north-west side of The Broyle (B2192), outside of the planning boundary, and comprises a long-established dairy farm of approximately 100 acres, with a herd of 75 on site.
- 3.2 The site is accessed by a road leading from The Broyle, terminating at a complex of barns/cowsheds and an agricultural dwelling. The road has a branch approximately halfway along its length serving a separate dwelling, formerly the farmhouse for Upper Lodge, and a small complex of workshops/studios and holiday accommodation. Immediately to the north-east is a pair of cottages, also formerly associated with the original farm. To

the south-east is the Raystede Centre for Animal Welfare, and on the opposite side of the B2192, also to the south-east, is the East Sussex Gliding Club.

- 3.3 The area to which the application relates is located beyond the farmyard and barns and covers an area of approximately 21,840m² (2ha). It currently comprises a lagoon for the storage of slurry; a farmyard manure store (FYM), an area of hard standing currently with stacked wrapped baled waste (awaiting removal), surrounded by a grassland field. The area around the FYM and slurry lagoon is surrounded by earth bunding, covered with self seeded wild plants. The existing slurry lagoon has a capacity of 2,300m³, which allows for a freeboard of 750mm to accommodate major rainfall events.
- 3.4 The FYM store comprises a repurposed former sand school, which does meet the specification to serve its need. The slurry lagoon, whilst having been built to house slurry generated from the site, is not sufficiently large enough to cope with the farm's slurry storage requirement. Due to the position of the two stores, in close proximity to one another at the bottom of a gently sloped farmyard, the farm has an ongoing issue with water run-off flowing into the FYM store and beyond into the lower lying field pasture.
- 3.5 The site is located in the Low Weald, which is characterised by strong field patterns, mainly pastoral farming supported by clay soil. The area surrounding the farm is relatively flat, with defined wooded areas, shaws and hedgerows which form the strong field pattern. The South Downs escarpment slopes are discernible to the south (8km away) and south west (6km away) although fairly distant. The site falls within a SSSI Impact Zone. The access road is shared with Public Footpath number 26, before it crosses onto the farmland beyond towards the north-east, passing alongside the existing FYM and slurry lagoon.

4. **Proposed Development**

- 4.1 The application seeks full planning permission to upgrade the existing slurry lagoon and the existing FYM store essentially on their existing footprints. The proposal also includes an area of earthworks and landscaping surrounding these installations to the north, east and south. The existing topsoil will be removed and stored to be used to dress the outside and top of the new landscaped area.
- 4.2 The existing lagoon will be repaired, and the banks will be raised and graded to ensure there is the necessary and required 750mm freeboard allowance to accommodate major rainfall events. The sections submitted with the application show the changes to the levels around the lagoon. In order for the development to blend into its existing agricultural surroundings, a gentle bank will be formed to gradually slope downwards back towards the existing site datum level and completed with the original topsoil. These earthworks follow the existing site contours and will be planted with new wildflowers, pollen rich grass seed mixes and indigenous mixed planting scheme, to contribute to the scheme's biodiversity net gain.
- 4.3 The new FYM will be a clay lined, earth banked, horseshoe shaped storage area on the same site as the existing. All water will be captured by the

impermeable base and will be pumped out and spread over the surrounding fields. FYM from the cattle housing buildings will be loaded into a trailer and then driven direct to the store and tipped straight into it.

- 4.4 Approximately 23,387m³ of imported material will be required to facilitate the repair and reconstruction of the slurry lagoon and FYM store. This will equate to approximately 2,300 lorry loads to the site. It is envisaged that the site could accommodate 30-40 deliveries per day, being 60-80 movements to and from the site.

5. **Relevant Planning History**

- 5.1 LW/93/0103 - Steel framed agricultural building milking parlour and covered yard – Approved 26 May 1993.
- 5.2 LW/94/1623 - Erection of a detached agricultural dwelling – Approved 16 November 1995.
- 5.3 LW/96/1020 - Fireworks Storage Compound – Approved 2 September 1996
- 5.4 LW/97/0774 - Section 73 A Retrospective application for the retention of widened field gateway (7.5m) accessing onto The Broyle – Approved 6 December 1997.
- 5.5 LW/97/1517 - Change of use of cow shed and tank room to storage and sale of horse feeds – Approved 26 January 1998.
- 5.6 LW/01/0796 - Erection of an agricultural building for cattle - Approved – 21 June 2001.
- 5.7 LW/04/0430 - Extension to cattle building – Approved 28 April 2004.
- 5.8 LW/06/0461 - Erection of a licensed secure fireworks storage compound, access track and screening bund – Refused 26 May 2006
- 5.9 APP/G1440/C/17/3185589 – Appeal against Enforcement Notice from ESCC in respect of unauthorised change of use of land from agricultural to the use of land for the importation, deposit, storage and processing of waste UPVC window frames and component parts – Dismissed 22 November 2018.

6. **Consultations**

6.1 Environmental Health

- 6.1.1 No response received in respect of original or amended application.

6.2 Environment Agency

- 6.2.1 Comments on original application:
- 6.2.2 We have no objection to the proposal as submitted.
- 6.2.3 These proposals seek to improve and extend the, currently inadequate, manure, slurry and water sludge storage arrangements at Upper Lodge Farm. The present storage is below the capacity required to meet current regulatory standards and is also leading to a mixing of different wastes. The proposal is to separate the various wastes, thereby not only meeting legal requirements but also ensuring that these wastes can be used for agricultural benefit across the farm.

- 6.2.4 The scheme will be constructed to meet the standards contained in The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations (known as the 'SSAFO' regulations) and will ensure that the risk of pollution from these stored materials is minimised.
 - 6.2.5 Comments on amended application:
 - 6.2.6 We have no objection to the proposal as submitted.
 - 6.2.7 These proposals seek to improve and extend the manure and slurry storage arrangements at Upper Lodge Farm. It is noted that references to the additional storage of water clarification sludge have been removed from the amended application.
 - 6.2.8 The existing slurry lagoon and manure store was constructed before the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, (as amended), ('SSAFO') came into effect and, consequently, are not presently required to meet those standards.
- 6.3 Natural England
- 6.3.1 Comments on original application:
 - 6.3.2 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
 - 6.3.3 Comments on amended application:
 - 6.3.4 Natural England has previously commented on this proposal and made comments to the authority in our letter dated 3rd September 2020 (our ref: 325710).
 - 6.3.5 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- 6.4 ESCC Waste and Minerals
- 6.4.1 Comments on original application:
 - 6.4.2 Firstly, the statement accompanying the planning application is somewhat misleading in respect of discussions held between officers from this Authority and the applicant (paragraph 2.6). It should be pointed out that the discussions which took place related to proposals to (1) repair the existing lagoon; and (2) raise the levels of the fields adjacent to the slurry lagoon, for the benefit of agriculture. During the conversations, there was no mention of a second, new lagoon. Consequently, any reference to previous discussions with ESCC should be taken in the context of this and not as being in relation to the current proposal as submitted.
 - 6.4.3 In respect of the proposal itself, as you will no doubt be aware, the Waste and Minerals Plan (2013) forms part of the Development Plan, and therefore should be taken into account when this proposal is considered. As the determining authority, it will be for LDC to decide which policies are most relevant. However, matters relating to the waste hierarchy (WMP3), location (WMP7), general amenity

(including residential and use of the public right of way) (WMP25) and traffic impacts (WMP 26) should be considered. This response has not looked at the agricultural need/merits of the proposal, as it is for LDC to be satisfied in this respect.

- 6.4.4 The proposal has the potential to significantly impact on local residents and users of the public right of way, particularly during construction but also the subsequent operation of the development. If LDC is minded to grant planning permission, it is strongly recommended that conditions limiting the number of lorry movements and hours of deliveries are imposed. Such conditions should apply to both the construction phase of the development and the subsequent operation.
- 6.4.5 With regard to the volume of material to be imported to facilitate the repair/reconstruction of the slurry lagoon, FYM store and the construction of the new lagoon, a figure of 20,750 cubic metres is provided (paragraph 9.4) and that this will involve approximately 2,080 lorry loads (paragraph 9.5). This therefore suggests that lorries delivering the material will be carrying under 10 cubic metres per load. Generally, the lorries that transport the nature of material that will be used carry between 12 and 15 cubic metres. The proposal, therefore, based on the number of lorry movements could potentially involve 24,000 – 31,200 cubic metres of material.
- 6.4.6 Again, if LDC is minded to grant planning permission, it is recommended that further conditions relating to the nature of the material imported (both for the construction and operation) be controlled, as well as requiring the provision of marker posts and profile boards to delineate the tipping area.
- 6.4.7 You may also wish to consider a condition requiring a topographical survey to be undertaken and submitted to the LPA three months after repair/construction of the lagoons and FYM store has been completed. This will enable the LPA to check that there hasn't been over tipping.
- 6.4.8 Comments on amended application:
- 6.4.9 No response received.
- 6.5 ESCC Landscape Architect
 - 6.5.1 Not consulted on original application.
 - 6.5.2 Comments on amended application:
 - 6.5.3 The site and immediate surroundings would not be considered valued landscape in the context of the NPPF.
 - 6.5.4 The application is supported by a Landscape and Visual Impact Assessment (LVIA), hla June 2020. The LVIA provides a fair and accurate assessment of the baseline landscape and visual context for the site and surrounding area.
 - 6.5.5 The proposed development site is a large and open agricultural field which lacks distinctive or historic landscape features. The open character of the site would make it visually sensitive as there are

potentially long views across the area towards the site. The weak landscape character of the site offers opportunities for landscape enhancement through replacing lost hedgerows and strengthening the site area with new woodland planting.

6.5.6 The importation of soils to create the new landform would cause disturbance for a temporary period during construction period. The proposed contoured mounding and associated planting would help to integrate the relocated manure store and slurry lagoon into the local landscape. It is recommended that the proposed development can be supported subject to the imposition of landscape conditions as follows:

- The full implementation of the proposed landscape mitigation measures as outlined in the LVIA.
- A detailed specification for the proposed planting and wildflower seeding.
- A long-term management plan to ensure the successful establishment of the planting and wildflower seeding.

6.6 Agricultural Advisor

6.6.1 Summarised comments on original application:

6.6.2 The proposed development seeks full planning permission for the replacement of the existing farmyard manure (FYM) store with an upgraded, Water Resources (Control of Pollution) Regulations 2010 (SSAFO Regulations) compliant earth bunded FYM store, the repair of the existing slurry lagoon and its upgrade to a SSAFO compliant facility, and the installation of a new water purification sludge lagoon.

6.6.3 The proposed agricultural enterprise involves the keeping of many cattle on the holding at Upper Lodge Farm throughout the year. In winter, the animals must be kept indoors and ideally undercover due to the inclement weather and wet ground conditions. As a result, there will be a large amount of FYM and liquid accumulating around the yards and buildings which must be periodically removed and stored.

6.6.4 Normal and accepted methods of storage of farm effluent from housed and yarded cattle is to separate the solid manure, including straw used for bedding from the liquid waste. It is therefore normal practice to have two storage facilities for solid and liquid waste. The farm waste will be stored during the six winter months ready for spreading onto land during the summer months, when ground conditions allow.

6.6.5 The applicants and their agent have advised that the current storage facilities are in poor condition and need renewal. From inspection, I would agree that the current facilities are below standard and are in immediate need for upgrading, to not only comply with environmental legislation but also improve the working environment for livestock and operatives.

- 6.6.6 For the above reason I consider that it is essential for the agricultural business that the replacement of the existing farmyard manure store and the repair of the existing slurry store is undertaken as soon as possible.
- 6.6.7 Regarding the importation of water purification sludge, this is an activity where waste product from local sewage works is transported to the farm property and stored ready for spreading by injection onto farmland. This is paid for by the water companies to the receiving property owner in return for taking the waste product. This activity is controlled and monitored by other agencies. There is no essential agricultural need for this sewage waste to be stored and spread on farmland at Upper Lodge Farm. This waste product can be spread on any other farmland subject to local conditions such as Nitrogen Vulnerable Zones (NVZ), location of nearby water courses, etc. The importation of waste material not produced on the farm nor resultant from agricultural activity is a matter for your authority and control by other agencies. Consequently, I shall make no further comment on the proposed new water purification sludge lagoon.
- 6.6.8 The construction of bunding to the north and east of the proposed development is assumed to reduce the impact of the development within the landscape. The importation of inert material and construction of the bunding is a planning matter and I shall make no comment on this aspect of the application.
- 6.6.9 Further summarised comments following applicant's response to above:
- 6.6.10 The application of sewage sludge is beneficial but not essential. If it were essential all farm owners would be requiring this material to spread on the land. There are alternatives to farming in this manner. It is not a requirement that sewage sludge has to be applied. Most farmers spread artificial fertiliser because it is easier to handle and requires minimal storage capacity. The importation of waste material not produced on the farm nor resultant from agricultural activity is a planning matter. Consequently, I shall make no further comment on the proposed new water purification sludge lagoon.
- 6.6.11 Comments on amended application:
- 6.6.12 From the additional information provided I note that only the new replacement farmyard manure store and upgraded slurry lagoon is proposed. I note that a new lagoon previously proposed for the storage of imported sewage sludge it now deleted from the scheme.
- 6.6.13 As previously commented, there is an essential need for upgrading the storage arrangements for farmyard manure and slurry that is resultant from the keeping of cattle on the holding. The proposed new manure store and upgraded slurry lagoon are considered essential for the agricultural activity to continue successfully and in accordance with environmental rules and guidance.
- 6.6.14 I have noted that with the deletion of the sewage/water sludge lagoon the area of land raising has not been reduced in size. It would seem appropriate that with one less artificial construction there

would be less of a need for the importation of so much soil for landscaping. This is a planning matter, and I shall make no further comment on the landscaping.

6.7 Ringmer Parish Council

6.7.1 Comments on original application:

6.7.2 Ringmer Parish Council opposes and objects to this application as it is un-neighbourly. Ringmer Parish Council has significant concerns regarding the shared access which may become damaged due to an increase in lorry movement. Ringmer Parish Council is genuinely concerned that the proposal is too near a public footpath.

6.7.3 Comments on amended application:

6.7.4 Ringmer Parish Council objects to this application on the grounds of shared drive. Ringmer Parish Council found it hard to comment further, due to the lack of a Traffic Management Plan.

7. **Neighbour Representations**

7.1 Representations have been received from 30 local residents, objecting to the application for the following reasons:

- Unnecessary noise
- Increase in traffic volumes
- Amount of traffic along The Broyle is already intrusive, dangerous and damaging
- Application's traffic movements are too much and should not be allowed
- Traffic will lead to noise, hazards and pollution in Ringmer
- The application is about land raise. The use of imported material for the bunding is unsuitable and should be re-considered
- Infrastructure in the area not adequate to support this level of lorry movements
- Farmyard is a disgrace, full of dumped machinery and falling down barns
- Too many heavy lorries already for works being carried out elsewhere
- Request to reduce number of daily movements and only between 09:30 and 14:30 to avoid school drop off and pick up times.
- Houses are suffering from cracks due to traffic
- Request for conditions to get applicant to repair the road and up to entrance of Raystede Animal Welfare Centre
- Request condition to stop slurry lorries to and from the site

Appendix A

- Impact on wildlife
- Danger to children
- Amount of imported material will have a serious impact on road network, roads are not sufficiently well-maintained to support extra heavy goods usage
- B2192 is always being dug up by one utility or another, creating fumes and congestion
- Proposal will increase problems faced by Ringmer residents
- Condition requested to ensure that footpath is protected
- Residents have been “tipped off” that the proposal is really a “land raise” scheme to get rid of hardcore
- The Broyle is a fairly narrow residential road that was not built to accommodate heavy traffic
- Lorry fumes will lead to pollution at a time when the world is facing a climate catastrophe
- Danger to cyclists
- Concern that a company from Crawley will use this area to import so much material
- Residents in the area suffering from so many heavy lorries delivering materials to building sites
- Concern that the enlargement of the existing slurry lagoon is for landfill
- Request for applicant to create another access to the site, away from local homes
- This is a landfill project and should be refused
- Speed limit is often not adhered to
- Proposal will exacerbate existing problems regarding state of road and number of lorries using it
- Concern about noise of reversing alarms on lorries
- Concern about previous activities on the farm, involving waste disposal
- Businesses adjacent to site concerned about impact of lorry movements
- This is about a deal with a business in Crawley to get rid of hardcore
- Applicant doesn't consider the environment
- Roads and pavements in Ringmer Village are deteriorating due to traffic, pavements are not safe, too much noise and backdraft from lorries

- Endless lorries thundering through Ringmer, damaging verges. Deliveries of hardcore to the site on such a large scale will have a detrimental impact on quality of life
- Reading Agricultural Consultants – questions information regarding livestock and need for works to the lagoon and FYM store, lack of justification for the extent of the works, need for imported material. Applicant has failed to demonstrate that the proposal is a) required and b) appropriately designed.

8. Appraisal

8.1 Key Considerations

8.1.1 The main considerations are i) the need for the proposed FYM store and the upgraded slurry lagoon; b) the impact of the works required to implement the FYM store and upgraded slurry lagoon on the surrounding area and c) measures to mitigate the impact of the proposal.

8.2 Principle

8.2.1 As confirmed by the Environment Agency (EA), the works to renew the FYM store and to upgrade the slurry lagoon are necessary to meet the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, (as amended), ('SSAFO'), as they do not currently meet the standards set out in these regulations.

8.2.2 The District Council's Agricultural Advisor has confirmed that "*....it is essential for the agricultural business that the replacement of the existing farmyard manure store and the repair of the existing slurry store is undertaken as soon as possible*".

8.2.3 It is therefore considered that due to the need of the farm enterprise, confirmed by the EA, that the principle of the development is acceptable.

8.3 Landscaping

8.3.1 The application was supported by a comprehensive Landscape and Visual Impact Assessment, upon which the County Landscape Architect has commented and found to be satisfactory, subject to conditions.

8.3.2 Also submitted was a Preliminary Ecological Appraisal (PEA) to assess the various habitats on the site as well as to ensure there are no protected species that may be impacted as a result of the development.

8.3.3 Various recommendations have been made to enhance the site for biodiversity in accordance with NPPF, which predominantly focus on generous native and nectar rich planting, installation of bird boxes and enhancements for hedgehogs.

8.3.4 Additional recommendations and biodiversity enhancements have also been made to reduce the indirect impacts that the development

may have on surrounding flora and fauna given its position within a 500m buffer zone of ancient woodland and a nearby SSSI.

8.3.5 Again, these measures can be secured by condition.

8.4 Transport and Traffic

8.4.1 The proposal in and of itself, will have no additional traffic and transport impacts. For this reason, ESCC Highways Team was not consulted.

8.4.2 It should be noted that the amended proposal, which has removed the new water sludge lagoon, will actually lead to a reduction of vehicle/lorry movements to and from the site as the applicant will no longer be processing waste water.

8.4.3 However, the works required to carry out the proposal will involve temporary increased traffic movements to and from the site, for the duration of those works only. This is the main reason cited in the objections generated by the amended application. Also raised is the impact on the existing access road from The Broyle to the farm and to the spur access road to Upper Lodge Farmhouse, and Public Footpath 26.

8.4.4 The works will take approximately 3 months, during which it is anticipated that there will be 60-80 lorry movements to and from the site. In this respect it is similar to what would be expected from any major construction project.

8.4.5 It is standard practice to secure a Construction Environment Management Plan (CEMP) by condition. However, in this case, the applicant has now submitted a Plan in advance of the determination of the application in order to address the understandable concerns raised in the representations. Adherence to the CEMP can be controlled by condition. Matters covered in the CEMP include:

- Site Working Hours & Delivery schedule
- Public engagement.
- Site security.
- Vehicle routing and site access.
- Site Car Parking, Plant and Equipment.
- Road Cleaning Regime and Wheel Washing Facilities.
- Remediation

8.4.6 Regarding the access road, prior to works commencing, the applicant will carry necessary patch repairs to the access road in order to prevent further deterioration and when completed, the road will be fully repaired and re-surfaced, to be secured by conditions.

8.4.7 Regarding Footpath 26, As set out in the CEMP, signs will be erected directed at both footpath users and construction vehicles advising caution and alerting them to each other's presence. The width of the shared access is on average 4.3m, providing ample room for vehicles and pedestrians to pass at a safe distance.

Construction vehicles are 2.5m wide, this allows 1.8m for footpath users. A strict 10mph site speed limit and 5mph along the shared access will be put in place and enforced throughout the works.

8.5 Waste Local Plan

- 8.5.1 As the proposal involves alterations to an existing waste management facility, it falls also to be considered against the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, adopted in 2013.
- 8.5.2 The waste products involved in the operations – e.g., slurry and manure – will be used to fertilise the surrounding farmland owned by the applicant. In this respect the proposal complies with the principles of policy WMP3a.
- 8.5.3 The improvements to the slurry lagoon and FYM store will safeguard the facility in compliance with policy WMP6.
- 8.5.4 The construction works required to improve and upgrade the facility will inevitably involve some disturbance to the nearby and wider residents due to the lorry movements that will be generated. The CEMP that has been submitted with the application covers all aspects of amenity and traffic – see section 8.4 above. It is considered that there will be no conflict with policies WMP25 and WMP26.

8.6 Comments on objections

- 8.6.1 The majority of the objections are based on concerns about the impact of the number of lorry movements to and from the site for the duration of the works, rather than the impact of the completed scheme.
- 8.6.2 The measures set out in the CEMP and the recommended conditions will restrict timing of the lorry movements. However, to refuse the application on what is an essential part of the construction process, would be unreasonable and unlikely to be sustained at appeal.
- 8.6.3 It should be noted in respect of lorry movements that an appeal against refusal of an application that involved importation of materials to the East Sussex Gliding Club, located close to this application site, was allowed by the Planning Inspectorate. In coming to his decision, the Inspector stated: *'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.'* The Inspector also awarded costs against the council. (Application ref. LW/16/0775, appeal reference APP/P1425/W/31721.)

- 8.6.4 Comments questioning the justification and need for the works are noted. However, there is a requirement for the applicant to comply with Environmental legislation, and both the EA and the Council's Agricultural Advisor have accepted the need for the development.
- 8.6.5 The application has been considered on its planning merits only. Comments that the proposal is a 'land raise' project, designed to take on hardcore from one specific operator are based on speculation, which together with those comments about the applicant and his motives, are not planning matters and cannot be taken into consideration.

9. **Human Rights Implications**

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

- 10.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions.

10.2 Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Additional Documents	16 July 2021	CEMP
Planning Statement/Brief	24 March 2021	Planning Statement
Proposed Layout Plan	24 March 2021	Layout Plan 020321_001
Additional Documents	25 May 2021	Landscape & Visual Impact Assessment
Additional Documents	28 July 2020	LVIA Appendix 1
Additional Documents	28 July 2020	LVIA Appendix 2
Additional Documents	28 July 2020	LVIA Appendix 3

Appendix A

Additional Documents	28 July 2020	LVIA Appendix 4
Additional Documents	16 July 2021	Environment Impact Assessment Screening Matrix
Landscaping	24 March 2021	hla 381 01A
Landscaping	24 March 2021	hla 381 02A
Landscaping	24 March 2021	hla 381 02A (with lagoon edge)
Technical Report	28 July 2020	Preliminary Ecological Appraisal Report

Reason: For the avoidance of doubt and in the interests of proper planning

2. The development hereby approved shall not be commenced until details of:
 - a) a scheme for temporary repairs to the access road
 - b) a scheme for permanent repairs to the access road

have been submitted to and approved in writing by the Local Planning Authority. The permanent repairs shall be carried out within 3 months of the completion of the works hereby approved.

Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework.

3. The development hereby approved shall not be commenced until a planting scheme for the landscaped area has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) written specifications (including cultivation and other operations associated with plant and grass establishment:
 - b) schedules of plants noting species, planting sizes and proposed numbers/densities where appropriate.
 - c) A long-term management plan to ensure the successful establishment of the planting and wildflower seeding

The planting scheme shall be implemented during the first planting season following the substantial completion of the development hereby approved.

Reason: To ensure landscape planting and its establishment in order to blend with the existing landscape in the interests of visual amenity having regard to policies CP10 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

4. The development hereby approved shall not be commenced until details of a scheme of biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority, in accordance with the Preliminary Ecological Appraisal Report produced by Corylus Ecology.

Reason: To improve and enhance the biodiversity of the site having regard to policy DM24 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

5. The development hereby approved shall be carried in broad accordance with the Landscape Plan drawing hla 381 01A. The planting scheme approved by condition 3 shall not be carried out until details of the finished levels of the landscaped area have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure landscape planting and its establishment in order to blend with the existing landscape in the interests of visual amenity having regard to policies CP10 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. The works hereby approved shall be carried out with strict adherence to the Construction Environmental Management Plan submitted on 16th July 2021. Any amendment to the CEMP shall be agreed in writing with the Local Planning Authority

Reason: In the interests of highway safety and the amenities of the area.

7. No noise producing construction audible outside the boundary of the site, shall take place outside the hours of 8:00 to 16:30 Monday to Friday and 09:00 to 13:00 on Saturdays, with no working on Sundays or Bank Holidays

Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework.

8. Deliveries to site shall be limited to 40 maximum inbound movements per day, with an expected daily average of between 25 and 30. Deliveries will only take place between the hours of 08:00 and 18:00 Monday to Friday and 8:00 and 13:00 on Sat. No deliveries will be made to site on Sundays or bank holidays.

Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework.

9. No material shall be imported to within the development site until the developer has submitted details of the assessment of the imported material which demonstrates the suitability of the material for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework.

11. **Background Papers**

11.1 None.