

**Report to:** Planning Applications Committee  
**Date:** 17<sup>th</sup> April 2024  
**Application No:** LW/23/0750  
**Location:** Former Newhaven Household Waste Recycling Site, Lewes Road, Newhaven

**Proposal:** Change of use to a food waste collection and transfer site (no public access), this includes creation of 16 parking spaces for electric vehicles and chargers on existing hard standing, location of two mobile compactors, and creation of a fixed vehicular ramp to enable tipping into waste compactors, replacement of the boundary fence, creation of a footpath to the southern side of the entrance road and additional soft landscaping.

**Applicant:** Lewes District Council

**Ward:** Newhaven North

**Recommendation:** Approve subject to conditions and section 106 agreement.

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**IMPORTANT NOTE: This scheme is CIL Liable.**  
**Site Location Plan: (Below)**



1	<b>Executive Summary</b>
1.1	The application seeks approval for the use of the site for the stationing of a food waste collection fleet and the temporary storage of collected waste prior to it being transported to a processing facility. It would serve as a satellite to the nearby existing waste and recycling depot on Robinson Road.
1.2	The Local Planning Authority is satisfied that the site has the capacity to support the development, without resulting in unacceptable harm. Suitable controls ensure potential for unacceptable pollution is mitigated can be secured through appropriately worded conditions.
1.3	<b>Sustainability</b>  The proposed development would re-use a previously developed site which has access to utilities, is connected to the main road network and is in close proximity of Newhaven Town Centre. The proposed use would support the recycling of food waste and would utilise a fleet of electric collection vehicles.  This would carry <b>moderate positive weight</b> in the planning balance.
1.4	<b>Economic Benefits</b>  The proposed development would support 32 full time equivalent jobs and also support the recycling of food waste and the ability to sell it in the form of compost and soil treatment products.  This would carry <b>moderate positive weight</b> in the planning balance.
1.5	<b>Placemaking and impact upon surrounding environment</b>  The proposed development would have minimal visual impact, would incorporate measures to minimise impacts upon the amenities of neighbouring residents and would allow for some visual enhancements in the form of increased landscaping and an improved external lighting scheme.  This should carry <b>neutral weight</b> in the planning balance.
1.6	<b>Biodiversity Net Gain</b>  The proposed development would allow for the introduction of native planting and habitat enhancements on a site which is currently of limited wildlife value, thereby providing biodiversity net gain.  This would carry <b>limited positive weight</b> in the planning balance.
1.7	<b>Highways</b>  The proposed development would include the provision of a new pedestrian footway into the site and the positioning of the access gate

	<p>further back from the road, improving pedestrian accessibility and reducing potential for obstruction of the highway.</p> <p>It is considered that this should be attributed <b>limited positive weight</b>.</p>
1.8	<p><b>Water Issues</b></p> <p>The proposed development would utilise the existing drainage system, would not increase the impermeable area of the site and would incorporate interception measures to prevent discharge of contaminants and solids into the sewer network.</p> <p>This should be given <b>limited positive weight</b> in the planning balance.</p>
1.9	<p><b>Environmental Impact</b></p> <p>The proposed development has the potential to generate noise, light and air pollution but it is considered there is the ability for adequate mitigation measures to be employed and the development also provides an opportunity to remove existing contaminants from the site and install measures to intercept contaminants in the surface water drainage system.</p> <p>It is therefore considered <b>neutral weight</b> should be given to the harm to agricultural land supply.</p>
2.	<p><b>Relevant Planning Policies</b></p>
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed and beautiful places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p>
2.2	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP4 – Encouraging Economic Development and Regeneration;</p> <p>CP10 – Natural Environment and Landscape Character</p> <p>CP11 – Built and Historic Environment &amp; Design</p> <p>CP12 – Flood Risk, Coastal Erosion and Drainage</p> <p>CP13 – Sustainable Travel</p> <p>CP14 – Renewable and Low Carbon Energy</p>

2.3	<p><u>Lewes Local Plan Part 2 (LLP2)</u></p> <p>DM1 – Planning Boundary</p> <p>DM20 – Pollution Management</p> <p>DM21 – Land Contamination</p> <p>DM22 – Water Resources and Water Quality</p> <p>DM23 – Noise</p> <p>DM24 – Protection of Biodiversity and Geodiversity</p> <p>DM25 – Design</p>
2.4	<p><u>Newhaven Neighbourhood Plan (NNP)</u></p> <p>T1 – Congestion mitigation and sustainable movement</p> <p>NE1 – Biodiversity protection and enhancement</p> <p>D1 – Promoting Good Design</p> <p>D2 – Design and Climate Change</p> <p>H1 – A Spatial Strategy for Newhaven</p>
2.5	<p><u>East Sussex, South Downs and Brighton &amp; Hove Waste and Minerals Local Plan (WMLP)</u></p> <p>WMP 3a – Promoting Waste Prevention, Re-use and Waste Awareness</p> <p>WMP 3b – Turning Waste into a Resource</p> <p>WMP 7a – Sustainable Locations for Waste Development (excluding land disposal)</p> <p>WMP 7b – More Detailed Criteria for Waste Development</p>

3.	<p><b>Site Description</b></p>
3.1	<p>The site, which is approx. 0.24 hectares in size, comprises a broadly rectangular hard surfaced area with access provided by an approx. 40 metre surfaced track taken from Lewes Road (c&amp;). The site is currently vacant, and closed off by a mix of metal gating and fencing. It was previously used as a public household waste site, with a number of skips, shipping containers and other waste collection receptacles stationed on site along with temporary buildings housing staff welfare and office facilities, pole mounted lighting and parking areas. The site has since been largely cleared following the cessation of the waste site use in 2011. There are currently a number of food waste collection crates stored on site.</p>
3.2	<p>The site falls outside of the settlement boundary, positioned close to the northern edge of Newhaven, with the countryside to the north, in the Ouse valley and the rising downland to the north-west falling within the South Downs National Park which, at its closest point, lies approx. 98 metres to the north-west of the site, encompassing land to the rear of dwellings on Valley Road.</p>

3.3	The site, and adjoining land to the north, east and south between Lewes Road and the river Ouse was used for landfill between 1963 and 1981. Remediation works following the closure of the landfill included the formation of Riverside Park, a local wildlife site incorporating a number of footpaths, including connectivity with the Egrets Way path running from Newhaven along the river towards Lewes. The restored land to the south is now used as a recreation ground which includes sports pitches (although there are none currently marked out), play areas and a community garden. To the south-west, on the opposite side of Lewes Road between Valley Road and Willow Walk is the Valley Ponds Local Wildlife Site, which comprises a series of ponds and open green space on the site of historic excavations associated with a brickworks.
3.4	There is a row of residential dwellings to the immediate west of the site at 141-171 Lewes Road as well as more intensive residential development extending west from the opposite side of Lewes Road on Valley Road and Valley Close.
3.5	The far south-western corner of the site and the access road fall within Flood Zone 3, as does the land at the recreation ground and Valley Ponds to the south and south-west.

4.	<b>Proposed Development</b>
4.1	<p>The proposed development involves the reinstatement of a waste management use on the site. This would be in the form of a hub facility used for the storage and servicing of Lewes District Council's food waste collection fleet, the provision of compacting skips to store collected waste prior to it being taken from the site by goods vehicle and the provision of staff welfare facilities.</p> <p>In total, 15 parking bays would be provided for the food waste collection fleet. The vehicles used are all powered by electricity and, as such, each bay would be provided with an electric vehicle charging point. The bays would be positioned towards the northern edge of the site, running parallel with the boundary, with a landscaped buffer maintained between them and the Riverside Park. An additional parking bay for visitors would be provided adjacent to the proposed welfare unit.</p> <p>Two compacter skips would be positioned towards the southern side of the site. Each skip would measure 2.14 metres in width by 6.1 metres in depth. An access ramp would be positioned adjacent to the skips to allow vehicles to deposit waste into them. The skips are movable and would be routinely taken off site and emptied. A wash down facility would be provided on the ramp along with drainage and an interceptor to prevent food waste being washed through the site.</p> <p>A staff welfare building and cycle storage structure would be provided at the western end of the site, at the point the access road enters into it. A single parking bay for use by visitors would be provided adjacent to these facilities.</p>

2.5 metre high mesh fencing would be installed around the site perimeter with a new access gate provided at the entrance. The mesh fencing would include timber infills. Additional soft landscaping would be provided, predominantly along the northern site boundary.

The proposed facility would not be publicly accessible and would be used only to support food waste collection carried out by Lewes District Council.

**5. Relevant Planning History:**

- 5.1 **LW/84/1805** - Continued use as household waste site – Approved Conditionally by ESCC 3<sup>rd</sup> January 1985 (temporary permission)
- LW/91/0262** - Renewal of temporary permission LW/87/2095 for continued use of land as household waste site – Approved Conditionally by ESCC 10<sup>th</sup> June 1991 (continued use until 30<sup>th</sup> March 1993)
- LW/93/0610** - Continued use of Newhaven Household Waste Site – Approved Conditionally by ESCC 12<sup>th</sup> July 1993 (continued use until 30<sup>th</sup> July 1995)
- LW/95/0920** - Continued use of Newhaven household waste site – Approved Conditionally by ESCC 4<sup>th</sup> October 1995 (continued use until 30<sup>th</sup> September 2000)
- LW/98/0255** – Improvements at Newhaven Household Waste site include removal of tipping bay and provision of 30m<sup>3</sup> containers for waste storage/containment at the site. In addition some screening and planting is proposed – Approved by conditionally by ESCC 6<sup>th</sup> May 1998
- LW/00/1420** - Continued use of Newhaven household waste site – Approved Conditionally by ESCC 22<sup>nd</sup> September 2000 (continued use until 30<sup>th</sup> September 2005)
- LW/03/0072** – Change of use of waste disposal site to public open space – Approved 19<sup>th</sup> March 2003 (now site of Riverside Park and Lewes Road Recreation Ground).
- LW/05/1655** - Renewal of temporary planning permission LW/00/1420 for the continued use of land as a household waste and recycling site – Approved Conditionally by ESCC 12<sup>th</sup> October 2005 (continued use until 30<sup>th</sup> September 2008)
- LW/08/0839** - Continued use of Newhaven Household Waste Recycling Site – Approved conditionally by ESCC 8<sup>th</sup> October 2008 (continued use until 30<sup>th</sup> September 2010)
- LW/10/0895** – Continued use of Newhaven Household Waste Recycling Site for 12 months – Approved Conditionally by ESCC 23<sup>rd</sup> September 2010 (continued use until 30<sup>th</sup> September 2011)

6.	<b>Consultations:</b>
6.1	<p><b>Newhaven Town Council</b></p> <p>RESOLVED that the committee objected to this application for the following reasons;</p> <ul style="list-style-type: none"> <li>• Site ingress/egress was of great concern being directly onto the C7 in close proximity to an existing mini roundabout and busy junction,</li> <li>• In addition to the above issue, stated anticipated completion of food refuse collection rounds coincides with the existing 'school-run' and 'rush-hour' traffic,</li> <li>• As with all rubbish and food recycling, the impact of foul-smelling odours is likely to be significant given the on-site presence of food compactors and collection vehicles, further exacerbated by no provision of a vehicle wash,</li> <li>• The increased problem of rodent and airborne insects throughout the year and the sites overall proximity to nearby residences,</li> <li>• The application shows no investment in Photovoltaic provision with all collection vehicles reliant upon the existing energy grid, and</li> <li>• Overall, this development has little or no tangible benefit for Newhaven residents.</li> </ul> <p>OFFICER COMMENT: A vehicle wash is included adjacent to the ramps to the proposed compactor skips, with drainage interceptors to prevent food waste from being washed over the site, onto surrounding land or into nearby watercourses.</p>
6.2	<p><b>ESCC Highways</b></p> <p>No comments provided.</p>
6.3	<p><b>Lead Local Flood Authority</b></p> <p>No comments.</p>
6.5	<p><b>Environment Agency</b></p> <p>No objection.</p>
6.7	<p><b>LDC Contaminated Land Officer</b></p> <p>I think, a remediation strategy is required for the site. This can be conditioned using appropriate wording. Any further limited investigation can be covered by the remediation strategy.</p> <p>I have seen that the part of the site is lying on a radon affected area where radon protective measure is required if any structure is built at the site.</p>

7.	<b>Other Representations:</b>
7.1	<p>9 letters of objection have been received, with material planning concerns raised summarised below:-</p> <ul style="list-style-type: none"> <li>• Increase in traffic;</li> <li>• Obstruction to adjacent car park;</li> <li>• Harm to wildlife on surrounding land;</li> <li>• Collected waste will attract vermin and flies;</li> <li>• Neighbouring residents will be subjected to noise and odour nuisance;</li> <li>• Will generate dust that forms a nuisance to neighbouring residents;</li> <li>• Why has an alternative site on Avis Way not been used;</li> <li>• Increased flood risk;</li> <li>• Poison used for pest control may harm or kill pets and wildlife;</li> <li>• Out of character with surrounding area;</li> <li>• What arrangements are there in the event of a power cut?</li> </ul> <p>OFFICER COMMENT: The site access is not a parking area and there is no permission in place for its use as such. The site would not be open to the public and staff would be based at the Robinson Road depot. There is a visitor parking space provided within the site and drop off vehicles have ample space to park and turn without using neighbouring land or parking on the road.</p>

8.	<b>Appraisal:</b>
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The main considerations relate to</p> <ul style="list-style-type: none"> <li>• the principle of the development.</li> <li>• the impact upon the character and appearance of the area ,</li> <li>• neighbour amenities,</li> <li>• pollution control,</li> </ul>



	<ul style="list-style-type: none"> <li>• flood risk,</li> <li>• the overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development.</li> </ul>
8.2	<p><u>Principle of Development</u></p> <p>The site falls outside of the settlement boundary where development is generally resisted other than in exceptional circumstances. LLP2 sets identifies suitable exceptional uses. Whilst the proposed use does not represent any of these identified exceptions this is primarily due to waste related development typically being a 'County Matter', with applications for such uses being assessed by East Sussex County Council as per Regulation 2. a) of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003. However, as the development is being carried out by Lewes District Council as per Regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Although the site has previously been in use as a household waste site, this use ceased in 2011 and, in accordance with the temporary permission attached to the use, the approved use of the site for waste purposes ceased at the same time. As such, the principle of re-establishing a waste use on site needs to be established in the absence of any existing approved use.</p> <p>Whilst there are no provisions for waste development outside of the settlement boundary set out in in LLP1 or LLP2, the policy considerations for such development are set out in the East Sussex, South Downs and Brighton &amp; Hove Waste and Minerals Local Plan (WMLP) (2013) and the Waste and Minerals Sites Plan (WMSP) (2017).</p> <p>The WMLP identifies broad 'areas of focus' in which the principle of waste development is considered to be acceptable. Factors taken into account when identifying these areas include proximity to waste arisings, accessibility to A class roads and railways, and exclude flood risk areas and valued environments. These areas of focus are shown on the Key Diagram included in the WMLP. They include Newhaven although the scale of the plan makes it difficult to confirm whether the site falls within the identified area or not. The WMSP provides an index of specific suitable sites/opportunity areas required to address identified needs for waste development over the plan period.</p> <p>WMLP policy WMP 7a states that Sites for additional waste recycling and recovery facilities (of which the application is an example) and physical extensions to existing, should be sought within the broad Areas of Focus and that such proposals should demonstrate how they will balance the need to be located close to waste arisings, moving waste management up the waste hierarchy, and minimising adverse impacts on communities and the environment. The policy also allows for provision of small-scale facilities predominantly to meet smaller, more localised needs outside of the areas of focus.</p> <p>Footnote 54 states that smaller, localised facilities can be essential in helping to provide local solutions for collecting, sorting, bulking, and</p>

transferring and treating wastes in complementing the waste treatment provided at more strategic larger-scale facilities. The proposed development, which involves the provision of facilities to allow for food waste to be bulked and transferred to a larger processing site is considered to be an example of a small scale, localised facility.

WMLP policy WMB 7b goes on to identify preferences for locations for waste development before other locations are considered. These preferences are as follows:-

- a) General industrial land including general industrial estates;
- b) Employment land (B2/B8 uses);
- c) Previously-developed land;
- d) Land already in waste management uses.

The application site is previously-developed land and is therefore considered preferential for waste development.

The principle of the development is therefore considered to be acceptable subject to an assessment of impact upon environmental, residential and visual amenities, pollution risk, highway safety/traffic and the setting of the South Downs National Park, guided by relevant policies in the development plan and the NPPF.

8.3

### Visual Impact

The bulk of the site is set back from the road, with the frontage comprising the hard surfaced access road and metal gates, adjacent to a hard surfaced parking area utilised by residents of 141-171 Lewes Road to the north and the edge Lewes Road Recreation Ground to the south. The access to the site is an established street scene presence. The main part of the site is hard surfaced almost in its entirety. It benefits from a good degree of sympathetic screening in the form of mature trees and hedgerow, particularly along the northern boundary, although there are filtered views into the site available from the recreation ground to the south as well as through gates to the front (west) and from with the Riverside Park to the rear (east) of the site.

The scale of development in terms of building/structure coverage and height is considered to be modest comprising only the cabin type staff welfare unit, the ramp structure to provide access to the skips and the skips themselves. Additionally, there would be parked waste collection vehicles along the northern boundary.

Given the modest scale of the development, the previously developed nature of the site, which includes hard surfacing, metal perimeter fencing and lighting columns, and the sympathetic screening provided by trees and hedging, which it to be strengthened as part of the landscaping plan associated with the proposal, it is considered that the visual impact of the development would be insignificant and would not be harmful to the street scene or the character of the wider surrounding environment, including the setting of the South Downs National Park.

8.4

Environmental Impact

The proposed development would introduce activities on the site that would generate noise, air and light emissions.

Noise generation would be principally associated with vehicular movements, waste tipping operations and the presence of staff on the site. Operations at the site would commence at 6am, with staff arriving at the site on foot from the nearby Robinson Road waste depot. 15 food waste collection vehicles would then leave the site in order to carry out their collection rounds. These vehicles are to be powered by electricity and, as such, the level of noise generated would be reduced in comparison to the operation of a conventional combustion engine. Vehicles would return to the site following completion of their rounds at various times up to 2pm. Upon return to the site, each collection vehicle would empty food waste into the compacter skips. Noise would be generated during this process by the operating mechanisms of the tipper vehicles and compacters as well as the sounds of the waste material itself being tipped into the skip. Skips would be collected by a conventional goods vehicle at an anticipated rate of one per day.

It is considered that the potential impact of noise upon neighbouring residents is mitigated in several different ways. The use of electric vehicles and the lack of staff parking facilities on site would mean that vehicle movements would not be excessively loud, which is of particular importance given operations would commence at 6am. The compacter skips and tipping facilities would be positioned approx. 50 metres away from the nearest neighbouring dwelling, No. 141 Lewes Road. The sound of tipping would not be as loud as would typically be associated with rubbish tipping as food waste would not contain materials that cause a significant amount of noise when being tipped such as glass and metal. The use of the compacter would generally be confined to hours between 11am and 2pm and would provide benefit by allowing for greater storage capacity in the skips, reducing the amount of trips to and from the site by skip collection vehicles.

The storage of waste has the potential to cause odour nuisance, particularly decomposing food waste. It is important to note that there would be no long term storage of food waste on the site. Each compacter skip would generally be removed from the site and emptied every two days. The skips are covered and sealed and this would help control odour emissions as well as prevent waste leaking from the skips where it may present an odour nuisance. Washing facilities for vehicles would be provided to ensure they are cleaned after tipping, with interceptor drains in place to capture food waste that is washed out. The use of an electrical fleet of vehicles would ensure that they do not directly generate any emissions, thereby ensuring that the use of the vehicles does not exacerbate existing pollution issues in the nearby Air Quality Management Area in Newhaven Town Centre.

Artificial lighting would be provided on the site, with its use restricted to when it is required for operational reasons. There are currently 9 x 8 metre

high lamp posts on the site and these would be replaced with 12 x LED lamp posts. External lighting would also be provided around the proposed staff welfare unit. A plan has been provided to show the anticipated light spill from the proposed lighting would be contained, with only a very small amount of low level spillage intruding beyond the edges of the site and no demonstrable spillage into surrounding residential curtilages.

Owing to the previous use of the site as a public household waste site, and the historic landfill use of the area, there is a clear possibility of the presence of contaminants on site and, whilst the proposed works would involve minimal disturbance to the ground, a condition will be used to require a suitable risk assessment and remediation strategy for contaminated land to be submitted to and approved by the Local Planning Authority prior to any development commencing.

A number of representations have raised concerns regarding potential attraction of vermin as well as the impacts of pest control as a response. It is noted that sealed nature of the compacter skips, the regular removal of waste from the site and the provision of washing facilities will minimise potential for waste in open areas that may present an attraction to vermin. It is also noted that timber infills would be installed in the proposed perimeter mesh fencing, thereby reducing the ability of mice and rats to access the site.

That being said, it is considered to be important to obtain a pest management plan to secure details of maintenance and management procedures that will be followed to ensure pests deterred from accessing the site. This would primarily be through sanitation including cleaning of machinery, vehicles and emptying of interceptor drains, structural maintenance to prevent access to skips and welfare areas and landscape management. The use of poisons will be prohibited. Pest monitoring reports will be required to be maintained along with trapping arrangements if deemed absolutely necessary. The management plan would be secured by condition.

Similarly, a general management plan to demonstrate effective measures that would be put in place to control noise, light and air emissions would also be required to be submitted by condition and, once agreed, adhered to at all times.

8.5 Impact upon Residential Amenities

A number of potential impacts upon residential amenity are discussed in section 8.4 above, along with details of how these impacts would be mitigated and controlled throughout the lifetime of the use.

In terms of potential for overlooking, overshadowing or overbearing impact, it is considered that the modest scale of the development, along with the level of sympathetic screening that would be in place and retention of a landscaped buffer on the northern edge of the site, would prevent any unacceptable impact from arising.

	<p>It is considered that the establishment of a new use on what is presently a derelict parcel of land would reduce the risk of criminal and anti-social behaviour around the site. A condition will be used to ensure there are appropriate security arrangements in place for when the site is not in use.</p> <p>The proposed welfare unit would be positioned well away from site boundaries. Given the nature of the use, it is considered unlikely that there would be large numbers of people present on site for any sustained period of time. The site would not be open to the public.</p>
8.6	<p><u>Highway Impact</u></p> <p>The existing vehicular site access from Lewes Road would be utilised to serve the development. This access previously supported the former use as a public household waste site, which included frequent two way vehicle movements in the form of members of the public entering and leaving the site, along with regular drop offs and collections of large skips, a total of 19 of which were sited along the northern edge of the hard surfaced area.</p> <p>Alterations would be made to the existing access, with a raised kerb footway running along the eastern side of the vehicular access and connecting with the existing footway on Lewes Road. The existing access gates would be removed and set further back from the road, a distance of approx. 21 metres from the carriageway, as a means to ensure any vehicles waiting to access the site would not obstruct the highway on the event that the gates are closed.</p> <p>It is noted that the previous use as a household waste and recycling site had generated complaints due to the level of traffic generated and that this issue, along with amenity impact, was, in part, the reason behind the use ultimately being relocated.</p> <p>The previous use as a public household waste site ceased in 2011 and there is no 'fallback' position associated with this former use in regards to trip generation as the cessation of the use was accompanied by the revocation of any permission for the use of the site for waste purposes, as per the conditions attached to LW/642/CM (LDC ref: LW/10/0895). The proposed development would generate 26 vehicle movements between 6am and 2pm in the form of the 15 waste collection vehicles based at the site leaving and returning from their rounds. There would also be a single skip collection every day. The site would not be accessible to the public and staff would walk to the site having checked in at the main Robinson Road depot. As such, no additional vehicular movements are anticipated other than occasional visits by maintenance teams and other external visitors. It is considered that the amount of trips generated would not result in any unacceptable impact upon highway safety of the free flow of traffic, noting vehicles would leave the site prior to the peak am hour (08:00 – 09:00) for vehicular movements and likely not return until after the peak hour.</p> <p>The new footway that is included in the plans would ensure the site can be safely accessed on foot. Cycle storage facilities would also be provided for those who wish to cycle from the Robinson Road depot to the site.</p>

	<p>A throughway would be maintained to enable emergency services to reach Riverside Park by passing through the site and out the gates at the eastern end.</p> <p>ESCC Highways have not commented on the development. Any comments received following the publication of the agenda will be reported to committee.</p>
8.7	<p><u>Sustainability</u></p> <p>WMLP policy WM 7a includes a requirement for new waste related development to move waste management up the waste hierarchy. The proposed development would support the collection of food waste across the district, allowing for it to be sent on to a processing facility where it would be recycled into compost and soil treatment products. Given there is no practical way to re-use food waste it is considered that recycling therefore presents the most sustainable means of processing food waste based on the waste hierarchy. The development would also support the introduction of a fleet of electric powered collection vehicles, supporting a reduction in carbon emissions associated with waste collection.</p> <p>The site is previously developed and lies within, or on the very edge of, an area of focus for waste development as identified in the WMLP. The site is located on the C7, which provides access to the A259 approx. 425 metres to the south and which, in turn, provides connectivity with the A26 and A27, allowing for good levels of accessibility to collection areas. The site is also within approx. 370 metres walking distance of the main waste and recycling depot on Robinson Road, allowing it to operate effectively as a satellite to this existing facility and for staff to walk from the main depot to the proposed development.</p> <p>The proposed development would utilise a previously developed site which already has access to necessary utilities as well as a highway connection and hard surfaced area. Although outside of the settlement boundary it is within close proximity of Newhaven Town Centre, with a direct footway connection to it, thereby allowing for good levels of access by foot or via public transport, although it is noted that all staff would be based at the nearby Robinson Road depot. The majority of structures installed on site, including the welfare unit, could easily be removed and reused elsewhere if the food waste collection use were to cease.</p> <p>The site does not include any renewable energy generation apparatus, with viability issues being cited. Provision has however been made to allow for future installation of solar pv canopies over the parking area. Whilst this is regrettable it should be seen in context with the ongoing decarbonisation of the national grid. Given the site would support a fleet powered entirely by electricity it is considered the sustainability enhancements provided remain significant.</p>
8.8	<p><u>Drainage and Wastewater</u></p> <p>The proposed development would utilise existing drainage infrastructure installed on the site, which discharges into the main surface water sewer.</p>

	<p>The impermeable area of the site would be marginally reduced and, therefore, it is considered that the proposed development would not result in any unacceptable increase in the risk of surface water flooding.</p> <p>Effluent produced by the vehicle tipping and washing down process will discharge via a treatment/settlement chamber to remove any solids before entering the drainage system, thereby preventing discharge onto surrounding land or into surrounding watercourses.</p> <p>Whilst the site itself is predominantly in Flood Zone 1, the area around the site access is in Flood Zone 3. A Flood Risk Assessment (FRA) has been submitted in response and confirms that the floor levels of the proposed welfare unit would be set at a suitable level to minimise risk of flooding and that the site management would sign up to Environment Agency Flood Risk Alerts, with site operations suspended in the event of a flood forecast.</p>
8.9	<p><u>Landscaping and Ecology</u></p> <p>The site area is 2418 m<sup>2</sup>, meaning the proposed application to not represent a major application and, therefore, the mandatory requirement for 10% biodiversity net gain set out in the Environment Act does not apply. Nevertheless, there is a requirement for some biodiversity net gain to be provided as per the LDC Technical Advice Note for Biodiversity Net Gain and para. 180 d) of the NPPF.</p> <p>Landscaping plays an important role in providing a sympathetic screen to the site and the submitted plans show what existing landscaping would be retained and enhanced through additional planting. It is stated that this additional planting would include native fruiting species and wildflower planting. This is considered appropriate and would be secured by condition along with details of any other ecological enhancements.</p> <p>The site is adjacent to a local wildlife site, Riverside Park. Given the previously developed nature of the site and limited vegetation it is considered that it does not provide significant habitat value but care needs to be taken to ensure the proposed development does not cause unnecessary disturbance to surrounding wildlife. External lighting in particular could cause issues for foraging bats. The submitted lighting plan shows that the area outside of the site boundary would not be subject to significant light spillage from the proposed lighting system and it is likely this would represent a betterment in comparison to the light spill generated by the existing lighting arrangements. A condition will also be applied to ensure lighting is only used during hours of operation, other than any PIR activated lights that may be required for security purposes.</p>
8.10	<p><u>Economic Impact</u></p> <p>The proposed development would support 32 full time equivalent jobs and would also provide materials for recycling that could then be sold following processing. The proposed development is therefore considered to make a good contribution to the circular economy.</p>
8.14	<p><u>Human Rights Implications:</u></p> <p>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</p>

	have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.
8.15	<p><b>Conclusion.</b></p> <p>The proposed development represent an efficient and effective use of a brownfield site in a sustainable location to support waste management services that will facilitate the recycling of food waste.</p> <p>It is considered that this would be achieved without causing any unacceptable harm towards visual, environmental or residential amenities, highway safety or flood risk.</p>

9.	<b>Recommendations</b>
9.1	Approve subject to the conditions listed below.

10.	<b>Conditions:</b>
10.1	<p><b>Site Access</b></p> <p>The access shall not be used until the modifications shown on the approved plan, including the provision of the new footway and the repositioned gates have been constructed and surfaced in accordance with the approved plans, with the access arrangements maintained as such thereafter.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.2	<p><b>Car Parking</b></p> <p>The development shall not be occupied until the parking areas have been provided in accordance with plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.3	<p><b>Turning Space</b></p> <p>The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with plans which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be obstructed.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with</p>



	<p>LLP1 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.4	<p><b>Cycle Parking</b></p> <p>The development shall not be occupied until a cycle parking area has been provided in accordance with plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles</p> <p>Reason: In order that the development site is accessible by non- car modes and to meet the objectives of sustainable development in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.5	<p><b>Drainage Management and Maintenance Plan</b></p> <p>Prior to the commencement of any development, a maintenance and management plan for the entire drainage system should be submitted to and approved by the local planning authority in conjunction with the Lead Local Flood Authority in order to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:</p> <ul style="list-style-type: none"> <li>a) Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, interceptors and the appropriate authority should be satisfied with the submitted details.</li> <li>b) Provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.</li> </ul> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and para. 173 of the NPPF.</p>
10.6	<p><b>Proof of Drainage Implementation</b></p> <p>Before the development proceeds past dampproof course level, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 173 of the NPPF.</p>
10.7	<p><b>Implementation of Flood Risk Assessment</b></p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref – 62467 Issue No 2).</p> <p>Floor levels of the welfare unit shall be set no lower than the level of buildings previously occupying the site.</p>

Mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and maximise the safety of future occupants in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 165 of the NPPF.

10.8

### **Remediation Strategy**

Prior to commencement of any development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels

	<p>of water pollution in line with paragraph 180 of the National Planning Policy Framework.</p>
10.9	<p><b>Verification Report</b></p> <p>Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.</p>
10.10	<p><b>Unexpected Contamination</b></p> <p>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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the National Planning Policy Framework.</p>
10.11	<p><b>Construction Environmental Management Plan</b></p> <p>No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,</p> <ul style="list-style-type: none"> <li>• The anticipated number, frequency and types of vehicles used during construction,</li> <li>• The method of access and egress and routeing of vehicles during construction,</li> <li>• Measures to control noise, dust, and light emissions during works.</li> </ul>

	<ul style="list-style-type: none"> <li>• Measures to prevent discharge of dirt/mud onto the public highway</li> <li>• Measures to prevent flood risk both on and off-site during construction works.</li> <li>• Site waste management plan</li> <li>• Parking arrangements for site operatives and visitors</li> <li>• The loading and unloading of plant, materials, and waste,</li> <li>• Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel.</li> <li>• Details of any external lighting.</li> <li>• The erection and maintenance of security hoarding,</li> <li>• The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),</li> <li>• Precautionary measures to protect wildlife in compliance with the recommendations of the submitted Preliminary Ecological Appraisal.</li> <li>• Details of public engagement both prior to and during construction works.</li> </ul> <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP1 policies CP10 and CP12, LLP2 policies DM20, DM22, DM23 and DM25 and para. 180 of the NPPF.</p>
10.12	<p><b>Construction Hours</b></p> <p>Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.</p> <p>Reason: In the interests of the residential amenities of the neighbours having regard to LLP1 policy CP11, LLP2 policies DM20 and DM23 and para. 180 of the NPPF.</p>

10.13	<p><b>Hard and Soft Landscaping</b></p> <p>Prior to the occupation of the development hereby approved, a scheme for landscaping shall be submitted to and approved by the Local Planning Authority. The scheme shall include: -</p> <ul style="list-style-type: none"> <li>a) details of all hard surfacing;</li> <li>b) details of all boundary treatments;</li> <li>c) details of all proposed planting, including quantity, species, and size</li> <li>d) Details of protection measures for existing trees/hedgerow;</li> <li>e) details of biodiversity enhancements and measures to limit impact upon adjoining wildlife site;</li> </ul> <p>All soft landscaping shall be carried out, at the latest, during the first planting season following the first occupation of the building. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interest of visual amenity and biodiversity in accordance with LLP1 policies CP10 and CP11, LLP2 policy DM24 and DM27 and para. 135 and 185 of the NPPF.</p>
10.14	<p><b>Secured by Design</b></p> <p>Prior to the first occupation of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Sussex Police Designing Out Crime Officers. Once approved, the development shall be carried out in accordance with the agreed details.</p> <p>Reason: In order to ensure existing and future occupants live in a safe environment in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 135 of the NPPF</p>
10.15	<p><b>Hours of Use</b></p> <p>No vehicles, plant or machinery shall be operated and no process carried out and no deliveries taken or dispatched from the site outside the following times:-</p> <p>Monday to Friday 06:00 – 14:00</p> <p>Reason: In the interest of residential and environmental amenity in accordance with LLP1 policy CP11, LLP2 policies DM20 and DM23 and para. 180 of the NPPF.</p>
10.16	<p><b>Delivery and Service Management Plan</b></p> <p>Prior to the occupation of each commercial unit hereby approved, a Delivery and Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall details of the hours and numbers of deliveries; identifying the size of vehicles</p>

	<p>along with means for controlling noise, light and air emissions. The use of the unit shall thereafter be undertaken in full accordance with the approved plan.</p> <p>Reason: In the interest of residential and environmental amenity in accordance with LLP1 policy CP11, LLP2 policies DM20 and DM23 and para.180 of the NPPF.</p>
10.17	<p><b>Operational Management and Maintenance Plan</b></p> <p>Prior to the first use of the development hereby approved, an operational management and maintenance plan addressing, but not limited to, the following information:-</p> <ul style="list-style-type: none"> <li>• Noise and Lighting controls,</li> <li>• Measures to ensure accessibility to adjacent car park is maintained,</li> <li>• Emissions control/Odour Management,</li> <li>• Sanitation (including cleaning of interceptor drainage);</li> <li>• Pest Management Plan;</li> <li>• Maintenance works;</li> <li>• Staff training;</li> <li>• Site manager details;</li> </ul> <p>Shall be submitted to and approved by the Local Planning Authority and, thereafter, adhered to at all times.</p> <p>Reason: In the interest of residential and environmental amenity in accordance with LLP1 policy CP11, LLP2 policies DM20 and DM23 and para.180 of the NPPF.</p>
10.18	<p><b>Welfare Unit</b></p> <p>Prior to the first occupation of the use hereby approved, full details of the welfare unit to be station on site shall be submitted to and approved by the Local Planning Authority and the development maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interest of visual amenity in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 135 of the NPPF.</p>
10.19	<p><b>Land Restoration</b></p> <p>Prior to first occupation of the use hereby approved details of a scheme for the decommissioning and restoration of the site in the event of the cessation of the approved use shall be submitted to and approved in writing by the Head of Planning and the approved scheme shall be implemented within 12 months from the cessation of the approved use of the site unless otherwise agreed in writing by the Head of Planning.</p> <p>Reason: To secure appropriate restoration of the site in the interests of amenity and the future use of the land, in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM24 and DM25 and para.135 of the NPPF.</p>

10.20	<p><b>Plant and Machinery</b></p> <p>No powered plant or machinery shall be installed or operated at the site without the prior approval, in writing, of the Head of Planning, other than the waste compacting machine detailed in Condition 5, and the occasional and necessary use of machinery to trim the grass and trees surrounding the site.</p> <p>Reason: In the interest of residential and environmental amenity in accordance with LLP1 policy CP11, LLP2 policies DM20 and DM23 and para.180 of the NPPF.</p>
10.21	<p><b>External Lighting</b></p> <p>All existing external lighting shall be removed prior to the first use of the development hereby approved. The development shall be carried out in accordance with the approved external lighting plans and specifications. No additional external lighting shall be installed without the prior written approval of the Local Planning Authority.</p> <p>The site shall only be illuminated at those times of the year when illumination is necessary for site operations and in any case only within the site operating hours specified in condition 16 other than any motion-sensor security lights that are deemed necessary to comply with condition 15.</p> <p>Reason: In the interest of residential and environmental amenity in accordance with LLP1 policy CP11, LLP2 policies DM20 and DM23 and para.180 of the NPPF.</p>
11.	<p><b>Informatives</b></p>
11.1	<p><b>Land contamination: risk management and good practice</b></p> <p>We recommend that developers should:</p> <ul style="list-style-type: none"> <li>• Follow the risk management framework provided in <a href="#">Land Contamination: Risk Management</a>, when dealing with land affected by contamination</li> <li>• Refer to our <a href="#">Guiding principles for land contamination</a> for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health</li> <li>• Consider using the <a href="#">National Quality Mark Scheme for Land Contamination Management</a> which involves the use of competent persons to ensure that land contamination risks are appropriately managed</li> <li>• Refer to the <a href="#">contaminated land</a> pages on gov.uk for more information</li> </ul>
11.2	<p><b>Waste on-site</b></p> <p>The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:</p>

	<ul style="list-style-type: none"> <li>• <i>excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution</i></li> <li>• <i>treated materials can be transferred between sites as part of a hub and cluster project</i></li> <li>• <i>some naturally occurring clean material can be transferred directly between sites</i></li> </ul> <p>Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.</p> <p>We recommend that developers should refer to:</p> <ul style="list-style-type: none"> <li>• the <a href="#">position statement</a> on the Definition of Waste: Development Industry Code of Practice</li> <li>• The <a href="#">waste management</a> page on GOV.UK</li> </ul>
11.3	<p><b>Waste to be taken off-site</b></p> <p>Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:</p> <ul style="list-style-type: none"> <li>• Duty of Care Regulations 1991</li> <li>• Hazardous Waste (England and Wales) Regulations 2005</li> <li>• Environmental Permitting (England and Wales) Regulations 2016</li> <li>• The Waste (England and Wales) Regulations 2011</li> </ul> <p>Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.</p> <p>If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the <a href="#">hazardous waste</a> pages on GOV.UK for more information.</p>

12.	Plans:
12.1	This decision relates solely to the following plans:

<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
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	SITE LOCATION PLAN	01.12.2023	9176-P-01 Rev 03
	PROPOSED SITE LAYOUT PLAN	01.12.2023	9176-P-20 Rev 10
	PROPOSED SECTIONS	01.12.2023	9176-P-35 Rev 04
	CROSS SECTION	01.12.2023	23304/03 Rev A
	WELFARE UNIT	01.12.2023	23040-DGE-XX-WT-DR-M-5002 S2 Rev P01
	SITE SERVICES ELECTRICAL (PROPOSED)	01.12.2023	22040-DGE-XX-WT-DR-E-7203 S2 Rev P02
	PROPOSED ELEVATIONS	01.12.2023	9176-P-45 Rev 02
	LUMINAIRE SCHEDULE	01.12.2023	3040-DGE-XX-XX-SH-E-3201
	ELECTRICAL SERVICES EXTERNAL LIGHTING ISOLINE DUTIES	01.12.2023	22040-DGE-WT-XX-DR-E-6350 S2 Rev P02
	ELECTRICAL SERVICES EXTERNAL LIGHTING	01.12.2023	22040-DGE-WT-XX-DR-E-6351 S2 Rev P02
	FLOOD RISK AND DRAINAGE STRATEGY REPORT	26.02.2024	62467 – Issue No. 2

13.	Appendices
13.1	None.

14.	Background Papers
14.1	None.