

Committee: **Regulatory  
Planning Committee**

Date: **21 July 2010**

Report by: **Director of Transport and Environment**

Proposal: **A new single storey Nursery to be located on the eastern site boundary to the south of the main school entrance. To include associated play area, the relocation and extension of the netball court and works to the site entrance layout.**

Site Address: **The Haven C of E Methodist Primary School, Atlantic Drive, Eastbourne.**

Applicant: **Director of Children's Services**

Application No. **EB/2915/CC**

Key Issues:           i.     **Need**  
                          ii.     **Siting and Design**  
                          iii.     **Effect on Residential Amenity**  
                          iv.     **Flood Risk**  
                          v.     **Contaminated Land**  
                          vi.     **Traffic and Parking**  
                          vii.    **Waste Minimisation**

Contact Officer: **Maresa Kingston 01273 336697**

Local Member: **Councillor David Elkin**

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## **SUMMARY OF RECOMMENDATIONS**

**1. To grant planning permission subject to conditions as set out in Paragraph 8.1.**

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## **CONSIDERATION BY DIRECTOR OF TRANSPORT AND ENVIRONMENT**

### **1. The Site and Surroundings**

1.1 The school forms part of the Sovereign Harbour development located to the east of Eastbourne seafront approximately 5 kilometres (3 miles) from the town centre. The surrounding area comprises modern residential development, including a mix of two storey houses and three storey flats. The main entrance to the school is from the east via a short slip road, Finistere Avenue, that leads from a roundabout on Atlantic Drive. To the south of the

school site is a cul-de-sac, Wade Close and to the west another cul-de-sac, Gardner Close.

1.2 The school building occupies the northern half of the site, with playing fields to the south and hard and soft play areas to the north and east. The school is a single storey building arranged with a double height hall approximately 9 metres high at its apex. The school building is red brick with stone banding and tiled pitched roof with some parts of the school having flat roofs. The site slopes gently from north to south.

1.3 The application site area is currently in use as part playground and part sports paved area, which is directly to the south of the main entrance, in the eastern part of the school site.

1.4 Sovereign Harbour has been developed on reclaimed land and the school site is within Flood Zone 3a. Furthermore, it is also a former landfill site with the attendant possibility of contaminated land.

## **2. The Proposal**

2.1 The proposal is to construct a new single storey Nursery School. There is an existing weekly parent and toddler group for up to 25 children operating in the school's hall. The proposal will offer full day care for 30 children up to 5 years old together with a Consultation room for use by visiting community health workers. It will be sited to the east of the school premises with a 2 metres wide gap between the proposed building and the eastern boundary fence. This gap will be planted to provide a landscape buffer.

2.2 The proposal is required to achieve a BREEAM 'Good' rating in terms of Sustainable Design. The new building will have a gross external floor area of 179 m<sup>2</sup>, having a depth of 10.8 metres, a maximum width of 16.8 metres and a maximum height to ridge of 6.8 metres. A finished floor level of 4.30m AOD (the existing School is 4.28m AOD) is proposed following recommendations from a Flood Risk report. The applicant has confirmed that the new surface levels and gradients will not result in any need for additional steps and will blend in with existing surfaces to achieve accessible space.

2.3 The proposed elevations include a glazed feature roof canopy to the main entrance with off-white rendered walls above a red face brick plinth and a 30 degree pitch tiled roof. All windows, window cills and doors are to be dark grey coated aluminium, with rainwater goods to match.

2.4 The external play area will be south facing with sheltered play provided under a feature roof canopy. The play area will be 19 metres wide and 8 metres long, enclosed by the existing 2.2 metres high eastern boundary fence with the remainder of the site surrounded by 1.2 metres high timber picket fence and a single entrance gate.

2.5 The proposal results in the need to remodel the school entrance, which includes a landscaped roundabout and access road for staff parking and

deliveries. A new drop-off area will be installed that will also allow emergency and maintenance access. Dedicated Nursery parking for 5 car parking spaces (including one disabled parking bay), secure covered cycle parking (6 spaces) and a new secure motorcycle parking point will be provided, to the north of the proposed building. New controlled access gates will be installed to the west of the new building that will lead from the remodelled car park and drop off area, into the hard play area and sports field to the south.

2.6 The siting of the proposed Nursery School will result in the loss of part of an existing hard play area laid out as a netball court. It is proposed to relocate this approximately 22 metres further to the south east, to accommodate the new building and continue to provide an existing sports area for the school. The applicant has stated the school's current provision of soft and hard playspace is in excess of relevant minimum standards (set out in Building Bulletin 99) but is deficient in games courts. Consequently the proposal includes an enlarged netball court area; from 655 m<sup>2</sup> to 781 m<sup>2</sup>. In addition, the running track will need to be repositioned approximately 7.5 metres to the south east of its existing position as a result of the reorientation of the netball court.

### **3. Site History**

3.1 2008 – Prior Approval – EB/2/TC - The installation of a 15 metre telegraph pole supporting one square panel antenna.

3.2 1996 – Granted – EB/1804/CC - Erection of Primary School

### **4. Consultations and Representations**

4.1 Eastbourne Borough Council; Raise no objection to the proposal

4.2 Sport England; Raise no objection to the proposal

4.3 Environment Agency; Note complexity of the site in terms of risks to groundwater and from landfill gases and recommend various conditions to address potential issues.

4.4 Highway Authority; The Highway Authority does not wish to restrict grant of consent. The local concerns in respect of potential parking problems are noted, however the Authority is satisfied the impact of the proposal will be minimal in terms of parking congestion, partly due to the likelihood that a good proportion of parents will walk and those that don't are likely to arrive before school hours. Furthermore the Borough Council have recently laid additional road markings to restrict parking near to the school access and at the roundabout on Atlantic Drive. The Authority is satisfied any congestion can be safely accommodated due to the width of the road and good forward visibility. Would wish to see a Travel Plan for the nursery and conditions to ensure additional vehicle and cycle parking proposed is provided.

4.5 Sussex Police; Raise no objection to the proposal

4.6 Southern Water Services Ltd - no comments received

4.7 British Gas Transco - Raise no objection to the proposal

4.8 Local Representation – Three letters of objection have been received from local residents living in Wade Close on the following grounds: additional children attending the Nursery School will result in increased use of Wade Close as drop-off and pick-up points, leading to congestion and double parking preventing emergency vehicles coming into Wade Close; noise and disturbance to residents living in Wade Close. One letter of support for the application has been received from the Sovereign Harbour Residents Association.

4.9 Eastbourne Borough Councillor Susan Tarrant; has no objection to a nursery but is concerned at reduction of open space left for children after development. Also concerned the school presently shows no responsibility for the footpaths in the area and would like to see some commitment from them regarding this situation. (*Footpaths in the area are not the responsibility of the school*).

## **5. The Development Plan policies of relevance to this decision are:**

5.1 Eastbourne Borough Plan 2001-2011: Policy UHT1 (Design and New Development); UHT4 (Visual Amenity); UHT7 (Landscaping); HO20 (Residential Amenity); LCF 18 (Additions to Existing Educational Establishments); NE5 (Minimisation of Construction Industry Waste); NE16 (Development within 250 metres of a Former Landfill Site); and US4 (Flood Protection and Surface Water Disposal)

5.2 East Sussex and Brighton & Hove Waste Local Plan 2006: Policy WLP11 (Reduce, Reuse and Recycle of Waste)

## **6. Considerations**

### **Need**

6.1 The need for the proposed Nursery School is supported by Policy LCF18 of the Eastbourne Borough Plan, which encourages additional education facilities within sites identified for educational use provided the proposal respects its surroundings.

6.2 The applicant has advised that the 2008 Childcare Sufficiency Audit has identified gaps in the quality, sustainability and availability of childcare in East Sussex, with Sovereign Harbour identified as an area in need of additional Nursery care. The proposed scheme is part of Wave 3, to the County Council's Early Years and Childcare Programme.

6.3 At the present time an existing weekly parent toddler group, which has between 20-25 children, takes place in the School hall. Therefore, there is

clearly a need for a new Nursery facility. Furthermore, with the expected increase in population due to the growing number of families in the area and the subsequent demand for such Nursery places, the need for this facility is fundamental for the School.

6.4 It is considered that the proposed Nursery School is acceptable in principle providing pre-school learning facilities for the school for the local community.

### **Siting and Design**

6.5 Policy UHT1 of the Eastbourne Borough Plan requires all new development to satisfy a wide range of criteria in respect of design, access and impact on its surroundings. Policies UHT1(h) and LCF18(d) of the Eastbourne Borough Plan aim to ensure that the development of such educational facilities provides suitable means of access for the needs of people with disabilities and with mobility problems. Policy UHT4 judges proposals having regard to their effect on visual amenity. Policy UHT7 states that development proposals should seek to make improvements to the physical environment through site layout and landscaping. Policy HO20 addresses the impact of a particular development proposal on the amenity of neighbouring residents.

6.6 The scale and design of the Nursery building with tiled pitched roof, will relate well to the existing School building with complementary materials used, thereby providing visual cohesion, whilst being a distinctly separate entity, for the new Nursery building. This is considered to be an acceptable approach that accords with Policies LCF18 and UHT1 of the Eastbourne Borough Plan. However, details with regard to the precise materials to be used for the development should be subject to a condition attached to any grant of planning permission.

6.7 The siting of the proposed Nursery building, being set back two metres from the eastern boundary, will provide a landscape buffer for the Nursery school. The proposal will include native planting all around the building and an additional landscaped area (buffer zone) on the eastern boundary. The physical environment will be enhanced and softened as a result of the proposed landscaping, which will satisfy Policies UHT1, UHT7 and LCF 18 of the Eastbourne Borough Plan.

6.8 In addition, the proposed Nursery will be accessible for people with disability and mobility problems, being a single storey building with level access throughout including the external areas and will therefore accord with the aims of Policies UHT1 (h) and LCF18 (d) of the Eastbourne Borough Plan.

6.9 The concerns raised with regard to the reduction of open space as a result of the proposed development are noted. However, these concerns have been addressed as part of the proposal and will not result in any significant loss of open space. The sports pitch and netball court are being repositioned

to accommodate the development and to ensure that there is no loss of these outdoor areas. Sport England has raised no concerns regarding the proposal.

6.10 In terms of sustainability the building's design will provide natural light and natural ventilation via a variety of window heights, rooflights and large glazed doors. In addition, an air source heat pump will provide heating for the building and will be linked to an underfloor heating system. The applicant has confirmed that the proposal aims to achieve a BREEAM (Building Research Establishment Environmental Assessment Method) rating of "Good" and that the development has been designed to satisfy the County Council's own Corporate Sustainable Buildings policy including Sustainable Design Indicators.

### **Effect on Residential Amenity**

6.11 Policy HO20 of the Eastbourne Borough Plan seeks to ensure that development does not result in any adverse impact on the amenities of occupiers of neighbouring residential properties in terms of loss of privacy, noise and disturbance.

6.12 The nearest residential property to the proposed development is a three storey block of flats in Atlantic Drive, approximately 16 metres to the south east of the proposed Nursery. In terms of any impact the proposal will have on this building, it is considered that, given the proposed scale and proportions for the single storey building, this will be minimal. The ground floor flats to this block are enclosed by a 2.9 metres high timber fence, restricting views in and out. However, windows at first and second floor levels will be visible, but would not result in any loss of amenity in terms of noise and disturbance as a result of the proposed Nursery building, given the current noise levels that emanate from the site as the school's play area. Therefore, it is considered that the proposal will not result in any loss of amenity to the nearby residential block of flats and will accord with Policy HO20 of the Eastbourne Borough Plan.

### **Flood Risk**

6.13 Policy US4 of the Eastbourne Borough Plan requires all development to make adequate provision for floodplain protection and surface water drainage in order to minimise the risk of flooding on site without increasing the risk of flooding elsewhere.

6.14 The Haven School is located in Zone 3, which is identified as a high flood risk area on the Environment Agency Flood Risk Maps. The applicant has undertaken a Flood Risk Assessment that concludes that the area benefits from coastal flood defences, which reduces the risk of flooding to 'Low'. However, the Assessment concludes that there is a residual risk of breach of coastal flood defences at the end of the 60 year design life of the building in 2070. The report has determined that this residual risk is 'Low' and recommends a finished floor level of 4.3 AOD for the proposed building. The

proposed Nursery building has been designed to incorporate the recommended finished floor level.

6.15 The Assessment includes an evaluation of the likely flood risk from other sources on site including; surface water drainage, sewers, water reservoirs or other water infrastructure located in the vicinity of the development. The findings conclude that there will be little risk of flooding on site from these sources.

6.16 It is therefore considered that the likely risk of flooding on site as a result of the new development is 'Low' and as such will satisfy Policy US4 of the Eastbourne Borough Plan.

### **Contaminated Land**

6.17 Policy NE16 of the Eastbourne Borough Plan states that planning permission will be refused for developments within 250 metres of a known former landfill site, unless the risk has been identified and remedial action appropriate for the proposed development can be taken.

6.18 The applicant has submitted a Ground Contamination Report for the site, which details the historic background of the site that originally formed part of the Crumbles Beach Plain in the 19<sup>th</sup> and 20<sup>th</sup> centuries. Most recently, in the 1990's, the site was used as a storage area by local contractors during the construction of the Sovereign Harbour development and was partially surfaced with hardstanding, numerous storage containers and spoil heaps. Spoil heaps currently on site, appear to be made up of soil, builders rubble or similar inert waste and that contaminated groundwater is present below the site. The impacted water is considered unlikely to pose a significant risk to the final development.

6.19 The Report concludes that the presence of land gases from fill and organic material beneath the site has led to ground contamination in some areas. The existing school has incorporated gas protection measures within the ground floor of the school. The applicant has advised that it is likely a similar approach will need to be followed for the proposed development. However, it is considered that a condition be attached to any consent requiring building work to stop on site if evidence is found of further contamination.

6.20 It is recommended that, given the development is within 250 metres of a landfill site, the proposed building would require, as a minimum, a gas barrier membrane and sub floor ventilation system to prevent the possibility of landfill gas entering the building via services pipes etc. Any grant of planning permission should contain a condition requiring details of the gas protection measures and foundation details of the building to be submitted prior to the commencement of the development.

## **Traffic and Parking**

6.21 Policy LCF 18(c) of the Eastbourne Borough Plan seeks to ensure that proposals to extend education facilities within sites identified for education use will be granted planning permission where the development provides good, safe and secure access by public transport on foot and by bicycle and that appropriate provision is made for people with disability and mobility problems.

6.22 Concerns have been raised by local residents with regard to the additional demand for on street parking in nearby Wade Close. The residents' concerns are noted in that the current levels of car parking lead to congestion, double parking, disturbance and danger in terms of safety to residents living in Wade Close.

6.23 The applicant has advised that at present the parent toddler group that receives 20-25 children all walk to the toddler group and it is expected that this will continue with the use of the proposed Nursery.

6.24 The car parking arrangement has been addressed with the existing entrance being re-modelled to allow 5 dedicated Nursery car spaces, including one designated disabled parking space for use by Nursery staff (6 full time equivalent teaching staff plus 1 part-time administrator). Additional parking provision will include a secure motorcycle space within the new parking area and secure covered cycle stands for 6 bicycles. The Highway Authority raises no fundamental objection to the proposal. With suggested conditions, mainly a Travel Plan, the proposal is considered to satisfy Policy LCF18 of the Eastbourne Borough Plan.

## **Waste Minimisation**

6.25 Policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan requires that all development has regard to the need to minimise, re-use and recycle waste generated in the construction phase of new developments. Policy NE5 of the Eastbourne Borough Plan requires development to minimise construction industry waste.

6.26 The Site Waste Management Plan accompanying the application sets out a generic approach to waste minimisation in accordance with the principles set out in Policy WLP11. However there are no specifics associated with the development of this site. The Plan acknowledges as much in stating that the Principal Contractor will be required to develop actual site specific estimates. The Plan is therefore acceptable as far as it goes however further details need to be agreed prior to commencement of development in order to fully comply with Policy WLP11 which should be secured by condition.

## **7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2003 the decision on this application should be taken in

accordance with the development plan unless material considerations indicate otherwise.

7.2 The proposal provides a valuable community facility in a well designed building that will not adversely affect the amenities of the locality in terms of its appearance or in its operation. It therefore complies with Policies UHT1 (Design and New Development); UHT4 (Visual Amenity); UHT7 (Landscaping); HO20 (Residential Amenity); LCF 18 (Additions to Existing Educational Establishments); NE5 (Minimisation of Construction Industry Waste); NE16 (Development within 250 metres of a Former Landfill Site); and US4 (Flood Protection and Surface Water Disposal) of the Eastbourne Borough Plan 2001-2011 and with Policy WLP11 (Reduce, Reuse and Recycle of Waste) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

7.3 There are no other material considerations and the decision should be taken in accordance with the development plan.

## **8. Recommendation**

8.1 To recommend the Planning Committee to grant planning permission subject to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans.

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

3. No works shall commence on site until a detailed strategy and method statement for securing and demonstrating that the amount of construction waste resulting from the development has been reduced to smallest amount possible has been submitted to and approved in writing by the Director of Transport and Environment. The statement shall include details of the extent to which waste materials arising from construction activities will be reused on site and demonstrating that maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be disposed of for reuse, recycling, composting or other method in accordance with the best practicable environmental option. All waste materials from construction associated with the development shall be reused, recycled and dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with Policy WLP11 of the East Sussex and Brighton and Hove Waste Local Plan 2006.

4. Prior to the commencement of development a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Director of Transport and Environment. The approved scheme shall include elements as follows to be agreed with the Director of Transport and Environment;

1. A desk study identifying:
  - a. All previous uses
  - b. Potential contaminants associated with those uses
  - c. A conceptual model of the site indicating sources, pathways and receptors
  - d. Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) above to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) above and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. Before the development is occupied a verification report confirming the remediation measures that have been undertaken in accordance with the method statement (3) above and including measures for maintenance, further monitoring and reporting shall be submitted to and agreed in writing with the Director of Transport and Environment.

Reason: To protect human health and the environment in accordance with Policy NE16 of the Eastbourne Borough Plan 2001-2011.

5. 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 Director of Transport and Environment) shall be carried out until the applicant has submitted, and obtained written approval from the Director of Transport and Environment for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To avoid any risk of contamination from the former landfill site in accordance with Policy NE16 of the Eastbourne Borough Plan 2001-2011.

6. Development shall not commence until details of the building foundations including measures for protection from landfill gases have been submitted to and approved in writing by the Director of Transport and Environment. The development shall be carried out in accordance with the approved details.

Reason: To protect human health and the environment in accordance with NE16 of the Eastbourne Borough Plan 2001-2011.

7. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Director of Transport and Environment, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of the water environment in accordance with Policy US4 in the Eastbourne Borough Plan 2001-2011.

8. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Director of Transport and Environment, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To prevent pollution of the water environment in accordance with Policy US4 in the Eastbourne Borough Plan 2001-2011.

9. No construction may take place above ground level until samples of the materials to be used in the construction of the external surfaces of the nursery building hereby permitted have been submitted to and approved in writing by the Director of Transport and Environment. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Policy UHT1 of the Eastbourne Borough Plan 2001-2011.

10. The nursery school shall not operate until plans and full details of both hard and soft landscaping works have been submitted to and approved in writing by the Director of Transport and Environment and these works shall be carried out as approved. These details shall include:

Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc)

#### Soft Landscaping

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation programme

The landscaped areas shall be maintained thereafter in accordance with the approved management plan.

Reason: To integrate the development effectively into the surrounding environment and to comply with Policy UHT7 of the Eastbourne Borough Plan 2001-2011.

11. Within 12 months of the occupation of the approved development a Travel Plan shall be submitted to and approved in writing by the Director of Transport and Environment. The Travel Plan shall be implemented thereafter and reviewed bi-annually or as otherwise agreed in writing with the Director of Transport and Environment.

Reason: To help manage the travel implications of the site and increase awareness and use of alternative modes of transport for school related journeys in accordance with Policy LCF18 of the Eastbourne Borough Plan 2001-2011.

12. The development shall not be occupied until parking areas for cars, motorcycles and bicycles have been provided in accordance with the approved plans. The parking areas provided shall be retained for the use of the nursery only unless otherwise agreed in writing in advance by the Director of Transport and Environment.

Reason: To ensure the parking facilities are provided in accordance with approved plans.

13. The development shall not be brought into use until the access has been remodelled in accordance with the approved plans.

Reason: In the interests of highway safety and to comply with Policy UHT1 of the Eastbourne Borough Plan 2001-2011.

14. Prior to commencement of construction of the approved nursery the proposed Games Court shown on drawing 101C shall be made available for use by the school.

Reason: To ensure the enhanced Games Court is provided in accordance with the approved plans.

## INFORMATIVE

1. Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Recovery and disposal operations require a Waste Management Licence or Pollution Prevention and Control permit. If contaminated soil is to be re-used on-site as part of a soil recovery operation then either a Waste Management Licence will be required or the applicant will need to register an exemption to licensing with the Environment Agency. 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. Contaminated soil that is excavated, recovered or disposed of, is controlled waste: Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i) Duty of Care Regulations 1991
- ii) Hazardous Waste (England and Wales) Regulations 2005
- iii) Waste Management Licensing Regulations 1994 (as amended)
- iv) Pollution Prevention and Control Regulations (England and Wales) 2000
- v.) Landfill (England and Wales) Regulations 2002

### Schedule of Approved Plans

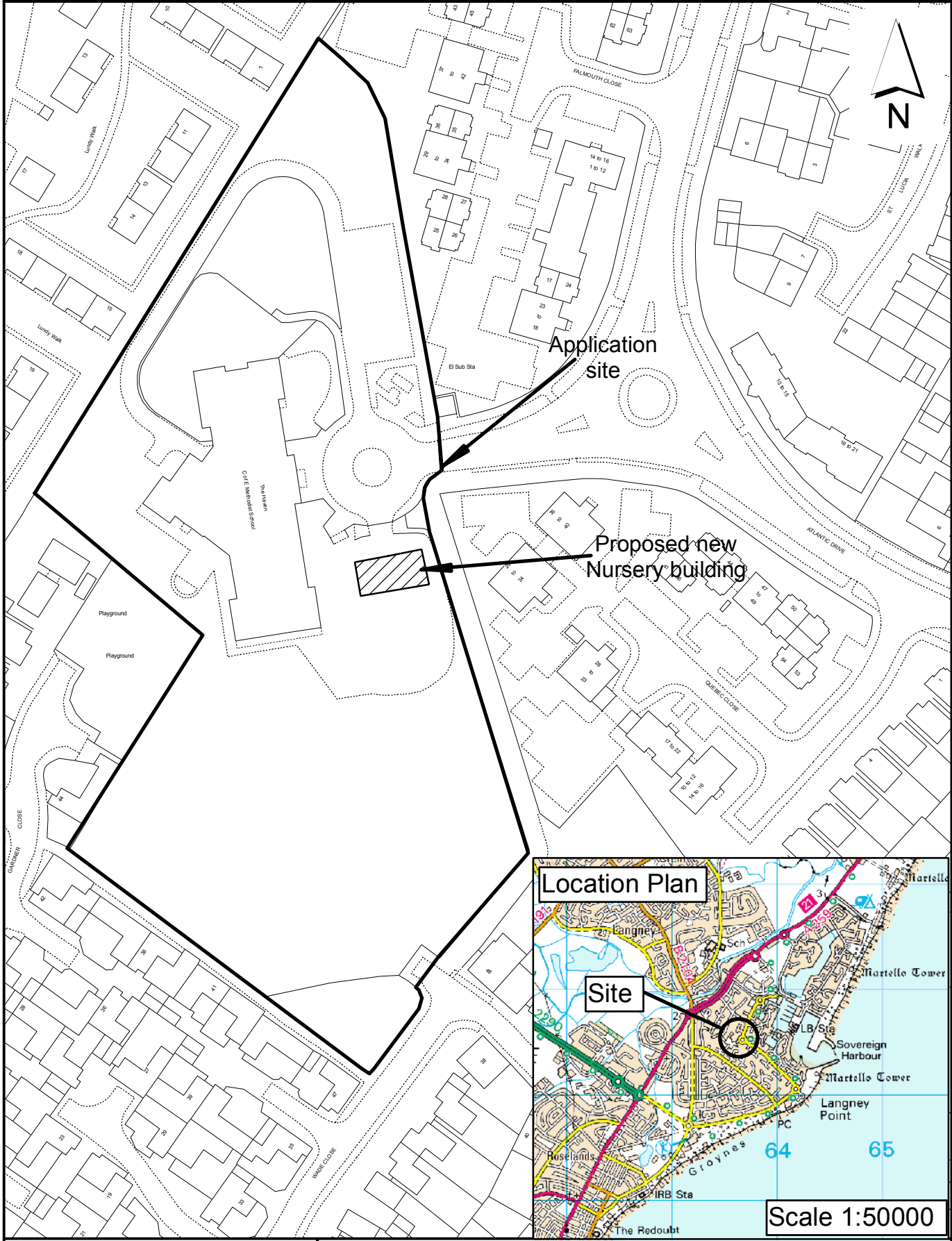
5364 100 Rev C - Site Plan, 5364/LOC - Location Plan, 5364 110 Rev C - Floor Plans, 5364 120 Rev D - Elevation, 5364 130 Rev C - Section, LLD290/01 Rev 02 - Landscape Masterplan Strategy, 5364 100 Rev D - Site Plan

RUPERT CLUBB  
Director of Transport & Environment  
12 July 2010

### **BACKGROUND DOCUMENTS**

Planning application file  
Eastbourne Borough Plan 2001-2011  
East Sussex and Brighton & Hove Waste Local Plan

# EB/2915/CC



**Scale 1:1250**

Rupert Clubb  
 BEng (Hons) CEng MICE  
 Director, Transport and Environment  
 East Sussex County Council

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