

Committee: **Regulatory
Planning Committee**

Date: **21 February 2007**

Report by: **Assistant Director - Policy, Transport and Environment**

Proposal: **Construction and operation of an enclosed composting facility including ancillary infrastructure, visitor centre and woodchipping facility.**

Site Address: **The Woodland Centre, Whitesmith, Nr Chiddingly**

Applicant: **Veolia South Downs Limited**

Application No. **WD/457/CM**

Key Issues: **Departure from the countryside policies that seek to permit development that is in scale, form, bulk, design and character in keeping with the countryside setting. The proposal does not accord with Policies S4 & S10 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policies WLP18(d) & WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies EN8 & EN27 of the Wealden Local Plan 1998.**

SUMMARY OF RECOMMENDATIONS

1. That the Planning Committee note the representations received in response to the advertisement of this Departure and confirm their previous decision to grant planning permission for planning application WD/457/CM, subject to i) confirmation from the Secretary of State that she does not wish to determine the application herself as a departure from the Development Plan and ii) the completion of a legal agreement with respect to lorry routeing, Great Crested Newt mitigation proposals, an Odour Management Plan and land subject to a previous S52 agreement and iii) conditions.

CONSIDERATION BY ASSISTANT DIRECTOR (POLICY), TRANSPORT AND ENVIRONMENT

1. BACKGROUND

1.1 Planning application WD/457/CM was considered by the Planning Committee on 20 December 2006 when the recommendation was to grant planning permission subject to no call in by the Secretary of State, and subject to the completion of a legal agreement and appropriate conditions. A copy of the planning Committee report is attached as Appendix 2.

1.2 In response to the advertisement of the application as a departure from policies within the Development Plan, 73 letters have been received including three letters from local Parish Councils – See Appendix 1.

2. Consultations and Representations

2.1 Chiddingly Parish Council – recommends the application be called by in the Secretary of State on the basis that the decision was not made on planning grounds but on grounds of need, the County Council was both Judge and Jury and the decision was a foregone conclusion, no alternative site were considered, nor were any conditions recommended by the Parish Council included, the decision to grant permission contravenes 35 of East Sussex County Council's adopted planning policies and guidelines, East Sussex County Council is seen to have a prejudicial interest in the decision, further investigation of the source of green waste is required, the planning process should be seen be fair and unbiased.

2.2 East Hoathly with Halland Parish Council – request a call in by the Secretary of State

2.3 Arlington Parish Council – request a call in on the basis that the grant of permission would be contrary to 35 Policies in the East Sussex County Council Plans, is based on need not policies, failed to take account of all opinions and that alternative sites were not considered.

3. Considerations

3.1 In summary the main issues raised by representations presented to the Planning Committee mostly have been repeated and these are shown on the attached document. However in comparing the representations there are several issues which directly result only from responses to the Notice of Departure .These need to be considered by the Planning Committee.

3.2 The main new issues raised cover requests for an independent review of the application; a view that the development of the Woodland Centre over the past 10 years is out of keeping with the rural setting, the consideration that green waste would be permitted to increase over 50% over 25 years, and a concern over the set up costs of the proposal. All the other new issues raised relate to procedural matters regarding the handling and determination of the planning application.

3.3 It is not considered that an independent review is justified and appropriate procedures are being followed including referring the application to the Secretary of State. The visual impact already arising from the Woodland Centre was considered on the site visit by members and as part of the original report. The potential growth of green waste is part of the need for the proposal and this aspect was again considered in the original report.

3.4 Some similar issues to previous representations have been raised and these matters are examined in details in the December Planning Committee report.

4. Conclusion and reasons for approval

4.1 Further representations have been received and the Planning Committee needs to take these views into account. It is not considered that the new issues raised merit any alteration to the previous conclusion on this proposal and that it should be approved subject to the Secretary of State not calling in the application, the completion of a legal agreement and appropriate conditions. The application and all the representations received previously and to the departure advertisement should now be referred to the Secretary of State.

5. Recommendation

5.1 It is recommended that the Planning Committee note the representations received in response to the advertisement of this departure and confirm their previous decision to grant planning permission for application WD/457/CM subject to i) confirmation from the Secretary of State that she does not wish to determine the application for herself as a departure from

the Development Plan and ii) the completion of a legal agreement with respect to lorry routing, Great Crested Newt mitigation proposals, an Odour Management Plan and land subject to the previous S52 agreement, and iii) conditions as given on the Committee report of December 20 2006 and addendum as attached.

ALISTAIR ROBSON

ASSISTANT DIRECTOR – POLICY, TRANSPORT AND ENVIRONMENT

February 2007

BACKGROUND DOCUMENTS

Government regulations

WD/457/CM

East Sussex and Brighton & Hove Structure Plan 1991-2011

East Sussex and Brighton & Hove Waste Local Plan 2006

Wealden Local Plan 1998.

WD/457/CM - Analysis of representations following advertisement of departure from Development Plan Policies

<u>Comments (73 letters) Issues raised</u>	<u>Reps following departure</u>
Councillors supported the application on the grounds of need and not planning grounds *	55
Decision was not based on planning facts and the following of guidelines	18
There has been consistent and generally strong opposition to the application Important planning issues were ignored	11
The contentious planning application took years to get to committee and was then proposed and seconded for consent within just over a minute of debate	3
There is no development boundary in the whole Chiddingly Parish	1
Decision was seen as prejudicial. ESCC grant both contract and permission to Veolia-An independent review is required	62
The council has gone against six major, recently adopted Waste Local and Structure Plan policies S4 & S10-Structure, WLP18d & WLP39 Waste, EN8 & EN27	67
An impartial external review is needed to maintain confidence in the planning process and allow for the decision to be cross examined	51
No alternative sites were considered, some of which would not have contravened any policies	57
No feasibility study was undertaken	1
The application should be called in by the Secretary of State	62
The development of the Woodland Centre over the past 10 years is out of keeping with the rural setting	9
Similar proposals some years ago had been refused for a number of disposal sites along this stretch of the A22	1
The roads, A22 and country lanes are barely adequate now for the present traffic, any increase over and above what is planned should be avoided.	9
Improve road safety	1
The proposed construction of such a vast composting factory within the same site will most definitely turn the site into an industrial one, not only destroying the environment in the immediate vicinity but also that of areas through which the large number of HGVs will travel	5
Departure to the Development Plan	9
Local people are not informed why their objections appear to carry no weight	8
A22 is so busy at the moment and there are often accidents at junction of the A22 and the B2124 and further lorry movements will only increase the accident rate	4

The enormous increase in numbers of large lorries will have a potentially disastrous affect, on the already serious traffic situation, on the A22 and local area	11
The increase in traffic will cause noise and smell pollution and pollution in general	8
The increase in traffic will increase the costs of maintaining roads and verges	4
Why should small villages and green rural sites have to make provision for the waste produced by larger towns and cities	8
The application projects an increase in compostable waste from 25,000 to 46,000 tonnes but there is no answer to the source of the additional 21,000 tonnes	4
The roads are not adequate for the type and amount of additional traffic proposed	10
The building will be unattractive in a rural setting	7
The development and land use accommodated on site causes environmental harm to the immediate area and to local amenity	16
Having gone to considerable effort in time and money to establish these policies, presumably to protect what is left of the countryside, I fail to understand how it becomes possible to blatantly ignore them when it suits those in power, at the expense of local interests	7
There has been a failure to consider possibilities of several smaller factories closer to the sources of waste production in compliance with the proximity principle	11
The scheme contradicts the first principle of the Waste Hierarchy, where green waste collection permitted will increase by 50% to 100% over the next 25 years	1
Why is it necessary, over a period of time, to collect an increasing amount of 1 sort of waste that should remain constant. Has it been thought necessary to permit the collection of an increasing amount of Green Waste, which is relatively easy to recycle, as a means of reducing the percentage of total waste that is sent to landfill and this masking a real increase in landfill quantities?	1
BPEO has not been put through the Public Inquiry Procedure before the Waste Local Plan was adopted.	1
Detrimental affect on the wildlife	1
The end-product is unusable and marketable	1
The method of processing does increase CO2 and other emissions and dust	4
The raw materials and end products require excessive transportation	4
The 15m high waste plant will have a significant impact on local residents	4
It seriously falls short of all major development policies	7
Cost of transporting waste from tips all across East Sussex to one site	2
The proposed composting facility is too big and or unsightly	8
Inappropriate site in the green field site close to a rural community	12
None of the conditions requested by the Parish Council were included in the final report or decision and district comments ignored	4

The development will cause traffic chaos	1
The development will cause extra lighting	1
Other alternative sites are more suitable-brownfield site at Hackhurst Lane, Lower Dicker; the existing Beddingham Landfill site; Pebsham near Hastings and proposed energy-from-waste incinerator site at Newhaven. Also local underutilised industrial estates	3
Veolia have anticipated approval and have started work on site before planning was granted	1
The time scale does not support the set-up cost suggesting am hidden agenda	1
It will set a precedent for future schemes to be built	1
Objection to potential odour	1
Amount of waste produced and where originated not answered	2
No EIA	1
One letter of support detailing the need to response to the problem of waste disposal in the area. The plan offers more recycling and the present protest by Chiddingly Parish Council As monstrously hypocritical and misguided.	1

***Highlighted items are those issues not raised previously by representations.**

Committee: **Regulatory
Planning Committee**

Date: **20 December 2006**

Report by: **Assistant Director – Policy, Transport and Environment**

Proposal: **Construction and operation of an enclosed composting facility including ancillary infrastructure, visitor centre and wood chipping facility**

Site Address: **The Woodland Centre, Whitesmith, Chiddingly**

Applicant: **Veolia ES South Downs Ltd.**

Application No. **WD/457/CM**

Key Issues: **i. Policy framework
ii. BPEO
iii. Availability of alternative sites
iv. Visual impact
v. Traffic and Access
vi. Air Quality
vii. Noise
viii. Lighting
ix Water Protection and Flooding
x. Ecology And Nature conservation
xi. Waste Minimisation**

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to authorise the Assistant Director - Policy, Transport and Environment, to grant planning permission subject to i) confirmation from the Secretary of State that she does not wish to determine the application herself as a departure from the Development Plan and ii) the completion of a S106 Agreement with regard to lorry routeing, Great Crested Newt mitigation proposals, an Odour Management Plan, and land provided in mitigation of the loss of land subject to a previous S52 agreement and iii) conditions

CONSIDERATION BY ASSISTANT DIRECTOR – POLICY, TRANSPORT AND ENVIRONMENT

1. The Site

1.1 The site is located in a rural setting, 500 metres south of the settlement of Whitesmith, on the eastern side of the A22, between Uckfield and Hailsham. The site measures 3.2 hectares and comprises the access road and land to the north of the access, a roughly rectangular shape site abutting the Woodland Centre and a separate triangular parcel of land (0.53 hectares) to the east, separated by a wooded hedgerow and field gate.

1.2 The site is essentially flat, with a slight fall to the south west. Marginally higher ground is located to the north, north-east and south. A small sales office is situated next to a small pond to the north of the access road, near to the entrance to the site. A large shed for

wood storage lies to the north of the entrance to the main site. Wood storage bays are set along half of the northern boundary. A wood chipper, generator and oil tank store are located on a hard standing on the north-west quadrant of the site. Log and wood piles are also stockpiled on the northern section of the land. The site supports scattered scrub and a small area of semi improved grassland. Several large mounds up to 4.5 metres high of spoil, comprising inert soils, bricks, concrete blocks, and pieces of wood, are located on the north of the site.

1.3 The Woodland Centre to the west includes a number of businesses dealing with forestry products, a haulage contractor and a timber removal company. An area on the south west corner of the Centre is used for vehicle parking.

1.4 Areas of broad-leaf semi-natural woodland border the south eastern and south western corners of the site. The area bordering the south east corner of the site is ancient woodland, known as Shelf Wood, and is predominately oak trees. Kiln Wood, a Site of Nature Conservation Importance (SNCI), is situated 200 metres to the south of the site. The northern and southern boundaries of the site consist of dense hedgerow, interspersed with oak, hawthorn, blackthorn and a few beech trees. A row of poplar trees stand at the front of the site, close to the boundary. The main site is separated from the arable triangle to the east by a less dense hedge, including a field gate. This boundary is broken at the south eastern corner by a natural pond that sits across the boundary. The surrounding land is arable. A segment of the adjoining field to the north has been recently planted with young trees. However, this plantation is not within the boundary of the site or the ownership of the applicant.

1.5 The application site lies adjacent to the A22 (primary route), and encompasses and shares its 20 metres wide access with the Woodland Centre. There is an existing vehicular access from the site to the A22, with a wide, 45 metres long, right turn lane into the site from the south.

1.6 An area of land between the A22 and the Woodland Centre is planted with fairly dense mature woodland, which may be a remnant of ancient woodland. This provides a visual screen to the Woodland Centre from the A22 but does not form part of this planning application site.

1.7 Footpath 34D runs through the fields 100 metres to the north and east of the site, and there are clear views of the site from this path. Footpath 34D eventually joins the Vanguard Way (a long distance footpath), which runs north/south two fields away from the applicant's site.

1.8 The nearest house, to the north of the site, is 2 East Haven Cottages, some 150 metres from the boundary of the site on the eastern boundary of the A22. The views from this house, at present, are of the Woodland Centre and trees on field boundary of the site. Burchetts Farm lies further to the north, on the rise of a hill, some 350 metres from the site. From here there are views over the site. Randall's Farm is situated on the western side of the A22, closer to East Haven Cottages, and has oblique views of the site. Randalls Farm is an Open Farm and is a local visitors' attraction to members of the public. It is closed during winter months. Providence House is located 75metres from the site access, on the western boundary, but is itself well screened with trees. The settlement of Whitesmith lies approximately 500 metres to the north-west of the site, straddling the A22.

1.9 The application site drains in a south westerly direction through existing drainage ditches that discharge ultimately into the perimeter watercourse, following the natural topography of the land. This watercourse discharges via a culvert under the A22. Both the existing foul sewer network and Southern Water foul rising main are located within the site boundary, the rising main traversing the site from northeast to southeast.

2. The Proposal

2.1 The proposal is to build an enclosed waste composting facility on the site, that includes a composting building with a control room, laboratory and workshop block, bio-filter tunnels and two flues, a weighbridge, fuelling and washing area, external storage and an external wood chipping area, a greenhouse, a separate office and visitors' centre, together with car parking for 20 vehicles, hard standings and two balancing ponds.

2.2 The main composting building is rectangular, measures 121 metres by 75 metres, and has a curved barrel roof rising to 15 metres high at the apex. The footprint of the building will cover the majority of the site. It has been designed as an agro-industrial building, similar but much bigger than large farm buildings, with a steel frame construction and a curved roofline. It is proposed to be constructed of fair faced concrete block walls to 7 metres in height and horizontal timber above, to a wall height of 12 metres. The building is to be finished with external galvanised steel vertical pillars at 7 metres spacing on all elevations. The roof is to be clad in silver coloured, rolled seam, galvanised steel roofing sheets. The highest part of main building will rise 7 metres above the ridge of the existing sawmill buildings.

2.3 A two storey, 7 metres high, amenity/workshop/control block, measuring 15 metres by 14 metres, is proposed to be attached to the northern elevation of the composting building. This is to be clad in horizontally fixed hardwood cladding. It will house the control and switch rooms, a laboratory and cold room, toilets, galley and vehicle repair shop. Two fuel stores are to be set within the unloading area next to the weighbridge.

2.4 Two bio-filter tunnels measuring 32 metres by 69 metres, 12 metres high, will be physically attached to the eastern elevation of the composting hall. From these tunnels two emission chimneys would rise to 18 metres in height above ground levels. The tunnels are constructed out of fair faced concrete and white polyester sheet cladding. A greenhouse will be sited to the east of the tunnels, next to the cycle racks being provided for employees.

2.5 A single storey administration and amenity building/visitors' centre is to be located opposite the Woodland Centre buildings at the western entrance to the site, 80 metres back from the A22. This measures 31 metres long, 9.5 metres wide and is 4.2 metres high at the highest points. It contains a glazed curved conference room and reception room, a galley, mess room, toilets, changing rooms and offices including the weighbridge office. The building is to be constructed with a metal frame, clad with cedar hardwood cladding, and aluminium solar aerofoil louvres to allow natural ventilation. The roof is mainly flat with two higher aluminium clad structures for the plant and machinery.

2.6 The existing access road for the Woodland Centre, off the A22, would be widened and realigned to allow access to the site by loaded 4.8 tonnes lorries. A roadway would run around the east of the building to allow the delivery of wood to the wood chipping centre, located to the east of the composting building.

2.7 6 parking spaces and 2 disabled parking spaces would be set out to the west of the complex, next to the visitors' building, and space would be laid out for coach parking. A further 12 parking spaces and two bicycle sheds would be provided, close to the eastern elevation of the building.

2.8 It is proposed to divert the foul sewer, in order to permit the compost building to be constructed, and it will be diverted around the footprint of the building. Additionally, private gravity sewers will be constructed to provide adequate infrastructure for the site.

2.9 The composting process would be continuous and be controlled by a computer outside the working hours of 07.30 to 18.30 all days, including Sundays, Bank and Public Holidays. During these hours, up to 46,000 tonnes of green waste per year, and a minimal

amount of other kerbside collection waste, would be brought to the site, principally from Household Waste Recycling Sites around the County. The 4.8 tonnes Lorries would be weighed on the weighbridge adjacent to the visitors' centre and then unloaded in the reception hall of the main building. The waste would then be fed into the inlet hopper of the shredding machine, by loading shovel, and shredded, before being unloaded into the enclosed concrete tunnels. Here the material is aerated by force and water is added to encourage decomposition. The resulting substance is to be transferred to the maturation hall, where it will be laid in long rows (windrows) 4 metres high. These windrows are aerated, watered and regularly mechanically turned every week for six weeks until mature. The maturation hall is under negative pressure so the air can filter through a bio filter to remove any odours. The resulting product is high grade soil conditioner, with a coarse oversize residue, which may be re-shredded and passed back through the process. Any contaminants are removed before the compost is loaded onto trucks, to be sold in bulk or bagged elsewhere.

2.10 A wood chipping operation is proposed to be located in the open air to the east of the main building. Oversized material from the composting facility and imported material will be the feedstock of this process. The wood chippings will either be sold on site or transported off the site.

2.11 When fully operational, the composting use will generate, on average, 52 lorry movements per day (26 each way), plus any visitors to the visitors' centre, pre-booked and often in coaches. In addition, it is expected that 6 lorry movements would be generated by the wood chipping use (3 in 3 out). There are also proposed about 13 movements per day associated with the distribution of finished material at the site. The applicant estimates an 11.2% increase in HGVs on the A22 at this point. It is intended that the facility will serve the whole of East Sussex and Brighton & Hove, and hence traffic will arrive from Household Waste Recycling Sites from all parts of the County and Brighton & Hove.

2.12 It is proposed to construct two 300m² surface water collection ponds to the south of the site, adjacent to the building, to contain the rapid surface water flows off the extensive roof. These ponds will filter the water more slowly into the water courses and may at times be empty. The ponds levels will fluctuate with the rainfall and hence will be fenced to prevent reptiles using the ponds, which would not provide a favourable habitat.

2.13 Great crested newts have been noted within 500 metres of the site. The 0.53 hectare triangle of arable land, in the northeast corner of the site, is to be retained in arable use to provide a compensatory habitat for the newts and for reptiles displaced from the main site of the composting facility.

2.14 The application includes a landscaping scheme, which is intended to supplement and fill gaps in the northern and eastern boundaries, together with under-storey planting. A new stand of trees would be planted parallel to the boundary, between the visitors' centre and the composting building. Two rows of trees would be planted on the north - eastern boundary of the eastern triangle and in the eastern corner, linking the trees to the ancient woodland of Shelf Wood. A few standard trees would be planted around the eastern car park.

3. Site History

3.1 A timber processing business had been operational at Farley Farm, Chiddingly, for some time. Some years ago, the use transferred to the site, now known as the Woodland Centre, and use rights at Farley Farm, were extinguished. Planning application WD/87/4647/P was granted planning permission on the 4 July 1988 by Wealden District Council for the development of a Woodland Centre for the processing of forestry products from local woodlands, the relocation of the existing sawmill, establishing a centre for forestry training and nursery for the supply of trees and planting materials. It was tied to a S52 agreement which, in brief, agreed that the land to the rear of the site (the subject of this

planning application) should be planted and maintained permanently as woodland, and that there would be no stationing, working or storage of sawmill or timber processing equipment or timber storage on the land. It would appear that this agreement was not enforced. It is purported that the storage of wood and chippings, and the chipping of wood was carried out on the site on some of the intervening years.

3.2 From 1995-2004 there have been a number of planning permissions on the Woodland Centre site for new buildings, retail and lorry park road treatment and uses.

4. Consultations

4.1 Wealden District Council raises strong objections regarding the acceptability of the proposed development in this location for a number of reasons: the planning status of the land has not been clarified and no evidence has been put forward to support the existing uses on the land which, in authorised use terms, is a rural 'greenfield site'; the choice of this particular site has not been justified to the satisfaction of Wealden District Council. It has not been demonstrated to the satisfaction of the District Council that the visual impact and scale of this substantial 15 metres high building on rising ground will not have a significant impact on the visual and rural amenities of the area or will not cause harm to the residential and rural amenities through noise, activity or odours. Should the County Council be minded to grant planning permission, the District Council requests conditions on materials to be used, lighting controls, agreement over levels, control over construction hours, control over the operation of power machinery and deliveries, cleaning of operational vehicles, demolition and clearance of site structures, foul and surface water drainage arrangements, highway/access arrangements, landscaping, screening and bunding, boundary treatment, ecological mitigation measures, parking, turning and loading, sound insulation and tree and hedgerow protection and the removal of permitted development rights. The District Council notes there would need to be a modification of the existing S52 agreement on the land and there may be a need to relinquish any user rights.

4.2 Wealden District Council's Environmental Health Officer has recommended conditions relating to noise (based on background noise readings) and odour.

4.3 Chiddingly Parish Council has submitted a long, comprehensive objection, which assesses the proposal against policies in the Waste Local Plan, the Structure Plan and Wealden Local Plan, which I summarise as follows: the proposal contravenes the Proximity Principle in that the greatest generators of waste will be the urban areas of the coastal strip of the County and the composting facility should be located closer to these areas. The Parish Council also considers that there will be an unacceptable impact on the local highway network; the potential for expansion has implications and that there is non compliance with the Best Practical Environmental Option for development. Concern is also expressed about the environmental impacts which include light, noise, the inclusion of bio waste, flooding, lorry parking and road safety, design and scale of the building, working hours and general amenity. The Parish Council has objected to the loss of habitat for Great Crested Newts.

4.4 Laughton Parish Council objects on the grounds of traffic movements and the possibility that the facility will be used by operators from outside the District i.e. Brighton and Hove City Council.

4.5 Hellingly Parish Council objects on the basis that approval would bring an unacceptably high number of HGV movements into the immediate area, including Hellingly Parish. If the application were to be approved weight restrictions on the many local roads, which would be used as short cuts by vehicles accessing the composting facility, should be implemented.

4.6 Heathfield and Waldron Parish Council would support, in principle, the establishment of a composting waste facility but object to the proposed siting, because of the adverse impact to the environment and traffic concerns.

4.7 The Environment Agency is satisfied with the drainage arrangements in principle and wishes to recommend the imposition of planning conditions to cover drainage and environmental issues. Further information on the design and management of the existing pond is required.

4.8 Natural England raises no objection to the proposal but suggests conditions relating to environmental issues.

4.9 The Highway Authority is satisfied that issues concerning vehicular access are adequately covered by the submitted Transport Statement. The existing priority junction from the A22 has good visibility available in both directions and a central lane is already provided for right turning traffic. On site there is ample space made available for vehicle manoeuvres, turning and parking, related to the safe operation of the proposed composting facility, without causing traffic or parking over-spill onto adjacent sites or the public highway. The Authority is content that the A22 at Whitesmith does not operate at or close to capacity and ample opportunity, throughout the working day, would be available for traffic generated by the composting facility to enter or leave the existing access in a safe manner. It does not believe the 70-80 HGV movements serving the proposed composting unit would cause material adverse impact on the traffic conditions in the Cuifail Tunnel and along the A26 or along the A27/A22. Referring to the section of the Transport Statement relating to Trip Generation, the assumption is made by the Highway Authority that all employees would travel to work separately. Despite the relatively small numbers of vehicle movements involved (for 13 employees) the Highway Authority considers the operation of the composting facility would benefit from a Travel Plan for staff to promote non-car modes of travel or travel share schemes.

4.10 Southern Water notes there is a sewer connection on the site and that, should it need to be diverted, strict provisions would apply. In any event, a formal application for connection will be required. The drainage of surface water into watercourses needs to be examined by the Environment Agency and County Council.

4.11 Representations: One letter of support and 42 letters of objection have been received. The grounds of objection include traffic impacts (congestion, noise and disturbance, lack of control of lorry routeing, traffic down country lanes, questioning the lorry movement numbers and the A22 is not a strategic trunk road); location too far away from creators of waste i.e. urban centres; inappropriate scale, form and character thus impact on landscape; contravenes Waste Local Plan policies; should be in an industrial area; not the Best Practicable Environmental Option; more appropriate sites elsewhere; noise pollution during and after construction; unsuitable location - should be in an industrial area; insufficiently screened; potential increase of flooding, odour, light, water and air pollution; will attract flies and rodents; will create contamination; is of no benefit to local area; will have a detrimental effect on wildlife/ecology; will create a precedent; is a continual operation; future development of the site will be difficult to refuse.

5. The Development Plan policies and other matters of relevance to this decision are:

5.1 Regional Planning Guidance for the South East (RPG9) – Waste and Minerals June 2006: Policy W6 (recycling & composting targets), Policy W7 (Waste Management Capacity Requirements), Policy W17 (location of waste management facilities).

5.2 East Sussex and Brighton & Hove Structure Plan 1991-2011: Policies: S1 (sustainable development); S4 & S10 (countryside); TR1 (integrated transport & environment strategy); TR3 (accessibility); TR30 (lorry routeing); EN1 (Environment); EN13 (air quality); EN14 (lighting); EN15 (noise); EN17 (nature conservation); EN20 (habitat compensation); W1 (sustainable approach to waste planning); W2 & W3 (general strategy for waste); W6

(strategic network facilities); W8 (Council's Waste Strategy); W9 (strategic development criteria); W13 & W14 (household waste).

5.3 East Sussex and Brighton & Hove Waste Local Plan 2006: WLP1 (general strategy); WLP2 (transport strategy); WLP18 (Composting Facilities); WLP35 (general amenity); WLP36 (transport considerations); WLP38 (surface and groundwater); WLP39 (design considerations); WLP40 (environmental improvements).

5.4 Wealden Local Plan 1998: GD2 (development outside development boundary); DC5 (agricultural diversification); EN8 (development in the Low Weald); EN12 (trees and woodland); EN14 (landscaping of development); EN16 (nature conservation); EN27 (layout and design of development); TR3 (traffic impact of new development); TR16 (car parking at new development).

5.5 Non-Statutory Wealden Local Plan, December 2005: This Plan has been adopted by the District Council as a 'non-statutory' Plan. Although it is a material consideration for development control purposes, the 1998 Plan remains the adopted statutory plan, thereby comprising part of the Development Plan. The relevant policies are similar to those in the 1998 Plan and do not need to be duplicated here.

6. Considerations

i) Policy Framework

6.1 Although a significant proportion of municipal waste within the Waste Local Plan area could be reused, recycled or composted, most waste is still landfilled. The extent of this reliance on landfill is not a sustainable option for the future, as existing landfill sites are nearing completion. There is also a serious shortage of potential new sites which are identifiable within the Plan area for future disposal, and changes in the legislation, and society's aspirations, require more sustainable approaches to the way in which waste is managed. This means that communities will be required to divert increasing proportions of their waste away from disposal to land. Consequently it is recognised that there is a clear need for new facilities to manage waste in the Waste Local Plan area and achieve this diversion.

6.2 The framework proposed by the waste hierarchy (where waste reduction is at the top of the hierarchy, followed by re-use, re-cycling and composting, energy recovery and disposal to land at the bottom), has increased the number and types of waste facilities that are needed to deal with waste management. Facilities are needed to provide a modern, sustainable and integrated approach to waste management.

6.3 The applicant has the responsibility for managing the Plan area's municipal waste for 25 years and seeks to achieve this through an Integrated Waste Management Strategy (IWMS). The overall aims of the IWMS, which seeks to accord with Government targets, are to reduce the quantities of waste generated, to extract useful materials from the waste, to generate energy from the remaining waste and by these means to significantly reduce the quantities of waste disposal to landfill sites.

6.4 National policy for sustainable waste management is set out in the Planning Policy Statement 10 (PPS10). As well as setting the decision making principles for preparing strategies, PPS 10 indicates that planning authorities should ensure proposals are consistent with policies in the PPS. Planning applications for unallocated sites should be considered favourably when consistent with policies in the PPS, including assessing suitability in relation to physical and environmental constraints on development, protecting water courses, ensuring traffic volumes and access are acceptable, controlling air emissions and odour through the use of appropriate and well maintained equipment, considering noise, litter and vermin issues, and giving priority to the re-use of previously developed land, and redundant agricultural and forestry buildings and their curtilages.

6.5 Development plans form the framework within which decisions on proposals for development are taken. In this instance the relevant documents are indicated in paragraphs 5.1- 5.4 above.

6.6 The Regional Spatial Strategy (RPG9 Waste and Minerals) Policy W6 sets targets for recycling and composting (50% of municipal solid waste by 2015), and Policy W7 identifies the provision of waste management capacity required in East Sussex and Brighton & Hove, which illustrates a shortfall in provision. Enclosed composting systems are recognised as a hybrid activity that requires sites with buildings and open storage areas. Policy W17 of RPG 9 states that potential new waste management sites should be assessed for good accessibility, good transport connections, compatible land uses including industrial and redundant farm buildings and their curtilages, and be capable of meeting environmental and amenity criteria.

6.7 The provision of composting facilities in managing household waste is supported in principle by Policies S1(o), W2 and W13 in the Structure Plan.

6.8 In a similar fashion, the proposal would provide additional infrastructure to meet the targets identified in the Waste Local Plan Policy WLP1. The situation with regard to the Best Practicable Environmental Option is considered in a separate section below.

6.9 The Waste Local Plan contains a specific policy on composting facilities (WLP18). This policy indicates that new provision will be permitted, subject to other policies in the Plan, where it is demonstrated that they are on land that is within (a) industrial or waste management sites or (b) on other suitable previously developed land or (c) temporarily within a landfill site or (d) within an agricultural unit or other appropriate rural land, provided that the proposal is of a nature and scale in keeping with the existing landscape or (e) part of a major development scheme.

6.10 The applicant believes the land to be 'previously developed land' and, therefore, meets the requirements of Policy WLP18. 'Previously developed' has various definitions, which include land that is or was occupied by a permanent structure and associated infrastructure but excludes land that is or has been occupied by agricultural or forestry buildings (Annex B of PPS3 2006). Wealden District Council, the Local Planning Authority, has clearly stated the land is a greenfield site in authorized use terms, although there is a wood chipping business on site. On the basis of the current situation I concur with this view for the reasons set out below.

6.11 There is no definition of 'appropriate rural land' in the Waste Local Plan but I consider this site to fall within this definition, because it is located adjacent to the Woodland Centre, which is an industrial site, has good access onto the A22 and it is not in productive agricultural use nor has been for some time. Part of the land is unkempt and has mounds of builder's waste on its northern boundary. It would be possible, but unlikely, that this land would be returned to productive agricultural use. About two thirds of the County is designated as Areas of Outstanding Natural Beauty, where policies prevent major development if alternatives exist outside the designated area. I consider most of the site to be 'appropriate rural land' and a small part to be agricultural land. For a composting facility to be acceptable under Policy WLP18, the proposal has to be of a nature and scale that is keeping with the existing landscape. This view is supported by Policies S4, and S10 of the Structure Plan, and WLP35 of the Waste Local, and Policy GD2 of the Wealden Local Plan, that require strict control of development in the countryside and seek buildings that in bulk, form, scale, character and general design, are in keeping with the location or surroundings. Policy EN27 of the Wealden Local Plan requires the scale, form design and site coverage of development to respect the character of the adjoining development. I do not feel the proposal is of a scale, nature and in keeping with the existing landscape (see visual impact section below). As such, the application is a departure from Policy WLP18 of the Waste Local Plan.

ii) Best Practicable Environmental Option (BPEO)

6.12 The BPEO concept was first outlined by the Royal Commission on Environmental Pollution (RCEP) in the 1970s, which described it as the optimum combination of available methods of disposal so as to limit damage on the environment. By the late 1980s, the RCEP had elaborated the concept to one that involved a balancing of criteria, including technology, financial costs and pollution impacts. The RCEP provided a summary of BPEO as:-

'the outcome of a systematic, consultative and decision-making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes, for a given set of objectives, the option that provides the most benefits or the least damage to the environment as a whole, at acceptable cost, in the long-term as well as the short-term.'

6.13 This summary strongly emphasises environmental protection and captures the need for a multi-faceted approach, in order to consider the potential transfer of damage from one environmental medium to another. The approach promotes the identification of the option that provides the optimum balance in terms of emissions and discharges to land, air and water, so as to minimise harm and ensure the protection of the environment, taking account of what is affordable and practicable. Analysis of alternatives should also be carried out looking at the long-term consequences as well as the short-term impacts. In the context of integrated waste management strategies, identifying BPEO requires assessment of the performance of alternative options against a number of objectives, in order to identify that which offers the most overall benefit.

6.14 An assessment was undertaken by Environmental Resources Management (ERM) (consultants working for East Sussex County Council and Brighton & Hove City Council) of the BPEO in 2002/3 as a contribution to work on the Waste Local Plan and a report was published (Background Paper 7 BPEO February 2003).

6.15 For municipal solid waste (MSW), an integrated waste management system based on the integrated waste management services contract for East Sussex and Brighton & Hove has been demonstrated by ERM to be BPEO for the management of MSW across the two authorities. The assessment was based on forecast arisings in 2015/16 and has taken account of a range of environmental criteria, as well as financial cost and reliability of delivery.

6.16. In considering the conclusions of Background Paper 7, the applicant has responded by commissioning BPEO Compliance Reports, in relation to its overall Integrated Waste Management Strategy and in respect of this specific planning application at Whitesmith, which the applicant considers should be part of the overall strategy. The assessment of these reports by ERM has concluded that the BPEO Compliance Report demonstrates that the proposed composting facility at Whitesmith will make a useful contribution to the BPEO for waste management in the Plan area and this assessment considers the proximity principle.

6.17 The BPEO has been at the core of the Government's policies for sustainable waste management, as presented in the national strategy for England and Wales, Waste Strategy 2000. However, it revised its policy in July 2005 with the publication of its Planning Policy Statement on "Planning for Sustainable Waste Management" (PPS10). In PPS10 references to BPEO have been replaced with a series of broad planning principles, that should be used when making decisions about the best approaches to managing waste and assessing potential sites for waste management facilities. In future the Government expects that Sustainability Appraisals will provide a suitable framework for assessment.

6.18 In the interim, policies within the Structure Plan (Policy W2) and Waste Local Plan (Policy WLP1 (a)) retain references to BPEO and they remain material considerations in the assessment of proposals for waste management facilities. Guidance in PPS 10 indicates that determining Planning Authorities need sufficient information to be confident proposals conform to PPS10.

6.19 Although third parties consider that the proposal does not represent the BPEO because the site is not in close proximity to waste arisings, the Council's consultants take a contrary view over suitable proximity for this proposal. I am satisfied that sufficient compliance has been shown by the applicant in the proposals submitted and I consider that, in this case, it does represent the BPEO in managing household waste in the Plan area, thereby according with relevant plan policies.

iii) Availability of alternative sites

6.20 The availability of alternative sites may be capable of being a material consideration but their very existence is not decisive where environmental need points to the grant of permission. The Waste Local Plan indicates (paragraph 3.32) that composting facilities enclosed in buildings would be better suited to locations in industrial areas or on the urban fringe but it is also recognised (paragraph 5.57 & 5.58) that opportunities to site strategic facilities within urban areas are severely limited, because of highway constraints, potential impacts on communities and land availability. The urban fringe in East Sussex is severely constrained. The applicant has concluded that Whitesmith is close to the centre of the waste arisings and centrally placed to the network of household waste recycling sites that provide the basic feedstock. The Whitesmith site should therefore be treated on its merits and the extent to which any environmental impact can be moderated.

6.21 If there are any satisfactory reasons for allowing this special case for a composting facility at Whitesmith, the issue of establishing precedent is not a sufficient reason for refusal. In any event other proposals for this site would have to be considered against the relevant development plan policies.

6.22 Consideration has been given to the alternative method of composting using open windrows. There are three existing open composting sites in the County. However, one is tied to the landfill site and has a limited life, and another only has a temporary permission. Open composting has its own associated impacts of odour, litter and vermin, and the sites have to be carefully selected. In principle, in building composting is a better environmental option, because of the possibility of control of potential impacts.

iv) Visual impact

6.22 It is considered that the proposed site is 'appropriate rural land' within the terms of Waste Local Plan Policy WLP18. However, the policy has a proviso that the proposal should be of a nature and scale in keeping with the existing landscape. Policy WLP 39 requires the design of waste facilities to respect the local topography. Moreover, expansion of existing business sites is supported by Wealden Local Plan Policy BS9, provided that there are no adverse effects on the landscape or the character of open countryside, nor should the proposal detract from the rural environmental qualities by virtue of use or traffic generation.

6.23 The site is set within an area of Low Weald countryside. It is essentially a flat site, with a slight fall to the south west and marginally higher ground to the north, north-east and south'. The proposed composting building will be 15 metres high, 7 metres higher than the tops of the Woodland Centre buildings, and will form an outline on the skyline. The building will be the height of a 5 storey office block, 121 metres long and 75 metres wide, covering approximately the area of two football pitches; the barreled roof rises to 15 metres high from 12 metres eaves.

6.24 The main views of the site are from the A22 approaching the site from the north. A newly planted stand of trees on the adjoining land to the north of the site, which is about 5 years old, will, in the future provide a front drop to the building and should soften the impact of its outline from the north and the houses within Whitesmith; the long term management and protection of these trees is desirable. However, this area of land is not within the ownership of the applicant and cannot be protected or retained and, therefore, should not be considered as mitigation for the scheme.

6.25 At present the Woodland Centre site is directly screened from the west (adjacent to the A22) by an established wood, possibly a remnant of the ancient woodland of Shelf Wood to the south-east. This wooded area does not, however, form part of this planning application and is not in the ownership of the applicant. Although desirable, it will not be possible to require the retention of this wood under the terms of this planning application. It is possible that the upper sections of the 15 metres high composting building may be visible through or even above this tree screen.

6.26 There are views across the site from the north and east of the site along the A22 and along the line of footpath 34D, which crosses the land to the north of the site and passes close to the eastern boundary of the site. The proposed new planting on the eastern boundary of the additional triangle will take about 15 years to provide any substantial degree of screening. In any event, the 18 metre high funnels from the bio filters will rise above the tree line.

6.27 The proposed building will be clearly visible from Randall's Farm, East Haven Cottages and Providence House. Due to the height of the composting building being proposed, there may well be more long distance views of the site and the 18 metres high emission chimneys may be visible from further distances away.

6.28 The agro-industrial appearance of the building may assist in blending the building into its setting; however, it is still out of scale with the adjacent buildings comprising the Woodland Centre, which have a ridge height of 9 metres.

6.29 The applicant has submitted a landscaping scheme for the site. However, there are severe difficulties in achieving a completely satisfactory mitigation for the impact of the proposed buildings and the impact on the character of the open countryside can only be partly mitigated. Parts of the tree screen on the northern and southern boundaries are to be thickened with under-planting. This is difficult to achieve and not always successful due to the presence of established root systems and lack of light. It is not possible to plant an additional row of trees on either of these boundaries because the size of the building is constraining the loading bay and access road which as a result is close to the boundary tree line. Additional trees cannot be planted, so it will be essential to protect these existing trees during the construction works.

6.30 New standard trees are to be planted along the northern boundary, adjacent to the administration/ visitors' block and existing western pond. Again it will take time to establish these trees for them to provide any visual screen on this northern boundary.

6.31 A row of five trees is to be planted on the southern boundary by one of the surface ponds. All these will, however, take many years to mature and in single files will not provide adequate screening. The eastern boundary, with the adjacent triangle of land included in the application, is to be planted with a double row of indigenous trees. Groupings of trees are to be planted on the northern and south-eastern corners of this land.

6.32 The main composting building is close to the southern boundary of the site restricting the possibility of thickening the tree screen on this boundary and in places the building will possibly be within the crown spread of the trees, although this is difficult to confirm until the foundations of the building are set out on the land.

6.33 The administration/amenity building is a single storey structure with a floor level of 1metre below the composting building. This building has an attractive design and will be a visual improvement from the timber shed on the site at present. It will be necessary to clear the site of the row of poplars growing on this part of the site but these are not indigenous trees and their loss is not considered to be harmful to the visual amenity of the area.

6.34 I consider the proposal is contrary to Waste Local Plan Policies WLP18, on the grounds of not being in keeping with the existing landscape and WLP39 on the grounds that it does not incorporate appropriate landscaping as an integral part of the development. The proposal does not meet Policy S4i of the East Sussex and Brighton & Hove Structure Plan 1991-2011 S10 on grounds of scale. It does not comply with Policy S10 on development in the open countryside, because it cannot meet the further test of Policy WLP18. The proposal does not meet the criteria of Policies EN27 or BS9 of the Wealden Local Plan 1998 on grounds of scale or location in the open countryside respectively.

6.35 In essence it would be difficult to screen a building of this size and scale, and with such a large area of roof. However, planting not within the ownership of the applicant will, if retained, assist in reducing the impact of the views from Whitesmith and the A22. I acknowledge the terms of Policies W1, W2, W3, W6, W8 and W9 of the Structure Plan. The Council has to undertake an important balancing exercise. The need for a range of recycling, composting, energy recovery and disposal facilities to meet local and regional waste needs has to be weighed against environmental objectives which seek to protect sensitive landscapes, the amenities of residents and the statutory requirement to control pollution. Planning policy guidance include the encouragement of new technique for waste treatment provided environmental effects can be effectively managed. This site is not within the Area of Outstanding Natural Beauty, or a Site of Special Scientific Interest (SSSI) or other designated area. Whilst it is out of scale with its surroundings, the proposed landscaping will reduce its impact and, if existing planting is retained, this will further screen the buildings. It is a finely balanced judgement but I consider that the site is capable of sustaining this development as a singular departure from the above policies.

6.36 The proposal will have an impact on the existing Woodland Centre, with an increase in traffic flows to the site both in terms of operational traffic and visitor traffic. Litter could be a problem from the bin bags but this should be contained within the site. The composting building will dominate the buildings on the Woodland Centre but this is not considered a major issue and no objections have been raised on this subject.

6.37 The proposal will result in a loss of land, which should have been planted as woodland under the terms of a S52 agreement linked to the original development of the Woodland Centre. In mitigation the applicant has agreed to provide a piece of land to the south of the site, which is to be planted as woodland of appropriate local species. This provision and planting of this land will be the subject of the S106 agreement, which also relates to other issues on the site.

v) Traffic and access

6.38 Structure Plan Policy TR1 sets out the key elements required to implement a strategy of reducing the undesirable effects of transport upon both the natural and built environment whilst maintaining and improving a viable local transport system and links to the national road and rail networks, in order to satisfy the social and economic needs of the area. The Policy aims to reduce the need to travel and opposes major development generating a significant number of journeys by car. Generally locating this facility in the open countryside away from settlements runs contrary to these policies. However, the composting process within this facility is to be fully automated and only 13 persons will be employed. This number will not generate a significant number of journeys (26 journeys per day) assuming all employees travel to work separately. The Highway Authority considers, in the light of Policies S1c, and TR2 of the Structure Plan that aim to reduce car use, the operation of the

composting facility would benefit from a Travel Plan for staff to promote non-car modes of travel or travel share schemes.

6.39 Structure Plan Policy TR16 requires all new development to comply with locally adopted car parking standards. The Highway Authority is of the opinion that on site there is ample space made available for vehicle manoeuvres, turning and parking related to the safe operation of the proposed composting facility without causing traffic/parking over-spill onto adjacent sites or the public highway. The proposal therefore accords with Policy WLP36d, in that there would be no adverse impact on existing highway conditions in terms of traffic congestion and parking, as there are adequate arrangements for on site vehicle manoeuvring, parking loading and unloading areas (WLP 36 e, f).

6.39 The existing priority junction from the A22 has good visibility available in both directions and a central lane is already provided for right turning traffic. I am of the opinion that this proposal will not create a highway hazard and hence complies with Structure Policy S1(d), in that it does not create or perpetuate unacceptable traffic or transport problems and with Waste Local Plan Policy WLP 36a) b) in that the access is not inadequate and the proposal does not create an unacceptable traffic hazard. The District Council has requested the provision of acceleration and deceleration lanes on the A22 but the Highway Authority does not consider this is necessary.

6.40 Structure Plan Policy TR30 seeks lorry routeing to the strategic road network, whilst Policy WLP 36 c of the Waste Local Plan will not permit proposals where the level of traffic generated would exceed the capacity of the local road network or Policy WLP36f in the circumstances where adverse traffic impacts would arise from a proposal that cannot be satisfactorily mitigated by routeing controls (or other highway improvements). Despite objections to the facility from Chiddingly and Laughton Parish Councils, and objectors, with regard to the generation of HGVs and the impact this will have on the surrounding hamlets such as Whitesmith and Golden Cross, the Highway Authority is content that the A22 at Whitesmith does not operate at or close to capacity. Ample opportunity throughout the normal working day would be available for traffic generated by the composting facility to enter or leave the existing access to the woodland centre in a safe manner. Furthermore, it does not believe the 70-80 HGV movements serving the proposed composting unit would cause material adverse impact on the traffic conditions in the Cuilfail Tunnel and along the A26 or along the A27/A22. Lorry routeing to the strategic network could be achieved through legal agreement, to ensure that lorries from the Lewes direction utilise the A27/A22, to avoid driving through Ringmer and Laughton except for any local collections. The applicant proposes a similar agreement in the Transport strategy and a S106 agreement will be required to this effect. In view of the small number of workers required to run the facility, the increase in journeys by car is not significant.

6.41 I consider the scheme will not create an unacceptable adverse impact on the privacy and amenities of the adjoining development and neighbourhood by reason of noise or traffic movements, which would be contrary to Policy EN27 of the Wealden Local Plan 1998.

6.42 I am of the opinion that the proposal accords with Policies TR1, TR16, W9h & S1d of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP36 of the East Sussex and Brighton & Hove Waste Local Plan. The proposal does not accord with Policy TR3, because the site is not accessible to all users. The Highway Authority has recommended a travel plan for the facility to increase the accessibility of the site to all users, to allow the application to accord with this policy. I propose a legal agreement regarding lorry routeing so that the proposal meets Policy TR30 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

6.43 Any permission shall be linked to a S106 agreement relating to lorry movements. The applicant Veolia will agree to a lorry routeing policy requiring their drivers to use the strategic roads in the County A22, A27 & A26 and not to use the B2192 and B2134.

vi) Air Quality

6.44 Structure Plan Policies W1c and EN13 require waste development proposals to include satisfactory measures to prevent pollution. The applicants have designed a facility which is at the forefront of technology and propose to install bio filters on the main tunnels, and to create odour controls within the main facility, to reduce to a satisfactory level the extent of any odours from decomposing of green waste. This facility could be considered to be more environmentally friendly than open air windrows that create a distinct odour. The chimneys from the bio tunnels are 18 metres high. These could still emit odour. Odour could be emitted from the maturation and refining halls when the doors of the facility are opened for loading and unloading. The control of any odours would be within the realm of the Waste Management Licence required by the applicant from the Environment Agency. However, as potential odour is a material consideration in the deliberations over planning applications, I would recommend a planning condition tied to a legal agreement requiring an odour control management scheme to be approved by Assistant Director of Transport and Environment (Policy) and maintained during the life of the facility.

vii) Noise

6.45 Structure Plan Policies require waste development proposals to include satisfactory measures to prevent noise pollution. The nearest houses are East Haven Cottages and Providence House to the north west of the site, both within 250 metres.

6.46 During the construction period, noise will arise from site clearance, including pneumatic breakers for the concrete hardstanding and chain sawing, the construction of the access road, piling and foundations, the construction of the concrete slab and building construction. It is suggested that these activities will emit a noise level of 10 dB (A) $L_{Aeq T}$ greater than background noise based on the average noise level over a 12 hour period proposed by PPG 24 – Planning and Noise.

6.47 The plant will receive and dispatch materials from 08.00 to 18.00 seven days a week, although the plant will operate continuously. During the operational period, the main additional sources of noise will be the fixed plant (including heating and ventilation plant), the mobile plant movements, including the excavator and loading shovel, and noise associated with the unloading of trucks and from reversing vehicles. The process of composting will take place within the building and the building will to some degree contain the noise. The wood chipping will continue to take place in the open air to the south of the building, creating an associated noise.

6.48 Noise readings have been taken and a background noise level established. The main source of noise on the site appears to be the road traffic noise. It is possible to limit any noise emitted from the site by the use of specific planning conditions. The machinery and working of the facility could be required to be meet noise levels which are no greater than 10 dB over the background noise levels at any time, as recommended by PPG24 “Planning and Noise”.

6.49 Should the proposal be supported, I would recommend the imposition of condition restricting noise emissions, to ensure the proposal accords with Policies W1c, EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

viii) Lighting

6.50 The site will be open during operational hours 07.30-18.30. It is noted, however that the plant will run 24 hours a day and that it is likely for health and safety reasons there will be a minimum level of lighting on the site at night. Policy EN14 of the Structure Plan requires development proposals to include measures for minimising light pollution. It must be

considered that artificial lighting during the hours of darkness will be an intrusion in the open countryside and may affect wildlife. A condition requiring the submission of full details of lighting proposals is required.

ix) Water Protection and Flooding

6.51 Structure Plan Policy W1c) requires waste development proposals to include satisfactory measures to prevent pollution. The proposed drainage scheme, with infiltration systems, soakaways and balancing ponds, has to be agreed with the Environment Agency and any potential water pollution can be controlled under the Waste Management Licence which the applicant has to seek from the Agency. The water from the site does not feed an aquifer and the Environment Agency has no objection to the scheme, subject to planning conditions on drainage and environmental issues.

6.52 At present the surface water from the site is draining into an existing ditch system, which runs between the site and the Woodland Centre, and to the south of the site. There has been localised flooding in the past. PPS 23 "Planning and Pollution Control", encourages the use of Sustainable Urban Drainage Schemes where possible. The drainage scheme proposes to manage the increased impermeable area rain water run-off by the construction of two suitably sized balancing ponds located to the south of the site. The resulting retention will ensure that development discharge flows match existing flows and mitigate against surcharge of the existing water course, culvert system. The discharge rate from the ponds will be below the existing Greenfield discharge rate, so that the development will not increase peak downstream flows. Policy S1h of the Structure Plan seeks to ensure that flooding will not be a consequence of any new development. The applicant has submitted additional plans and drainage calculations. The Environment Agency is satisfied these details meet the 1:100 year flood risk. Previous flooding of the Woodland Centre appears to have been due to a breakdown in the protective bund between the centre and the application site. The proposed development would resolve this matter. I consider the proposal complies with Policy S1h and W1c of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

x) Ecology and nature conservation

6.53 In considering development proposals, an assessment should be made of the implications for nature conservation and wildlife habitats. The proposal will result in the loss of an area of moderately species-rich semi-improved grassland. Great crested newts have been recorded within 500 metres of the site; hence the development includes the provision of 0.53 hectares of land in the north east corner of the site to provide a compensatory good quality habitat. The pond on the south eastern boundary of the main site will be retained and the triangle of land to the east of the site will be retained as grassland, and as a natural habitat for the reptiles and amphibians, including the great crested newt. The eastern boundary of the site is to be planted with trees and this will provide a new habitat for local fauna and flora, and a link with the ancient woodland of Shelf Wood.

6.54 There is concern that there will be bird mortality as a result of the construction works during the nesting season, March-September. During this time the hedgerows would need to be checked for nests and these should be allowed to remain undisturbed until the birds leave the nest in accordance with the Wildlife and Countryside Act 1981.

6.55 The small pond to the north west of the site will remain and the impact of the development upon it is negligible.

6.56 English Nature and the Environment Agency have considered the ecological mitigation measures. The Parish Council have raised objections to these measures but on the advice of these two bodies, I consider the mitigation proposals comply with Policies EN17 & EN20 of the Structure Plan, Policy EN16 of the Wealden Local Plan Policy and Policy WLP 40 of the Waste Local Plan.

6.57 Any planning permission should be subject to a S106 agreement, which includes the control/protection of land to the south of the site, that is outside the redline area of the planning application, but could be set aside as an area of habitat for the Great Crested Newts during the construction phase of the development.

xi) Waste minimisation

6.58 The proposal is for a new build and there are few details of waste minimisation. In view of the fact that there are mounds of waste materials on the site, as seen in the photographs, it is necessary to require a statement of procedures and processes to minimise the waste during the clearance stage of the development and during the construction period.

7. Conclusion and reasons for approval

7.1 The proposal has been considered with regard to national government guidance PPS10, Structure Plan policies W1, W2, W3, W6 & W8 and the requirement of Waste Local Plan Policy WLP1 to provide an integrated waste strategy for East Sussex, Brighton & Hove. If the County is to establish a viable strategic and sustainable waste strategy, it will be necessary to permit a large scale composting facility with suitable economies of scale. Ultimately there would be fewer traffic movements of larger lorries to one site with the final product being back loaded. The site is well located on a major road, relatively central to the plan area, on a site that accords with the type of site selection criteria of WLP18 of the East Sussex and Brighton & Hove Waste Local Plan.

7.2 The scheme is considered to comply with some of the criteria of sustainability, and the transport Policies TR1, TR16, TR30 and Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP 36c of the East Sussex and Brighton & Hove Waste Local Plan and TR3 & TR16 of the Wealden Local Plan 1998.

7.3 The planning application, however, does not accord with the proviso on scale in Policy WLP18 and with the countryside policies that seek to permit development that is in scale, form, bulk, design and character in keeping with the countryside setting. As such the proposal does not accord with Policies S4 & S10 of the East Sussex and Brighton & Hove Structure Plan, Policies WLP18d & WLP39 of the East Sussex and Brighton & Hove Waste Local Plan and Policies EN 8 & EN27 of the Wealden Local Plan 1998 and is a departure from these policies.

7.4 A planning agreement is proposed to restrict the HGV movements to the major road network, provide a habitat for the Great Crested Newt during the construction period, and land in mitigation of the proposal. To assist access for the small number of workers a green travel plan could be implemented by planning condition. The proposal is for a technologically advanced indoor facility, where potential pollution from noise, odour, surface water, litter can be controlled, albeit with the use of planning agreement or planning conditions or through the waste management licence. Moreover, although the amount of material expected from kerbside collections is proposed to be 1,000 tonnes per annum, this could be increased over time. It is proposed that the facility will meet the targets for composting for the Plan area for the timescales within the Plan. In time, as recycling grows in popularity, the facility could recycle up to 46,000 tons of municipal waste. There are synergies between the composting process and the wood chipping, because the composting process requires the material be aerated by firmer materials and the wood chippings could be introduced for this purpose. Suitable planning conditions could be applied to control any impact created by the outside of the wood chipping facility.

7.5 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on the application should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. A balancing act is required comparing the need and waste planning policy framework for this type of facility, with the impacts that arise

from the bulk and scale of the building. On balance, in this instance, I consider that there are acceptable reasons why the Planning Committee should be minded to approve the application, despite being contrary to the Policies identified in paragraph 7.3 above. In weighing up the considerations, I recommend that planning permission be granted subject to the Secretary of State not calling in the application for her determination and subject to the completion of a legal agreement and appropriate conditions.

8. Formal Recommendation

8.1 To recommend the Planning Committee to authorise the Assistant Director (Policy) Transport and Environment to advertise WD/457/CM as a departure from the Development Plan.

8.2 Upon receiving written confirmation from the Secretary of State that she does not wish to 'call in' the application WD/457/CM, that the Assistant Director (Policy), in conjunction with the Director of Law and Personnel, secures the following matters through a legal agreement;

1. Lorry routing is limited to the strategic road network to ensure lorries from Lewes utilise the A26/A22/A27 to avoid routes B2192 and B2124. through Ringmer and Laughton except for any local collections or where otherwise directed by emergency services.

2. The provision of suitable arrangements for the protection of newts' areas, including the detailing of protected habitat, as defined on the plan attached, and their subsequent retention as part of the development and its management.

3. The provision of a compensatory woodland area, as indicated on the plan attached, for that required under the terms of the existing legal agreement covering the site, and revision of the S52 Agreement dated 1 July 1988.

4. The preparation and submission of an Odour Management Plan to cover operation process, control, monitoring maintenance, repair and breakdown arrangements, together with communication strategy to ensure that plant consistently operates within acceptable odour limits.

8.3 On completion of the legal agreement covering the matters in 8.2 above to authorise the Assistant Director (Policy) Transport and Environment to grant planning permission for WD/457/CM and impose conditions along the lines of the following:

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 & Country Planning Act 1990.

2. The development will be carried out in accordance with the following site layout and drawings of elevations and landscaping, drainage and other details subject to any minor amendment as may be agreed in writing with the Assistant Director (Policy) Transport and Environment:

Drawing no.	<u>DRAWING TITLE</u>
A4621-401	Detailed vegetation survey
A4621-402	Site Layout
A4621-306	Compost hall floor plan.
A4621-301 Rev P	Site operations plan.

A4621-302 Rev G	Proposed composting hall elevations
A4621-303 Rev G	Office and visitor centre plans and elevations
A4621-305 Rev A	Site cross section A-A
A4621-304 Rev E	Proposed buildings in context
A4621-001 Rev J	Site location plan
A4621-300 Rev J	Proposed site Plan
F14163-101 Rev B	Proposed surface water and foul water strategy
F14163-100 Rev A	Existing site regime
Great Crested Newt Mitigation Measures Final Method statement	May 2006
Additional Baseline Ambient Noise Monitoring,	30/06/06
Micro drainage calculations F14163	06/02/06

Reason: To enable the Assistant Director (Policy) Transport and Environment to regulate and control the development of the site and to comply with Policies W9 (f) and (h) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

3. The height of the ridge level of the composting building hereby approved shall not exceed the following dimensions related to Ordnance Survey datum:

Ridge of composting building	65.80m AOD
Stack to the bio filter odour control unit	68.80m AOD

Reason: To reduce the visual impact on the locality and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011. Policies S1 (b), S1 (f) EN1; EN2: EN3 and S4 (i).

4. No development shall take place until general details of the form and arrangement of the site construction compound for the composting hall and associated buildings has been submitted to and approved in writing by the Assistant Director (Policy) Transport and Environment: The compound and any temporary associated works shall be removed within 3 months of the composting plant becoming operational and the land restored to its previous condition unless agreement in writing by the Assistant Director (Policy) Transport and Environment.

Reason: To enable the Assistant Director (Policy) Transport and Environment to control and regulate the development in the interests of the amenity of the locality and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011. Policy EN1 and S1 (f).

5. No development shall take place at a site until details of a scheme for the provision of a telephone line for dealing with complaints from members of the public about matters associated with the development have been submitted to and approved in writing by the Assistant Director (Policy) Transport and Environment. The scheme shall be operated during the hours when any work or activity in connection with that development is taking place. The scheme shall include details of the arrangements for recording and responding to complaints. The approved scheme shall be implemented and operated in full in accordance with the approved details.

Reason: To secure the monitoring of the development in the interests of the amenity of the locality and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011. Policy S1 (b)

6. Notice in writing of any complaint made by a member of the public about any matter associated with the development shall be given to the Assistant Director (Policy) Transport and Environment no later than the next working day after the complaint was received. The notice shall include a description of the complaint, the name and address of the person making the complaint and the action proposed as a result.

Reason: To secure the monitoring of the development in the interests of the amenity of the locality and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011 Policy S1 (b).

7. No works shall commence on a site until a detailed strategy and method statement for securing and demonstrating that the amount of materials to be taken off site resulting from the development has been minimised, has been submitted to and approved in writing by the Assistant Director (Policy) Transport and Environment. The statement shall include details of the extent to which materials arising from the construction activities will be reused on site and demonstrating that maximum use is being made of these materials. If such re-use on site is not practicable, then details shall be given of the extent to which material will be reused, recycled, composted or otherwise disposed of in accordance with the Best Practicable Environmental Option for this particular requirement. All waste materials from the construction associated with the development shall be dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from the site for final disposal in accordance with East Sussex and Brighton & Hove Structure Plan. 1991-2011. Policy W10, Policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and The East Sussex and Brighton & Hove Supplementary Planning Document-. Construction and demolition Waste dated January 2006.

8. No development shall take place until a scheme for the control of dust during construction and operation of the plant has been submitted to and approved in writing by the Assistant Director (Policy) Transport and Environment. The development shall be carried out at that site in accordance with the approved scheme.

Reason: To control emissions of dust in the interests of the amenity of the locality and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011. Policy S1, EN13 and W9.

9. Prior to the commencement of the construction of all buildings at the site, samples of the external materials and finishes shall be submitted to and approved in writing by the Assistant Director (Policy) Transport and Environment. Only those approved materials and finishes shall thereafter be used in the development of the facility.

Reason: In the interests of the visual amenity of the locality and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011. Policy EN1; EN2; EN3 and EN6.

10. Development shall not commence until the following details have been submitted to and approved in writing by the Assistant Director (Policy) Transport and Environment:-

(a) a plan, including trees, hedges and shrubs shown on plan A4621-drawing 301 Rev P, showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, exceeding 75mm, measured over the bark at a point 1.5 metres above ground level, indicating which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which abuts the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree abutting the site;

(d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: In the interests of visual amenity and to comply with Policies S1 (b) & (f) and EN1 and EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

11. Any retained trees, shrubs or hedges on the site which within a period of five years from the completion of the development die, are removed, uprooted or destroyed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar specie unless where otherwise agreed in writing by the Assistant Director (Policy) Transport and Environment.

Reason: To safeguard the specified landscape features in the interests of visual amenity and ecology and comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011: Policies EN1; EN2 and EN17.

12. No construction work shall commence at the site until a detailed landscaping scheme for the area surrounding the composting plant has been submitted to and approved in writing by the Assistant Director (Policy) Transport and Environment. The scheme shall follow the landscape principles set out in plan A4621-300J and comprise a contoured plan to a minimum scale of 1:500 and shall show:

(i) the existing features to be retained;

(ii) the detailed planting proposals including plant sizes and numbers;

(iii) any re-profiling and vegetation proposed in the vicinity of the pond frequented by Great Crested Newts, including the creation of sunlit areas to form a suitable habitat for Great Crested Newts.

Reason: To ensure the satisfactory appearance of the development in the context of the surrounding landscape in conformity with East Sussex and Brighton & Hove Structure Plan 1991-201 Policies S1; EN1; EN18; S4 (i).

13. All planting, seeding or turfing contained within the landscaping scheme detailed in condition 12 shall be carried out in the first planting and seeding season following the date when the composting plant is brought into operation. Any trees or shrubs planted under the approved scheme which within a period of five years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless otherwise agreed in writing with the Assistant Director (Policy) Transport and Environment.

Reason: To ensure the satisfactory appearance of the development in the context of the surrounding landscape and to comply with East Sussex and Brighton & Hove Structure Plan 1991-2011 Policy EN1 and S1 (f).

14. No development shall take place until the following have been submitted to and approved in writing by the Assistant Director (Policy) Transport and Environment:

- i) a plan identifying the extent and locations of the fixed noise impacts arising as a result of the development; and
- ii) a Noise Management Plan identifying mitigation measures proposed should noise levels exceed levels provided in conditions 15 & 17.
The Noise Management Plans so approved shall be implemented in full and at all times. The noise levels identified in the Plans shall not be exceeded at any time.

Reason: To mitigate the effects of noise in the interests of the amenity of the localities, in accordance with Policy EN15 of the East Sussex and Brighton & Hove Structure Plan. 1991-2011 and Policy ST13 of the Wealden District Local Plan.

15. During the construction of the centralised composting facility noise emitted from all construction works shall not exceed:

A) 67 dB LAeq, 1h (free-field) at any residential boundary between the hours of 07.30 - 18.30 Monday to Friday inclusive and 07.30 - 13.00 Saturday for the first 8 weeks of the construction period unless otherwise agreed in writing by the Assistant Director (Policy) Transport and Environment.

B) 62 dB LAeq, 1h (free-field) at any residential boundary between the hours of 07.30 - 18.30 Monday to Friday inclusive and 07.30 - 13.00 Saturday for the construction period beyond the first 8 weeks.

Reason: To safeguard the residential amenities of occupiers of properties in the vicinity of the site and the amenities of the area and to accord with Policy S1 and Policy EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

16. No construction activities will be permitted outside of the hours set out in A) and B) in condition 15 above, including Bank and Public Holidays, without the prior written consent of the Assistant Director (Policy) Transport and Environment other than in the event of an emergency, written details of which shall be provided to the Assistant Director (Policy) Transport and Environment, within three calendar days of the event.

Reason: To safeguard [the residential amenities of occupiers of properties in the vicinity of the site and the amenities of the area and to accord with Policy S1 and Policy EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

17. During the operation of the centralised composting facility noise emitted from all operational activities shall not exceed:

A) 45 dB LAeq, 1h (free-field) at any residential boundary between the hours of 08.00 - 18.00 Monday to Friday inclusive and 08.00 - 13.00 Saturday, All noise sources will be free from any discernable characteristics, such as tonal or impulsive noise.

B) 40 dB Leq, 1h (Free field) at any residential boundary between the hours of 07.00 - 08.00 and 18.00 - 23.00 Monday to Friday inclusive, and 07.00 - 08.00 and 13.00 - 23.00 hours Saturday, and 07.00 - 23.00 hours Sunday and Bank Holidays, and all noise sources will be free from any discernable characteristics, such as tonal or impulsive noise.

C) 26 dB LAeq, 1h (free-field) at any residential boundary between the hours of 23.00 - 07.00 every day, and all noise sources will be free from any discernable characteristics, such as tonal or impulsive noise.

Reason: To safeguard the residential amenities of occupiers of properties in the vicinity of the site and the amenities of the area and to accord with Policy S1 and Policy EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

18. No outdoor operational activities will be permitted outside of the hours of 08.00 - 18.00 Monday to Friday inclusive and 08.00 - 13.00 Saturday, without the prior written consent of the Assistant Director (Policy) Transport and Environment other than in the event of an emergency, written details of which shall be provided to the Assistant Director (Policy) Transport and Environment, within three calendar days of the event.

Reason: To safeguard [the residential amenities of occupiers of properties in the vicinity of the site the amenities of the area and to accord with Policy S1 and Policy EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

19. Within one month of the development having been completed and brought fully into operation, noise measurements shall be undertaken at the Composting plant for a continuous 24 hour period by a competent person, or persons, when suitable weather conditions do not distort readings. The results shall be submitted in the form of a report to the Assistant Director (Policy) Transport and Environment forthwith.

Reason: To ensure the operational development is complying with noise conditions to this planning permission to comply with East Sussex and Brighton & Hove Structure Plan 1991-2011: Policy EN15.

20. There shall be no HGV movements associated with this development other than between the hours of 08.00 and 18.00 hours Monday to Friday inclusive and 08.00 to 13.00 hours on Saturdays, Sundays or Bank Holidays or during an emergency full details of the time, date and reason for the HGV movement shall be given in writing no later than 24 hours after there has been an HGV movement during an emergency to the Assistant Director (Policy) Transport and Environment

Reason: In the interests of the amenity of the locality and to comply with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

21. Within 12 months of this permission, details of 2 long term cycle parking facilities shall be submitted to and approved by the Assistant Director (Policy) Transport and Environment. The approved details shall be fully implemented prior to operation of the composting plant.

Reason: To comply with Policy TR5 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

22. Only compostable green waste up to a maximum annual volume of 46,000 tonnes of material, including only up to 1000 tonnes of bio waste, arising from within the administrative area of East Sussex and Brighton and Hove shall be imported and processed at the facility. No such material shall be imported to the site unless and until all odour control facilities including negative air-pressure systems and bio filters are provided, as indicated in the submitted application. Thereafter the odour control arrangements shall be maintained in full working order in accordance with the approved odour management plan. In addition the wood chipping facility at the site shall process no more than 5,000 tonnes of wood waste, per annum, into wood chip or mulch, unless otherwise agreed, in writing, in advance by the Assistant Director (Policy) Transport and Environment.

Reason: To prevent the release of odour from the site in the interests of the amenity of the area to comply with Policy EN13 of the East Sussex and Brighton & Hove Structure Plan. 1991-2011 and to enable the Assistant Director (Policy) Transport and Environment to control and regulate the development in the interests of the amenity of the countryside location to comply with East Sussex and Brighton & Hove Structure Plan 1991-2011.Policies S1 (f), EN1 and EN2 .

23. No compostable material shall be stored outside the building unless the material is oversized or the direct product of wood chipping where all such material shall only be stored either within the oversized storage bay or wood chipping area shown on drawing A4621-301 Rev P, except where otherwise agreed in advance in writing by the Assistant Director (Policy) Transport and Environment.

Reason: To enable the Assistant Director (Policy) Transport and Environment to control and regulate the development in the interests of the amenity of the countryside location and to comply with East Sussex and Brighton & Hove Structure Plan 1991-2011.Policies EN1; EN2 and S1 (f).

24. There shall be no illumination of the external faces of the site buildings or structures or other external areas other than in accordance with a scheme submitted to and approved in writing by the Assistant Director (Policy) Transport and Environment. The submitted scheme shall show the position, height, type and power of each light and indicate the need in safety and security terms, and the circumstances in which the light shall be activated. Thereafter the artificial illumination of the site shall take place only in accordance with the approved lighting scheme.

Reason: In the interests of the amenity of the countryside location and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011.Policies EN1; EN2; EN3; EN14 and S1 (s).

25. Any fuel, oil lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain the equivalent of 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both oil and water. The pipes should vent downwards into the bund.

Reason: To prevent pollution to land and water and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011: Policy S1g) and EN11.

26. Unless with the prior written approval of the Assistant Director (Policy) Transport and Environment an average measured over 1 year 72 HGV (i.e. lorries in excess of 7.5 tonnes un-laden weight) movements (i.e. 36 in and 36 out) are permitted entering or leaving the site, with no more than 108 HGV movements in any one day.

Reason: To protect the residential amenity of the locality and to provide for the quiet enjoyment and safety of the proposed area of public open spaces.

27. Notwithstanding the provisions of the Town and Country Planning (Use classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) no other uses of the building take place, other than as expressly authorised by this permission.

Reason: To enable the Assistant Director (Policy) Transport and Environment to control the future use of the site in order to protect the character and amenity of the area in accordance with Policy S1 (f) in the East Sussex and Brighton & Hove Structure Plan 1991-2011 and to enable the to Assistant Director (Policy) Transport and Environment control and regulate the development of the land.

28. Should any contaminated or odorous waste materials be uncovered during any phase of the construction work, detailed site investigation and assessment shall take place to identify the extent of any contamination and a method statement, including a timescale for dealing with this waste material shall be immediately submitted for the written approval of the Assistant Director (Policy) Transport and Environment of the

measures to be taken to avoid risk to the public when any works recommenced. Work shall be carried out in accordance with the approved method statement.

Reason: To avoid any risk of contamination in accordance with Policy S1 (g) of the East Sussex and Brighton & Hove Structure Plan 1991-2011

29. No storage container, skip, sorted or unsorted waste material or residue of recycled materials or any other items shall be stored outside the building, except with the prior written consent of the Assistant Director (Policy) Transport and Environment.

Reason: In the interests of amenity and health and safety in accordance with Policy S1 (b) of the East Sussex and Brighton & Hove Structure Plan 1991-2011/ Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

30. Other than the wood chipping machine positioned to the north east of the building there shall be no processing machinery operating elsewhere outside the building or the sorting, treatment, loading or unloading of waste or recyclable materials other than within the building, unless otherwise agreed in writing by the Assistant Director (Policy) Transport and Environment

Reason: In the interests of amenity in compliance with Policies WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and S1 (i) (g) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

31. There shall be no servicing or maintenance of HGV on the site except for emergency repairs for the reasons of road safety.

Reason: To enable the Assistant Director (Policy) Transport and Environment to control the future use of the site in order to protect the character and amenity of the area in accordance with Policy S1(f) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and to enable the Local Planning Authority to regulate the use of the land.

32. No retail sales to the public shall take place on the site.

Reason: To enable the Assistant Director (Policy) Transport and Environment to control the future use of the site in order to protect the character and amenity of the area in accordance with Policy S1 (f) in the East Sussex and Brighton & Hove Structure Plan 1991-2011 and to enable the Local Planning Authority to control and regulate the development of the land.

33. Before the first occupation of the development hereby permitted, a Travel Plan, in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998), shall be submitted to and approved in writing by the Assistant Director (Policy) Transport and Environment. The Travel Plan shall be implemented and thereafter maintained and/or developed in accordance with the approved details.

Reason: To increase awareness and use of alternative modes of transport for school journeys in accordance with policy TR2 in the East Sussex and Brighton & Hove Structure Plan 1991 - 2011

34. The development shall not be brought into operation until the reconstruction of the access has been completed in accordance with the submitted drawing number A4621/301/P dated 25.07.05.

Reason: In the interests of highway safety and to comply with [Policy TR.3 (c) / Policy S1 (d)].of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

35. Prior to the commencement of any development details of long term maintenance arrangements for the surface drainage system including existing and new ponds shall be submitted for the written approval of the Assistant Director (Policy) Transport and Environment. The surface water system shall thereafter be maintained and /or developed in accordance with these arrangements.

Reason: To prevent the increased risk of flooding in accordance with Planning Policy Guidance Note 25 Development & Flood Risk (PPG25) and to prevent pollution and ensure appropriate drainage of the site and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011: Policy S1 and EN11.

36. There shall be no new buildings, structures (including ponds, gates, walls and fences), car parks, tree planting or raised ground levels within 3 metres of the adjacent watercourse(s), inside or along the boundary of the site, unless agreed otherwise in writing by the Assistant Director (Policy) Transport and Environment.

Reason: To protect the watercourse corridor, in accordance with Policy EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011

37. The handling /storage areas where waste is received, handled, treated or stored must have an impervious base and be designed to ensure the containment of potentially polluting process liquors and all contaminated surface water to the approval of the Assistant Director (Policy) Transport and Environment

Reason: To prevent the contamination of water sources in accordance with Policy EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011

INFORMATIVES

- 1) This site will require a Waste Management Licence from the Environment Agency.
- 2) Under the terms of the Water Resources Act 1991 written approval of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings or fixed plant into or onto the ground or into waters which are not controlled waters. Such approval may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). The applicant is advised to contact the Regulatory Water Quality Team to discuss this matter further.
- 3) Introduction of fish into the pond requires the consent of the Environment Agency.

ALISTAIR ROBSON
Assistant Director – Policy of Transport and Environment
12 February 2007
P&HSUB: 20 December 2006

Contact Officer: Clare Farrands Tel. No. 01273 482394
Local Member: Councillor John Garvican

BACKGROUND DOCUMENTS

Submitted planning application WD/457/CM together with supporting BEPO Strategic Compliance Report, BEPO Site Specific Compliance Report, Foul and Surface Water Drainage Strategy, Transport Statement, Supporting Planning Statement and Environmental Report., Great Crested Newt Mitigation Measures Final Method Statement Additional Baseline Ambient Noise Monitoring, Micro drainage calculations for balancing pond and related drawing numbered F14163/100RevA and 101 Rev B.

East Sussex and Brighton & Hove Structure Plan 1991-2011

East Sussex and Brighton & Hove Waste Local Plan 2006

Wealden Local Plan 1998, Non-Statutory Wealden Local Plan, December 2005

PPS1, PPG10, PPS10, RPS9, PPG13, PPG23

Waste Local Plan Background Paper 7 BPEO February 2003