

REGULATORY COMMITTEE

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes, on 21 February 2007.

PRESENT - Councillor Tunwell (Chairman), Councillors Daniel, Maynard (Vice-Chairman), Stogdon, Taylor and Woodall

62. MINUTES

62.1 RESOLVED – to approve as a correct record the minutes of the previous meeting held on 24 January 2007. The Committee noted that Councillor Ost had resigned from the Committee for this meeting due to pre-determination of his position regarding item 5 on the agenda.

63. DECLARATION OF INTERESTS

63.1 The Chairman advised the Committee that all local Members may be said to have a personal and possible prejudicial interest in item 5 but as they would be limited to addressing the Committee on behalf of their constituents and would not be voting they would not be barred from being present throughout the proceedings.

64. REPORTS

64.1 The Committee considered reports on the matters dealt with in the minutes below (copies in the minute book).

65. CHAIRMAN'S BUSINESS

65.1 The Committee noted that Richard Partridge, Assistant Director of Law, was retiring in March. The Chairman thanked him on behalf of the Committee for his contribution and guidance over the years and wished him a very long and happy retirement.

66. CONSTRUCTION AND OPERATION OF AN ENERGY RECOVERY FACILITY TOGETHER WITH ANCILLARY INFRASTRUCTURE INCLUDING WASTE TRANSFER STATION, ADMINISTRATION/VISITOR CENTRE, LANDSCAPING AND HIGHWAYS WORKS ON LAND AT NORTHERN END OF NORTH QUAY ROAD, NEWHAVEN – LW/462/CM(EIA)

66.1 The Committee considered a report by the Director of Transport and Environment. The Committee received an additional report that provided points of clarification and minor amendments to the original report; and appendix 3 which set out further responses received between 2 February and 19 February 2007.

66.2 Further views of Network Rail, Newhaven Town Council and Lewes District Council were also reported to the Committee.

66.3 Norman Baker MP; Councillor Ann De Vecchi, Lewes District Council; Councillor Rod Main, Newhaven Town Council; Professor Chris Chatwin, Chairman of DOVE, (Defenders of the Ouse Valley and Estuary); Valerie Moffett; Sylvia Gray; Andrew Bishop and Jan Marshall spoke against the proposal.

66.4 John Collis spoke in favour on behalf of the applicant.

66.5 Councillor Ost, Local Member for Ouse Valley East spoke against the proposal expressing concern about pollution from increased road traffic movements. Local residents are disappointed that road transport is being used rather than water and rail. Concern over visual impact, loss of processing land for aggregate use and impact on local regeneration was also voiced.

66.6 Councillor Rogers, Local Member for Newhaven and Ouse Valley West spoke against the proposal. Concerns about climate change, damage to the regeneration process currently in place and the visual impact were expressed.

66.7 Councillor Freeman, Local Member for Seaford Blatchington spoke on behalf of his constituents and on behalf of Seaford Town Council. Councillor Freeman explained local residents felt that the application was at the wrong time, in the wrong place and using the wrong transport. Technology being used was out of date and the contract was signed before a public consultation took place; there was disappointment that the site harbour and rail facilities were not going to be used and that would have reduced the impact on roads.

66.8 Councillor Murphy, Local Member for Seaford Sutton spoke against the proposal citing flood risk, increased traffic movements and road congestion; impact on economic regeneration and visual impact as concerns.

Reason for Approval

66.9 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 9 of the report.

66.10 RESOLVED to grant planning permission subject to the completion of the following procedure and to authorise the Assistant Director – Policy, Transport and Environment Department to;

i) Refer the application to the Secretary of State as being a departure to certain provisions of the development plan.

ii) Upon receiving confirmation from the Secretary of State that the application is not 'called in', in conjunction with The Director of Law and Personnel to secure the following matters through a legal agreement;

- (a) A HGV routeing agreement directing all lorries controlled by the operator of the Energy Recovery Facility to use the A26 trunk road to and from the site except those servicing the Newhaven and Seaford Household Waste sites, and except as may otherwise be directed to use alternative routes by emergency services.
- (b) Compensatory environmental resource for the landscape impact of the proposal by a substantial financial contribution to off-site strategic tree planting and associated landscape works within the urban fringe and public open spaces within Newhaven.
- (c) A financial contribution towards site monitoring from the commencement of construction, until one year after the commissioning of the plant, with provision for any unspent monies to be returned to the applicant.

iii) Upon completion of the legal agreement covering the matters in 66.10 ii) a) to c) above to authorise the Assistant Director – Policy, Transport and Environment Department, in conjunction with The Director of Law and Personnel, to grant planning permission and agree conditions below for application LW/462/CM(EIA) and to advertise the decision in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations.

That the application be referred back to this Committee if the legal agreement is not signed within eighteen months of the receipt of any decision letter from the Secretary of State in respect of the 'call in' of the application.

Time limit

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

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

Removal of Permitted Development Rights

2. Notwithstanding the provisions of Parts 4, 8 and 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order):-

- a) Additional external fixed plant or machinery, buildings, structures and erections shall not be erected, extended, installed or replaced at the site without the prior written agreement of the Waste Planning Authority.
- b) No Telecommunications antenna shall be installed or erected without the prior written consent of the Waste Planning Authority.

Reason: In the interests of the amenity of the area and to comply with Policies S1 and EN2 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policies WLP 35 and WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST3 of the Lewes District Local Plan.

Approved Plans

3. The development hereby approved shall be implemented in accordance with the Drawings Numbers 2GB5 001 5; 2GB5 010 5; 2GB5 011 5; 2GB5 020 4; 2GB5 021 4; 2GB5 022 4; 2GB5 023 4; 2GB5 024 4; 2GB5 025 4; 2GB5 031 4; 2GB5 032 4; 2GB5 033 4; 2GB5 040 5 and 157812C/05/03 unless otherwise agreed in writing by the Waste Planning Authority.

Reason To ensure that the development is implemented in accordance with the approved plans, in the interests of the amenity of the area and to comply with Policies S1 and EN2 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policies WLP 35 and WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST3 of the Lewes District Local Plan.

Height limit

4. The height of the different parts of the building and the chimneys shall not exceed the dimensions shown on the applicants drawing 2GB5 021 4, except as may be otherwise agreed in writing by the Waste Planning Authority .

Reason To ensure that the development is implemented in accordance with the approved plans, in the interests of the amenity of the area to comply with Policies S1, EN1 and EN2 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policies WLP 35 and WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST3 of the Lewes District Local Plan.

Finished materials

5. Notwithstanding the details shown on the approved plans, the implementation of the finishes shall not commence until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Waste Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area in accordance with and to comply with Policies S1, EN1 and EN2 of the East Sussex and

Brighton & Hove Structure Plan 1991-2011; Policies WLP 35 and WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST3 of the Lewes District Local Plan.

Telephone contact

6. No development shall take place at the site until details of a scheme for the provision of a telephone contact 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 Waste Planning Authority. 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 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 Policies S1b) and EN15, and Policy WLP 35 of the East Sussex and Brighton & Hove Waste Local Plan 2006

Notice of complaint

7. 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 Waste Planning Authority 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, unless otherwise agreed in writing by the Waste Planning Authority.

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 Policies S1b) and EN15, and Policy WLP 35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Dust control

8. No development shall take place until a scheme to control the emission of dust from the construction works at the site has been submitted to and approved in writing by the Waste Planning Authority and has been fully implemented. The approved scheme shall be fully implemented throughout the duration of construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development.

Reason: To control construction dust emissions in the interests of amenity of the locality and to comply with Policies S1, EN13 and W9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Construction Environmental Management Plan (CEMP)

9. No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Waste Planning Authority.

Reason: In the interests of amenity of the locality and to comply with Policies S1, EN13, EN14, EN15 and W9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST3 of the Lewes District Local Plan.

Wheel cleaning facility

10. Prior to the commencement of construction work, a wheel cleaning facility shall be installed at the site in accordance with details first submitted to and approved in writing by the Waste Planning Authority. The approved facilities shall be maintained in full and effective working order at all times and available for use throughout the period of construction works and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle shall leave the site carrying mud, dust or debris on its wheels.

Reason: In the interests of the amenity of the locality and highway safety to comply with Policies EN13 and TR3c) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP35 East Sussex and Brighton & Hove Waste Local Plan 2006.

Landscape scheme

11. Within two years of the date of this planning permission plans and full details of hard and soft landscaping works shall have been submitted to and approved in writing by the Waste Planning Authority and these works shall be carried out as approved. These details shall include:

a) Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials

b) Soft Landscaping

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

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

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1, EN1, EN2, EN7 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policy WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies ST11 and ST12 of the Lewes District Local Plan.

Implementation of landscape scheme

12. All hard and soft landscape works shall be carried out in accordance with the approved details, within 12 months of the first occupation of any part of the development or in accordance with the programme agreed with the Waste Planning Authority.

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1f), EN1, EN2, EN7 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policy WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies ST11 and ST12 of the Lewes District Local Plan

Waste Minimisation

13. With the exception of survey works, no excavations shall commence on site, including the carrying out of any works of demolition, until a detailed strategy and method statement for minimising the amount of construction waste resulting from the development, has been submitted to and approved in writing by the Waste Planning Authority. The statement shall include details of the extent to which waste materials

arising from the demolition and construction activities will be reused on site and demonstrating that maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal in accordance with the best practicable environmental option. All waste materials from the demolition and construction associated with the development shall be reused, recycled or dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with Policy W10 of the East Sussex and Brighton and Hove Structure Plan 1991 2011 and WLP11 of the East Sussex and Brighton and Hove Waste Local Plan 2006.

Site Remediation Scheme

14. The desktop study and site investigation undertaken within the technical appendices accompanying the Environmental Statement to the planning application shall form the conceptual model upon which a method statement detailing remediation requirements to minimise the impact on ground and surface waters shall be prepared and submitted for the written approval of the Waste Planning Authority, prior to that remediation being carried out on the site;

Reason: To ensure that the proposed site investigations and remediation will not cause pollution to Controlled Waters and to comply with Policy EN11 of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP38 of the East Sussex and Brighton and Hove Waste Local Plan 2006 and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan.

Controlled and groundwater protection

15. Prior to the commencement of any excavation or construction works a Controlled Waters Protection Method Statement shall be submitted for the approval in writing by the Waste Planning Authority. The development shall be fully implemented in accordance with the approved Method Statement. The submitted Method Statement must include details of:-
 - a) The Method of Construction associated with all site excavations and foundation works;
 - b) The Method of Demolition;
 - c) The Method of Piling Foundation works;
 - d) The Method of Controlling and Discharging Groundwater during construction to avoid pollution of surface water and the underlying groundwater;
 - e) Risk Assessments to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected by the above.

Reason: In order to protect and prevent unacceptable risk of contamination of surface water and to avoid the pollution of the underlying groundwaters to comply with Policies EN11 and S1f) of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP38 of the East Sussex and Brighton and Hove Waste Local Plan 2006 and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan, and to ensure the stability of adjacent land, including the Newhaven to Lewes railway line, is not affected, in accordance with PPG 14. The site is in a very sensitive location with respect to Controlled Waters that are vulnerable to pollution. Special care is required because the site is known to be contaminated and in close proximity to a major groundwater fed Public Water Supply.

Unexpected contamination

16. Should any unexpected land contamination or odorous material, not previously identified, be found at the site during construction works, then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out, on that part of the site, until the developer has submitted, and obtained written approval from the Waste Planning Authority for, an addendum to the Method Statement approved

under condition 14. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with. Further construction works shall be undertaken in full accordance with the addendum to the Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters and to comply with Policies S1g), EN11 of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP38 of the East Sussex and Brighton and Hove Waste Local Plan 2006, Policy T8 of the South East Plan and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan.

Imported materials

17. Only clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic material shall be imported as infill material unless in accordance with detailed proposals approved in writing by the Waste Planning Authority.

Reason: To prevent pollution of Controlled Waters and to comply with Policy EN11 of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP38 of the East Sussex and Brighton and Hove Waste Local Plan 2006 and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan.

Post remediation survey

18. Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the Waste Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard and to comply with Policy EN11 of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP38 of the East Sussex and Brighton and Hove Waste Local Plan 2006 and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan.

Stability of river wall

19. Prior to the commencement of any excavation works, detailed calculations shall be submitted for the approval in writing by the Waste Planning Authority verifying the structural stability of the river wall, following the implementation of the proposed landscaping bunding works to the River frontage of the site.

Reason: To ensure the stability of the existing river bank and reduce flood risk. to comply with Policy S1h) of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP37 of the East Sussex and Brighton and Hove Waste Local Plan 2006 and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan.

Details of flood defences

20. Detailed design drawings of the proposed flood defences shall be submitted for the approval in writing by the Waste Planning Authority within 12 months of the commencement of works. The approved design shall be implemented in full prior to the commencement of the use of the Energy Recovery Facility and Waste Transfer Station, and maintained thereafter to ensure the integrity of all the flood defences to the height agreed around the site.

Reason: To reduce flood risk and to comply with Policy S1h) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP37 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies ST15 and ST19 of the Lewes District Local Plan.

Operational surface water drainage

21. Within 12 months from the commencement of works a detailed scheme for the provision of surface water drainage or a sustainable containment drainage scheme to the operational Energy Recovery Facility and Waste Transfer Station shall be submitted for the approval in writing of the Waste Planning Authority. The submitted scheme shall show how the rate of run-off from the Energy Recovery Facility and waste Transfer Station, and associated areas, is to be managed and drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water (including site drainage) with drainage from areas identified as high risk, e.g. loading bays and waste storage areas, not being discharged to any watercourse, surface water sewer or soakaways. The approved scheme shall be implemented in full prior to the commencement of the use of the Energy Recovery Facility and maintained thereafter.

Reason: To ensure that the Energy Recovery Facility does not increase the risk of flooding and water pollution, and to ensure the satisfactory provision of a means of surface water disposal and drainage of the site to comply with Policies S1g) and EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP38 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Protection of migratory fish

22. No excavation works shall commence until full details of mitigation measures to minimise any impacts on migratory fish have been submitted to and approved in writing by the Waste Planning Authority. Thereafter, the mitigation schemes shall be completed in accordance with the approved plans.

Reason: To comply with Policies S1g) and EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP37 of the East Sussex and Brighton & Hove Waste Local Plan 2006, and to ensure that the scale of these works does not have the potential to impact upon migratory fish. These migratory fish are protected under Salmon and Freshwater Fisheries Act 1975 and as such, measures are needed to safeguard their passage through the adjacent River waters.

Construction work surface water drainage

23. Drainage from areas of the site identified as highly contaminated shall not be directly discharged to any watercourse, surface water sewer or soakaway, during construction works. Prior to the commencement of any excavation work the applicant shall submit a full drainage scheme for the written approval of the Waste Planning Authority to identify the associated risks with these areas, and necessary appropriate pollution prevention measures throughout the construction of the works. The approved scheme shall incorporate appropriate pollution prevention measures and shall be implemented in full prior to the commencement of construction works and maintained until the full implementation of the operational drainage scheme approved under condition 21.

Reason: To ensure that during construction works the risk of flooding and water pollution is not increased, and to ensure the satisfactory provision of a means of surface water disposal and drainage of the site to comply with Policies S1g) and EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP38 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Site illumination

24. There shall be no illumination of the external faces of completed buildings, chimneys or external areas of the proposed Energy Recovery Facility other than in accordance with a scheme submitted to and approved in writing by the Waste Planning Authority prior to the commissioning of the facility. The submitted scheme shall show how light pollution is to be controlled the position, height, type and power of each light and 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, unless with the prior written consent of the Waste Planning Authority.

Reason: In the interests of the amenity of the area adjacent to a countryside location, to limit light pollution and to comply with Policies EN1; EN2; EN14 and S1s), of the East Sussex and Brighton & Hove Structure Plan. 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST7 of the Lewes District Local Plan.

Travel plan

25. 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 Waste Planning Authority. The Travel Plan shall be implemented and thereafter maintained and monitored in accordance with the approved details.

Reason: To increase awareness and use of alternative modes of transport for employee and visitor journeys in accordance with policy TR2 in the East Sussex and Brighton & Hove Structure Plan 1991 – 2011 and Policy T8 of the South East Plan.

Highway and related works

26. Within 12 months of the planning permission being granted, details of the following Highway Works shall be submitted for the written approval of the Waste Planning Authority:-

- a) The provision of a mini roundabout at the junction of North Quay Road with North Way.
- b) Improvements to National Cycle Network Route 21 to complete the route between the entrance to the ferry port at The Drove and the roundabout junction of the A259 (The Drove) and Drove Road to the east.
- c) The provision of a shared unsegregated cycleway and pedestrian footway (to a general width of 2m from the junction of North Quay Road with North Way to the site entrance, reducing to a minimum of 1.2m where the road narrows adjacent to The Old Timber Yard at Unit 4 North Quay Road) from the southern side of Drove Road, to the site entrance of the Energy Recovery Facility via the western side of North Quay Road.
- d) Repairs and resurfacing works to North Quay Road.
- e) Surface water drainage improvements to North Quay Road.
- f) The provision of street lighting to the footway in North Quay Road.

The approved details shall be implemented prior to the commencement of any commissioning works at the Energy Recovery Facility, in full accordance with the approved plans.

Reason: To ensure that a satisfactory road access for vehicular, pedestrian and cycle users and to protect local amenity in accordance with Policies S1d), TR4, TR5 and TR6 of the East Sussex and Brighton & Hove Structure Plan. 1991-2011, Policies WLP36 and WLP40 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy T8 of the Lewes District Local Plan.

Cycle facilities

27. Prior to the occupation of the Energy Recovery Facility, details of cycle parking facilities shall be submitted to and approved by the Waste Planning Authority. The approved details, showing at least 7 covered cycle spaces, shall be fully implemented prior to operation of the Energy Recovery Facility.

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

Waste Delivery Times

28. No waste or reclaimed materials or residues shall be imported or removed from the site other than between the hours of 07.00 to 19.00 on Monday to Friday inclusive and the hours of 07.30 to 18.00 on Saturdays. On Sundays, Public and Bank Holidays street sweepings and no more than 10 deliveries of household waste shall be delivered to the site between 8.00 and 17.00, and not outside these hours, unless with the prior written approval of the Waste Planning Authority.

Reason: To safeguard the amenities of the occupiers of properties and houseboats in the vicinity of the site and to comply with Policy S1b) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006

Construction times

29. With the exception of electrical works and other inaudible activities, assessed at any of the residential uses situated at Lee Court, Elphick Road; No 1 New Road; 13 Powell Gardens; 23 Glynde Close and Piddinghoe Mead, and the nearest house boat at Ordnance Survey location TQ.44443-01872, construction works shall only take place between 07.00 – 19.00 Monday to Friday, and 07.00 – 13.00 on Saturdays, and not at any time on Sundays, Public or Bank Holidays. Audible construction works, as assessed at the above receptors, will not be permitted at any other times unless with the prior written consent of the Waste Planning Authority.

Reason: To protect the amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Construction noise control

30. During the construction of the Energy Recovery Facility, noise limits shall not exceed:-
- a) 67 dB LAeq, 1 hour (free field) between 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays at any of the residential uses situated at Lee Court, Elphick Road; No 1 New Road; 13 Powell Gardens; 23 Glynde Close and Piddinghoe Mead, and the nearest house boat at Ordnance Survey location TQ.44443-01872.
- b) 61 dB LAeq, 1 hour (free field) between 07.00 to 08.00 and 18.00 to 19.00 Monday to Friday and 07.00 to 08.00 on Saturdays at any of the residential uses situated at Lee Court, Elphick Road; No 1 New Road; 13 Powell Gardens; 23 Glynde Close and Piddinghoe Mead, and the nearest house boat at Ordnance Survey location TQ.44443-01872.

unless with the prior written consent of the Waste Planning Authority.

Reason: To protect the amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Operational day time noise control

31. Between the hours of 07.00 and 23.00 the level of noise emitted from the operational Energy Recovery Plant, as measured in accordance with BS 4142:1997, shall not exceed a level of 53 dB LAeq, 5mins (free field) at any time, except in the case of emergencies, as measured at any part of the planning site boundary as shown on the submitted plan 2GB5 001 5. For the avoidance of doubt this excludes any contribution from vehicular transport onto and off the site.

Reason: To protect the amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East

Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Operational night time noise control

- 32 Between the hours of 23.00 and 07.00 the level of noise emitted from the operational Energy Recovery Plant, as measured in accordance with BS 4142: 1997, shall not exceed a level of 49 dB LAeq 5 min (free field) at any time, except in the case of emergencies, as measured at any part of the planning site boundary as shown on the submitted plan 2GB5 001 5.

Reason: To protect the amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Operational night time noise control

- 33 Between the hours of 23.00 and 07.00 the level of noise emitted from the operational Energy Recovery Plant , as measured in accordance with BS 4142,1997 shall not exceed a rating level of 35 dB LATr 5 min (free field) at any time, except in the case of emergencies, as measured at any of the residential uses situated at Lee Court, Elphick Road; No 1 New Road; 13 Powell Gardens; 23 Glynde Close and Piddinghoe Mead, and the nearest house boat at Ordnance Survey location TQ.44443-01872.
Any such noise shall be free from low frequency noise.

Reason: To protect the amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Noise monitoring

34. Within three months of the development of the Energy Recovery Facility having been completed and brought fully into operation, noise measurements shall be undertaken at the site 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 to the Waste Planning Authority forthwith.

Reason: To ensure the operational development is complying with noise conditions to this planning permission to protect the amenity of the area and to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Plant noise

- 35 To avoid the use of intrusive reversing beepers, all mobile wheeled plant used at the site shall only be fitted and operated with a 'smart' reversing device, or such other reversing device, as may be agreed in writing by Waste Planning Authority.

Reason; To protect the residential and general amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Aquifer protection works

36. All areas where waste is stored, handled or transferred shall be underlain by impervious hardstanding with dedicated drainage to foul sewer or sealed tank.

Reason: To prevent pollution of the water environment, which could pose a threat to the chalk aquifer that underlies the site, and to comply with Policies S1g) and EN11 of the

East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP38 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Waste sorting

37. There shall be no sorting or treatment of waste other than within the Energy Recovery Facility building and the unloading loading and storage of recyclable materials shall only take place within the storage bays shown on drawing 2GB5 001 5 or immediately adjacent thereto.

Reason: In the interests of amenity in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies S1i) and S1j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Waste source and capacity

38. There shall be no importation of waste from outside the Waste Local Plan area (i.e the administrative areas of East Sussex County and Brighton & Hove City) to the Energy Recovery Facility. The Energy Recovery Facility shall have a nominal capacity of 210,000 tonnes per annum (based on 85% availability) with up to a maximum of 242,000 tonnes of waste delivered for combustion in any one year. For the avoidance of doubt nominal capacity is the processing capacity of the plant under normal operating conditions taking account of its annual average availability due to planned maintenance events and other plant shutdowns.

Reason: To enable the Local Planning Authority to regulate and control the use of the site in compliance with Policies WLP 1, WLP2 and WLP19a) 35 of the East Sussex and Brighton & Hove Waste Local Plan 2006, and Policy W3 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Car parking

39. The site shall not provide car parking for more than 36 vehicles.

Reason: To ensure that the development does not provide an excessive number of spaces in respect to its needs, which discourage more sustainable options of transport, and to comply with Policy TR16 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Outside waste storage

40. Following the initial receipt of municipal or household waste, no storage container, skip, sorted or unsorted waste material or residue of recycled materials or any other items shall be stored outside the building, other than within the designated bays or on operational vehicles. That material within the storage bays on the eastern boundary of the site shall not exceed a height of 5.5 metres above the adjacent hardstanding.

Reason: In the interests of amenity of the area in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies S1b) and S1j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Outside plant or machinery

41. Notwithstanding the provisions of Part 16 Class A (e) of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no additional external plant or machinery shall be installed, erected or operated in, on or over operational land within this planning permission, without the prior written approval of the Waste Planning Authority.

Reason: In the interests of amenity of the area in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies S1b) and S1j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Electricity supply

- 42 The connection from the plant to the local electrical transmission system shall be by underground line only.

Reason: In the interests of amenity of the area in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies S1b) and S1j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Site decommissioning

- 43 Following the decommissioning of the facilities, hereby permitted, a scheme and timetable for the demolition of the building and plant shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall be implemented as approved within the agreed timetable.

Reason; To ensure that the land is capable of beneficial use in the future as advised by Environment Circular 02/98-*Prevention of Dereliction* and in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies S1b) and S1j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011

Boundary fence

- 44 Details of the design and appearance of the site boundary fence, including a retaining 'push' wall on that length of the proposed boundary between the existing riverside wharf and the bund to the ERF, shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall be implemented as approved before the commissioning of the ERF commences.

Reason: In the interests of amenity and to retain acceptable facilities for the landing and storage of aggregates in compliance with Policies S1(b), S1j), LT16, and MIN9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011: Regional Policy Guidance 9 Policy M5: East Sussex and Brighton & Hove Minerals Local Plan, Policy 9 and Policies NH24 and RE5 of the Lewes District Local Plan.

INFORMATIVES

1. The applicant is requested to keep under review the use of hot water from the plant to maximise the recovery of energy in the local area.
2. The applicant is requested to keep under review the potential to transport waste and residual materials by rail and or water.
3. The applicant is requested to establish a Local Liaison Group prior to the commencement of the work, which should include local community representatives and the applicant/ERF operator, Waste Planning Authority, Environment Agency and District Environmental Health Department, to meet at regular intervals throughout the construction and commissioning periods and at least the first 12 months of the plants operational life, to monitor the development and the plant's operation.
4. The applicant is reminded that the Remediation Strategy may incorporate the potential need to have a Mobile Plant Licence (MPL) from the Environment Agency, including the provision of the relevant information in support of an application and site specific working plan for the operation of the MPL

67. CONSTRUCTION OF REPLACEMENT RAW WATER PIPELINE. DARWELL RESERVOIR AND BEAUPORT WATER SUPPLY WORKS. LAND BETWEEN MOUNTFIELD, WHARTLING, SEDLESCOMBE, WESTFIELD AND BATTLE – RR/2006/3499

- 67.1 The Committee considered a report by the Director of Transport and Environment.

67.2 Councillor Maynard abstained from the vote so as not to predetermine his position as a Rother District Councillor.

67.3 RESOLVED to inform Rother District Council that:-

The County Council considers that the need for this replacement raw water pipeline to improve the security of drinking water to supply the Hastings area is justified and that the nature of the development and the selected route comply with Structure Plan policies EN2 and EN5 for development within the High Weald AONB. This proposal is, therefore, supported in principle, provided appropriate conditions are imposed to minimise its impact on the environment and County Council infrastructure, including:

- (a) the reinstatement of affected highways and rights of way to standards agreed by the County Council;
- (b) a landscape maintenance period of 5 years to enable planting to re-establish;
- (c) archaeological assessment and mitigation to be agreed in consultation with the County Archaeologist; and
- (d) measures to minimise and manage waste generated by the scheme to meet the requirements of the County Council's Construction and Demolition Waste Supplementary Planning Document.

68. CONSTRUCTION AND OPERATION OF AN ENCLOSED COMPOSTING FACILITY INCLUDING ANCILLARY INFRASTRUCTURE, VISITOR CENTRE AND WOODCHIPPING FACILITY. THE WOODLAND CENTRE, WHITESMITH, CHIDDINGLY – WD/457/CM

68.1 The Committee considered a report by the Assistant Director - Policy, Transport and Environment.

68.2 Robin Symington; and Councillor Jeni Longley, Chiddingly Parish Councillor, spoke against the proposal.

68.3 John Collis spoke in favour on behalf of the applicant.

68.4 Councillor Garvican, local Member spoke against the proposal and explained that all surrounding parishes were opposed to the proposal. When residents responded to the advertisement they believed that they were making written representation and requesting a call-in to GOSE (Government of South East) rather than the Planning Committee.

68.5 RESOLVED to 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.

69. ERECTION OF SINGLE STOREY CHILDREN'S CENTRE TO WEST OF FAMILY RESOURCE CENTRE TO INCLUDE EXTERNAL PLAYSPACES AND ADDITIONAL 3 CAR PARKING SPACES (21 TOTAL). HAILSHAM RESOURCE CENTRE, DUNBAR DRIVE, HAILSHAM – WD/2543/CC

69.1 The Committee considered a report by the Director of Transport and Environment.

Reason for Approval

Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report.

RESOLVED to grant planning permission subject to the following conditions:-

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

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

2. The materials to be used in the construction of the external surfaces of building shall match those used on the adjacent building.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

3. The use hereby permitted shall not be carried on other than between the hours of 0800 and 1800 on Monday to Friday inclusive and at no time on weekends, Public and Bank Holidays except for works of essential maintenance or which are to respond to an emergency.

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

4. The building shall not be occupied until the revised car parking layout shown on the approved drawings has been provided and completed in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the parking facilities in relation to the authorised use of the development are provided in accordance with Policy S1(d) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

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

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with policy W10 of the East Sussex and Brighton and Hove Structure Plan 1991 2011 and WLP11 of the East Sussex and Brighton and Hove Waste Local Plan 2006.

6. The Children's Centre shall not be brought into use until plans and full details of both hard and soft landscaping works have been submitted to and approved in writing by the Director of Transport and Environment and these works shall be carried out as approved. These details shall include:

Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc.)
- Retained historic landscape features
- Proposals for restoration, where appropriate
- Implementation Programme

Soft Landscaping

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

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

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

70. NEW 6 CLASSROOM BASE AND ANCILLARY ACCOMMODATION FOR NEW SPECIAL NEEDS UNIT. WORKS ALSO INCLUDED DEDICATED ENTRANCE AREA, EXTERNAL BREAKOUT SPACES AND 25 CAR PARKING PLACES. BEACON COMMUNITY COLLEGE, BEECHES SITE, CROWBOROUGH – WD/2545/CC

70.1 The Committee considered a report by the Director of Transport and Environment.

70.2 A motion was moved, seconded and carried to add a condition to cover cycle parking facilities.

Reason for Approval

70.3 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report.

RESOLVED to grant planning permission subject to the following conditions:-

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

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

2. Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and approved by, the Director of Transport & Environment in consultation with Southern Water.

Reason: To ensure satisfactory drainage of the site and to prevent water pollution and to comply with Policy S1 (g) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

3. Development shall not commence until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Director of Transport and Environment. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

4. A revised Travel Plan in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998), should be submitted to and approved in writing with the Director of Transport and Environment, reflecting changes in the travel patterns arising from Grove Park's inclusion in Beacon Community College, Beeches site. The Travel Plan shall be implemented when the approved development is brought in to use 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.

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

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with policy W10 of the East Sussex and Brighton and Hove Structure Plan 1991 - 2011 and WLP11 of the East Sussex and Brighton and Hove Waste Local Plan 2006.

6. No development shall take place until plans and full details of both hard and soft landscaping works have been submitted to and approved in writing by the Director of Transport and Environment and these works shall be carried out as approved. These details shall include:

Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc)
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc.)
- Retained historic landscape features
- Proposals for restoration, where appropriate
- Implementation Programme

Soft Landscaping

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

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

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

7. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

8. Details of cycle parking facilities shall be submitted to and approved in writing by the Director of Transport & Environment and the approved details shall be made available for use prior to occupation of the approved extension.

Reason: To ensure appropriate cycle parking provision in accordance with Policy TR5 of the East Sussex and Brighton & Hove Structure Plan and Policy TR2 of the Non-Statutory Wealden Local Plan 2005.

INFORMATIVE

1. A formal application for connection to the public sewerage system is required in order to service the development. To initiate a sewer capacity check to identify the appropriate connection point for the development contact Southern Water, Network Development Team (Wastewater), Otterbourn, Hampshire or online at www.southernwater.co.uk

71. TRAFFIC MANAGEMENT MEASURES IN UCKFIELD

71.1 The Committee considered a report by the Director of Transport and Environment.

71.2 RESOLVED not to uphold the objections to the proposals except partially in respect of Cedars Close/London Road, where a reduction of the double yellow lines in the southern lay-by at London Road from 40 metres to 20 metres is now proposed.