

COMMITTEE	Environment
Date	12 June 1996
Report By	County Planning Officer
Proposal	The construction of a new road between the A259 Drove Road roundabout and the proposed Port development south of the Newhaven to Seaford railway and creek, including an environmental buffer and landscaping
Site Address	Newhaven Eastside
Application No	LW/1751/CC
Applicant	Highways and Transportation Committee
Key Issues	<ul style="list-style-type: none"> (i) benefits of the proposal for the regeneration of Newhaven; (ii) route; (iii) effects on residential amenity; (iv) impact on ecology; (v) visual impact and landscaping requirements; (vi) the countryside gap; (vii) archaeology; (viii) drainage; (ix) pollution and contamination; (x) agriculture and land-use; (xi) facilities for pedestrians and cyclists.

SUMMARY OF RECOMMENDATIONS

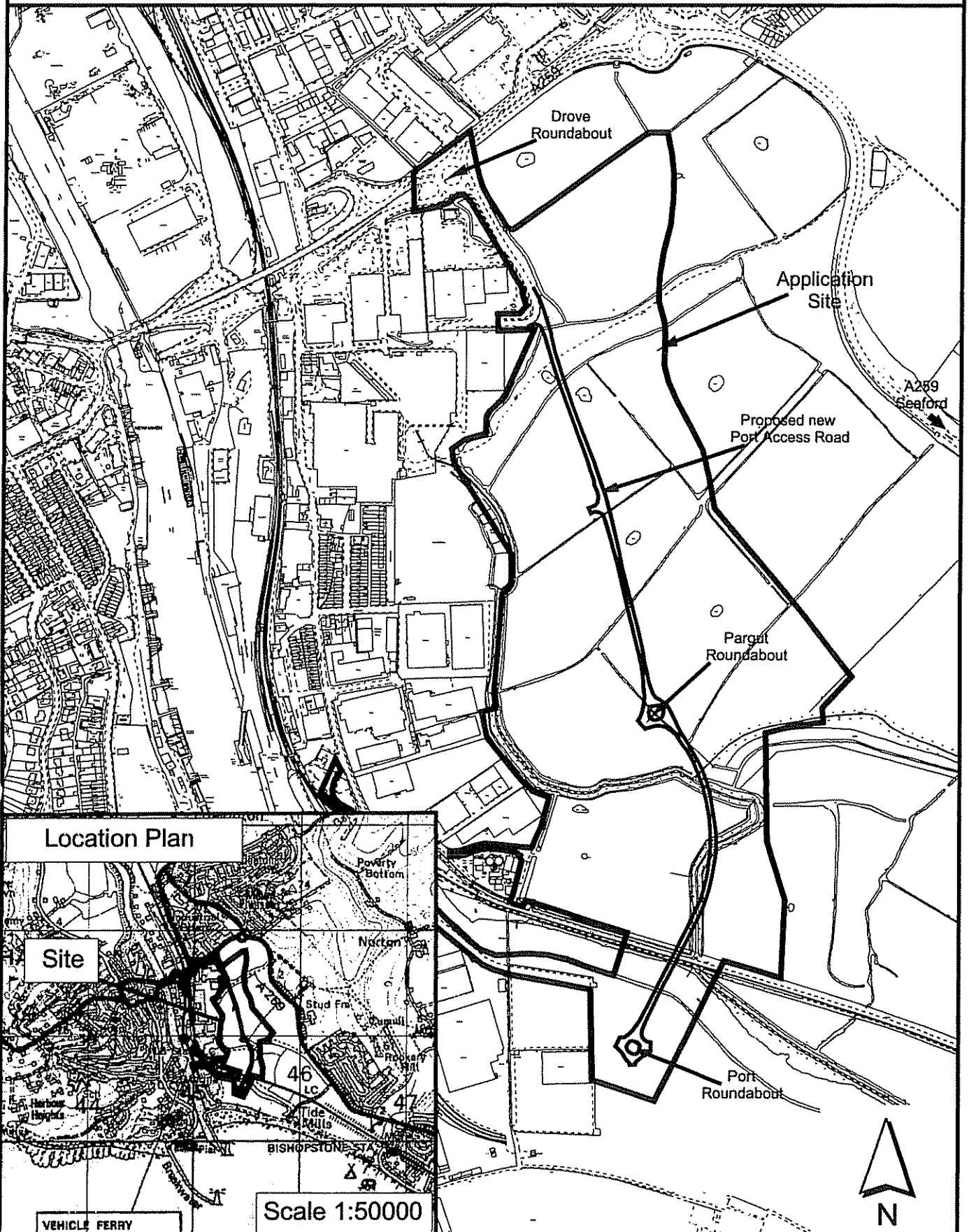
The Committee is recommended to resolve to grant conditional planning consent.

CONSIDERATION BY COUNTY PLANNING OFFICER

1 THE SITE

1.1 The site which is on the east side of Newhaven, occupies land within the Ouse valley and estuary. At its northern end, it includes the Drove Road roundabout on the A259 to the west of the new Sainsbury store. It extends southwards across the flat alluvial levels of the valley which are crossed by Pargut Bank, a man-made flood defence feature. The levels are drained by a number of straight ditches which form a roughly rectangular pattern. There are also several small man-made ponds.

LW/2061/CC



Location Plan

Site

VEHICLE FERRY

Scale 1:50000

Scale 1: 7500

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1.2 At its southern end, the site crosses Mill Creek, a salt water channel which marks the former course of the River Ouse. To the west of the site are the factory, storage and warehouse sites on the edge of Newhaven. The site also adjoins some allotment gardens and there is a recreation ground beyond.

1.3 The alluvial levels extend to the east of the application land up to the A259 Newhaven to Seaford Road. Beyond this are the lower slopes of the Downs which rise to Norton Hill and Rookery Hill Ridge, some 50-75 metres above sea level.

1.4 To the east of the site and adjacent to the end of Mill Creek is Tide Mills, where a tide powered mill, dating from the 18th century was located. All that remain now are a series of flint walls which mark the positions of former buildings and structures.

2 THE PROPOSAL

2.1 It is proposed to construct a new road from the A259 Drove Road roundabout southwards across the valley levels and terminating with a roundabout junction, just to the south of Mill Creek.

2.2 The road is intended to serve the proposed port expansion area on the seaward side of the creek where a new outer harbour is to be constructed. It would also provide access to land between the road itself and the eastern edge of the town which is allocated in the local plan for a business park development. Lewes District Council would be the determining planning authority for applications for the port and business developments.

2.3 A second phase of road works would involve up-grading the existing A259 between the Drove Road roundabout and its junction with the A26 trunk road, some 250 metres to the west. The County Engineer has not however, finalised the design for this and as the works will be largely within the existing highway, further planning permission is unlikely to be needed.

2.4 The proposed new road would be some 1300 metres long (1.3 kilometres) and would comprise a single 7.3 metre wide carriageway with local widening at junctions. It would generally be approximately 1-2 metres above the existing ground level except in the south, where there would be a bridge crossing of the Newhaven to Seaford railway and Mill Creek.

2.5 The application includes an illustrative plan showing a simple three span bridge design. However, should planning permission be granted, the applicant would wish the detailed design of this structure to be reserved for later approval.

2.6 A cycle way/footway would be provided along the eastern boundary of the road. Both this and the road itself would be illuminated with full "cut-off" lighting.

2.7 The application site includes a substantial environmental buffer which would extend approximately 130-270 metres to the east of the new road. The application plans show that this would comprise landscaping and mounding, planting, ponds and "water features".

3 CONSULTATIONS

3.1 I have provided the applicant with copies of all responses which I have received from consultees, neighbours and landowners. Copies of these will also be placed in the Members' room for inspection by the Sub-Committee prior to the meeting.

3.2 Lewes District Council is to consider the proposal at its meeting of 5 June and any "views received will be reported orally. The officer recommendation is that the District Council should raise no objections.

3.3 Newhaven Town Council approves of the application subject to the following recommendation:-

"... that no development is allowed to take place on the environmental buffer or land between the buffer and Seaford, that the existing footpaths across this land are maintained and retained, and that the proposed bridge structure is kept to an absolute minimum in order that the visual impact is also kept to an absolute minimum, especially at night."

3.4 The Highway Authority has made no comments except to say that public rights of way would be affected and that the necessary steps would be taken to divert the routes affected and incorporate them into the scheme.

3.5 The Highways Agency does not wish to restrict the grant of permission.

3.6 RailTrack - Views awaited. Any comments received will be reported orally.

3.7 The Ramblers' Association has raised no objection but has drawn attention to what they consider to be a wrongly labelled footpath diversion. They have also asked whether access could be formed via the proposed bridge, between a footpath north of the railway line and an existing footpath immediately to the south of the line and on the northern edge of Mill Creek.

3.8 The Environment Agency is concerned to ensure that the proposal would have no implications for flooding and the ability to maintain/improve drainage systems, that satisfactory compensation and enhancement works for the loss of the existing conservation interest would be provided and that there would be no increased risk of pollution due to disturbance of contaminated land in the area and road run-off. The Agency considers that adequate drainage facilities can be provided in principle and a compensation package for conservation interests agreed. However, it does not consider it possible to confirm that such measures could be included in the narrow buffer strip. Subject to them being included as part of the Ouse Estuary Scheme and this area identified within the application site, the Agency does not raise objection, provided that relevant planning conditions are imposed. I have included these in my recommendation.

3.9 Southern Water Services has raised no objection but has commented on the need to take proper account of requirements for surface water disposal and the provision of sewers. It has also noted that bridge construction works and landscaping will need to avoid certain pipelines.

3.10 British Gas TransCo has raised no objection but has advised that gas mains are present within the area and has set out requirements and guidance regarding any effects on gas apparatus.

3.11 British Telecom has advised that alterations to BT apparatus may be necessary.

3.12 English Nature are concerned about the presence of Great Crested Newts (a European protected species) on part of the site and the impact of the scheme on a large (155 ha) Site of Nature Conservation Importance (SNCI). It supports the approach adopted by the Sussex Wildlife Trust to which I refer below. It is particularly concerned that the mitigation "package" should take account of the whole of the SNCI and that there should be integrated management arrangements for the whole of this area. It considers that the Newt population could be enhanced by the creation of ponds in the northern (less saline) part of the SNCI and by avoiding the construction of large water features in this area except perhaps, close to the A259 road. It states that large landscaping mounds should be avoided. It considers that there is a real opportunity to create an attractive coastal nature reserve as part of the development of Newhaven Port.

3.13 The Sussex Wildlife Trust has responded in detail, drawing attention to the location of the application site within a Site of Nature Conservation Interest (SNCI) and therefore being within the top 10% of the County's wildlife habitats. It states that impact on the SNCI should be reduced as much as possible and that an ambitious amelioration package should be compiled in order to more than compensate for any damage to the site.

3.14 The Trust believes that the positive effects of the present amelioration proposal do not outweigh the negative effects of habitat loss and they question whether the amelioration would actually work in practice. They believe that the area proposed should be larger so that control of the hydrology would be more achievable. They recommend that in order to have a workable unit, all of the land to the east of the road up to the A259 (ie. the limits of the SNCI) should form part of an enhancement package and that the design of the enhancement should be carefully worked up to fit into a management rationale for the whole site. Detailed suggestions about the design of the enhancements are given. They also state that the road should be moved as far west as possible.

3.15 The British Herpetological Society Conservation Committee comment that the plan will not reduce the main crested newt habitat but that it will be very important to avoid accidental damage during construction works which will be very proximal. The Committee acknowledges that the wetlands in the development area could be beneficial to the newts but that careful account would need to be taken of their precise habitat requirements. It recommends the inclusion of some small, fish-free ponds.

3.16 The Sussex Amphibian and Reptile Group confirm that Great Crested Newts, Smooth Newts and Common Toads occupy the site. The Group acknowledges that the buffer strip could compensate for loss of newt habitat in the longer term, if managed correctly. It comments on the nature, size, location and suitability of ponds and makes certain recommendations concerning these and the desirability of constructing artificial hibernation sites. The need for protection during the construction phase is also referred to.

3.17 The Sussex Downs Conservation Board resolved to advise the County Council that the Board:

"... raises no objection to the proposal from the AONB perspective. The incorporation of the substantial environmental buffer as an integral part of the scheme is commended. It is considered that this will enhance the interface between the built-up area and the countryside, with benefit for views out from the AONB. It is essential that all the lighting is of the full cut-off type (as proposed in the application)."

3.18 The Ministry of Agriculture, Fisheries and Food does not object to the proposals because:

"... the area of the best and most versatile agricultural land which would be lost as a result of the proposal is not regarded as significant in terms of the national agricultural interest. However, the effect of the proposals on the land drainage systems of the adjacent fields to the east of the proposals will need to be assessed and appropriate action taken if necessary in the interests of efficient agriculture on the adjacent land."

3.19 The Sussex Police Architectural Liaison Officer comments that the adjacent industrial areas are medium risk crime areas. He has no adverse comments concerning the road layout or alignment and is in favour of the footpath proposals subject to regular maintenance and management of associated lighting and landscaping to reduce the fear of crime and that every effort should be made to prevent the use of the footpaths by motorcyclists.

3.20 He recommends stopping up certain existing footpaths which could form escape routes from the new business park. This however, would be a matter for consideration should an application for this use come forward.

4 NEIGHBOUR REPRESENTATIONS

4.1 I have received 11 copies of a reproduced letter of objection and three further letters of representation.

4.2 In summary, the reproduced letter raises objection on the following grounds:

(a) that the application should only be considered after money has been made available for the proposed deep water berth at the end of east quay;

(b) that the destruction of a green field site with demonstrable ecological value should only ever be a last resort;

(c) that the number and quality of jobs that any development of the east quay would bring are as yet unclear;

(d) that further industrial development is unnecessary;

(e) that although there is a need for traffic relieving measures along Clifton and Beach Road, these could be achieved by requiring heavy goods vehicles to use the access roads through the port;

(f) that the development plan which originally proposed the road is now outdated; and

(g) that the development of the road and accompanying units would leave Eastside 8 residents completely isolated and surrounded by industrial sites.

4.3 One of the individual letters of representation raises objection on grounds similar to those above.

4.4 Another individual letter expresses doubts as to the benefits that the road would bring and considers that it would contribute to traffic and congestion. Concerns are expressed regarding possible damage and disturbance arising through traffic vibration, dust and noise. The writer also objects to the possibility of more factory building associated with the road on the grounds of visual intrusion and questions whether they would be needed in view of the amount of existing vacant commercial property in the town.

4.5 The remaining letter expresses the view that the road would be a useful asset, not only for the port but also for the area, subject to certain comments. These relate to concerns about the consequences for local amenity and safety of routing construction traffic through Eastside, the need to take account of the needs of allotment owners, safety for pedestrians and cyclists and drainage. He makes suggestions for possible alternative access arrangements for construction traffic and about access generally, as well as associated local benefits that in his view, the Port Authority should provide.

5 COMMENTS RECEIVED FROM LANDOWNERS

5.1 I have received two letters. One is from an affected landowner who has written in support of the proposal on the basis that it would assist in the prosperity of Newhaven. He has also expressed an interest in how access would be achieved from the southern end of Railway Road/Beach Road to the proposed new road. Details of this which are not provided in the current application would need to be shown in any application for the business park development.

5.2 The other letter was from an agent, representing a landowner/industrial occupier of Eastside, effectively reserving his client's right to make representations by the closing date. However, this date has since passed and I have not received anything further.

6 PLANNING APPRAISAL

Policy Background and the Principal of Development.

6.1 The proposal conforms with the aims of the County Structure Plan 1991 to encourage the development of Newhaven Port and provide land for new industrial and warehousing uses. It would also be supported by Structure Plan policies which encourage improvements to strategic transport routes as it would provide a link to the A26 trunk road. The proposals would be subject to the general development policies concerning for example, impact on habitat, visual impact and the effect on the strategic gap between Seaford and Newhaven. These are referred to later in the report.

6.2 The detailed policy background for the road and associated developments has a long history. The Newhaven District Plan adopted in January 1983, allocates land for the eastward extension of the Eastside industrial estate and for the expansion of the port area. The plan also established the principle of a distributor road to service these development areas.

6.3 The District Plan envisaged that the road would be constructed up to the southern site boundary of the extended industrial estate (i.e. it would terminate on the north side of Mill Creek). It also required that the layout of the new industrial area should allow for the completion of a link between the distributor road and Beach Road (thereby allowing access to and from the port via the eastern part of Beach Road which would be improved, and the new road).

6.4 The current proposal exceeds that envisaged by the District Plan in 1983 in that the proposed road crosses the railway and Mill Creek in order to link directly to the port expansion area. A link between the distributor road and Beach Road would therefore not be required to provide access to the port. The issue of whether provision should be made for such a link in the future will need to be considered by the District Council in the context of any forthcoming application for the extension to the industrial area. Although the design for the road has been progressed since the time of the District Plan, it is still in general terms, in accordance with the District Plan in proposal.

6.5 In 1991, the County Council and Lewes District Council jointly adopted the Newhaven Eastside Planning Guidelines which have the status of supplementary planning guidance. These re-affirmed the need to retain the opportunity to expand the port and to extend the industrial area on the grounds that it would be of economic benefit to the town and the western area of the County. The guidelines also concluded that the distributor road option must be maintained in order to serve the new developments and relieve Railway Road and Beach Road.

6.6 Both the industrial expansion area and the road itself were allocated a high priority by the Guidelines which required that they should not be prejudiced by other development proposals. Thus, although the bulk of the site overlays an area of sand and gravel deposits, the need for the industrial area and the road were considered to be overriding.

6.7 These principles are embodied in the March 1995 consultation draft of the Lewes District Local Plan. Although this is at an early stage of preparation, it has been approved by the District Council for development control purposes. This allocates a piece of land approximating to the area between the proposed road alignment and the edge of the town, for development as a business area. The draft plan also proposes that the distributor road be built to serve the business area and the existing port facilities via a link to Beach Road. It makes the presence of the distributor road a pre-requisite to the grant of any planning permission for port expansion.

Benefits of the Proposal for the Regeneration of Newhaven

6.8 The proposed road is a key element in the Newhaven Regeneration Programme. This consists of a broad range of measures of which the port renewal and Eastside Business Park are a major part. Without the proposed road, suitable and satisfactory access to these elements of the programme would not be achievable. Members will know that the Newhaven Economic Partnership (NEP), supported by the County Council, has been successful in bidding for funds for the regeneration programme through the Single Regeneration Budget Challenge Fund. Although the port access road is not itself, eligible for funding from this source, it was identified in the bid document as a key component of the port area regeneration package.

6.9 A significant proportion of the Challenge Fund money is allocated to the Ouse Estuary Project, this is a major environmental enhancement programme for the estuary land between the towns of Newhaven and Seaford. The "Environmental Buffer" which is part of the current application is to be incorporated within the programme.

Route of the Road

6.10 The route was chosen on the basis that it should closely follow the eastern edge of the Eastside Business Park expansion area. I have already explained that land was allocated for this use in the adopted local plan. The proposed eastern alignment was adopted by the Highways and Transportation Committee in 1994, following public consultation and was supported by this Committee and Economic Development Sub-Committee. This route would help to protect the gap between Newhaven and Seaford and would avoid further intrusion onto the levels which are of strategic environmental and nature conservation value. I am satisfied that there are no alternatives to this approach that should be considered.

Effects on Residential Amenity

6.11 The closest residential properties to the new road would be the 26 terraced houses on Eastbridge Road. Even so, they would be some 300 metres distant and would be at least partially screened from it by Pargut Bank and the scrubby vegetation which surmounts it. Consequently, visual impact for the occupiers of these properties would only be slight. The intended business park development would of course, also act as a visual screen.

6.12 There would be distant views from some properties in the Mount Pleasant and Bishopstone estates as well as from Fox Hole and Stud Farms, all of which are on higher land to the east of the application site. However, the road would be approximately 500 to 1000 metres from these areas. This, together with landscaping measures which will need to be incorporated within the environmental buffer, should ensure that the outlook from these properties is not significantly harmed. Indeed, subject to the nature of the landscaping scheme eventually implemented, the views of some residents may be improved.

6.13 The occupants of Eastbridge Road would experience modest increases in noise levels as a result of the road. The County Engineer predicts that the levels would be 58 dB(A). This represents an increase of some 10 dB(A). However, residents on Railway Road/Beach Road would experience a decrease in noise of a similar magnitude, due to the transfer of heavy traffic from Eastside to the new road. The County Engineer estimates that existing noise levels experienced on Railway Road/Beach Road are about 68 dB(A). He believes that this would reduce to 58 dB(A) with the new road. These figures do not take into account the intended business park development in between Eastbridge Road and the Port Access Road.

6.14 Because of the transfer of heavy traffic to the new road I would not anticipate significant problems arising through traffic and vibration for the residents of Eastside. Any such impacts to residential properties further away from the proposed road would of course be less significant.

6.15 Reduced traffic volumes in Railway Road and Beach Road would be likely to bring improvements in local air quality. The exposed position of the new road would reduce the effect of pollution as far as residents are concerned, as it would be easily dispersed.

6.16 Although the proposal would bring environmental benefits for most Eastside residents once the development would become operational, I am concerned to protect residential amenity as far as possible during the construction period. Any night time construction activity is likely to be disruptive, particularly to Eastbridge Road residents. Moreover it is likely that some construction traffic will need to use Beach Road which will add to current volumes of heavy vehicles serving the port and the Eastside industrial area, also using that road. I am

therefore recommending a condition which will require my agreement to a scheme, setting out the arrangements for access to the site and hours of working.

Impact on Ecology

6.17 The application site falls within the Tidemills Site of Nature Conservation Importance (SNCI) which was designated by Lewes District Council in 1993. As such, it is of local importance and forms part of the best 10% of East Sussex wildlife habitats.

6.18 Although the precise alignment of the proposed road has been adjusted to avoid ponds used by the Great Crested Newt, the majority of the route is within wetland habitat occupied by this species. The Great Crested Newt is specially protected under the Wildlife and Countryside Act 1981 and under European Directive 43/92 "The Habitats Directive". The requirements of this directive have been formally transposed into national law by, "The Conservation (Natural Habitats etc) Regulations 1994 (The Habitats Regulations)". The SNCI also supports many wintering and breeding birds and a variety of other animals and plants principally wetland and grassland species.

6.19 Current government policy on nature conservation as set out in Planning Policy Guidance Note no. 9, is to conserve the abundance and diversity of wildlife and habitats, or minimise adverse effects where conflict of interest is unavoidable. The special protection attributed to the Great Crested Newt species is an important material consideration as the proposed road will traverse, remove and sever some of its habitat. Based on the requirements of the Habitats Regulations, government advice expressed in the guidance note is that in circumstances such as those applicable to this proposal, local authorities should consider attaching appropriate planning conditions or entering into planning obligations. By such means, the developer would be required to take steps to secure the protection of species, particularly those listed in the European Directive. Developers should also be advised that they must conform with any statutory species protection provisions affecting the application site.

6.20 It is also implicit under the European Habitats Directive that the County Council has a duty to encourage the management of landscape features of major wildlife importance. This could obviously be one way of achieving the requirement to secure the protection of important species. The County Structure Plan 1991 requires the conservation and enhancement of wildlife habitats (policy S27(e)) and the prevention of damage to sites of demonstrable wildlife importance such as the application site (S12(a), S13(d), and S27(c)).

6.21 The consultation draft, March 1995 of the Lewes District Local Plan contains detailed policies requiring the protection of natural habitats and all other sites of demonstrable ecological, geological, wildlife and landscape importance. It must of course, also be noted, that the same plan proposes a new distributor road on an alignment which approximates to the application proposal and that land to the west of this be developed for business purposes. This accords in general terms with the present Newhaven Regeneration aims.

6.22 In practice, the proposal gives rise to three principle issues:

- (i) the impact on the habitat value of the area in general terms, due to loss and severance of some SNCI land as well as general disturbance due to noise and activities associated with the road;

(ii) impact on the protected Great Crested Newt population and its habitat; and

(iii) the effectiveness of proposed amelioration measures in mitigating these impacts.

6.23 Although that part of the SNCI which would be severed by the road is designated for business park development in the development plan, there is no absolute guarantee that this will take place. If it does not and the road is built to serve the extended port for example, then the effect of severance could be reduced through the introduction of newt creeps beneath the road and some modest habitat enhancing landscape measures to the west of it. This, together with well designed ameliorative measures on land within the buffer strip, could protect the Great Crested Newt population and compensate properly for impact on its habitat as well as provide a good level of compensation in wider habitat terms. There would however, also need to be effective management arrangements for the land. Although the end result could include some habitat enhancement, the net effect in general terms is likely to be negative given that SNCI land would be permanently removed for the road. This would be contrary to Structure Plan Policies S12(a) and S27(c).

6.24 The more likely scenario is that the business park and road would both be built in which case, more of the SNCI would be lost. Effective amelioration within the buffer strip for both the protected newt species and the habitat value in general would probably not be achievable in practical terms. Ecological advice which I have received suggests that to sustain and enhance the existing wildlife resource, the whole area between the proposed road and the A259 north of the Newhaven to Seaford railway should be subject to positive environmental management. This would effectively encompass all of the SNCI land. To achieve this however, the ameliorative works would need to be well designed and appropriate management arrangements would need to be put in place. Special care would also need to be taken to protect existing newt ponds, provide additional suitable ponds and opportunities for hibernation as well as safeguarding and properly managing a large enough area of habitat for foraging purposes.

6.25 Ecological advice suggests that to provide sustained amelioration to the habitat in general terms, the larger the area available for habitat enhancement works, the better. It is of course intended to secure improvements over SNCI land up to the A259 roan, as part of the broader Ouse Estuary Management Project, supported by Single Regeneration Budget funding. The Newhaven Economic Partnership hope to achieve planning permission from Lewes District Council and have the necessary agreements with landowners for this by March 1997. With the exception of the buffer strip which is part of the scheme, these wider proposals are not however, part of the current application.

6.26 Landscape improvements within this larger area of land would also have to be very carefully designed. The existing high habitat value has come about based on the existing agricultural use of the land which is partly arable and partly under pasture. To conserve and enhance the existing habitat value, the high mounding which is currently proposed for the buffer strip would need to be reduced and ideally kept away from the central and northern parts of the SNCI. Similarly the larger water bodies and flood storage capacity would ideally need to be kept to the south of the area which is of less value to the Great Crested Newts, owing to its higher salinity.

6.27 I am satisfied that in broad terms, the remaining parts of the SNCI could be enhanced in habitat terms in accordance with planning policies. I also believe that the Great Crested Newt population could be protected through habitat enhancement to properly compensate for

the road development. However the existing area in the SNCI which is favoured by the newts would be damaged by the road.

6.28 Nevertheless to safeguard the protected species and to minimise any overall negative effects in general habitat value, land outside the application site should be improved and managed in a satisfactory manner.

Visual Impact and Landscaping Reuirements

6.29 The proposed road would be seen from the edge of the built-up area and from some high points within and beyond Newhaven, including the Fort area and Tideway School. To the east, there will be views from the open levels, the A259 Newhaven to Seaford road and the area of Area of Outstanding Natural Beauty (AONB) downland slopes beyond. I have already described the limited visual impact which the proposal would have for residents to the west of the A259 i.e., from the Mount Pleasant and Bishopstone estates as well as Fox Hole and Stud Farms.

6.30 Although it would be softened by landscaping, because the road would be lit, raised on an embankment across the levels and would cross the railway and creek on a bridge, the development would form a prominent feature in the landscape. However, it would be seen against the existing port, warehouse and industrial developments on the edge (If the town. The illustrative details of the bridge indicate that it would be a minimal structure and would not be out of place as a foreground feature to the port expansion area. Also, as the lighting is proposed to be of the full 'cut-off' variety, potential intrusion of this element of the scheme would be reduced to an acceptable degree.

6.31 In distant views from the west, the development will be seen as a further marginal encroachment towards the downs, particularly if the business park and port developments also go ahead.

6.32 The landscaping proposals, through mounding and planting, are designed to soften the urban edge of the town which is at present harsh and exposed. By providing this more effective separation from the town, it should also enhance the remote qualities of the levels which remain. It should also be of benefit in long views from the west.

6.33 I am not satisfied however, that the mounding and water features in the buffer strip will be acceptable as proposed, particularly in view of the aforementioned ecological issues. The size, location and form of the mounds and water features will need further consideration. Nevertheless, I am confident that an acceptable design solution could be found, taking into account the wider Ouse Estuary project area.

The Countryside Gap

6.34 Strategic policy seeks to prevent the reduction of important gaps of countryside between adjacent towns. The road itself would have a limited effect on the gap between Newhaven and Seaford, being so close the edge of Newhaven and running parallel to it. As the road allows for the subsequent development of the Business Park land to the east of the town, this proposal will have some effect on the land between Newhaven and Seaford which the Structure Plan identifies as a strategic gap. However, I do not consider that the proposal compromises the gap as the industrial allocation was regarded as a commitment, at the time the gap policy was introduced in the Structure Plan. This is substantiated by the Eastside

Guidelines which subsequently defined the strategic gap in this area as aligning with the eastern boundary of the industrial allocation. Landscape works and proposed management arrangements for the buffer zone which is part of the application site and the wider Ouse estuary management project area, should ensure that the gap is safeguarded for the foreseeable future.

Archaeology

6.35 The area is one of considerable archaeological interest and there is a possibility of important finds within the alluvium of the levels. The applicant intends to carry out a thorough investigation prior to the commencement of construction. I have recommended a condition to ensure that this takes place and that access is made available for an archaeologist during the construction works.

6.36 In paragraph 1.4 of my report on page 2, I referred to the flint walls which are the remains of Tide Mills, an 18th century tide powered mill. The proposal is likely to affect the character of this area. However, this will only be slight as the remains will be some 600m from the road line and well designed landscaping could help to minimise the impact.

Drainage

6.37 Water from the levels is generally pumped into Mill Creek to the south by a long established pumping station. Discussions between the applicant and the National Rivers Authority (now the Environment Agency) have taken place on the basis that although the station may need replacing at some point in the future, it should be capable of accommodating the needs of this road and associated works provided adequate flood storage is incorporated as part of the scheme. Detailed calculations on storage capability of the present proposal have not been undertaken. However, the Agency has confirmed its view that adequate drainage facilities could be provided in principle subject to them being included as part of the Ouse Estuary Scheme. Because of the uncertainty about landscaping and habitat enhancement proposals, it is unable to confirm that such measures could be included in the buffer strip to the east of the road, within the application site.

6.38 It will be important to ensure that the work on the drainage aspects of the scheme is concluded in a satisfactory manner and that there are no adverse implications for the area including in fields to the east of the proposals which are likely to continue in agricultural use. I have referred to this in my recommendation.

Pollution and Contamination

6.39 It will be particularly important to prevent contamination entering the streams in the area, arising from the road. The Environment Agency promotes the use of petrol/oil interceptors and/or the use of reed beds through which surface water would be discharged so as to minimise the risk of contamination. As recommended by the Agency, I have recommended a planning condition to require my later approval of works to prevent the pollution of the water environment.

6.40 There are two old landfill sites in the vicinity. However, the Environment Agency does not consider these to be of significance with respect to landfill gas as trial pits have indicated that the sites only contain inert waste. However, there is a former railway ballast tip to the east of the proposed terminal roundabout and it is thought that in the past, large areas of land

adjacent to the beach were backfilled with spent railway ballast. As there may be potential for landfill gas generation here, the Environment Agency has advised that any development must proceed with this in mind. Material previously exported from this site has contained elevated levels of cadmium and other heavy metals and the Agency therefore recommends that any excavations in the vicinity of the port are treated as being liable to historical contamination. Proper and safe arrangements will need to be made for the disposal of any spoil generated during construction. The Agency has suggested an appropriate planning condition which I have included in my recommendation.

Impact on Agriculture

6.41 The road will involve the loss of approximately 7.8 hectares of agricultural land, including that resulting from severance and land required for landscape treatment within the proposed buffer strip.

6.42 Most of the land on the levels which is in agricultural use, is within Grade 3 of the Ministry of Agriculture, Fisheries and Food (MAFF) classification and most of it has been surveyed as Grade 3b i.e. land with moderate limitations. There are however small areas of better Grade 3a land, one of which is traversed by the proposed road line.

6.43 MAFF does not object to the proposals because it considers that the area of the best and most versatile agriculture land which will be lost as a result of the proposal is not significant in terms of the national agriculture interest. I concur with this view.

6.44 MAFF refers to the need to assess the effect of the proposals on the land drainage systems of the adjacent fields to the east of the proposals and to take appropriate action if necessary, in the interest of efficient agriculture on the adjacent land. In the previous subsection of this report I referred to the planning condition which I recommend in order to make sure that drainage is satisfactory.

6.45 Access to agricultural land on the levels is from the A259 to the north and east and not across the line of the proposed road.

Facilities for Pedestrians and Cyclists

6.46 The area is accessible to pedestrians via a good network of public footpaths, one of which follows Pargut Bank. Others cross the levels to the A259 and there is footpath access along the north bank of Mill Creek and across the railway to give access to Tide Mills beach. There are no bridleways or cycle routes within the area at present.

6.47 The proposal includes a major new footway/cycleway from the port over Mill Creek and the railway line to the A259 in the north. It will be set apart a little distance from the road and will be lit and surfaced to adoptable standards. It is intended to become part of the route of the Portsmouth and Eastbourne leg of the proposed national cycle network.

6.48 Although the road would cut across four public footpaths on the levels, appropriate diversions would be made. One footpath would be severed by the scheme but this would be of relatively little significance as it would be effectively replaced by the major new footway/cycle way referred to above.

6.49 Whilst the Ramblers Association has raised no objection, it has asked whether a link could be formed from the footpath on the proposed bridge crossing, to an existing path between the railway line and Mill Creek. This would require some sort of pedestrian access from the bridge deck at the point at which it spans the space between the railway line and the Creek. The applicant has advised me that this would be impracticable. Whilst I believe that this is likely to be the case, the Association's suggestion is a valuable one and I have therefore asked the County Engineer to re-assess the possibility of this when the detailed bridge design is prepared.

6.50 In overall terms, the proposal will provide significant improvements for pedestrians and facilities for cyclists which do not currently exist.

7. CONCLUSIONS

7.1 The proposed road is a key component of a package of measures to regenerate the Port and Town of Newhaven. It is a necessary pre-requisite for the port renewal and Eastside Business Park proposals, which together, form a major part of the Regeneration Programme. The potential value of the road to the economy of Newhaven and of the County is therefore very significant.

7.2 In overall planning terms, there are no other routes for the road which would be appropriate. The impact on the agricultural land use of the area will be small in terms of the national interest. Visual impact of the road could be satisfactorily mitigated with well designed landscaping and despite there being drainage concerns, I am satisfied that this issue can be resolved in an acceptable manner although it may involve land outside the application site. I am confident that the pollution and contamination matters can be properly resolved.

7.3 Apart from the substantial value of the proposal in economic terms, other benefits include better conditions for those residents living in Railway Road and Beach Road once the road is built, a better footpath system on the levels and the introduction of new facilities for cyclists.

7.4 Impact on habitats is the most difficult issue raised by the proposal. The site and the area eastwards to the A259 is of demonstrable wildlife importance having being designated as a Site of Nature Conservation Interest (SNCI) by Lewes District Council in 1993. The importance of the northern part of the SNCI which includes part of the application site, is further elevated as it accommodates the active residence of a specially protected species, the Great Crested Newt.

7.5 Without the Business Park Development, it would be possible to protect the newt species. This would be through translocation, appropriate habitat enhancing landscaping and management measures both within the buffer and to a modest degree, to the west of the road alignment and the incorporation of newt creeps beneath the road. Nevertheless, there would be damage to the habitat value of the SNCI, particularly as a significant part of it would be physically removed by the road. This damage could be reduced by appropriate habitat improvements and management arrangements for the whole of the SNCI land extending eastwards as far as the A259. It is doubtful however whether the damage could be totally compensated for in this way.

7.6 With the Business Park and the road together, more of the SNCI would be lost. Protection of the newt species would need careful attention to habitat enhancing landscape and

management measures both within the buffer strip and on land beyond extending to the A259. In terms of the wider habitat value of the SNCI, whilst damage to it resulting from the developments could not be totally compensated for by the wider landscaping enhancing measures, a good level of amelioration could be achieved.

7.7 Given the very substantial planning benefits that would be likely to accrue from the proposal and the potential for fully compensating for impact on the protected newt colony and minimising damage to the habitat value of the SNCI in wider terms, I conclude that the application is acceptable and my recommendation to the Committee is that it should be supported. This is however subject to a condition which would preclude the development from proceeding before arrangements for landscape, drainage and habitat enhancement for land to the east of the application site, extending to the A259 had been made to my satisfaction. The Newhaven Economic Partnership wishes to reach this stage by March 1997 and the Highway Authority's earliest possible commencement date for the road construction is in the summer of that year.

8 FORMAL RECOMMENDATION

8.1 The Committee is recommended to resolve for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 to grant planning permission subject to conditions along the lines of the following:-

1. The development permitted shall be begun before the expiration of 5 years from the date of this permission.
2. Development shall not commence prior to arrangements for landscape, drainage and habitat enhancement for land to the east of the application site extending to the A259 being made to the satisfaction of the County Planning Officer. These arrangements shall include:-
 - (i) agreement between interested parties;
 - (ii) design of enhancements;
 - (iii) the securing of any necessary consents; and
 - (iv) funding and timetable for implementation.
3. Development shall not commence prior to planning consent being granted for the development of the port expansion area to the south of Mill Creek.
4. Development shall not commence until plans at a scale of not less than 1:200, showing the detailed design of the proposed bridge over the railway and creek and details of the surface materials for the bridge structure have been submitted to and approved by the County Planning Officer. Thereafter the bridge shall be built in accordance with the approved design and materials.
5. The proposed lighting of the carriageway and of the combined footway and cycle way shall use lanterns which are of the full cut-off variety. Development shall not commence until drawings to show the appearance and dimensions of the lamp standards at not less than 1:500 scale have been submitted to and approved by the

County Planning Officer. Thereafter the installation of the lighting of the scheme shall be fully in accordance with the approved drawings.

6. No development shall take place until there has been submitted to and approved by the County Planning Officer a scheme of landscaping and other ancillary works which comprise a contour plan to a minimum scale of 1:500 showing the existing features to be retained, new features proposed and the treatment thereof. The features to be shown shall include:-
 - (a) all trees, shrubs, hedges or other planting (including off-site planting), indicating the position of trunks or stems, the spread (shown to scale) and the species;
 - (b) footpaths, steps, slopes, grass and paved areas;
 - (c) earthworks, embankments, walls and bunds;
 - (d) watercourses, water features, ponds and flood storage areas;
 - (e) fencing and other accommodation works; and
 - (f) habitat enhancing landscape features.
7. All planting, seeding or turfing comprised in the above scheme of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the County Planning Officer gives prior written consent to any variation.
8. All aspects of the landscaping scheme other than those in: (vi) above shall be completed before the development is brought into use unless the prior written agreement of the County Planning Officer is obtained to any longer period.
9. No development shall take place until there has been submitted to and approved by the County Planning Officer, a management plan for land within the application site and details of the arrangements for its implementation. The plan shall be implemented following the development.
10. Development shall not commence until details of measures to protect the Great Crested Newt population throughout the period of construction works have been submitted to and approved by the County Planning Officer and the scheme shall be constructed only in accordance with the approved details.
11. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the County Planning Officer. This shall allow for an assessment to be undertaken ahead of construction and a recording brief to be carried out during the actual works.

12. Development shall not commence until details of surface water drainage works have been submitted to and approved by the County Planning Officer and the development shall not be brought into use until the approved details have been carried out.
13. No development approved by this permission shall be commenced until a scheme for maintaining the flood defences has been approved by the County Planning Officer. The scheme shall be constructed and completed in accordance with the approved plans.
14. No development approved by this permission shall be commenced until provision has been approved for access to the watercourses known as the Newhaven Sewer and Tide Mill Creek. Such access shall be constructed and completed in accordance with the approved plans.
15. No development shall commence until a scheme has been approved by the County Planning Office for the provision and implementation of works to prevent pollution of the water environment.
16. No development shall take place until an adequate investigation has been undertaken to assess the degree of contamination of the site and to determine its water pollution potential. The methods and extent of this investigation shall be agreed with the County Planning Officer before any work commences. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for implementations and monitoring, shall be submitted to and approved in writing by the County Planning Officer.
17. No development shall take place until the arrangements for the disposal of any spoil generated during construction have been approved by the County Planning Officer. Thereafter, the development shall proceed only in accordance with the approved arrangements.
18. Development shall not commence until a scheme setting out the arrangements for the construction of the road and ancillary works have been submitted to and approved by the County Planning Officer. This shall include the routing of construction traffic and hours of working. Thereafter, the development shall be carried out in accordance with the approved scheme.

INFORMATIVE

The Highways and Transportation Committee is reminded of the need to conform with statutory species protection measures affecting the application site.

9 BACKGROUND PAPERS - File LW/1751/CC.

CHRIS M WILLIAMS
County Planning Officer
4 June 1996
ENCTTEE:1751