

Committee: **Regulatory
Planning and Highways Sub Committee**

Date: **11 February 2004**

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

Proposal: **Improvements to the combined sewer overflows system, including a 1.2m wide tunnel from Southover High Street to Brook Street via Pinwell Road, two new underground pumping stations, a building to house a motor control centre/transformers, a storm overflow pipeline, assorted upsizing of and connections to existing sewers and ancillary works.**

Site Address: **Lewes Town including land at or off North Street, Eastgate Street, Friars Walk, Pinwell Road, Southover High Street, Garden Street, Lansdown Place, St Pancras Road, Grange Road, Court Road, Railway Land LNR, Offham Road, Paddock Sports Ground, Talbot Terrace, Pelham Street and Brook Street.**

Applicant: **Southern Water Ltd.**

Application No. **LW/387/CM**

Key Issues: (i) **Location of MCC/Transformer building and use of a 'Faraday Cage'**
(ii) **Lorry movements**
(iii) **Compensation working party**
(iv) **The Hastings storm water scheme**
(v) **Revised conditions**

SUMMARY OF RECOMMENDATIONS

To grant planning permission subject to a legal agreement and to conditions.

CONSIDERATION BY DIRECTOR OF TRANSPORT AND ENVIRONMENT

1. Introduction

1.1 This planning application was originally considered by Planning and Highways Sub-Committee on 10 December 2003 but was deferred as the Committee considered that the applicant should review certain aspects of the proposed development, namely:

- The location of the MCC/Transformer building at Court Road;
- The installation of a 'Faraday Cage' in the MCC/Transformer building;
- The number of lorry movements associated with the construction works; and
- The inclusion of a compensation working party within the Liaison Group.

1.2 The applicant has undertaken this review and the results are considered below. This report only considers the application insofar as it relates to the information required by Committee to be reviewed, as the original report covers all other matters relating to the

application and is attached at the Appendix. This report should be read in conjunction with the appended report and both reports are for consideration by the Sub-Committee.

1.3 Further consideration has been given to the conditions, so that some have been revised for clarification and two new conditions have been added. These are considered below.

1.4 Reference was made to Southern Water's storm water tunnel scheme in Hastings at the meeting on 10 December and as a consequence the applicant has considered it necessary to submit information that clarifies certain facts. This matter is also reported below.

2. Consultations

2.1 Further consultations were carried out involving Lewes District Council and Lewes Town Council, the Local Member and local residents in the vicinity of Court Road, specifically the Manager of Leighside House and the occupiers of numbers 1-10 Friars Walk.

2.2 Lewes District Council has no further comments to add to those made previously, although it notes that the County Planning Authority should be satisfied that the proposed location of the MCC/Transformer building neither prejudices residential amenity or health.

2.3 Lewes Town Council has not made any observations.

2.4 The Local Member has not submitted any comments.

2.5 Representations: ten further letters have been received objecting to the CSO scheme, including the siting of the MCC/Transformer building, for the following reasons: (i) the new system will only combine existing overflows into one large screened overflow prior to the discharge into the River Ouse; (ii) the MCC/Transformer building should be located in the Local Nature Reserve or behind the Magistrates' Court in Friars Car Park; (iii) the construction of the pumping station will cause much disturbance; (iv) the building will result in an adverse visual effect from properties in Friars Walk and on the conservation area; (v) there will be electromagnetic emissions from the transformers that will affect health; (vi) there will be noise from the transformers; (vii) the building will cause loss of light; (viii) security risks; (ix) settlement is possible to properties; (x) proximity of the vent column; (xi) proximity of plant and equipment during construction; and (xii) more consultation should have been carried out.

2.6 One representation also wished the Committee to note that the objection letters submitted on 13th November 2003, along with the petition of nearly 500 signatures, still stand as opposition to the unchanged plan to build the transformer building at the rear of Nos. 1 & 2 Friars Walk.

3. The Development Plan policies of relevance to this report are:

3.1 East Sussex and Brighton & Hove Structure Plan 1991-2011: Policies: S1 (sustainable development); S2 (infrastructure); TR1 (integrated transport and environmental strategy); EN15 (noise); EN17 (nature conservation).

3.2 Lewes District Local Plan (March 2003): Policies: ST3 (design, form and setting of development); ST9 (natural features and habitats); ST11 (landscaping of development); ST13 (noise); H2(b) (listed buildings); H5 (conservation areas).

3.3 East Sussex and Brighton & Hove Waste Local Plan, Second Deposit (April 2002): Policies: WLP30 (waste water); WLP36 (traffic).

4. Considerations

Location of MCC/Transformer building

4.1 The Committee expressed concerns regarding the location of the MCC/Transformer building off Court Road in relation to the potential effect on residential amenity, including health. Consequently, the review by the applicant has (i) provided information relating to the need for a Motor Control Centre and transformers; (ii) assessed the likely level of Electric and Magnetic Fields (EMFs) emissions from the building; (iii) considered the feasibility of providing a Faraday Cage around the transformers; (iv) assessed the general areas in which to locate the MCC and transformers; and (v) considered the specific location options for the MCC and transformers. I shall consider these in turn.

Need for a Motor Control Centre and transformers at Court Road

4.2 A Motor Control Centre (MCC) is an enclosure to house electrical equipment necessary to provide power and controls for mechanical plant and associated instrumentation. At the Court Road Pumping Station (PS) the MCC will control the pumps and screens housed in the pumping station and therefore will act as the 'nerve centre' of the PS.

4.3 As it will be important to maximise the security of the power supply to the MCC, two transformers will be provided to supply a dual power facility and to ensure the integrity of the electricity supply to them, the sources of the supplies will be derived from two independent primary substations. The relative locations of these substations are such that the cables feeding Court Road will run along entirely independent routes and will approach Court Road from opposite directions. In normal operation, both transformers at Court Road would be permanently energised from their respective sources and would supply the electrical demands of the equipment. If there were a failure of one of the supplies then any plant operating from that source would stop but any plant operating from the other source would continue unaffected. The provision of dual supplies is a recognised means within the water industry and other industries for ensuring integrity against supply failure where plant operation is of a critical nature.

4.4 The Motor Control Centre and its associated transformers form a crucial part of the scheme without which it could not function. I am satisfied that the provision of this plant close to the pumping station in Court Road is an essential and overriding component of the scheme.

Electric and Magnetic Fields (EMFs)

4.5 Electric and magnetic fields are produced both naturally and as a result of human activity. Magnetic fields are produced by current in the earth's core and are often measured in microteslas. Anything that uses or carries mains electricity is potentially a source of power-frequency magnetic fields. They are little affected by the presence of built or natural structures and therefore such emissions would be present outside the proposed building at Court Road. However, I am advised by the applicant that the proposed transformers would each produce a magnetic field of only 2 microteslas at the perimeter of the building and that this would fall rapidly over a few metres to negligible levels so that the field would be indistinguishable from other magnetic fields present in the area.

4.6 To put this level of emissions into context, the National Radiation Protection Board (NRPB), which has a statutory responsibility for advising on power frequency fields, has provided guidelines on the effects of exposure to radiation that takes into account evidence for all possible suggested effects of emissions from EMFs on people. The NRPB considers that a magnetic field of a minimum of 1600 microteslas has to be identified before any investigation would be necessary. Given that the magnetic field strength from the Court

Road transformers is not expected to produce more than 2 microteslas at the perimeter of the building, the emission levels are negligible and fall well within the guidance for investigation levels as recommended by the NRPB. Therefore, I do not consider that such levels are likely to have any adverse effect on the health of any persons living or working within the vicinity of the proposed transformers.

4.7 Transformers also produce emissions from 'electric fields' that are produced by voltage. Unlike magnetic fields however electric fields are readily absorbed by building materials and natural features. Given that the transformers would be encased within a metal box within a building, I understand that most if not all electric field emissions would be absorbed before exposure to the atmosphere. Therefore, it appears that either nil or negligible levels of electric field emissions would be present at the perimeter of the building.

4.8 There are known to be 26 substations located in close proximity to the proposed scheme, with over 50 across the town. These are typically housed in fenced, open-topped structures, not in roofed, double-brick cavity walled buildings such as the one proposed at Court Road. Many of these substations are already located in close proximity to residential properties in the town, examples of which can be found at Court Road and off Pinwell Road. This situation is repeated throughout the country and I am not aware that there is any evidence to suggest that such electrical equipment has adversely affected health.

4.9 Although it is accepted that local residents have a perceived fear about the effect on their health of EMFs, the levels are very low and there appears to be no or very low risk to health. Given the low level of EMF emissions and the lack of any evidence to suggest any risk to health I do not consider that the refusal of planning permission is justified on either that ground or because of the fear of such effects on the part of residents.

Use of a 'Faraday Cage'

4.10 It was suggested by the Committee that a 'Faraday Cage' could be installed around the transformers to shield electro-magnetic fields being radiated outside the MCC/Transformer building. Faraday Cages are understood to be largely theoretical and usually represent perfectly conducting enclosures of an infinite size with no openings. In scientific terms, a perfect conductor is a theoretical concept and perfect Faraday Cages do not exist. However, very good cages can be constructed for electromagnetic experiments and mesh cages can be constructed as part of reinforced concrete buildings, to aid protection against lightning strikes.

4.11 However, if it were to be used in this particular case such a cage would have to comprise a completely sealed unit to offset any leakage of EMFs in order for it to be effective. However, a sealed cage would take no account of the working environment or the necessary operational requirements in using this plant. Installations for housing transformers require louvres to maintain ventilation, cable connections, ventilation ducts, lights and doorways that all require openings to the atmosphere.

4.12 Moreover, to date cages have not been used to enclose transformers because there has been no justification for doing so given the negligible level of emissions from this type of equipment. I do not consider that the installation of a Faraday Cage would be a reasonable planning requirement because the level of such emissions would be negligible and it appears to be ineffective in reducing emissions in any event.

Assessment of the general areas to locate the MCC and transformers

4.13 A number of constraints have been identified by the applicant in selecting a general location to house the MCC and transformers. Foremost is the maximum length of cable, 130 metres, that would be required to connect the cable junction box to the transformers. Since this represents an absolute constraint, the area of search had to be restricted to land within

a 130m radius of the pumping station. In addition, certain areas of land had to be eliminated immediately due to existing constraints on the land, for example because they are already developed.

4.14 Both the applicant and Seeboard require certain operational standards for siting and housing equipment. In this case, such standards will determine the size of the MCC and the floor area for the transformers. As well as operational constraints, planning and environmental factors must also be considered, as well as health and safety and engineering matters.

4.15 Following the review of the areas that might be possible locations for the MCC and transformers, four general locations were considered for further appraisal, namely (i) the Magistrates' Car Park/grounds of Leighside House; (ii) Lewes District Council's public car park off Railway Lane, known as Friars Car Park, (iii) land on the Local Nature Reserve off Railway Lane and (iv) land on the Local Nature Reserve off Court Road. These locations are shown on a plan within the additional documentation and are considered in more detail below.

Specific location options for the MCC and transformers

4.16 Before appraising the four areas, the applicant considered whether the building could be located partly underground. However, this was not considered to be a practical solution as any design would need to rely on the watertight sealing of all openings, which is inherently problematic and could prevent access at times of flooding when operational needs are greatest. Pinwell Road private car park was also considered as a possible site for locating the MCC/Transformer building but this was discounted because it is more than 130 metres from the pumping station and did not meet the cabling requirement.

4.17 The four locations considered by the applicant as possible areas were fully appraised to take account of the various constraints and the configuration of a building(s) to house the MCC and transformers. This could involve either a 'back-to-back' or 'in line' arrangement or the construction of two separate buildings. The appraisal was based on various criteria and each criterion was ranked according to the severity of its environmental and operational effects. The ten options examined are set out below with the main issues and conclusions summarised in italics; Members should refer to the plans included in the additional information.

Magistrates' Car Park/Grounds of Leighside House

- Option A: an 'individual' arrangement with the MCC building located within the grounds of Leighside House gardens between the flint boundary wall for properties at Nos 7 & 8 Friars Walk and the west side of Leighside House and the transformers located close by within the Magistrates' Court car park. *The main problems with this option involve a high impact on amenity due to loss of garden space in the grounds of Leighside House and that part of the land would not be available for purchase.*
- Option B: an 'in-line' arrangement located in the Magistrates' Court car park as close as possible to the pumping station and in front of the wall of the gardens of Friars Walk. *The main problem with this option involves the design layout, massing and siting of the building which would adversely affect the amenity of occupiers of a number of properties in Friars Walk.*
- Option C: a 'back-to-back' arrangement located within the grounds of Leighside House gardens between the rear flint boundary wall for properties Nos 7 & 8 Friars Walk and the west side of Leighside House. *Although this was originally favoured as the location for the building, the main problems involve the loss of land for amenity purposes at Leighside House and that the land was not available for purchase.*

- Option D: an 'in-line' arrangement located on the north-east side of the car park, adjacent to Court Road. *The main problems would involve the permanent loss of car parking and the significant impact on the street scene.*
- Option E: a 'back-to-back' arrangement located on the grass area to the west of the entrance to the Magistrates' Car Park and Nos 1 & 2 Friars Walk. *This is the proposed site. The building would have no significant impacts on amenity, the street scene or operations.*
- Option F: a curved 'in-line' arrangement to the south-east corner of the Magistrates' Car Park and Court Road. *The main problems would involve a permanent loss of car parking spaces and a significant impact on the street scene.*

Lewes District Council Car Park (Friars Car Park)

- Option G: an 'in-line' arrangement located in Lewes DC's public car park adjacent to Court Road. *The main problems would involve a permanent loss of public car parking spaces which would be unacceptable to Lewes DC and increased operational risks due to the building being significantly separated from the pumping station.*
- Option H: a single 'in-line' structure in Lewes DC's public car park adjacent to the toilet block. *The main problems would involve a permanent loss of public car parking spaces which would be unacceptable to Lewes DC and increased operational risks due to the building being significantly separated from the pumping station.*

The Railway Land Local Nature Reserve

- Option I: a single 'back-to-back' structure located in the LNR off railway Lane. *The main problems would involve the site being within the LNR and increased operational risks due to the distance from the pumping station.*
- Option J: a 'back-to-back' arrangement located within the LNR opposite the Magistrates' Court Car Park, off Court Road. *The main problems would involve the site being within the LNR resulting in substantial tree loss and the poor ground conditions for construction.*

4.18 The applicant considered that their preferred site with the least risk of impact is Option E within the Magistrates' Car Park. This was considered the most feasible option and offered the least impact as: (i) there would be no loss of permanent parking spaces; (ii) there would be some visual effect but natural screening would benefit No 1 Friars Walk and No 2 is set back from the boundary wall; (iii) the building would fit into the existing street scene with minimal intrusion; (iv) the land is vacant; (v) the proximity to the PS meets the needs of SWS operational staff; (vi) the zoned access for Seeboard staff allows parking and meets the needs of Seeboard; (vii) the land purchase would be feasible; (viii) construction would be easier as the building is near the PS and in an undeveloped area and the car park could be used entirely as a compound, thereby meeting health and safety requirements.

4.19 I have considered the applicant's assessment against planning policy and other material considerations. I consider that the applicant has looked at all the possible options and based on the information available, I am satisfied that Option E represents the best available location, given the existing environmental and operational constraints in the vicinity of the pumping station.

Lorry movements

4.20 The Environmental Statement (ES) addresses the traffic and transport implications of the CSO development, which essentially relates to the movement of construction vehicles around the town and removal by lorries of spoil generated by the scheme. The applicant has provided information which demonstrates that the number of vehicle loads associated with

the development is relatively small at 3216 over the course of the development, which equates to an average of nearly 12 loads per day.

4.21 As a result of changes to the scheme in September 2003 and the way in which the waste material would be disposed of, the level of lorry movements within the town has been reduced. For example, the numbers of lorries using Mountfield Road and Ham Lane has decreased from 16 per day to about one due to the withdrawal of waste management facilities at the Lewes Transfer Pumping Station.

4.22 Alternative forms of transport have also been considered by the applicant including the movement by rail and water of the spoil generated by the scheme. However, it would not be feasible to move the material generated by the tunnelling scheme by either rail or water as the quantities of material arising are too small to warrant the required infrastructure.

4.23 Therefore, transportation of the material by road is considered to be the only viable means available and haulage routes through the town have been agreed with the Highway Authority and Sussex Police.

4.24 The ES considers the potential effects of traffic movements and does not predict that impacts within the town will be of any more than low significance. The one exception relates to the 24 hour concrete pour at Court Road where a moderate impact is predicted over this very short period.

4.25 I am satisfied there is no realistic scope for using alternative means of transport and I consider that there is no scope for reducing further the number of vehicle movements associated with the scheme over and above what has already been achieved. I reaffirm my view that the traffic implications of the scheme do not warrant a refusal of planning permission.

Compensation working group

4.26 Clarification was sought by the Committee on the potential inclusion of a compensation working party as part of the proposed Liaison Group, which the applicant is requested to establish throughout the period of works.

4.27 This is not a material planning consideration nor a matter that can be the subject of a planning condition. The applicant says that although a Liaison Group could monitor the overall process for dealing with compensation events, there is a statutory scheme for the regulation of compensation issues relating to works carried out by Southern Water and claims would need to be dealt with on an individual basis, in accordance with Southern Water's Code of Practice.

The Hastings storm water scheme

4.29 As a result of comments made at the 10 December meeting on the Hastings storm water scheme, the applicant has considered it necessary to submit information relating to this scheme. The buildings that were referred to as being demolished were located in Braybrook Terrace and did not collapse as a result of the tunnelling but were demolished on a planned basis following the undertaking of the relevant condition surveys. Surveys were undertaken before work commenced which highlighted the very poor structural state of the terrace structure. Although several alternatives for the retention of the buildings were considered, the poor condition of the buildings and the fact they were sited on alluvium resulted in Southern Water purchasing the buildings and demolishing them before tunnelling commenced.

4.30 This was a responsible approach to an identified safety issue. With respect to the Lewes CSO scheme, I note that it involves a significantly smaller tunnel that is engineered in

an entirely different way. The tunnel route also has been achieved without passing under any residential properties.

Revised conditions

4.31 The Sub-Committee will be aware that a condition to link the implementation of the Pinwell Road car park (permission reference LW/395/CM) with the CSO development was agreed in principle at the December meeting. However, the applicant is unable to guarantee that the land at Pinwell Road can be secured so that works can commence for the construction of the car park immediately after the Sub-Committee meeting on 11 February, subject to planning permission being granted for the main scheme. Therefore and in order that further delays can be avoided, I recommend that a condition should be included that requires the applicant to provide replacement car parking spaces that would be at least equivalent to the number being provided at the Pinwell Road car park before the CSO scheme can be implemented. I understand that the applicant is able to provide these spaces at Southdowns Sports Club off Cockshut Lane. I have included a condition that secures this requirement as condition 23.

4.32 Additional changes to the Formal Recommendation, as originally set out in the agenda for 10 December and attached at the Appendix, involve the following:

4.33 Condition 3: minor amendments to the wording to clarify that the noise survey relates to the construction period of the development and that individual Noise Management Plans should be submitted for approval prior to the commencement of work at each site respectively.

4.34 Condition 7: a correction to the formatting of the condition.

4.35 Condition 20: an amendment to the wording of the condition so that any noise from the MCC/Transformer building would be below the level of the mean night time ambient noise levels at the site. The condition suggested in the previous report is not appropriate as I understand a low level of noise is likely to be audible in a position immediately next to the louvred openings at the side of the building but which should not exceed the night-time ambient noise levels.

4.36 An additional condition (at number 24) is recommended to require the applicant to carry out the development in accordance with the phasing programme submitted as part of the application.

5. Conclusion and Reasons for Approval

5.1 The conclusions on the overall scheme are set out in the report presented to Committee on 10 December 2003 and attached to this report at the Appendix and are unchanged.

5.2 In terms of the issues considered in this report, I have the following conclusions:

1. There is an overriding requirement for the provision of a MCC/Transformer building in close proximity to the underground pumping station off Court Road to ensure the latter's effective operation. This is in accordance with Policy S2 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP30 of the East Sussex and Brighton & Hove Waste Local Plan, Second Deposit (April 2002).
2. Based on the evidence, there would be a negligible level of electromagnetic emissions from the transformers with no undue risk to health. Consequently, the presence of transformers at the proposed location will not adversely

affect amenity and therefore is in accordance with Policy ST3 of the Lewes District Local Plan 2003.

3. The installation of a Faraday Cage would not be necessary due to the negligible level of emissions from the transformers and in any event would not be an effective facility in reducing such emissions. This accords with Policy ST3 of the Lewes District Local Plan 2003.
4. The location of the MCC/Transformer building to the rear of Nos 1 & 2 Friars Walk is the best available option as it would have the least environmental impact and accords with Policies S1, S2, EN15, and EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policies ST3, ST9, ST11, ST13, H2(b) and H5 of the Lewes District Local Plan 2003; and Policy WLP30 of the East Sussex and Brighton & Hove Waste Local Plan, Second Deposit (April 2002).
5. The number of lorry movements required for construction have been reduced as far as is practicable and movement of waste or other materials by either rail or barge would not be viable given the small quantities involved. This accords with Policies S1 and TR1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP36 of the East Sussex and Brighton & Hove Waste Local Plan, Second Deposit (April 2002).
6. A compensation working party should not form part of any project Liaison Group as compensation issues would be dealt with under other legislative procedures.
7. I consider that there is a important need to improve the combined sewer overflows system in Lewes and that there are no issues that would warrant its refusal of planning permission. I therefore recommend that planning permission should be granted subject to a legal agreement and conditions set out below.

6. Formal Recommendation

6.1 To recommend that the Planning & Highways Sub Committee grant planning permission subject to the prior completion of a legal agreement under Section 59 of the Highways Act 1980 to secure any necessary repair or reconstruction of the public highway and to the following conditions:

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

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

2. No development shall take place until a written scheme of investigation and programme of implementation of archaeological work has been submitted to and approved in writing by the Director of Transport and Environment. The development shall be carried out in accordance with the approved scheme which shall be implemented in full.

Reason: In order to provide a reasonable opportunity to record the history of the site and to protect valuable archaeological remains, in accordance with Policy EN23 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policies H9 & H11 of the Lewes District Local Plan.

3. No development shall take place until a survey identifying the extent and locations of the fixed noise impacts arising as a result of the construction of the development has been submitted to and approved in writing by the Director of Transport and Environment and no development shall take place at any noise location so identified until a Noise Management Plan in respect of that location including ambient noise levels and noise mitigation measures has been submitted to and approved in writing by the Director of Transport and Environment.

The Noise Management Plans so approved shall be implemented in full and at all times. The noise levels identified in the Plans shall not be exceeded at any time.

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

4. No development shall take place until a scheme to control the emission of dust has been submitted to and approved in writing by the Director of Transport and Environment. The approved equipment shall be maintained in accordance with the manufacturer's instructions at all times until completion of the development.

Reason: In the interests of the amenity of the locality, in accordance with Policy W9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

5. No development shall take place until details of the locations and means of enclosure of the construction compounds, together with schemes for:

- i) reducing visual impact, including measures for screening the compounds;
- ii) protecting trees in or close to the site of the compound; and
- iii) reinstating the sites after completion of the development, including a timetable,

have been submitted to and approved in writing by the Director of Transport and Environment. All details and schemes so approved shall be implemented in full in accordance with the approved details and timetables.

Reason: In the interests of the amenity of the locality, in accordance with Policy ST3 of the Lewes District Local Plan.

6. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the MCC/Transformer building off Court Road and the enclosure at the Pinwell Road pumping station hereby permitted have been submitted to and approved by the Director of Transport and Environment. The development shall be carried out in accordance with the details so approved.

Reason: To secure a development of quality in the interests of the amenity of the locality, in accordance with Policies ST3, H2 and H5 of the Lewes District Local Plan.

7. No development shall take place until details of the locations, design, to include the ability to retrofit carbon filters, dimensions and specifications of the vent columns have been submitted to and approved in writing by the Director of Transport and Environment. The vents shall be constructed in accordance with the details so approved.

Reason: In the interests of the amenity of the locality, in accordance with Policies ST3, H2 and H5 of the Lewes District Local Plan.

8. No development shall take place until a scheme in respect of the carrying out of works in the Railway Land Local Nature Reserve has been submitted to and approved in writing by the Director of Transport and Environment. The scheme shall include details of the following:
- i) proposed excavations;
 - ii) position and specification of fencing or other means of enclosure; and
 - iii) measures for the protection of trees to be retained as identified in the planning application.

A scheme which has been so approved shall be implemented in full in accordance with the approved details.

Reason: To ensure the protection of trees and habitats in the Local Nature Reserve, in accordance with Policy N17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

9. No retained tree in the Railway Land Local Nature Reserve shall be cut down, uprooted or destroyed, nor shall any such tree be topped or lopped except with the written approval of the Director of Transport and Environment. If any retained tree is removed, uprooted or destroyed, becomes seriously damaged or diseased or dies during the period of development, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Director of Transport and Environment.

Reason: To ensure the protection of trees to be retained as part of the development, in accordance with Policy N17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

10. Development shall not commence until a scheme of restoration and reinstatement for the Railway Land Local Nature Reserve has been submitted to and approved in writing by the Director of Transport and Environment. The scheme shall include the following:
- i) details of planting;
 - ii) measures for the enhancement and reinstatement of habitats;
 - iii) measures for the restoration of the ground; and
 - iv) a timetable for implementation of the scheme.

Any scheme so approved shall be implemented in full in accordance with the timetable.

Reason: To ensure the proper restoration of the site in the interests of biodiversity and the amenity of the locality, in accordance with Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

11. There shall be no road closure nor any works which restrict access to the application site unless a Traffic Management scheme has been submitted to and approved in writing by the Director of Transport and Environment at least 4 weeks prior to the date of closure or restriction of access. Any scheme so approved shall be implemented in full in accordance with the approved details.

Reason: To enable the County Planning Authority to control the development in the interests of the amenity of the locality, in accordance with Policy W9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

12. No work shall take place other than between the hours of 0700 and 1900 Mondays to Saturdays and 0800 and 1300 on Sundays except for noise emitting activities which shall be restricted to between the hours of 0800 and 1800 Mondays to Saturdays and 0830 and 1230 on Sundays, Public and Bank Holidays, with no working of any kind at any other time except with the prior written agreement of the Director of Transport and Environment.

Reason: In the interests of the amenity of the locality, in accordance with Policies S1 & EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

13. No development shall take place until details of a scheme for the provision of a telephone line for dealing with complaints from members of the public about matters associated with the development have been submitted to and approved in writing by the Director of Transport and Environment. The scheme shall be operated during the hours when any work or activity in connection with the 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.

14. 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 Director of Transport and Environment no later than the next working day after the complaint was received. The notice shall include a description of the complaint, the name and address of the person making it and the action proposed as a result.

Reason: To secure the monitoring of the development in the interests of the amenity of the locality.

15. If contaminated matter is found on any part of the site all works shall cease immediately and shall not recommence except in accordance with a Method Statement specifying measures for dealing with the contamination which has been submitted to and approved in writing by the Director of Transport and Environment.

Reason: To minimise the risk of pollution to the aquifer and watercourses and to secure an appropriate means of waste disposal, in accordance with Policies S1 & EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

16. No spoil or waste material shall be stored on those parts of the site subject to risk of flooding identified on Figure 10.1 attached to this permission.

Reason: To minimise the risk of pollution to the aquifer and watercourses, in accordance with Policy ST15 of the Lewes District Local Plan.

17. The control of groundwater during any period of de-watering operations shall be in accordance with details first submitted to and approved in writing by the Director of Transport and Environment prior to the commencement of any such operations.

Reason: To minimize the risks of pollution to the aquifer, in accordance with Policy EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

18. Development shall not take place until details of the arrangements for discharge of foul drainage and contaminated surface water have been submitted to and approved in writing by the Director of Transport and Environment. The approved arrangements

shall be implemented in full and no foul drainage or contaminated surface water shall be disposed of by discharge to any watercourse.

Reason: To minimise the risk of pollution to the aquifer and watercourses, in accordance with Policy EN11 of the East Sussex and Brighton & Hove Structure plan 1991-2011.

19. No oil, fuel, lubricant or any liquid other than water shall be discharged on to the ground or to any place from which it might leach into the ground and shall be stored in impermeable tanks or containers in an area surrounded by bund walls with the capacity to accommodate the equivalent of 110% of the total contents of all the tanks or containers and associated pipework. The floor and walls of the bunded areas shall be impervious to water and oil. Pipes shall vent downwards into the bund.

Reason: To minimise the risk of pollution to the aquifer and watercourses, in accordance with Policy EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

20. The level of noise emitted from the MCC/Transformer building relating to the use of equipment within the building shall not exceed 5dB below 32dB LA90 (the mean night time background noise level) at the façade of the boundary wall adjacent to the western elevation of the building.

Reason: In the interests of the amenity of the locality, in accordance with Policy ST3 of the Lewes District Local Plan and Policy EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

21. The site shall not be illuminated other than in accordance with details first submitted to and approved in writing by the Director of Transport and Environment. The details shall include the position, height, power and specification of lamps, the spillage of the light beam in relation to nearby properties and the proposed hours of illumination.

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

22. Waste containing water or any other liquid shall only be removed from the site by vehicles using sealed tanks or containers. All other waste materials shall be removed using containers which are securely sheeted.

Reason: In the interests of highway safety and the amenity of the locality, in accordance with Policy W9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

23. No excavation for or in association with shaft construction and tunnelling shall be carried out unless the Pinwell Road car park, subject of permission LW/395/CM, or a car park with an equivalent number of spaces has been provided and is available for use by members of the public.

Reason: To secure the provision of replacement car parking spaces, in accordance with Policy TR19 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

24. The development hereby permitted shall not be carried out other than in accordance with the construction programme set out in Figure 4.4 of the Supplementary Environmental Statement dated 8 September 2003 and received by the Director of Transport and Environment on 9 September 2003 except with the prior written approval of the Director of Transport and Environment.

Reason: To enable the County Planning Authority to control and regulate the development in the interests of the amenity of the locality.

INFORMATIVES

It is recommended that the applicant should establish a local liaison group for the period of the construction works.

The applicant is recommended to appoint a contact liaison officer to enable councillors, officers, businesses and local residents to have a ready point of contact to resolve any issues that arise throughout the development.

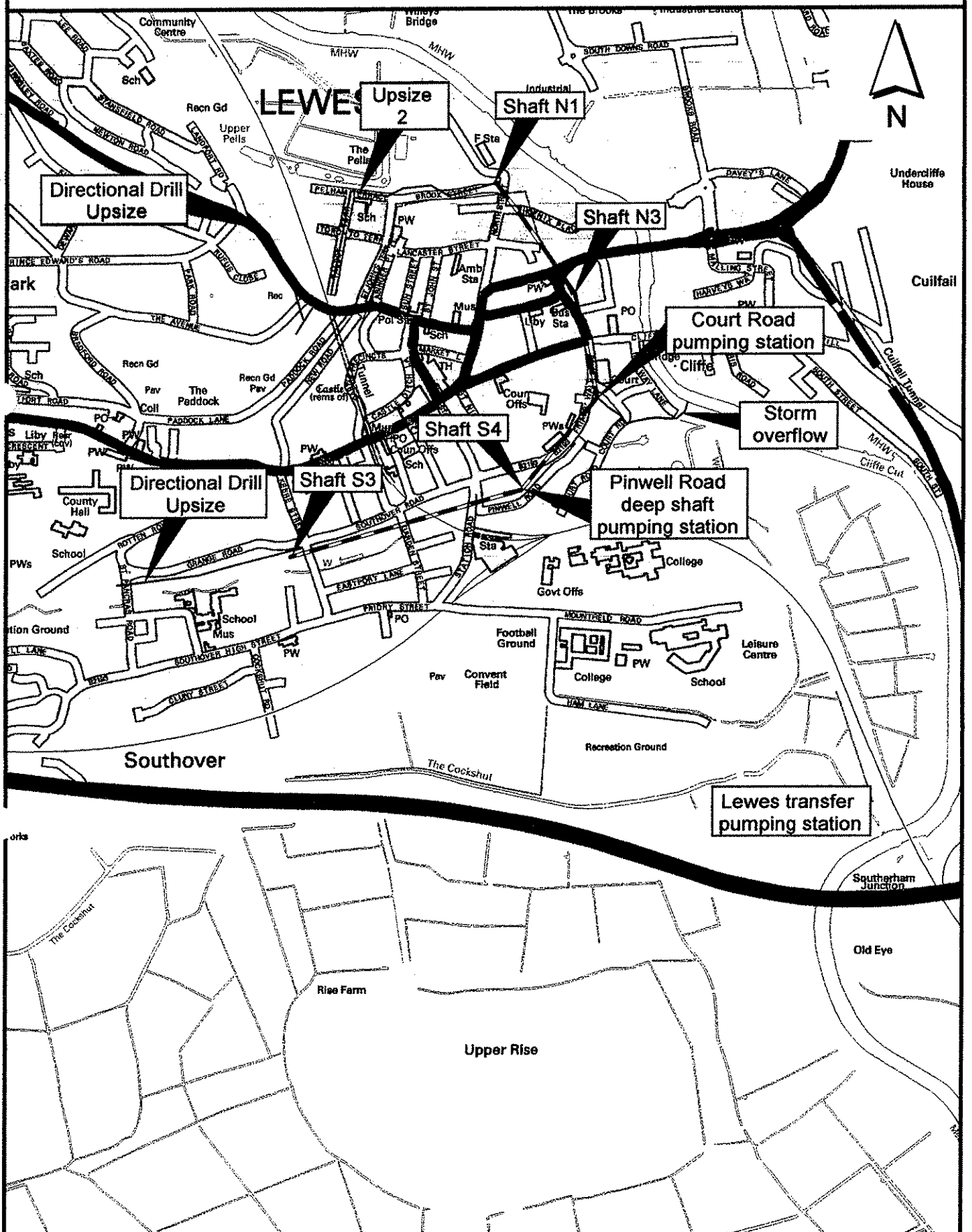
BOB WILKINS
Director of Transport and Environment
03 February 2004
P&HSUB: P11February- LW387CM – part 2 -

Contact Officer: Jeremy Patterson - Tel. No. 01273 481626
Local Member: Councillors Michael Chartier and Mary McPherson

BACKGROUND DOCUMENTS

Application file LW/387/CM.
Planning permissions LW/394/CM and LW/395/CM.

LW/387/CM



Scale 1: 10000

Bob Wilkins
Msc CEng MICE MinstWM MIHT
Director, Transport and Environment
East Sussex County Council

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. East Sussex County Council, LA076600, 2004

APPENDIX

Agenda Item No.

Committee:	Regulatory Planning and Highways Sub Committee
Date:	10 December 2003
Report by:	Director of Transport and Environment
Proposal:	Improvements to the combined sewer overflows system, including a 1.2m wide tunnel from Southover High Street to Brook Street via Pinwell Road, two new underground pumping stations, a building to house a motor control centre/transformers, a storm overflow pipeline, assorted upsizing of and connections to existing sewers and ancillary works.
Site Address:	Lewes Town including land at or off North Street, Eastgate Street, Friars Walk, Pinwell Road, Southover High Street, Garden Street, Lansdown Place, St Pancras Road, Grange Road, Court Road, Railway Land LNR, Offham Road, Paddock Sports Ground, Talbot Terrace, Pelham Street and Brook Street.
Applicant:	Southern Water Ltd.
Application No.	LW/387/CM
Key Issues:	(i) Need for the scheme (ii) Engineering alternatives (iii) MCC/Transformer building (iv) Settlement to buildings (v) Effect on the socio-economics of the town (vi) Storm overflow pipeline (vii) Amenity (viii) Archaeology and cultural heritage (ix) Traffic

SUMMARY OF RECOMMENDATIONS

To grant planning permission subject to a legal agreement and to conditions.

CONSIDERATION BY DIRECTOR OF TRANSPORT AND ENVIRONMENT

1. The Site

1.1 The scheme is set entirely within the town of Lewes and is linear in nature, passing from the south-western side, through the town centre via Pinwell Road and northwards to The Pells and Offham Road in the northern area of the town. The Ouse Valley and views of the Sussex Downs Area of Outstanding Natural Beauty and the Low Weald provide the setting for the town and the confined nature and rich history of the area provides a high density of land uses.

1.2 The directional drill and southern tunnel sections of the development are within an area dominated by residential and recreational uses, including Southover Grange Gardens, a site of Local Historic Interest. The northern tunnel and the pumping stations at Court Road and Pinwell Road are within areas dominated by mixed town centre uses, including residential. The storm overflow passes largely through the Lewes Land Railway Local Nature Reserve (LNR) and Site of Nature Conservation Interest (SNCI) and the upsizing works will take place in an area dominated by residential and recreational uses (see additional information).

1.3 Most of the development will take place within the Lewes Town Conservation Area, which contains a significant number of listed buildings and most of the construction of the northern tunnel would fall within an Archaeologically Sensitive Area. Two Scheduled Ancient Monuments stand either above or near to the route of the tunnels and most of the development would be carried out within Groundwater Protection Zones.

1.4 Outside of the main scope of the works, the Lewes Transfer Pumping Station off Ham Lane is located outside the built up area within the countryside and is adjacent to the River Ouse and the A27.

2. The Proposal

2.1 The scheme forms part of Southern Water's K3 West Programme, a major programme of refurbishment and upgrading of various existing wastewater treatment works and associated infrastructure, and will directly affect the western catchment of the town.

2.2 It would involve the closure of 20 existing combined sewer overflows (CSO), which are listed as 'unsatisfactory' by the Environment Agency or do not comply with the current CSO guidelines and their replacement by new infrastructure and discharge arrangements.

2.3 To provide alternative, additional capacity in storm conditions two tunnels are to be constructed. A 700m long northern tunnel (1200mm in diameter) is proposed from the vicinity of the North Street/Brook Street CSO to Pinwell Road Deep Shaft Pumping Station, including three shafts and a pumping station in Court Road. The tunnel depth ranges from 7.5m to 12m, although the pump sump finished floor levels at Pinwell Road will be at 14.8m.

2.4 A 450m long southern tunnel will also be constructed from the Western Road County Primary School's car park just west of Southover High Street to Pinwell Road. The tunnel depth will range from 9.9m to 12m. A further section of pipeline will need to be directionally drilled between St Pancras Road and Southover High Street and will involve a pipe of 450mm diameter. Additional open cut network sewer connections will also be required in this area.

2.5 A new underground Deep Shaft Pumping Station will be constructed adjoining the existing Pumping Station at Pinwell Road. A 3.4m high lifting gantry will be permanently fixed in this location to allow removal of the pumps to ground level when necessary. The works will be enclosed by a 1.8m high walled compound. A new motor control centre will be housed within the existing pumping station building.

2.6 A new underground pumping station will also need to be constructed in the Magistrates' Court car park, off Court Road, located on the northern tunnel alignment. This will include a storm pump sump and will operate as a CSO with 6mm 2D screening and will have a rising main connecting to a new storm outfall. The car park arrangement has been designed to accommodate a mobile crane, as a large hammerhead will be provided and modifications will be made to the car park entry and exit system. Above ground works in this location will include two transformers for a dual power supply and a motor control centre (MCC) which will be housed in a building. The building would be pitched, use traditional materials and would be 10m long, 8.5m wide and stand 5.6m high.

2.7 A new storm overflow pipeline and outfall will pass from the Court Road pumping station along the edge of the Lewes Railway Land LNR and across Railway Lane to the River Ouse where a new outfall will be constructed. The storm overflow pipeline will be 170m in length and 1200mm in diameter and will be constructed both partly above and below ground.

2.8 Upsizing works to existing sewers at the central and northern areas of the town will also need to be undertaken. These works will alleviate localised flooding to properties in the Talbot Terrace area. Upsize 1 will be undertaken using a directional drill method and will increase the capacity of the downstream sewer from Offham Road CSO to the Paddock Sports Ground and will include the construction of two underground parallel pipes (each 31m long). Upsize 2 will involve the construction of a new pipeline parallel to the existing sewer from the head of Talbot Terrace to Talbot Terrace CSO.

2.9 The existing Lewes Transfer Pumping Station in Ham Lane will be used for temporary site offices, welfare facilities and stores. In addition to the main construction and holding compound at this location, there will be a number of local construction compounds serving the scheme. Other ancillary works will include the installation of manholes and pipelines connecting the existing sewer network to the proposed tunnels and the erection of vent columns at the shaft and pumping station locations.

2.10 An Environmental Impact Assessment (EIA) was required to be carried out as it was considered that the scheme would have the potential for significant environmental effects. The applicant undertook such an assessment and completed an Environmental Statement (ES) which seeks (i) to explain why the scheme is needed and the consideration given to alternative courses of action; (ii) to consider possible alternative locations for the improvements and why the proposed location was chosen; (iii) to assess the impact of the scheme on the environment; and (iv) to describe any measures proposed to minimize the environmental impact of the scheme.

2.11 The ES covers a range of issues that are relevant to the proposal, including the construction methodology, need and alternatives, environmental issues, geotechnical issues, air quality, noise and vibration, traffic and transport and the cultural heritage.

3. Consultations and representations

3.1 Lewes District Council raises no objection in principle but has major concerns regarding the proposed pipeline and compound on the Railway Land LNR and the proposed Court Road building, the impact that the development would have on the economic and environmental well being of the town and the impact on residential amenity. It recommends that consideration should be given to: (i) the above ground structures at Court Road as they will prejudice residential amenity to nearby properties and affect the setting of the Conservation Area; (ii) the proposed above ground pipe and associated structures on the Railway Land LNR could have a detrimental impact on the Conservation Area and the nature reserve and its daily functioning; (iii) the impact of traffic in the town; (iv) the potential effect of settlement on properties in Friars Walk; (v) the hours of work and the effect on amenity including 24 hour operations; (vi) the establishment of a working group to minimise impact of the development on the town's economy; (vii) the appointment of a site liaison officer; (viii) use of appropriate screening materials; (ix) measures for restoration of sites and compounds; (x) the impact on the town's economy through the loss of car parking spaces; (xi) the applicant should make a contribution to a promotional brochure for the town; and (xii) disseminating information on the project for educational purposes.

3.2 The Environmental Health Officer recommends that the following conditions should be included on any permission: (i) the undertaking of a noise survey; (ii) preparation of a

noise management plan; (iii) the hours of operation; (iv) the applicant shall operate and staff a telephone line for complaints; and (V) the applicant shall report in writing all complaints.

3.3 Lewes Town Council notes the benefits that the overall scheme will have for Lewes but objects to the location of the MCC/Transformer building due to the potential health effects to people living nearby.

3.4 The Environment Agency (EA) raises no objections in principle and notes that the site lies within the Upper Chalk which is classified as a Major Aquifer and a Source Protection Zone I, II and III for the Southover Public Water Supply Borehole and is therefore particularly sensitive to groundwater issues; however, concerns are expressed with regard to the use of the Railway Land Local Nature Reserve. The Agency recommends the following: (i) there should be no storage of any spoil material within any part of the site liable to flood; (ii) details should be submitted regarding contact with previously unidentified contaminated land and how migration against contamination would be dealt with; (iii) if dewatering is required, details on the method of controlling groundwater should be submitted; (iv) consideration of pollution prevention measures should be undertaken; (v) the appropriate storage of potentially contaminating materials should be carried out; and (vi) surface water should not be disposed of in a way that would allow discharge to any borehole or watercourse.

3.5 The Highway Authority raises no objections but requires a legal agreement between the applicant and the County Council to be entered into so that the applicant and/or any contractors comply with a regime of inspections and undertake any resultant repair/reconstruction that may be required to the public highway at their own expense and to the satisfaction of the Highway Authority. The proposed haul routes are considered to be acceptable.

3.6 English Heritage raises concerns regarding: (i) the effect on potentially undisturbed archaeological remains in Garden Street and it is recommended that additional provision is made for archaeological evaluation and mitigation; (ii) the effect of tunnelling on the listed buildings in Friars Walk; (iii) the location of the MCC building at Court Road and recommends that it should be located at the entrance to the car park; (iv) the loss of trees on the Railway Land and the effect on the setting of the Conservation Area; (v) lorry routeing along the High Street and the effect on the cellars of adjoining properties; and (vi) the potential harm to the Chapel of St James' Hospital, a Scheduled Ancient Monument, by vibration caused by tunnelling.

3.7 Seeboard raises no objections and has supplied information with regard to its apparatus in the vicinity of the proposal.

3.8 British Gas Transco raises no objections and has supplied information with regard to its apparatus in the vicinity of the proposal.

3.9 No observations have been received from either Railtrack or British Telecom.

3.10 Representations: twenty eight representations have been made by local residents and apart from one supporting the proposal, all raise concerns or objections, although the principle of the scheme is generally regarded as being necessary. The concerns and objections can be summarised as follows: (i) lack of coordination with other works in the town and resulting general disturbance through the length of operations, hours of working, noise, smell and dust, including associated effects from traffic; (ii) risk of flooding to properties in Friars Walk resulting from the tunnel; (iii) risk to listed properties in Friars Walk as a result of tunnelling through vibration and settlement; (iv) siting of MCC building at its original location in the garden of Leighside House with resulting loss of amenity space, visual intrusion, noise, radiation, loss of access to rear of properties in Friars Walk, disturbance from construction activities, loss of trees and need to take account of planning

constraints on Leighside House; (v) condition surveys should be undertaken on Friars Walk properties and a haul route agreed to minimise effect on Friars Walk; (vi) compensation should be given for any damage; (vii) loss of amenity to residents of Dumbrell Court due to the change in directional drilling; (viii) alignment of directional drilling will affect integrity of Grange Road properties; (ix) lorry movements along Grange Road will cause disturbance; (x) use of Southover Grange Gardens; (xi) effect on St James' Chapel resulting from vibration; (xii) socio-economic effects and loss of parking; (xiii) effects of the construction of a rising main in the Railway Land LNR; (xiv) spoil could be removed by rail, barge or used for flood defence purposes; (xv) intrusion from vent columns; (xvi) effect on trees in the Pells area by tunnelling works; and (xvii) Garden Street is unsuitable as a haul road.

3.11 In addition, 30 representations have been made by local residents, including 25 who had not previously submitted comments, objecting to the proposed re-location of the MCC/Transformer building at Court Road. The objections cover the following issues: (i) the physical dimensions of the building and loss of visual amenity; (ii) health and safety issues; (iii) noise and nuisance; (iv) security; (v) effect of the setting on the conservation area and listed buildings; and (vi) the placement of the building in relation to the pumping station.

3.12 13 representations have also been received from families and friends of residents objecting to the proposed re-location of the MCC/Transformer building.

3.13 Norman Baker MP notes that the scheme needs to proceed in principle, providing that inconvenience to the town is kept to a minimum and that the construction process involving road closures and one way working are kept to a minimum. He raises concerns about the proposed location of the MCC/Transformer building with regard to the effect on the conservation area, perceived health risks, noise and loss of daylight and considers that the building should be relocated elsewhere.

3.14 In addition, the following bodies have made representations:

3.15 The Chamber of Commerce objects due to the damage that the scheme will have on the commercial interests of the town resulting from the loss of car parking spaces, the large number of lorry movements and the introduction of car parking and pedestrianisation schemes at the same time within the town.

3.16 The Friends of Lewes accept the proposals in principle but consider that there are better sites for the MCC/Transformer building in the immediate vicinity of Court Road which would be further from residential properties. The Friends raise concern regarding the use of construction traffic along Ham Lane and consider that waste material could be used for flood defence works by the Environment Agency.

3.17 The Railway Land Wildlife Trust welcomes the scheme in general but raises concerns on the safety of the over ground pipe. It also seeks assurances that any works would not be within the bird nesting season and a survey for bats would be undertaken. Any potentially polluting materials must be properly stored.

3.18 The Lewes Archaeological Group notes the sensitivity of the works in the town and seeks assurance that appropriate archaeological investigations will be carried out.

3.19 Retirement Security Limited raises a concern over the proposed rising main adjoining Greyfriars Court due to loss of security.

3.20 The Guinness Trust object to the location of the MCC building in the grounds of Leighside House and the associated access. Concern is also expressed on the effects of construction activity and loss of amenity.

3.21 The Leighside House residents have submitted a petition with 25 signatures objecting to the location of the MCC building.

3.22 The Grange Road Residents' Association raises questions, including matters relating to compensation, the effects on groundwater and loss of amenity.

3.23 Harvey & Son (Lewes) Ltd raises a concern regarding the tunnelling works under Eastgate Street and the proximity to the aquifer from which the Brewery draws water.

3.24 Sussex Magistrates' Courts Committee objects to the amendment to the proposed siting of the MCC/Transformer building at Court Road as it would reduce the number of car parking spaces and be detrimental to the efficiency of the running of the Magistrates Courts.

3.25 Friends of the Earth (Lewes & District Branch) raises concerns regarding the proposed siting of the MCC/Transformer building due to: (i) noise; (ii) electro-magnetic emissions; and (iii) visual intrusion.

3.26 Furthermore, a petition containing nearly 400 signatures has been submitted objecting to the re-location of the MCC/Transformer building.

4. The Development Plan policies of relevance to this decision are:

4.1 East Sussex and Brighton & Hove Structure Plan 1991-2011: Policies: S1 (sustainable development); S2 (infrastructure); S6 (development and change within towns); S17 (Lewes); TR1 (integrated transport and environment strategy); EN11 (water quality); EN15 (noise); EN17 (nature conservation); EN22 & EN23 (archaeological and historical features); W9 (strategic development criteria); W10 & W11 (construction industry waste).

4.2 Lewes District Local Plan (March 2003): Policies: ST3 (design, form and setting of development); ST9 (natural features and habitats); ST11 (landscaping of development); ST13 (noise); ST15 (flood risk); H2(b) (listed buildings); H5 (conservation areas); H7 (traffic in conservation areas); H9 & H11 (archaeological sites); H14 (parks and gardens of local historic interest); RE2 (existing recreational open space).

4.3 East Sussex and Brighton & Hove Waste Local Plan, Second Deposit (April 2002): Policies: WLP30 (waste water); WLP35-WLP39 inclusive (general policy considerations).

5. Summary of Policy Issues

5.1 The Development Plan requires development proposals to accord with the principles of sustainable development and to reduce the impact of traffic on communities and the environment by measures including appropriate parking policies and traffic management.

5.2 The emerging Waste Local Plan supports development for waste water facilities where it is related to existing infrastructure and is required to meet current environmental standards or regulatory provisions or is required to improve the operational efficiency of waste water management.

5.3 Development should seek to be sympathetic to the design, form and setting of adjoining development, with particular attention given to the setting of listed buildings and the character and appearance of conservation areas.

5.4 Natural features, habitats and gardens of historic interest should be protected from damage and existing recreational open space should be retained. Archaeological sites should also be protected from inappropriate development and provision made for the recording of any archaeological or historical interest. This reflects the statutory requirements

for the protection of listed buildings and conservation areas in The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

5.5 Development proposals should seek to minimise noise and loss of amenity generally and should not exacerbate the risk of flooding.

6. Considerations

Need for the scheme

6.1 The Lewes CSO scheme is part of the applicant's programme to enhance the standard of wastewater treatment in line with European Community Directives, specifically the standards set in the Urban Wastewater Treatment Directive. The Lewes CSO scheme will close 20 existing discharge points which currently enter the River Ouse, Upper Pells and the Winterbourne stream.

6.2 There is currently not enough capacity in the sewers of the western catchment of Lewes to cope with future growth, a shortfall which also results in localized flooding, specifically in the Talbot Terrace and Friars Walk areas of the town. Discharges of wastewater into local watercourses during storm conditions also no longer satisfy the requirements of the Environment Agency in respect of water quality and consequently there is regular pollution of these watercourses, including the River Ouse. As a result of these problems, Southern Water is obliged to submit appropriate development proposals so that the necessary improvements can be made which will benefit both the environment and the Lewes community. These improvements form part of Southern Water's K3 West Programme which comprises part of the management programme agreed with the Office for Water Services (OFWAT) to be put in place by 2005.

6.3 If the scheme is granted planning permission and subsequently implemented, there will be considerable immediate and long term benefits. These will include: (i) alleviate the pressure on the Victorian sewer which is permanently full and create additional storage capacity within the Lewes CSO system to allow for future growth; (ii) significantly reduce the number of spills into the River Ouse, Upper Pells and the Winterbourne Stream and thus improve their water quality; (iii) reduce the risk of groundwater contamination above the sensitive aquifer which is used for public water supply as a result of the reduction of spills into the Winterbourne Stream; (iv) alleviate flooding in properties in the Talbot Terrace and Friars Walk areas in line with DG5 (a service indicator set by the Director General of OFWAT relating to flooding from sewers. DG5 covers the number of properties at risk of internal flooding from sewers due to hydraulic overloading more than twice in ten years); (v) provide a greater level of screening of wastewater before it is discharged into the River Ouse as required by the EA; and (vi) allow overflow discharge flows to the River Ouse to operate effectively at all states of the tide by the provision of the proposed new storm pumped overflow pipeline and the new outfall.

6.4 Therefore, as a result of the accruing benefits, I consider that there is a significant need for these improvements to be undertaken, which will bring major environmental gains to the town.

Engineering alternatives

6.5 A 'do nothing' approach was not considered acceptable and therefore six different alternative strategies were considered, including the possibility of constructing strategic storage tanks or new sewers by open-cut method. The impacts of each strategy were assessed and a 'hydraulic model' was developed to aid design work. The levels of disruption and the impacts of works on the town were key factors in the selection and refinement of the proposed tunnels option. Similar solutions have been adopted in Brighton & Hove and Hastings & St Leonards, although these schemes involved more extensive development.

6.6 Having regard to the existing arrangement of sewer infrastructure and the nature of existing development, the absence of suitable open spaces and accessibility options, I consider that the selected strategy is the most appropriate and the least likely to give rise to disturbance and disruption.

MCC/Transformer building

6.7 One of the most contentious elements of the scheme is the location of the MCC/Transformer building which is required to provide a dual power supply and a motor control centre connected to the use of the Court Road underground pumping station. This equipment needs to be located above ground due to the risk of flooding.

6.8 Originally, the building was proposed to be located adjoining Leighside House in Court Road. This was considered the best operational location and offered the greatest opportunity to minimise visual impact as it could be more easily integrated into the street scene. However, it involved a location in close proximity to residential properties in Friars Walk and the loss of private garden space in the grounds of Leighside House. In the light of objections and a re-consideration of the available options, I have supported its re-location to an area of unused land to the north so as to address the concerns raised by the original proposal.

6.9 However, this revised location has resulted in objections because of the perceived effects to health, visual impact, noise, effect on the conservation area and listed buildings and the location of the building in relation to the pumping station. I shall consider these in turn.

6.10 With regard to the potential effects on health from the electro-magnetic field of the transformers, it is not possible to give a guarantee that there would be no emission of radiation from the building into the environment. It is the government's view that the planning system is not the place for determining health safeguards although such considerations and public concern may in principle be material considerations in determining planning applications. While there is current debate as to the potential effects of radiation from telecommunications equipment, including masts and through the use of mobile 'phones, there is no guidance from government as to the siting of transformers. However, this proposal needs to be put in perspective as electro-magnetic radiation is all around us. For example, there are over 50 similar transformers located in Lewes, some in residential areas adjoining living accommodation. Others are sited in open-topped enclosures in close proximity to properties, for example, at Court Road and off Lansdown Place. In the case of this application, the transformers will be located within a double brick cavity walled building which would serve to reduce the magnetic field strengths with resulting negligible emissions being released into the atmosphere. Therefore, on the information provided, I do not consider that there would be a significant risk to health from the transformers and that the perceived fear from local residents is not sufficient to justify the refusal of planning permission.

6.11 With regard to visual impact, I consider that there will be some effect from the siting of the building in an existing open area, particularly in relation to the occupiers of Nos. 1 and 2 Friars Walk. However, occupiers of No.1 benefit from significant tree screening at the rear of their property and I do not consider that the building will be detrimental to their amenity or the setting of the adjacent properties which are listed buildings. With regard to occupiers of No.2, I consider that there will be a greater effect but I do not consider that it will be significant. This is because the building will be set back from the rear garden wall and its western elevation will only extend 1.2m above the height of that wall. From that point the roof slopes away eastwards, thereby extending the line of vision in that direction. Therefore, I do not consider that the building will result in a significant visual effect that is sufficient to warrant a refusal of permission.

6.12 There is concern that there will be an audible sound from the transformers that will result in a loss of amenity. Although some transformers do emit a slight 'humming' sound, modern, well maintained transformers are less prone to this. In this case, the enclosed building will be appropriately insulated and anti-vibration pads will be used to satisfactorily contain any noise. Therefore, I am satisfied that any noise will be virtually confined to within the building and will not result in a loss of amenity. However, I recommend that a condition should be included which requires that no sound from electrical equipment should be audible from outside the building.

6.13 The building adjoins the Conservation Area and will be designed in such a way as to reflect the character of the buildings in the locality, particularly with regard to the use of materials. The applicant has discussed this aspect of the development with this Authority and Lewes District Council and agreement regarding the design has been reached. I consider that the building would have no adverse effect on the character and appearance of the Conservation Area or the setting of listed buildings. This approach accords with development plan policy.

6.14 The location of the building in relation to the underground pumping station is particularly important in terms of operational use. The applicant has stated that both sites need to be close together for health and safety reasons so that operatives are within both ear and eye shot of each other so that working arrangements can correspond as efficiently and effectively as possible. Although it may be possible that the building could be placed elsewhere, I am satisfied that the amended location is the most acceptable.

Settlement to buildings

6.15 The selection of tunneling options does introduce the potential for minor ground settlement to occur from the tunneling works which could have an effect on buildings. Considerable care has been taken in the design process to achieve a depth of tunneling which will take place in the hard chalk where the geological conditions are relatively stable. The tunnel boring machine will operate to a maximum of 12 rotations per minute and together with the pipejacking technique for installing tunnel sections hydraulically, will seek to minimize settlement. At a worst case, between 5-10mm settlement could occur for buildings directly above the tunnel path, although the applicant has designed the alignment of the tunnels to avoid boring, as far as possible under buildings, including gentle curves where this is feasible.

6.16 The issue of settlement has been thoroughly assessed through extensive geotechnical work undertaken by the applicant and specialist consultants, particularly with regard to properties in Friars Walk and Grange Road, and the applicant is satisfied that there will be no resulting adverse effect.

6.17 Notwithstanding this, it is intended that all properties within the immediate vicinity of the scheme will be subject to at least a condition survey and in some instances, a full structural survey before construction commences. This approach will protect both the interests of owners of properties and the applicant. I am satisfied that, based on the evidence submitted by the applicant, the potential risk of damage has been minimized and that the risk to properties, including listed buildings will not be significant.

Effect on the socio-economics of the town

6.18 The construction works associated with the implementation of the scheme will give rise to some disruption and inconvenience for the temporary period of construction. Such works will for example include temporary closure of roads to construct either a drop shaft or sewer, loss of car parking, use of open spaces including Southover Grange Gardens and additional vehicular traffic, including lorries.

6.19 Lewes District Council, amongst other bodies, has raised concerns regarding the adverse effect that the scheme will have on the socio-economic health of the town. It is inevitable that a scheme of this scale will, to some extent, affect the amenity of persons living and working in the town and the businesses which adjoin the areas of the proposed works during the construction phases of the scheme. This is particularly the case in terms of indirect impacts on social and economic facilities and their users from the associated disturbance and visual impacts. However, the implementation of best practice by the applicant and the various mitigation measures proposed to contain such effects, as detailed in the ES, will to a large extent ensure that these will be kept to a minimum. Moreover, conditions are included where further controls are considered necessary.

6.20 One of the main concerns of the District Council relates to the loss of car parking spaces resulting directly from this proposal and the effect it will have on the town's economy, particularly as there are other developments and initiatives taking place during the period of the development which will also result in a loss of parking spaces. The applicant is aware of these concerns and has submitted two separate proposals for car parking in an attempt to offset the loss of spaces which at the most disruptive time will see a loss of 164 spaces. The alternative car park proposals fall to be considered elsewhere on the agenda (references LW/394/CM & LW/395/CM) but if they are both approved and implemented, there would be a net gain of over 100 spaces.

6.21 I consider that the loss of parking spaces would result in some inconvenience and therefore could have some effect on the economy of the town. However, as the development will be phased over a temporary period and the extent of car parking loss will be partially staggered, and in any event compensated for by the two car park proposals, I consider that the impacts will be acceptable. Moreover, initiatives by the local authorities to regulate on-street parking next year in the town will be likely to offer an increase in short-stay parking for visitors, thereby reducing the effect on the economy. Fewer spaces could also encourage individuals and other bodies to use or provide alternative means of transport which would accord with the objectives of government guidance and the County Council's Travel Plan. It would also accord with development plan policies, including prioritising movements for pedestrians and cyclists in the 'Green Core' of the town.

6.22 The significant benefits of the CSO scheme accords with the longer term socio-economic objectives for the town and Lewes District. It provides infrastructure that is essential in maintaining and enhancing the quality of the environment and which is necessary for the continued viability and vitality of the economy. Indeed, the works are also likely to help sustain jobs in the Lewes area through the demand for goods and services generated by the construction project. The environmental improvements resulting from the scheme will also contribute to the quality of life to the town's residents and visitors. I am therefore satisfied that the benefits of the CSO scheme outweigh any temporary loss of car parking and any subsequent effect on the economy of the town.

Storm overflow pipeline

6.23 An important part of the scheme is the provision of a storm overflow pipeline to connect the tunnels and underground pumping station at Court Road with the River Ouse and to facilitate the release of storm water from the sewer. It would be the only discharge point to serve the western catchment of Lewes due to the closure of the 20 existing outfalls. The pipeline is to be constructed partly underground and partly above ground within the Railway Land Local Nature Reserve, as this will represent the most direct route to the River Ouse, thereby avoiding disturbance to residential and business interests.

6.24 Concerns have been raised regarding the use of the land within the LNR due to the potential effects on the ecological interest and the effect on the Conservation Area. Detailed discussions have taken place between the applicant and Lewes District Council regarding

the best route for the pipeline. These discussions have resulted in a route which has been chosen so as to minimize the amount of land through which the pipeline travels and considerable care has been taken during this design process to avoid the most ecologically sensitive areas and to minimize the loss of trees. It is considered that damage to trees would be far more significant if the pipeline was constructed entirely underground.

6.25 As part of the mitigation measures for the development in this area, the applicant proposes to replace lost trees and encourage climbing vegetation to establish itself along the route of the pipeline, thereby obscuring its form. Habitats would also be created for small mammals and reptiles and bat boxes would be installed, such work being undertaken in conjunction with the LNR Management Committee. I have included a condition which will secure these improvements.

6.26 The pipeline is essential if the benefits of the scheme are to be fully realized and I consider the proposed route represents the best option. The area of land within the LNR where the pipeline would be constructed is not ecologically rich and I do not consider that there will be any significant effect, particularly in the long term. In fact, it is likely that after measures have been undertaken to restore the site, the biodiversity will increase. I also do not consider that the pipeline will have any effect on the Conservation Area as it will be concealed behind the retaining wall to the rear of Greyfriars Court and although the construction compound will result in some visual impact from within the Conservation Area, it will be for only a temporary period and therefore not significant.

Amenity

6.27 A development project of this scale and complexity will involve disturbance from construction activities associated with the scheme, including ground-breaking, vehicle movements, general people/plant movements on site, power supply and handling of materials. Whilst these will be variable and intermittent, it is important that appropriate measures are taken to satisfactorily minimize the impacts.

6.28 In the selection of the preferred strategy and the design of the scheme the potential for disruption to residential areas has been to the fore. The selection of drop shaft locations and work compounds has focused on open areas along the alignment of the tunnels. Construction works are to be limited to 12 hours a day between 0700 and 1900 except when 24 hour operations are considered appropriate for operational and safety reasons, for example, tunneling beneath the railway and the Station Road bridge and when the concrete will need to be poured to provide the base for the underground pumping station at Court Road. Details of these arrangements will be made available to the local authorities, residents and businesses before the works are carried out. Although the hours of operations may appear onerous, the nature of the works necessitates a continuous working regime. However, the development will be undertaken on a phased basis so no one area will be subject to disturbance for the duration of the works and the applicant has stated that tunneling will, as far as possible, be avoided during Sunday afternoons.

6.29 The applicant has considered noise impacts and has used the services of independent consultants to aid the assessment. Various measures will be used throughout the construction programme to reduce noise wherever it may impact on amenity and sites which are particularly sensitive will benefit from more specific measures. Examples of generic measures will include screening, use of silenced generators and careful planning of site layout. There has been close liaison with Environmental Health Officers at the District Council in dealing with more noise sensitive locations, such as Dumbrell Court, Pinwell Road and Court Road, to reduce as far as possible the effects of noise on amenity. Conditions are proposed which require a survey of such sites and noise attenuation schemes to be agreed so that full mitigation measures can be implemented prior to the commencement of works. Employing these measures will lead to lower absolute noise levels arising from the site and a reduction in the likelihood of the perception of nuisance from noise. Subject to the

imposition of these controls I am satisfied that the impact on amenity will be contained within acceptable limits. I would also recommend that a local liaison group should be established for the duration of the project to provide an interface between the contractors, applicant, local authorities, residents and the business community.

Archaeology and cultural heritage

6.30 The existing archaeological and heritage environment within Lewes is significant and is reflected by the presence of Scheduled Ancient Monuments, an Archaeologically Sensitive Area, listed buildings and the Conservation Area, as well as evidence of known archaeological remains.

6.31 A large part of the proposals lie within the Lewes Town Conservation Area and Archaeological Sensitive Area. The ES incorporates a detailed archaeological assessment of the potential effects to sites of archaeological interest and the mitigation measures that would need to be employed to minimize the risk of damage. If such measures were not employed, the development would conflict with development plan policies. The ES has identified a number of significant and potentially significant effects, which relate particularly to the construction of the Court Road underground pumping station, the impact on vehicle movements on listed buildings and the temporary impact on the visual setting of the archaeological resource in some locations. Other potentially significant impacts relate to the use of Southover Grange Gardens for pipe assembly prior to installation under land further west and the possible effects of vibration from tunneling to the ancient monument of St James' Hospital in Southover High Street. I have assessed these matters and I do not consider the potential effects of the development will be so significant as to be unacceptable, providing that mitigation measures are carried out during the proposed works. Indeed, a range of mitigation measures have been developed to ensure any potential impacts are avoided or minimized. These will include, as appropriate, site evaluation, avoidance through changing working arrangements, excavation where avoidance is unachievable and watching briefs where any archaeological interest has not previously been identified. Moreover, a condition has been included which secures that such measures will be incorporated into the working arrangements.

Traffic

6.32 The applicant carried out an assessment, including the use of traffic surveys, to determine the significance of the environmental impacts arising from traffic flows in the town. In this respect, consideration has been given to the town centre's conservation area status and the environmental weight restrictions prohibiting vehicles in excess of 7.5 tonnes laden weight entering the town centre except for access.

6.33 The principal generators of lorry movements would be the removal of excavated spoil and delivery of concrete to working sites. The spoil would be transported in sealed skip or container lorries and would be taken directly to an approved landfill site, while the concrete would be delivered direct from offsite batching plants. Most traffic will enter the town westbound over Phoenix Causeway and then proceed by the shortest appropriate route to the individual working sites while departure routes have been derived to minimize the amount of traffic within the town.

6.34 The assessment revealed that there would be few impacts of any significance on weekdays although more impacts are anticipated for Sundays as the baseline traffic flows for this day are much lower. However, although there will be increases in traffic movements along some roads which will result in localized adverse effects, for example, along Southover High Street where lorry movements will nearly double over a period of up to eight months as a result of the closure of Garden Street, I do not regard such levels as unacceptable as any inconvenience will endure for a limited period only.

6.35 A specific element of the proposal which may cause a significant impact on affected roads concerns the 24 hour concrete pour at Court Road. There will need to be a continuous pour which will give rise to additional traffic in the town centre over night which will, for example, involve 7 associated movements along the High Street throughout the night. However, this part of the proposal is for a limited period only and I do not consider therefore that it will be unacceptable.

6.36 The proposal will result in only a limited number of street closures and highway access restrictions. All haul routes have been agreed with the Highway Authority and Sussex Police and no objections have been received on this matter. Providing that a legal agreement is completed so that any repairs to the highway which are necessary as a result of traffic movements associated with the development can be carried out by the applicant, I do not consider that the effects from traffic will be unacceptable.

Other matters

6.37 There have been a number of matters which have required detailed assessment in considering the merits of this scheme. Although the key ones are outlined above, others include the effects on ecology, water quality and the recreational resource.

6.38 These matters have formed an important part of the ES within which the various potential effects have been detailed, along with proposed measures for mitigation, for example, the use of lubricants to facilitate tunneling to minimize the risk of pollution to the aquifer and the protection of trees.

6.39 These matters have not raised significant concerns during the application's consultation process and I consider that they have been dealt with satisfactorily. Conditions are included to secure appropriate mitigation of potential impacts.

7. Conclusion

7.1 The proposal is for a scheme which will increase the capacity of the sewer infrastructure in Lewes to cope with future growth in the town, alleviate localised flooding to properties and secure the improvement of the quality of storm water discharges into the River Ouse. Therefore, considerable benefits will accrue to the environment and to the amenity of the community and the provision of this infrastructure should enhance the town's economy.

7.2 Given the sensitivity of the environmental constraints, the applicant has considered various strategies in which to find the best way to secure these improvements and meeting the requirements of the Environment Agency and OFWAT. In assessing these strategies, the current proposal is considered to offer the best option and to cause the least damage to the environment, including effects on amenity. Moreover, while it is accepted that there may be temporary effects on the town's economy, particularly as a result of the potential loss of car parking, I consider that the need for the CSO scheme is of such overriding importance to the community of Lewes and the environment that it outweighs such a loss.

7.3 The location of the largest permanent above-ground structure, the MCC/Transformer building, has caused some objection from local residents on loss of amenity and the effect on the locality. However, the building is essential in facilitating the discharge of storm water and in assessing the potential effects I do not consider that there will be any unacceptable harm resulting from this part of the development which would justify a refusal of planning permission. I consider the location is acceptable and represents the best available location.

7.4 I consider that this decision is in accordance with The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and in taking all the considerations into account and balancing the temporary impacts against the long term benefits to the town, I

recommend that planning permission should be granted subject to conditions and completion of a legal agreement detailed below.

8. Formal Recommendation

8.1 To recommend that the Planning & Highways Sub Committee grant planning permission subject to the prior completion of a legal agreement under Section 59 of the Highways Act 1980 to secure any necessary repair or reconstruction of the public highway and to the following conditions:

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

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

2. No development shall take place until a written scheme of investigation and programme of implementation of archaeological work has been submitted to and approved in writing by the Director of Transport and Environment. The development shall be carried out in accordance with the approved scheme which shall be implemented in full.

Reason: In order to provide a reasonable opportunity to record the history of the site and to protect valuable archaeological remains, in accordance with Policy EN23 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policies H9 & H11 of the Lewes District Local Plan.

3. No development shall take place until the following have been submitted to and approved in writing by the Director of Transport and Environment:
 - i) a survey identifying the extent and locations of the fixed noise impacts arising as a result of the development; and
 - ii) a Noise Management Plan in respect of each noise location identified by the survey, which shall be related to ambient noise levels, and include noise mitigation measures.

The Noise Management Plans so approved shall be implemented in full and at all times. The noise levels identified in the Plans shall not be exceeded at any time.

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

4. No development shall take place until a scheme to control the emission of dust has been submitted to and approved in writing by the Director of Transport and Environment. The approved equipment shall be maintained in accordance with the manufacturer's instructions at all times until completion of the development.

Reason: In the interests of the amenity of the locality, in accordance with Policy W9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

5. No development shall take place until details of the locations and means of enclosure of the construction compounds, together with schemes for:
 - i) reducing visual impact, including measures for screening the compounds;
 - ii) protecting trees in or close to the site of the compound; and
 - iii) reinstating the sites after completion of the development, including a timetable,

have been submitted to and approved in writing by the Director of Transport and Environment. All details and schemes so approved shall be implemented in full in accordance with the approved details and timetables.

Reason: In the interests of the amenity of the locality, in accordance with Policy ST3 of the Lewes District Local Plan.

6. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the MCC/Transformer building off Court Road and the enclosure at the Pinwell Road pumping station hereby permitted have been submitted to and approved by the Director of Transport and Environment. The development shall be carried out in accordance with the details so approved.

Reason: To secure a development of quality in the interests of the amenity of the locality, in accordance with Policies ST3, H2 and H5 of the Lewes District Local Plan.

7. No development shall take place until details of the locations, design, to include the ability to retrofit carbon filters, dimensions and specifications of the vent columns have been submitted to and approved in writing by the Director of Transport and Environment. The vents shall be constructed in accordance with the details so approved, in accordance with Policies ST3, H2 and H5 of the Lewes District Local Plan.

Reason: In the interests of the amenity of the locality.

8. No development shall take place until a scheme in respect of the carrying out of works in the Railway Land Local Nature Reserve has been submitted to and approved in writing by the Director of Transport and Environment. The scheme shall include details of the following:

- i) proposed excavations;
- ii) position and specification of fencing or other means of enclosure; and
- iii) measures for the protection of trees to be retained as identified in the planning application.

A scheme which has been so approved shall be implemented in full in accordance with the approved details.

Reason: To ensure the protection of trees and habitats in the Local Nature Reserve, in accordance with Policy N17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

9. No retained tree in the Railway Land Local Nature Reserve shall be cut down, uprooted or destroyed, nor shall any such tree be topped or lopped except with the written approval of the Director of Transport and Environment. If any retained tree is removed, uprooted or destroyed, becomes seriously damaged or diseased or dies during the period of development, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Director of Transport and Environment.

Reason: To ensure the protection of trees to be retained as part of the development, in accordance with Policy N17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

10. Development shall not commence until a scheme of restoration and reinstatement for the Railway Land Local Nature Reserve has been submitted to and approved in

writing by the Director of Transport and Environment. The scheme shall include the following:

- i) details of planting;
- ii) measures for the enhancement and reinstatement of habitats;
- iii) measures for the restoration of the ground; and
- iv) a timetable for implementation of the scheme.

Any scheme so approved shall be implemented in full in accordance with the timetable.

Reason: To ensure the proper restoration of the site in the interests of biodiversity and the amenity of the locality, in accordance with Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

11. There shall be no road closure nor any works which restrict access to the application site unless a Traffic Management scheme has been submitted to and approved in writing by the Director of Transport and Environment at least 4 weeks prior to the date of closure or restriction of access. Any scheme so approved shall be implemented in full in accordance with the approved details.

Reason: To enable the County Planning Authority to control the development in the interests of the amenity of the locality, in accordance with Policy W9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

12. No work shall take place other than between the hours of 0700 and 1900 Mondays to Saturdays and 0800 and 1300 on Sundays except for noise emitting activities which shall be restricted to between the hours of 0800 and 1800 Mondays to Saturdays and 0830 and 1230 on Sundays, Public and Bank Holidays, with no working of any kind at any other time except with the prior written agreement of the Director of Transport and Environment.

Reason: In the interests of the amenity of the locality, in accordance with Policies S1 & EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

13. No development shall take place until details of a scheme for the provision of a telephone line for dealing with complaints from members of the public about matters associated with the development have been submitted to and approved in writing by the Director of Transport and Environment. The scheme shall be operated during the hours when any work or activity in connection with the 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.

14. 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 Director of Transport and Environment no later than the next working day after the complaint was received. The notice shall include a description of the complaint, the name and address of the person making it and the action proposed as a result.

Reason: To secure the monitoring of the development in the interests of the amenity of the locality.

15. If contaminated matter is found on any part of the site all works shall cease immediately and shall not recommence except in accordance with a Method Statement specifying measures for dealing with the contamination which has been submitted to and approved in writing by the Director of Transport and Environment.

Reason: To minimise the risk of pollution to the aquifer and watercourses and to secure an appropriate means of waste disposal, in accordance with Policies S1 & EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

16. No spoil or waste material shall be stored on those parts of the site subject to risk of flooding identified on Figure 10.1 attached to this permission.

Reason: To minimise the risk of pollution to the aquifer and watercourses, in accordance with Policy ST15 of the Lewes District Local Plan.

17. The control of groundwater during any period of de-watering operations shall be in accordance with details first submitted to and approved in writing by the Director of Transport and Environment prior to the commencement of any such operations.

Reason: To minimize the risks of pollution to the aquifer, in accordance with Policy EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

18. Development shall not take place until details of the arrangements for discharge of foul drainage and contaminated surface water have been submitted to and approved in writing by the Director of Transport and Environment. The approved arrangements shall be implemented in full and no foul drainage or contaminated surface water shall be disposed of by discharge to any watercourse.

Reason: To minimise the risk of pollution to the aquifer and watercourses, in accordance with Policy EN11 of the East Sussex and Brighton & Hove Structure plan 1991-2011.

19. No oil, fuel, lubricant or any liquid other than water shall be discharged on to the ground or to any place from which it might leach into the ground and shall be stored in impermeable tanks or containers in an area surrounded by bund walls with the capacity to accommodate the equivalent of 110% of the total contents of all the tanks or containers and associated pipework. The floor and walls of the bunded areas shall be impervious to water and oil. Pipes shall vent downwards into the bund.

Reason: To minimise the risk of pollution to the aquifer and watercourses, in accordance with Policy EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

20. No sound from equipment within the MCC/Transformer building off Court Road shall be audible from outside the building and no vibration from the building shall be discernible from outside the building.

Reason: In the interests of the amenity of the locality, in accordance with Policy ST3 of the Lewes District Local Plan and Policy EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

21. The site shall not be illuminated other than in accordance with details first submitted to and approved in writing by the Director of Transport and Environment. The details shall include the position, height, power and specification of lamps, the spillage of the light beam in relation to nearby properties and the proposed hours of illumination.

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

22. Waste containing water or any other liquid shall only be removed from the site by vehicles using sealed tanks or containers. All other waste materials shall be removed using containers which are securely sheeted.

Reason: In the interests of highway safety and the amenity of the locality, in accordance with Policy W9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

INFORMATIVES

The applicant should establish a local liaison group for the period of the construction works.

The applicant is recommended to appoint a contact liaison officer to enable councillors, officers, businesses and local residents to have a ready point of contact to resolve any issues that arise throughout the development.

BOB WILKINS
Director of Transport and Environment
03 February 2004
P&HSUB:P10DEC-LW387CM

Contact Officer: Jeremy Patterson - Tel. No. 01273 481626
Local Member: Councillors Michael Chartier and Mary McPherson

BACKGROUND DOCUMENTS

Application files LW/387/CM, LW/394/CM and LW/395/CM.

