

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

Date: **3 August 2005**

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

Proposal: **Non hazardous and stable non-reactive hazardous waste landfill
site and materials recovery facility**

Site Address: **Old Hamsey Brickworks, South Chailey**

Applicant: **Lloyds Environmental Ltd**

Application No. **LW/424/CM(EIA)**

Key Issues:

- i. **Waste strategy**
- ii. **Need for non-hazardous and stable non-reactive hazardous
waste landfill**
- iii. **Need for MRF**
- iv. **Alternative Sites**
- v. **Best Practical Environmental Option**
- vi. **Conflict with allocated employment use**
- vii. **Vehicle movements**
- viii. **Over development**
- ix. **Impact on amenity**
- x. **Pollution prevention**
- xi. **Landscape**
- xii. **Air quality**
- xiii. **Dust**
- xiv. **Odour control**
- xv. **Generation of landfill gas**

SUMMARY OF RECOMMENDATIONS

To refuse planning permission.

CONSIDERATION BY DIRECTOR OF TRANSPORT AND ENVIRONMENT

1. The Site

1.1 The application site at Old Hamsey Brickworks is located 5 kilometres north of Lewes and 1.5 kilometres south of Chailey and is positioned approximately 150 metres to the east of the A275. The site, which extends to approximately 5.12 hectares in size, is generally rectangular in shape, on a north-south alignment.

1.2 The site comprises a former brickworks and clay pit within open countryside, and is now used by the applicant's liquid waste disposal business as an office and vehicle depot. The application site also includes an access road which connects the site, from its south eastern corner, with the A275.

1.3 The clay pit occupies the northern part of the site but is now flooded and is not actively used by the applicant in relation to their current activities on the site. To the south of the former clay pit a number of the former brickworks' buildings remain on site and are used by the applicant for vehicle maintenance and storage. These buildings are industrial in

character, being large single storey structures with pitched roofs and generally finished with profiled sheeting. Additionally there are a number of single storey flat roofed pre-fabricated buildings which form the applicant's office accommodation. Much of the site is formed of hardstanding and is used for staff, visitor and commercial vehicle parking, although the parking arrangements are not formally laid out.

1.4 The site is bound to the north by open agricultural land and immediately to the east by woodland known as Kiln Wood. To the south of the site is Hewenstreet Farm. The farmhouse itself is some 85 metres from the site boundary. To the west of the site are a number of business and commercial industrial and storage units. These are located on the northern side of the access road to the application site and also have egress on to the access road. Beyond these commercial units is a row of residential properties, known as Bevernbridge Cottages. These properties front onto the A275. A further detached dwelling 'Two Ways' opposite the Bevernbridge Cottages is located close to the southern side of the access road.

1.5 Approximately 400 metres to the north of the site is the Bevern Stream, a tributary of the River Ouse. Drainage channels adjacent to the application site drain into the Bevern Stream.

2. The Proposal

2.1 The application is for a landfill operation and a materials recycling facility. It is a full application and is accompanied by an Environmental Statement (ES).

2.2 The landfill operation is proposed for the former clay pit. This would involve dewatering the pit and clearing it of silt to form a stockpile to the south, before the operations could begin. The material to be deposited would be 'Stable Non-Reactive Hazardous Waste' and Non-Hazardous waste. Unlike Hazardous Waste, which contains substances or has properties that might make it harmful to human health or the environment, Stable Non-Reactive Hazardous Waste (SNRHW) does not break down or degenerate and cause pollution to the environment. Stable, non-reactive means the leaching behaviour of the waste will not change adversely in the long-term either through biodegradation in the waste; under the impact of long-term ambient conditions (for example, water, air, temperature or (mechanical influence) or by the impact of other wastes (including waste products such as leachate and gas).

2.3 In addition to SNRHW, the application indicates that the landfill would also accept certain non-hazardous waste. This type of waste can range from construction and demolition waste such as bricks/concrete through to cardboard, glass and even certain sludges from waste water treatment processes.

2.4 Since submitting the application, the applicant has amended the range of materials which would be landfilled at the site to exclude brake pads containing asbestos and all electronic and electrical equipment.

2.5 The application anticipates that the landfill would accept approximately 10,000 tonnes of material per year, including 2,500 tonnes of residues from wastewater treatment processes which could be constructed on the site. It is anticipated that the site would be operational for 12 years. Following the importation of 120,000 tonnes of SNRHW and non hazardous waste, an area of 12,700m² would be capped with soil to a depth of half a metre across the site plus an extra 1 metre on the areas of tree planting.

2.6 The materials recycling facility (MRF) is a large industrial type building which would be used to separate wastes into different categories e.g. glass, paper, plastics etc. The application proposes a building which measures 38 metres x 55 metres and would be 10.5 metres in height to the roof pitch. The building would be located to the south of the landfill operations.

2.7 This building and operations would be permanent and is indicated to handle some 50,000 tonnes of waste per annum, consisting of commercial, industrial and demolition and construction wastes.

2.8 In addition to sorting the wastes into different categories, the applicant also proposes to use the MRF to undertake some preliminary processing and treatment of some of the wastes, including hardcore which would be sorted and crushed for use as a secondary aggregate. Some of this material could also be used as cover material¹ for the landfill site.

2.9 Both the landfill and MRF would operate 07.00 to 19.00 hours Monday to Friday and 07.30 to 13.00 hours on Saturdays. No Sunday, Bank Holiday or emergency working is proposed.

3. Site History

3.1 The current use of the site as a depot and the construction of the office buildings were matters previously dealt with by the District Council. The relevant planning history is:

LW/00/1670 – Construction of three units for B1 and B8 office and light industrial use together with associated access parking and turning areas. Approved

LW/98/1453 – Section 73 retrospective application for retention of portacabin and vehicle parking without complying with condition 2 attached to planning permission LW/96/860 (temporary consent expiring 5/9/98) and condition 1 (vary hours of use 06:00 – 19:00 Mondays to Saturdays). Refused. Appeal allowed.

LW/96/1642 – Change of use to industrial use (B1 & B8). Approved.

LW/96/860 – Section 73a retrospective application for the retention of a portacabin beneath existing open-sided building and vehicle parking spaces. Temporary consent.

3.2 The following applications were considered by the County Council as waste planning authority and are of greatest relevance to the current application:

LW/319/CM - Demolition and removal of existing buildings, construction of new site compound, treatment plant and parking. Use of land as waste management centre for receipt, storage, treatment and recycling of liquid wastes and for waste transfer. Erection of 1,900m² of B2/B8 space, provision of internal roadways, landscape features and parking. Granted subject to a legal agreement January 2003.

LW/380/CM – To vary/delete conditions relating to permission LW/319/CM. Granted subject to a legal agreement June 2004.

4. Consultations

4.1 The following consultees were consulted on the planning application when it was initially submitted. Where appropriate, consultees were also consulted on the additional information which was submitted by the applicant in response to queries raised on the initial submission. Where consultees provided observations on the initial submission and the additional information, their comments are summarised under the headings of 'Initial Observations' and 'Further Observations'.

¹ Daily cover is generally applied to the working surface, flanks and working face of an active landfill site with the objective of minimising the potential of the site to pollute the environment, harm human health or become a detriment to the amenity of the locality e.g. to prevent wind blown litter; prevent odours causing a problem off site; to ensure scavenging birds are not attracted to the site or that flies and vermin are not attracted to or infest the site. Application of cover may be continuous, as filling takes place; at the end of the working day; or occasionally, in the case of a tipping face, at the end of the working week or phase of operation.

4.2 The majority of the site lies within Hamsey Parish. However, some of the site also lies within Chailey Parish and the site is adjoined to the east and the west by Barcombe and St John Without Parishes respectively. The site is also close to East Chiltington Parish and therefore, all five Parish Councils were consulted on the planning application.

4.3 Lewes District Council (Initial Observations): Recommend refusal of the application based on the following reasons: The application will result in the loss of a site allocated for business uses; the application represents an over-intensive use of this small rural site which would be out of character with the surroundings and would generate an unacceptable degree of activity and disturbance; the associated traffic generated would have an unacceptable impact on the residential amenities of residents living near to the site; the proposal would result in the loss or damage of existing trees and vegetation on the site; the application would result in the destruction and loss of an important wildlife habitat; the application fails to demonstrate that there would be sufficient measures in place to safeguard against pollution of local watercourses; the site is not allocated in the Waste Local Plan for either landfill or MRF and the application fails to consider alternative sites nor to demonstrate need, nor why it is the best location for these uses, nor how it would minimise the need for waste to be transported by road.

4.4 (Further Observations): The additional information submitted does not alter the District Council's resolution that the application be recommended for refusal on the same basis as before.

4.5 West Sussex County Council have confirmed that there are a number of existing and proposed waste sites serving the catchment area identified by the applicant.

4.6 Hamsey Parish Council (Initial Observations): Strongly objects to the application on a number of grounds, including the need for the development; the increase in the number of vehicles using the site and A275; the impact of noise, dust, odour and vibration from the activities; the proximity to the Bevern Stream.

4.7 (Further Observations): The Parish Council remains opposed to the proposal and consider that the scheme will have an adverse impact on local road conditions, air quality and the Bevern Stream.

4.8 East Chiltington Parish Council (Initial Observations): Objects strongly to the application for the following reasons: intensification of uses, lack of site-specific allocation for waste uses, increase in lorry movements and associated noise and congestions, health risks from the operations.

4.9 (Further Observations): The Parish Council does not consider that their previous concerns have been overcome. They specifically note that changing weather patterns and conditions make air borne and water borne pollution a significant concern; and the level of HGV movements which are considered to have an adverse impact on local road conditions and villages.

4.10 St John (Without) Parish (Initial Observations): Raised a number of concerns with regard to the proposal questioning the need for the facilities, the traffic movements on surrounding roads and the impact of the landfill operations on the local environment and human health.

4.11 Chailey Parish Council (Initial Observations): The Parish Council wishes to see the application refused. They consider that the proposal will generate fewer jobs than the approved industrial units; the proposal will have adverse impacts of vibration, noise and odour from both the vehicle movements and the on-site operations; the need for the facility to be located in East Sussex is questioned.

4.12 (Further Observations): The further submission is not considered to address the noise and dust issues associated with the extra HGV movements; the proposed operations fall outside the scope of the Lewes Local Plan allocation; the number of jobs proposed by the development has increased without a clear basis for this change but is less than the number of jobs likely to be created by the approved uses. The Parish Council is not convinced that the application has demonstrated that the site is proximate to the waste it is designed to treat and conclude that the facilities are not appropriate developments on this site.

4.13 Barcombe Parish Council (Initial Observations): Object to the proposal due to the lack of assessment of alternative sites; the potential impact upon the Bevern Stream, River Ouse and Barcombe Mills Treatment Works; the impact of additional traffic through Barcombe.

4.14 (Further Observations): Express concern over the fact that this is a regional facility which has traffic implications and an impact on local schools and villages; the range of wastes to be handled at the site and their potential harmful impact.

4.15 Highway Authority do not object to the application subject to a legal agreement to secure a right turn facility from the A275 into the site and a travel plan to reduce car journeys to and from the site.

4.16 Environment Agency (Initial Observations): The Agency objects to the proposal on the following grounds: The loss of the pond without adequate enhancement and mitigation works; the lack of detailed information on flood risk and the potential for surface water to cause a pollution risk. The Agency also highlights the need for the applicants to address the issue of contaminated land.

4.17 (Further Observations): The Agency is able to withdraw its objections to the scheme on ecological grounds but remain concerned over the hydrological connection between the pond and the local surface water and groundwater environment. It confirms that in March 2001 the Agency required the Lloyds Environmental to apply for an abstraction licence (No 10/41/271106) to allow them to draw water from what the applicant had identified as a 'spring-fed pond'. By this definition the pond has a ground water source of supply. The Agency have also confirmed that the planning authority should be aware that further detailed investigation will be required for the protection of ground and surface waters. It is also indicated that because the IPPC permit has not yet been submitted there may need to be alterations which could result in a further planning application.

4.18 South East Water (Initial Observations): Opposes the development due to the information on issues such as groundwater and discharges of effluent which are not sufficiently detailed to guarantee a low level risk to public water supply. (No further observations have been received).

4.19 English Nature does not raise an objection to the proposal.

4.20 GOSE were consulted in accordance with the Environmental Impact Regulations but have not indicated that it wishes to call-in the application.

4.21 A number of local groups also raised objections to the proposal. These included the Sussex Ouse Conservation Society (SOCS) and the Salmon & Trout Association. Their particular concerns relate to the potential impact of the proposal upon water quality in the Bevern Stream.

4.22 Friends of the Earth (Lewes District) questioned the need for the application; the impact of the scheme on the future character and beauty of the proposed South Downs National Park; the proximity of the site to potential wide sources of the waste and the impact upon the amenity of nearby dwellings.

4.23 Two Parish Councils have made comments on the application, although they were not directly consulted on the proposal. Fletching Parish Council express grave concerns regarding the application. Their principal objection is the impact of the vehicle movements on the A275 and local road network. Ringmer Parish Council has concerns regarding the impact of the site on the Bevern Stream given the types of material the site could potentially be handling.

4.24 The South East England Regional Assembly (SEERA) were contacted by the applicant and although SEERA do not wish to comment on the details of the application they have submitted comments on the regional context. It is considered that there is a particular absence of SNRHW capacity proximate to the south east of the Region. SEERA indicate that draft regional policies' guidance on the location of waste facilities places emphasis on sites with previous or existing waste management or industrial use. With regard to the MRF, SEERA consider that it could help to contribute towards the delivery of regional targets for recycling and recovery of all waste particularly Commercial, Industrial and Construction and Demolition wastes.

4.25 The Sussex Ouse Restoration Trust raise no objections subject to the strict enforcement of all statutory environmental obligations to ensure that there will be no degradation of either the river water quality or the river banks and floodplains.

4.26 Local residents were consulted on the application and 393 Letters of objection were received. The main reasons for objection and the number of them referring to each ground is indicated in parenthesis are as follows ; There will be a large increase in lorry traffic on what are already busy and unsuitable lanes which pass by 4 schools and will make the area dangerous for pedestrians and horse riders – (312) ; There will be an adverse affect on nearby properties/businesses and the village communities due to the noise, dust, odour and vibrations caused by the heavy lorries – (165); Threat to the flora and fauna in the environment particularly the spring fed naturalised lake and the protected Bullheads and other wildlife species e.g. Greater Crested Newts, Canada Geese, Sea Trout spawning area. – (213); Impact on the village on noise from the operations themselves – (72); The access to the site is inadequate causing lorries to queue on a busy road to get in – (47); There is not enough information on whether a lining will protect the water course (Bevern Stream) and therefore the drinking water could be polluted which would be a serious environmental hazard – (213); Concern over general health risks with the importation of hazardous waste which could cause birth defects or increased health problems – (162) ; Concern over airborne particle matter carrying contaminates affecting local habitat such as Kiln Wood and affecting health.– (103); The site is not referred to in the ESCC Waste Local Plan and does not comply with Lewes District Council's local plan, confirming that there is no need for this use – (122) There is a lack of proven need for this type of development in this area which is very close to a likely National Park (AONB) boundary as there are suitable sites in Southerham, Burgess Hill, Brighton, Shoreham and Turners Hill and it is not in-keeping with the surrounding area – (148); The description in miss-leading/muddled as non—hazardous waste is mentioned but in the application hazardous material is mentioned – (52); That the applicants should not be dealing with hazardous waste given their bad track record over compliance with regulations. – (53).

4.27 Two Petitions have been received:- The first containing 41 Signatures from Bevern Bridge Stables, Chailey raises– Objections to the increase in vehicle movements and noise and disturbance caused by extra lorries and the effect on the environment and possible pollution to drinking water. A second petition containing 23 Signatures from The Residents, Grantham Close, South Chailey raises Concern over the increase in HGV traffic, noise, pollution of water and potential airborne pollutants.

4.28 Following the receipt of new information from the applicant further consultations were undertaken with local residents. A total of 71 additional letters of objection were received. These representations did not consider that the applicant had addressed the outstanding issues previously raised. In particular the issues relating to the impact of the development on the Bevern Stream and the impact of traffic movements on local residents' amenity and

the wider community were considered to remain of greatest concern. Other matters such as the health impacts of the facilities, the scale of the activities and the need for the operations given the Lewes Local Plan allocation continue to be issues which are of concern to local residents.

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

5.1 Local Planning Authorities must determine planning applications in accordance with the statutory development plans, unless material considerations indicate otherwise. In this case the relevant planning policy documents are; Regional Planning Guidance Note 9 (now Regional Spatial Strategy); East Sussex and Brighton & Hove Structure Plan and the Lewes District Plan. All the relevant policies are set out below:

Regional Planning Guidance Note 9 (RPG9)

Policy INF3 – WPAs should aim to make provision for a sufficient range and number of facilities for re-use, recovery and disposal of waste that will need to be managed within their areas. National targets by 2005 is to reduce the amount of industrial and commercial waste going to landfill to 85% of 1998 levels. Waste Local Plans should identify sites for waste treatment having regard to the Best Practicable Environmental Option (BPEO).

East Sussex and Brighton & Hove Structure Plan 1991-2011:

Policy S1 (Criteria for 21st Century) – Seeks to achieve more sustainable development through such measures as minimising the impact on the environment, not creating traffic conditions, protecting and enhancing ground water and river levels for human consumption, protecting air quality, disposing of waste in an environmentally sensitive way.

Policy S4 (strategic pattern of development in the countryside)

Policy S10a (need for countryside location)

Policy TR3 (accessibility)- Proposals should provide for the access they create not worsening road safety

Policy E5 (safeguarding existing land) –loss of industrial land resisted need for waste management facility)

Policy EN1 (protection of the landscape character)

Policy EN11 (Water Quality & Conservation) – opposes proposals which will have an adverse effect upon water resources which are important to human consumption.

Policy EN13 (Air Quality) – supports the monitoring of air quality and proposals to improve air quality.

Policy EN15 (Noise Pollution) – requires proposals to include measures to minimise noise.

Policy EN17 (Nature Conservation) – seeks to protect existing natural resources of species and habitats from damage.

Policy W1 (Sustainable Approach to Waste Planning) – ensures that waste management proposals accord with national and local strategies and that schemes are sustainable.

Policy W2 (General Strategy for Waste) – proposals must accord with the waste hierarchy, which places landfill as the least attractive option for waste disposal, and that schemes represent the Best Practicable Environmental Option.

Policy W3 (General Strategy for Waste) – seeks to ensure that as far as practical, the plan area is self sufficient in dealing with its own waste and that it is dealt with as close to the origin of waste as possible.

Policy W5 (transportation of waste)- seeks to minimise the need to transport waste).

Policy W6 (General Strategy for Waste) – Support is given for the provision of strategically located sites and sites which can offer an integrated recycling, treatment and disposal option.

Policy W7 (General Strategy for Waste) – the treatment of waste prior to landfilling is supported.

Policy W9 (Strategic Development Criteria) – establishes a number of criteria against which proposal will be judged. This is designed to ensure that schemes are provided on appropriate sites within appropriate locations. Accordingly, developments which have an adverse impact upon sensitive areas or are likely to have an adverse impact upon natural resources or sensitive land uses, particularly if there are unacceptable traffic impacts, will be resisted.

Policy W11 (Construction Industry Waste) – encourages the provision of recycling and transfer facilities for the processing and storage of construction industry waste.

Policy W13 (Household, Commercial & Other Industry Waste) – encourages the provision of recycling facilities for these wastes.

Policy W16 (Construction Industry Waste) – provision of landfill sites for these wastes will only be supported where it can be demonstrated that there is a need to dispose of the waste and other methods further up the waste hierarchy are not appropriate.

Policy W17 (Other Wastes) – Proposals for the management of other wastes will be supported in principle provided a need is demonstrated and that proposals accord with other policies in the plan.

Lewes Local Plan 2003:

Policy HY1 (Hamsey Brickworks) - allocates the former brickworks site for business, light industrial and office use (B1 use class), general business/industrial use (B2) and storage and distribution (B8) uses subject to criteria which limit the scale and impact of any development.

Policy ST3 (Design, Form and Setting of Development) sets out criteria for development generally. These requirements include ensuring that development respects the overall site coverage, density, landscaping and character of the local area: the amenities of adjoining properties in terms of noise, privacy, natural daylight, visual amenities and smell and does not result in detriment to the character or amenities of the area through increased traffic levels, noise or other environmental considerations.

Policy ST9 (Natural Features and Habitats and their protection) - seeks to protect the quality of sites in terms of their nature conservation, geological or landscape interest from the adverse impacts of development.

Policy ST13 (Noise and Development) – aims to protect sensitive areas and occupiers by ensuring that noisy developments are located in appropriate areas so that people are not exposed to unreasonable levels of noise.

Policy E1 (Planning for Employment) - promotes sites allocated for business uses in the Local Plan and seeks to prevent the loss of such sites unless the continuation of the use

would have environmental implications or if there is no likelihood of a future viable employment use being secured in the life of the Plan.

Policy CT1 (Planning Boundary and Key Countryside Policy) - seeks to preserve the countryside by restricting development to specified uses only e.g. agriculture, recreation, community facilities or other specifically allocated land uses.

Policy T5 (Transport and Accessibility in the Rural Area) - notes that the traffic generation implications of development in rural area will be carefully considered, which includes the environmental impact and the effect on the rural character.

5.2 New development plan policies specifically on waste are emerging at regional and, local level. Both have been through examination in public/public inquiry. They are material considerations to which some weight must be attached.

RPG9 Alterations (draft Regional Waste Management Strategy)

W1 (encouraging waste reduction)

W3 (provision of waste management capacity)

W4 (net self sufficiency within WPA areas)

W5 (increase in waste recovery/reduction of landfill and proposals meeting BPEO for individual streams)

W6 (targets for recycling)

W7 (allocation of sites for waste management uses)

W15 (Regional hazardous waste task group to provide guidance on regional requirements)

W16 (Reduction of transport and impacts of waste movement)

W17 (criteria to guide the location of waste facilities)

W18 (provision of good transport links consistent with the proximity principle)

East Sussex and Brighton & Hove Waste Local Plan

Policy WLP1 (Plan Strategy) – establishes the strategy of the plan against which proposals will be assessed. The strategy requires developments to be proximate to the waste, to meet BPEO and to minimise the disposal of untreated waste going to landfill. The policy sets targets for recycling and recovery of waste. The Policy supports the objective of achieving net self sufficiency and the co-location of facilities where appropriate. The policy seeks to protect sensitive areas from damage.

Policy WLP2 (Transport Strategy) – requires proposals to demonstrate both that the facility is as close as practicable to the source of the waste and secondly that access by means other than road have been considered and if rejected the reasons for the rejection. Where road transport is proposed, the proposal should be located to minimise the length and number of road traffic movements.

Policy WLP13 (Recycling, Transfer and Materials Recovery Facilities) – the provision of such facilities are encouraged where the site is suitable for most waste management and/or industrial uses. Temporary facilities at landfill sites might also be acceptable.

Policy WLP14 (Recycling and Recovery Facilities for Construction & Demolition Waste) – establishes similar criteria for these facilities as for Recycling, Transfer and Materials

Recovery Facilities. However, the policy recognises that temporary facilities may be appropriate on some construction sites but that acceptance of a proposal is also dependent upon according with other policies in the plan.

Policy WLP20 (Landfilling Non-Inert Waste) – supports landraising with non-inert material subject to the development being able to meet criteria on issues such as location, need, and acceptable resulting landscape.

Policy WLP27 (Special & Difficult Waste) – requires proposals to demonstrate that they are dealing with waste from the plan area or if it is a regional facility it is nevertheless making a substantial contribution to local waste management needs. Proposals will have to demonstrate that the type of facility is appropriate for the type of waste and the hazards of the waste. However, the policy does accept that the co-location of facilities may be acceptable in certain circumstances.

Policy WLP35 (General Amenity Considerations) – establishes a criteria against which proposals must be judged. The criteria are designed to protect both neighbouring properties, occupiers and the surrounding environment generally. Therefore, the policy specifically seeks to ensure that development is of an appropriate scale and character and that there are no impacts due to noise, dust, odours etc.

Policy WLP36 (Transport Considerations) – Given the potential large number of HGV movements associated with waste management facilities this policy is designed to ensure that safety hazards do not result from developments. The policy requires developments to have adequate access arrangements for the nature and volume of traffic levels and that there is no safety or highway capacity issues created by the development.

Policy WLP37 (Flood Defences, Flood Plains and Surface Water) – in relation to the current proposal this policy requires developments to ensure that there are appropriate measures in place to deal with increases in surface water run off that might increase flood risk.

Policy WLP38 (Surface and Ground Water) – requires that developments are not likely to present an adverse risk to the quality of surface and groundwater and thus impact upon ground water resources or natural habitats.

Policies WLP1, WLP2, WLP13, WLP14, WLP20, WLP27 and WLP37 are proposed to be modified.

6. Considerations

Introduction

6.1 This site has been the subject of a previous planning application (LW319/CM) which involved the use of land for a waste management centre for the receipt, storage, treatment and recycling of liquid waste and the erection of 1900m³ of B2/B8 industrial storage space. This application was approved following the completion of a legal agreement to provide for improvements to the vehicular access to the site. An identical development was later approved subject to the variation and deletion of conditions (LW/380/CM) again subject to a legal agreement to provide for access improvements. Neither planning application has been implemented and neither could be undertaken with the current application proposals. Whilst the applicant has suggested that the wastewater treatment works could be built with the current application, this is not the case as the footprint of the treatment works overlaps the current development proposals and includes the use of the clay pit for the discharge of liquid. The applicant's site therefore does not contain any current waste management facilities. Whilst the current application is being promoted as a combination of facilities, a further planning application would be needed if a waste liquid treatment works was to be included on the site with the proposed landfill and MRF.

Waste strategy

6.2 PPS10 has been published in July 2005 and has an objective that planning authorities should help deliver sustainable development by diverting waste streams to waste facilities towards the top of up the waste hierarchy. The waste hierarchy comprises reduction of waste at the top, followed by re-use, recycling and composting, using waste as a source of energy and only disposing to landfill as a last resort. Planning applications for unallocated waste sites should be considered favourably when consistent with the waste planning authority's core strategy and assessing suitability against criteria that includes physical and environmental constraints on development, the cumulative effects of waste permissions on local communities, transport implications and giving priority to the re-use of previously developed land.

6.3 The waste planning authority's current strategic policies are contained in the draft Waste Local Plan. The main objectives are to progressively reduce the amount of waste disposed to land, to increase recycling and recovery and achieve targets set by Government, to treat and dispose of the Plan area's waste arisings; to minimise road traffic and protect the environment.

Need for non hazardous and stable non-reactive hazardous waste landfill

6.4 There have been recent changes in the definition of waste in response to the implementation of the Landfill Directive. This has, and will continue to have, a significant impact on the management of all wastes and prohibit the landfilling of certain waste and require most wastes to be treated before they can be landfilled. In this way the management of waste is moved higher up the waste hierarchy with much less reliance on landfills. Those landfills that do remain will be classified according to whether they can accept hazardous, non hazardous or inert wastes.

6.5 The applicant proposes that part of the site at Old Hamsey Brickworks would become a non-hazardous landfill within which it is proposed to accept primarily Stable Non-Reactive Hazardous Waste (SNRHW) and other non-hazardous wastes. There are a large number of wastes within the category of SNRHW. These range from contaminated soils at construction sites through to wastes from thermal treatment. The applicant has indicated that certain types of SNRHW will not be deposited within the landfill such as waste from electrical and electronic equipment and waste explosives. The applicant anticipates that the majority of SNRHW deposited at the site will be construction and demolition waste. It is also indicated by the applicant that some 2,500 tonnes of residue from the applicant's proposed liquid treatment plant would fall within the category of SNRHW and could be deposited at the landfill.

6.6 The need for such a landfill facility has to be set against this legislative and regulatory background. In accordance with policy W15 of draft Regional Waste Management Strategy, guidance on hazardous waste management requirements is to achieve, at the regional level, a diversity of management options for hazardous waste. The final draft status report of the Hazardous Waste Forum – Treatment and Capacity Task Force was completed in 2005. This acknowledges that with the greater cost of disposal there can be expected to be greater levels of waste minimisation with a commensurate fall in the estimated landfill capacity. Policy W5 of draft Regional Waste Management Strategy sets the targets for reducing reliance on landfill sites. In 2002 some 579,000 tonnes of special waste arisings were recorded in the South East Region but the future capacity need for hazardous waste sites is unclear because of the wide ranging data from all sources. It recognised that the key focus should be away from landfill because it is the least sustainable environmentally. National data coming through also suggests that if all the stable non reactive landfill cells that are applied for are realised 'then it would appear that there would be sufficient capacity for a significant period'. SEERA has commissioned research on the existing available waste capacity which has identified a shortfall of capacity overall with particular absence of SNRHW capacity proximate to the South East of the Region.

6.7 Under policy W17 of the Structure Plan a need for this waste management proposal must be demonstrated. Policy WLP 27 of the Waste Local Plan requires such facilities for special and difficult wastes to demonstrate that the waste arises within the plan area or the facility forms part of a regional strategy for dealing with this waste which also makes a substantial contribution to meeting local waste management needs. The location and type of facility must be appropriate to the nature and hazards of the waste and co-location of waste facilities should be considered.

6.8 In view of the above there is an identified essential need to move away from landfill and in accordance with the Environment Agency's regulatory requirements the pre-treatment of this waste stream is required, although there are apparently no current facilities for this purpose in the South East Region. In consequence the applicant will need to demonstrate a very high order of need for this specific facility. The ES which accompanied the application has examined the situation in respect of waste management facilities within the Waste Local Plan area and the wider South East Region, and sought to demonstrate that current capacity at these sites will not be sufficient to meet predicted growth in waste or recycling targets. The application indicates that within the South East there are no facilities which can currently accept the range of SNRHW material which the landfill site at Old Hamsey Brickworks would accept and that the nearest such landfill sites are in Swindon and Northampton.

6.9 The applicant estimates that within a 90 minute drive time notional catchment area as much as 64,000 tonnes per annum of SNRHW produced within East and West Sussex, Surrey, Kent and South London in 2002 needs to be landfilled. Although the applicant accepts this might fall by 2020, if new management options are introduced by the waste industry, there is still likely to be a requirement to landfill at least 25,000 tonnes of SNRHW per annum by 2020. Of the arisings of SNRHW in 2002 some 51,946 tonnes came from Kent, 5,173 tonnes from East Sussex and 5,604 tonnes from West Sussex.

6.10 A site within Kent would be more proximate to the majority of waste arisings within the sub region and therefore reduce the potential travelling distances of more of the waste. In response to this issue the applicant has now suggested that there is sufficient material within East and West Sussex to serve the Old Hamsey Brickworks site and that by doing so it will make an important contribution to dealing with the Region's waste as a whole. However, in sustainable development terms the landfill should not be too distant from the treatment capacity and at present much of the Region's capacity for dealing with hazardous waste is located in Kent, Hampshire and Berkshire.

6.11 Having regard to the national and regional picture for SNRHW and the information provided by the applicant whilst there may be a general need for this facility the applicant hasn't adequately demonstrated how it fits into a regional strategy. The ability of the site to accept SNRHW does not appear to have regard to the Environment Agency's waste acceptance criteria and the need for all such waste to be pre-treated. As there is understood to be a lack of treatment capacity to produce SNRHW waste in the south east it follows that there is absence of clarity about the ability of a Hamsey facility to directly accept such waste. In reality all such waste would need to travel outside the region to be treated. In such circumstances there may well be disposal facilities closer to the location of these treatment facilities than the landfill facility at Old Hamsey Brickworks.

6.12 The application does not present a sufficient case regarding the need for a non-hazardous landfill and is not specific about the amount of non-hazardous material that will be landfilled. The lack of any assessment of the need for a non-hazardous waste landfill site is a significant omission.

6.13 On this basis I do not consider that the applicant has adequately demonstrated that there is a local need in a co-ordinated fashion related to a waste strategy. It is therefore contrary to Policy W5 and W15 of the draft Regional Waste Management Strategy, Policy W17 of the Structure Plan and Policy WLP 27 of the Waste Local Plan.

Need for MRF

6.14 The second waste facility proposed at this site is a Material Recycling Facility (MRF). The purpose of a MRF is to receive waste, sort it ready for recycling and bulk it up ready for onward transport and treatment. Some MRFs also incorporate some preliminary treatment within the operations such as crushing of hardcore or chipping of wood. There is often little practical difference between a MRF and a Waste Transfer Station (WTS). Usually a WTS is operated by a skip hire company or waste operator and is the base at which skips are stored, waste is unloaded, bulked up and made ready for onward transport to landfill. A WTS can often include screening and crushing of hardcore for reuse as a secondary aggregate and the salvage of scrap metal. As a WTS is usually linked to skip hire and construction/demolition waste it does not usually become involved with the specific collection and sorting of other recyclates such as paper, cardboard, plastics etc. A MRF is often operated in relation to municipal collection and recycling facilities because of the large scale constant waste stream.

6.15 A MRF therefore moves waste up the waste hierarchy and under Structure Plan policy W11 the reduction of construction industry waste is supported in principle to increase the amount of waste being processed in accordance with SERPLAN targets. This application indicates that the MRF would accept waste from commercial and industrial sources, as well as construction and demolition waste and biodegradable waste. Certain materials such as hardcore would be processed on site so that it can be reused, whereas other materials such as paper and plastics would be sorted out from waste which cannot be recycled and bulked up for collection. (The application originally proposed the chipping of wood but this has now been omitted from the application.)

6.16 As with the SNRHW landfill operations, the application has also sought to demonstrate that there is an unmet demand for a MRF within the area and that Old Hamsey brickworks is an appropriate solution. The applicant has suggested in terms of construction and demolition waste there will be a requirement for additional recycling capacity of 80,000 tonnes per annum in 2005 rising to 160,000 tonnes per annum by 2011. In addition the need to process some 54,000 tonnes of commercial and industrial waste by 2005 is identified. The catchment area of this MRF is indicated to serve a 30 minute drive time catchment area. This would include Heathfield, Uckfield, Crowborough, Lewes, Newhaven and Brighton & Hove within the Waste Local Plan area and also Hurstpierpoint, Burgess Hill, Haywards Heath and as far north as East Grinstead within West Sussex. There is no indication provided of the source of biodegradable wastes to be handled at this facility.

6.17 The applicant has attempted to identify those current facilities recycling Commercial & Industrial and Construction & Demolition wastes which it is suggested provide a capacity of 255,000 tonnes per annum. However, the applicant's list of current sites is incomplete, excluding some current operational sites within East and West Sussex and sites with planning permission. Furthermore it appears to focus on estimated current throughput rather than the authorised capacity, which almost without exception, is substantially higher (circ.890,000 tonnes) and indicates that there is sufficient current capacity to handle these waste streams within the East Sussex portion of the catchment area. Additionally, there are sites allocated for MRFs in both the East Sussex and Brighton & Hove and West Sussex Waste Local Plans which either fall within the catchment area or would influence waste movements within it.

6.18 The main arisings for this particular need will originate some distance from this site.

6.19 Having regard to the existing waste management capacity within this part of the County it is not accepted that the applicant has been able to adequately demonstrate that there is an absence of existing capacity which supports the applicant's identified need for a MRF in this location.

Alternative sites

6.20 MRF facilities are supported in principle by policy W2 of the Structure Plan subject to it being the appropriate option for the particular waste streams and demonstrating BPEO. Such waste should be dealt with as close as possible to the point of origin under Structure Plan policy W3. MRF's are also supported under Structure Plan policy W6 as part of a strategic network in appropriate locations. In respect of both the landfill and MRF facilities it is necessary to show that this is an appropriate location for both facilities to minimise the number and length of transport movements, to adhere to the proximity principle and show that it is an appropriate location relative to waste arisings. This is necessary to comply with Structure Plan Policies W5; W6; W9 and Waste Local Plan Policy WLP2.

6.21 In terms of the landfill element of the proposal the ES accompanying the planning application did not originally consider other sites apparently because there was considered little merit in assessing alternative sites which the applicant did not own. This has been identified by Officers as an inherent weakness of the submission because an assessment of alternative sites should inform the ES and the applicant has therefore sought to address this in a supplementary submission. Ultimately, the Waste Planning Authority must be satisfied that there are no other available and suitable sites available which have a lesser environmental impact or have similar environmental impacts but are more proximate to the waste arisings.

6.22 It is apparent that the landfill facility will be a temporary facility operational for twelve years on the basis of predicted input of 10,000 tonnes of waste per year. On the basis of the applicants information on SNRHW arisings within the sub region it could be suggested that the focus of any site would be in Kent where most such material arises. The applicant has now undertaken a review, limited to mineral sites within East and West Sussex, of possible alternative sites which concluded that there is no more appropriate site than Old Hamsey Brickworks. It is not clear if this work considered the co-location of a landfill and MRF but in view of its confined nature and its focus on sites in the ownership of the company, it is not considered sufficiently thorough to conclude that Old Hamsey Brickworks is the only available suitable site.

6.23 Whilst it is accepted that greater recycling and the treatment of waste is required through the provision of MRFs within the Waste Local Plan area as a whole, such facilities should be within the areas of greatest population/development and should be met as close as possible to that demand. In addition, there are parts of the eastern and central areas of the plan area which are not as well served by waste management facilities. The applicant acknowledges that there are already a number of competing sites in the vicinity of the application site but has not been able to show for the purpose of policy S10a of the Structure Plan, that this particular location is necessary. The information used by the applicant could equally be used to support a new MRF at any other site within the plan area and the applicant has been unable to demonstrate that there is a specific need for a site to be at Old Hamsey Brickworks.

Best Practicable Environmental Option

6.24 The draft Regional Waste Management Strategy Policy W5 ; Structure Plan Policy W2 and Waste Local Plan Policy WLP1 all require waste development to demonstrate that they are the BPEO for the particular waste streams according to local circumstances.

6.25 The BPEO is a technique for establishing whether a proposal represents the most appropriate approach for dealing with a waste stream given the likely practical and cost implications. In assessing the BPEO, it is important to have regard to both the waste hierarchy and the proximity principle. Whilst BPEO has been seen as tool to be used at the strategic level, to establish whether a form of treatment is the BPEO for a particular waste, it has also been applied to the individual site, particularly for landfill, which is the least favoured option in the waste hierarchy.

6.26 The landfill element of the proposal is at the bottom of the waste hierarchy. In considering the appropriateness of the specific waste streams to this site the applicant does not appear to have had regard to the need for the prior treatment of all such waste and the absence of facilities locally for this purpose. This has significant implications for appropriateness and practicality of the chosen option for the non hazardous and SNRHW because of the potential additional transportation requirements to access treatment facilities outside the region and source the closest final post treatment disposal point. It has not been shown that the potential waste streams cannot be treated to enhance recovery of waste and therefore reduce reliance on the landfilling option. Consequently Old Hamsey Brickworks landfill is therefore likely to accept soils from sites which are capable of being recycled.

6.27 The Waste Local Plan acknowledges that in certain cases, a proposal for dealing with special and difficult wastes may not necessarily represent the BPEO, because the relatively small amounts of these waste produced in one area and the practicalities of locating a facility close at hand. This is accepted by the applicant who has assumed that material will arrive in 20 tonne loads although this is contradicted by suggestions that smaller loads (less than 20 tonne loads) will be involved indicating a potentially higher number of vehicular movements of part loads.

6.28 Another factor relates to the anticipated throughput of the landfilled wastes, which is indicated to be under 200 tonnes per week. As this would indicate the receipt of just 10 loads of such waste per week the reasonableness of this is questionable when significant capital investment is involved and there are significant quantities of this waste beyond the local area requiring disposal. There is no reason to suggest that if more than 10,000 tonnes were available, the site would not accept it with an impact on traffic levels and the life span of the site. In practical terms the length of time the landfill site is open to the elements will also impact on the ingress of water within the uncapped site and have other environmental consequences.

6.29 The applicant's assessment of SNRHW, is not considered to be a balanced approach, as the positive features attributed to landfill could also have been attributed to recycling. For example, landfill is considered to be practical and the "environmental effects may be minimised using well-proven design principles and operational procedures." The same could also be said for recycling but instead the BPEO assessment concludes, in terms of practicability, that recycling "gives rise to the potential for *increased environmental harm*". The site is also proposed to accept non-hazardous waste for landfilling such as bricks, concrete, cardboard, glass, certain sludges from waste water treatment. However, the applicant has indicated that because of the 'low value' of such material only some cover material could be expected within the landfill and therefore the disposal route of this waste is unclear.

6.30 The evidence therefore suggests that the landfill element of the proposal is a speculative application outside of any integrated approach to dealing with the issue of regional or sub regional self sufficiency. The applicant has not been able to show that the landfill site for these waste streams is the BPEO, particularly having regard to the absence of pre treatment and the limited assessment of alternative sites referred to above.

6.31 In respect of the MRF the applicant concludes that recycling represents the BPEO for Commercial & Industrial Waste and Construction and Demolition Waste. In principle this is accepted but there is no indication in the application where the residue material will be deposited or to what extent the site itself is the BPEO. Additionally, reference to biodegradable waste streams are incomplete.

6.32 I have strong reservations about the location of a MRF in this particular location away from the sources of waste because of the length and number of traffic movements this involves and this is not specifically addressed in the applicants submission or as indicated above, justified in terms of need. These waste management proposals have not therefore shown to amount to the Best Practical Environmental Option and are contrary to draft Waste

Conflict with allocated employment use

6.33 The Old Hamsey Brickworks site is allocated in the Lewes Local Plan for up to 2,180m² of Class B1 (Light Industry/Offices), B2 (General Industry) and B8 (Storage and Distribution) development. The permissions granted by the County Council (References: LW/319/CM and LW/380/CM) are for 1,900m² of Class B1, B2 and B8 floorspace and a liquid waste treatment plant. At the time of the County Council's decision to grant planning permission, the Lewes Local Plan was not adopted and therefore, the industrial floorspace allocation had not been confirmed in Policy HY1. However, the Lewes Local Plan is now adopted and, therefore, forms part of the Development Plan for the area.

6.34 A key role of the Lewes Local Plan is to ensure that there is an adequate supply of commercial land and premises available. It is important for the area's economy that there are sufficient employment opportunities and thus sufficient land for business uses. The Local Plan has identified a number of sites where industrial/employment uses would be acceptable, including Old Hamsey Brickworks.

6.35 The East Sussex Economic Study (ESES) (November 2004) looked at the issue of supply and demand for business premises across the County. It concluded that there is generally an under supply of suitable sites in the County and that there is a need to protect allocated sites from other forms of development. The ESES was informed by a study into small business units and the supply/demand of employment land. This study noted that Lewes District in particular had a narrow range of units available and a particular shortage of small units. However, more generally there was considered to be an unmet demand for quality, smaller units. The lack of supply was noted as being particularly acute in rural areas.

6.36 In response to these concerns the applicant has noted that Structure Plan Policy E1 supports the growth of existing businesses and that there is nothing in the Lewes Local Plan which specifies any particular level of employment that this site aims to generate. Therefore, it is suggested by the applicant that although the proposal is for waste management purposes, such uses are an industrial type of activity which are suitable for land allocated for industrial uses and within this context should be considered as industrial type uses.

6.37 The Structure Plan and Waste Local Plan identify industrial sites as being suitable for waste management uses and there is also support for the development of what amounts to a brownfield site. Such factors need to be balanced against Structure Plan Policy E17 which seeks to promote a range of employment opportunities in rural areas, which the Local Plan allocation would help to meet.

6.38 Clearly the Lewes Local Plan cannot allocate land for waste uses, as this is the function of the Waste Local Plan, which has not specifically allocated the Old Hamsey Brickworks site for waste management uses. Although the Waste Local Plan acknowledges the existence of the permission for the liquid waste treatment plant, this is only a factual statement and it should be noted that the liquid waste treatment plant does not cover the entire site the subject of the current application.

6.39 The site clearly forms an important element within the wider employment strategy for Lewes District and the loss of this site would represent a significant loss in the amount of allocated land for employment potential and potentially the provision of a wider range of employment opportunities. The existing planning permission including employment uses was presumably sought by the applicant on the basis of a known demand and therefore it appears inconsistent to now suggest that the existing permission could be taken up by storage uses, which might not generate many jobs. Furthermore, the applicant is now claiming that the number of staff that would be employed in the current application, is far higher than in the original application and in addition there is no longer the suggestion that

some current staff would transfer across to fill these new roles. Despite indicating that there are now more new staff using the site, there is no corresponding increase in the calculation of vehicle movements. Additionally, whilst the application proposals are indicated to now involve a total of 29 additional jobs this is still less than would be anticipated with a business development and no account appears to have been taken of the demolition of the existing site building where jobs will be lost.

6.40 Whilst there may be some doubt as to whether the applicant would build the industrial units previously granted permission at the site, clearly, this would frustrate the objective of the Lewes Local Plan. If this application were approved it would result in the loss of an allocated employment site which would be significant to the local economy. In the absence of a specific need for a MRF at this location I consider that the Lewes Local Plan Policy HY1 allocation is a fundamental consideration in determining the current application.

Vehicle Movements

6.41 To comply with Structure Plan Policy TR3 and Waste Local Plan Policy WLP36, it is important to ensure that the existing access, which the development will utilise, can accommodate the traffic flows and will not cause any highway safety impacts upon the A275. It is also important for the application to be able to demonstrate that there will not be any undue related adverse environmental or amenity impacts upon the adjacent residential properties as a result of using the access.

6.42 The Highway Authority was consulted on the application and the further details submitted by the applicant. The Highway Authority has not objected to the application although they would wish to see a legal agreement to secure a right turn facility from the A275 into the site and a travel plan to reduce car journeys to and from the site. The A275 experiences a daily traffic flow of around 6000 movements of which 2.50% (150) are HGVs. The Highway Authority is satisfied that in terms of the capacity and safety of such additional traffic on the A275 road, the identified 144 additional movements per day including 112 HGV's can be accommodated subject to the provision of the right turn lane at the access to the site including, the making up of the adjoining part of the site access.

Vehicle Numbers

6.43 The application indicates that the proposed operations would have fewer vehicle movement figures to those likely to be generated by the previous permission for a liquid waste treatment plant and industrial units. The table below sets out the predicted total number of daily vehicle movements **quoted in the current application** for the current proposal and the previous permission (ref LW319/CM).

Type of Vehicular Movement	Current Application Liquid Treatment Plant and existing depot	Permission for Liquid Treatment Plant & Industrial Units with existing depot
Existing HGV	55	55
Existing Staff	150	150
Existing Tenants	-	20
Liquid Waste Tankers	36	36
MRF HGV	88	-
Landfill HGV	24	-
New Staff	16	-
Industrial Units HGV	-	24
Industrial Units Cars/Vans	-	216
Total	369	501

6.44 The current application suggests that the extant permission would result in a total of 501 daily vehicle movements. This is compared to a daily figure of 369 movements associated with the current proposal. On this basis the application concludes that the current application would have a positive impact over the previously approved permission.

6.45 The previous permission has not been implemented and although its existence must be given due weight, the issue of vehicle movements cannot be judged solely on numbers. There must also be an assessment of the character and type of vehicle. It is also apparent that the number of vehicular movements now attributed to the previous planning permission (LW/319/CM) are not the same figures as quoted when that application was submitted and considered. The figures previously presented were:

Type of Vehicular Movement	Established depot use in October 2000 with (current figure in brackets)	Figures for Liquid Treatment Plant & Industrial Units
Existing Lloyds Vehicles/Staff Liquid Waste Tankers	26 – 76 (150) 24 (55)	26 – 76 34
Industrial Units/Liquid Waste Plant	0 (20)	150 – 175
Total	50 – 100 (225)	210 – 285

6.46 The applicant states that their business has expanded over the past 4-5 years and thus current vehicle movements have more than doubled and are approximately 225 per day to/from the site. This is a material increase over the previous estimates of between 50 and 100 movements per day. The applicant's previous estimates of the level of vehicle movements associated with the current activities (100 per day) from the site were considered by the Lewes Local Plan Inspector to be an over-estimation, so I consider that the claimed figure of 225 current daily movements has not been adequately established. It should also be noted in this context that the applicant has acquired further operating sites at Sheffield Park, Slaugham and Westham and therefore the expansion of the operations is not focussed solely on Old Hamsey Brickworks.

6.47 However, even taking the new figure of 225 movements and adding the additional 10 liquid waste tanker movements per day and 175 movements, for the industrial use, the figure is 410 movements per day. This is because the applicant's highway consultants are now attributing a greater number of vehicle movements to the industrial use than previously suggested, which produces the higher figure of 501 per day.

6.48 It is worth noting that supporting information with the original application (LW/319/CM), quoted a figure of 300 – 350 movements per day as being generated by the industrial units. At that stage the application was for 3,800m² of floorspace. The application was subsequently amended to 1,900 m² of floorspace and the number of vehicle movements was correspondingly reduced, to the figure of 150 – 175 movements for the industrial units. The applicant now suggest that 240 vehicle movements per day would be attributable to the industrial units but have been unable to explain this discrepancy. Elsewhere in the application there is a reference to the intensification of waste uses not causing a significant increase in traffic levels.

6.49 It is important to make an accurate assessment of traffic impacts of the current proposal although the applicant's information would suggest their estimates may not be accurate or have very quickly become out-dated. The applicant's current estimates of traffic movements for the current proposal, said to be a worst case scenario, might be better described as a minimum number of movements, given that previous worst case scenarios for the industrial units which now are seen as an under-estimation. Thus, whilst the 'fall-

back' position of the previous permission must be given due weight in the consideration, the basis on which it has been made should form part of the judgement.

6.50 It is apparent that the current depot use of the site has expanded and that the additional waste uses now proposed would increase traffic levels and particularly the number of HGV movements. The current application and the applicant's expansion into dry waste material (skip hire) from their core area of liquid waste suggests that the industrial estate development is less likely. The applicant's assumptions on the average waste load, and therefore the number of vehicular movements, has been considered. There is an absence of detailed information to support the size of loads and therefore the number of movements. The throughput of both facilities at the site is based on tonnages of 7 and 20 tonnes. The weight to volume figure is not always consistent as standard skips can often be filled with bulky light material, which can also be the case with commercial waste. Consequently it is difficult to place great reliance on the simplistic assumptions in the application, particularly as one of their justifications for the site, is that it will provide a facility for the smaller loads, which are more sensitive to transport costs.

6.51 There is some uncertainty about the likely number of daily loads and notwithstanding the differences in the figures, it is apparent that there will be a significant change in the nature of the vehicles using the access. Comparing the HGV movements associated with the industrial units and the landfill/MRF uses it is clear that there will be a significant increase in HGV vehicle numbers. The proposed development will add to the traffic flows onto the A275, including a 75% increase to the current HGV flows. Whilst this could be acceptable in terms of the roads' capacity and traffic safety this is subject to the provision of the right turn lane and works to improve the bellmouth of the junction. Whilst the apprehensions of the local community regarding increased lorry use are appreciated, the A275 is considered to be a good quality road which is suitable for this type of traffic. The more localised impacts of traffic on residential amenity are considered below.

Over-Development

6.52 The site is a brownfield site surrounded by mostly open countryside. It is acknowledged by the District Council that had the site not previously been used as a brickworks, a Local Plan allocation for industrial development would not be acceptable on this site.

6.53 The Lewes Local Plan Inspector was clear that the development of the site should be on a one-for-one replacement of the existing built development on site and that large scale development of the site was inappropriate. The impact associated with vehicle movements emphasised the limited development potential of the site.

6.54 Whilst the co-location of waste management facilities is often a positive approach to handling waste, it should not be at the expense of other material considerations. The scale of development now proposed is significantly greater than that envisaged by the Lewes Local Plan and whilst the uses are waste related such consideration is material in determining the appropriate level of development in a rural area. Thus the Local Plan floorspace allocation of 2,180 m² and indeed the 2,240 m² of floorspace associated with the previous permission is significantly less than the floorspace now proposed. The current application includes the MRF (2090m²) plus the retention of some existing buildings on site (1,300m²). Without including the weighbridge office, this represents over 50% more floorspace than granted under the previous permission.

6.55 This situation must be considered against the current uses of the site which occupy a significant proportion of the developable area. During the consideration of this application additional clarification has been sought on the layout of the site and the protection of trees around the boundaries. Additionally, it has become clear that if the site and MRF were laid out as proposed, the new development would encroach into the adjacent woodland, including a small pond. It will also overlap with the proposed wastewater treatment plant and thereby prevent the construction of the treatment plant in tandem with the current

application. This encroachment of development into the woodland and subsequent loss of trees and other features is unacceptable and is evidence of the overdevelopment of the site.

6.56 This issue has been raised with the applicant but the company has maintained its view that the treatment plant can be implemented along side this application without revisions, although no information has been provided to overcome the Council's concerns in this respect. The new waste uses will also involve new development including the temporary stockpiling of soils extracted from the landfill area. It is unclear where all these soils will be stockpiled during the operational life of this facility to allow its intended full use. It is important that stripped topsoils are carefully set aside for reuse but there is no allocated area for this. Similarly, in order to achieve the levels of landfilling proposed, the boundary planting and surface water drainage cannot be provided in the manner suggested.

6.57 The MRF use will generate its own stockpiles and also requires a significant area for the storage of bulky salvaged materials, various sizes of skips and containers as well as the specialist vehicles to handle this new waste stream. Whilst it is acknowledged that the site is not currently laid out to achieve the most economical use of land, there are legitimate concerns that the application will result in an over-development of the site. Requests for clarification of this aspect have not been fully answered, and it has been indicated that car parking may need to take place off site.

6.58 All development should provide for its own needs. On the basis of the current information and the absence of sufficiently detailed plans that confirm that the site can reasonably accommodate the entire development, I consider consequential adverse impacts are likely and that the proposals amount to overdevelopment of the site.

Impact on Amenity

6.59 Structure Plan Policies S1b) and W9g) seeks to minimise the impact on the environment including residential areas and restrict development which would have an unacceptable impact on sensitive land uses. Policy ST3 of the Lewes Local Plan also seeks to protect the amenities of areas from increased traffic levels and noise. Having regard to the above concerns, together with the number of lorry movements it is necessary to consider whether this scale of development will have acceptable impacts on the residential properties in the vicinity. The site access is situated between a narrow gap between residential properties. The residential property known as Two Ways is situated immediately to the south of the existing unsurfaced access and Number 1 Bevern Bridge Cottages is just to the north. All vehicles visiting and leaving the application site will need to pass this point.

6.60 The Lewes Local Plan Inspector accepted that in allocating the site for 2,180 m² of industrial floorspace a total of 275 vehicle movements would result per day, of which approximately 10% would be by HGV. The applicants previous application, (LW/319/CM), provided 1,900 m² of industrial floorspace which gave a total daily movement figure of 150 – 175. If 10% of these movements were HGV vehicles this would give rise to 15 – 17.5 HGV movements per day. In comparison, the current proposal is likely to result in a significant increase in that number of HGVs with the MRF generating 88 HGV movements per day and the landfill, 24 HGV movements per day.

6.61 The Lewes Local Plan Inspector concluded, in relation to the use of the site for industrial uses, that a figure for the daily movement of vehicles to this site of 275 would be acceptable. This conclusion acknowledged the historical use of the access for the brickworks and that a reasonable assessment of current trends included a 10% element for HGV usage. The Inspector rejected the proposals to provide a greater allocation of industrial floorspace and therefore vehicle movements, due to national policy considerations and the fact that the additional traffic would cause an unacceptable disturbance to nearby residents.

6.62 The current application and ES included an assessment of noise impacts associated with the development, including the noise impacts of the HGV movements. The

Environmental Health Officer at Lewes District Council has considered the information on HGV noise and concluded that the proposal will cause harm to neighbouring residential properties. The District Council has recommended, on the advice of their Environmental Health Officer (EHO) that the application be refused due to the impact of the lorries upon residential amenity.

6.63 The EHO also identifies several concerns regarding the techniques used in the applicant's traffic noise assessment and inconsistencies between information in the original submission and the further information supplied by the applicant. It is also noted that the noise level attributed to HGVs has been taken from measurements obtained for a typical vehicle at a distance of 10 metres. As residential properties immediately adjoin the access road they would be closer to the HGV and the noise level given for the HGV should therefore have been increased to reflect this reduced distance.

6.64 I accept that the character and number of HGV's in the traffic flow can therefore have a disproportionate impact on noise levels and be intrusive and disturbing particularly if loose chains attached to skips are allowed to hit the frame of lorries. Whilst the proposed operations might displace the cars and light vans associated with the previous approval it is unlikely to result in any reduction in noise as their contribution to the noise climate is much less and would be outweighed by the increase in HGV's. Additionally it is noted that the applicant has not monitored noise on Saturday mornings when traffic flow patterns are reduced compared to those of a weekday and thus noise from vehicles accessing the site will be more intrusive as background noise levels are likely to be lower.

6.65 Even if the Council were to accept the applicant's contention that the current application does not significantly increase the overall number of vehicles using the access as compared to the previous permission, the number of HGV movements does represent a significant change in the character and type of vehicle using the access.

6.66 The noise impacts of the landfill and MRF operations has also given rise to concern because of the methodology applied and the use of target noise levels together with the use of averaged values which may not fully represent the impact of the noisy bursts of activity or low background levels. The observations of the EHO cast doubt on the robustness of the applicant's submission to protect local amenity.

6.67 It is considered that the development, through an increase in HGV traffic will have a significant adverse impact upon the residential properties adjoining the site access. In addition the absence of clear evidence to demonstrate that the proposal would not have a wider adverse impact on the general amenity of the surrounding area it is considered that the application is contrary to Structure Plan Policies S1b) and W9g; Lewes Local Plan Policy ST3 and Waste Local Plan Policy WLP35.

Pollution prevention

6.68 During the pre application discussions the Environment Agency considered that a full hydrological and hydro geological assessment should be undertaken as part of the ES. This would allow the full impacts of the development to be assessed in terms of the local groundwater conditions, surface water run off and the risk of pollution to the local water courses. Run off from the application site is via the Bevern Stream which is a tributary to the River Ouse above Barcombe Mills where water is abstracted for public water supplies to fill Barcombe Mills reservoir.

6.69 Structure Plan Policies S1g) and W9f) and Waste Local Plan Policy WLP38 seek to protect and enhance water quality including watercourses, groundwater and aquifers. Planning Policy Statement 23: Planning and Pollution Control encourages developers to submit concurrent planning and Integrated Pollution Prevention Control (IPPC) permit to avoid situations where there is insufficient information for the EA to be clear that there are not going to be major pollution issues. It is unfortunate that in this case the applicant has chosen to submit a planning application ahead of a IPPC permit application.

6.70 All waste management facilities have the potential to cause pollution. The public consultation responses have indicated a great deal of concern about the potential for pollution from the wastes that are to be both deposited permanently at that site and passing through the MRF. There was also criticism that the ES had not specifically addressed the impact of the development on the Bevern Stream.

6.71 Initial consultation responses from both the Environment Agency and South East Water (operators of Barcombe Mills reservoir) also raised objections regarding the potential impact of the scheme on ground water and surface water run-off issues. It would be for the Environment Agency to ensure, that any IPPC permit provides for the satisfactory containment of pollution. This will include a list of the waste deposited within the category of SNRHW to ensure the nature of the material does not present a risk of pollution. It would be a requirement that separate cells are provided for SNRHW and non hazardous wastes. Government advice is that where matters are controlled by other legislation it is not for the planning authority to seek to impose controls or question the competence of other regulatory bodies.

6.72 Following the submission of further information by the applicant, the EA has withdrawn its objection on ecological grounds although it remains concerned over the hydrological connection between the pond and the local surface and groundwater environment. In March 2001 the applicant applied for an abstraction licence (No 10/41/271106) to allow them to draw water from what they stated was a 'spring-fed pond'. The EA have therefore confirmed that the planning authority should be aware that further detailed investigation will be required for the protection of ground and surface waters. It is also indicated that because the IPPC permit has not yet been submitted there may need to be alterations which could result in a further planning application.

6.73 This new information would seem to raise a number of pollution control issues which are fundamental to the principle of this development in this location and in my view have increased the need for a precautionary approach to be taken. This would seem appropriate given that both the applicants planning application and ES have indicated the pond to be fed by rainwater and have therefore overlooked the existence of the abstraction licence.

6.74 As this matter has not been taken into account in the assessment of the proposals I am concerned about the comprehensiveness of the situation being considered by the Environment Agency and am not convinced that the existence of a spring within the clay pit lends the site to waste management uses of the type proposed. It could pose difficulties in the achievement of satisfactory containment of the landfilled material and therefore increase the potential of pollution. It is also unclear how the pit will be dewatered and/or how/where the spring will be diverted. Additionally the surface water drainage ditch around the completed landfill site indicates that water flows will need to run up a gradient to avoid run off onto adjacent fields.

6.75 Because of the potential for effects to other users and adjoining land I have very strong reservations on pollution control grounds which I believe could render the proposal contrary to the development plan policies which seek to protect water courses. At the very least I consider this is a case where the precautionary principle applies and the development should not proceed until the applicant has undertaken the necessary studies to confirm that pollution is unlikely. I am mindful of the very clear advice in PPS 23 that LPA's should rely on the advice of the pollution control authority and should not undertake its own detailed risk assessment. However, in the context of comprehensive considerations about sustainable development, I am not convinced that the development complies with Structure Plan Policies S1, EN11 and W9, and Waste Local Plan Policies WLP37 and WLP38.

Landscape

6.76 The proposed development is situated within a rural area largely enclosed by small undulations in the landform together with or trees and other vegetation. Kiln Wood to the

east of the site is a significant local feature which Policy HY1 of the Lewes Local Plan for the development of the site seeks to retain. There are important trees elsewhere around the site. Whilst the landfilling of part of the site can be seen as the restoration of a former mineral working the site has regenerated into an attractive water feature with the establishment of vegetation and its habitation by waterfowl. In these terms there are not considered to be any environmental gains from the landfill development and ecological mitigation measures would be required should landfilling proceed. It is apparent from the extent of landfilling and other parts of the development that there will be a loss of some of this site screening. This is likely to be most noticeable around the western and northern boundaries where filling of the existing pond is indicated to extend to the present fenced boundaries. It is unclear in this situation how proposed advance tree planting can be undertaken.

6.77 In physical terms the development will involve the filling of the pond in stages to a maximum height of 39.5m including pre-settlement contours. The highest part of the landfill will therefore be some 4.5 metres to 8.5 metres above the surrounding land to the west and north. These works and the loss of landscaping to parts of the site boundary will leave this part of the development open to view from the direction of the A275 and across the Bevern stream valley to the north. The harm from this impact on the rural amenities of the area could be mitigated by the retention of trees and new landscaping, but is not a clear part of the application proposals.

6.78 Views of other aspects of the development, including the MRF building are likely to be limited from general views of the site. I do have concerns about the site impacts from the west because of the development of land close to this boundary in an area where a need for landscaping has already been identified. The submission of a detailed tree survey identifying those trees which are to be retained and agreement of a site landscape scheme would have assisted in the consideration of these issues.

6.79 In response the applicant has indicated that a detailed tree survey could be a condition of the permission. Similarly, it is the company's opinion that an aftercare scheme should be subject to a condition as aftercare techniques may change during the 8 - 10 years between any planning application being granted and the aftercare commencing.

6.80 It is clearly important that the landscape impact of the development is understood to comply with Structure Plan Policies S1f) and EN1 which seek to ensure that developments do not cause undue harm to the quality of existing landscapes. Clearly it would not be appropriate for the application to be approved ahead of a detailed tree survey as once the extent of the landfilling is approved, the Council would have less control over the extent of those operations and any impact on the trees. With regard to aftercare, it is noted that technological and procedural advances may alter the approach to aftercare in 8 - 10 years time, but it is nevertheless important to establish a clear baseline level at this stage to avoid potential difficulties in the future. In addition, it is important to understand how the site will look in the future as it may influence the way it is developed and filled during its early years. For example the depth of the capping material will influence the practicality of planting on the filled land to ensure the integrity of the site.

6.81 In view of the landscape impacts of the development and the absence of important information upon which to assess the proposals it is considered that the proposal is contrary to policy S1f); EN1 of the Structure Plan, Policies WLP20 and WLP35 of the Waste Local Plan and Policies ST9, ST11 and ST12 of the Lewes Local Plan which seek to protect the landscape character of rural areas

Air quality

6.82 The District Councils Environmental Health Officer (EHO) previously noted that the applicant had carried out a health impact assessment focussing primarily on dusts likely to be generated at the site, and was of the view that the issue of fine particle emissions associated with the landfill activities and road vehicles using the site had not been

addressed, in particular there was no assessment of the other atmospheric pollutants that are associated with road vehicles.

6.83 The increase in the number of HGV movements together with the proximity of residential accommodation to the access route raised concerns with the EHO regarding the potential impact on air quality. PPS23 states "any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use." It is the view of the EHO that the applicant should therefore have assessed the air quality impacts of the development. Whilst I consider that this is a weakness in the applicants submission I do not consider an objection could be raised on this basis to the traffic impacts of the development. I am mindful that any IPPC license could be expected to address air quality issues associated with the waste uses proposed.

Dust

6.84 A proposal of this nature will have potential for significant sources of dust generation. These include the earth moving associated with the creation of the landfill, the loading and unloading and stockpiling of material and the movement of vehicles around the site are all potential sources of fugitive dust emissions.

6.85 The applicant has recognised that this as an issue and has proposed some mitigation measures. It is possible to impose a planning condition which would require a management plan for dealing with dust generation although such matters can also be included in the site's IPPC licence which is regulated by the Environment Agency. The effectiveness of such measures is often based on an operator's good practice and regular inspection.

6.86 The Environmental Statement concluded that there was a moderate risk of nuisance dust affecting local residents. The District Councils EHO is concerned that there may be too great a reliance on wind patterns to limit the impact as wind dispersal is unlikely to act as a sufficient safeguard to protect local residents for a significant period of the year. Ultimately the EHO or Environment Agency can only require the site operator to use best available techniques to control dust from the site and this may not be sufficient to prevent complaints from local residents. Therefore, the EHO notes that it is possible to foresee a situation where the site is operating in accordance with its permit and/or planning condition, and for the operator to be using best available techniques but local residents still experience nuisance dust issues. The inclusion within the application of proposal to surface the access road areas of the site will assist in the containment of dust. Additionally, restrictions on the processing of waste within the MRF building would also help address this issue. Whilst I acknowledge the EHO concerns I consider that conditions could be placed on any consent to address this matter.

Odour Control

6.87 The application and ES note that weather conditions are favourable for periods of time and that calm or still wind speed conditions occur for at least 20%. However, the EHO noted that wind dispersal is unlikely to act as a sufficient safeguard to protect local residents for a significant period of the year. Any reliance on wind patterns as an odour control measure should therefore be treated with caution.

6.88 The EHO has concerns that odorous wastes could be accepted onto site and retained for long periods of time without being treated, deposited or removed from the site. Over weekends and bank holiday periods this could be extended to up to 96 hours. Again, it should be noted that the both the EHO and Environment Agency can only require the site operator to use best available techniques to control odours from the site and this may not be sufficient to prevent complaints from local residents. It is therefore possible for a site to operating in accordance with its permit, for the operator to be using best available techniques but local residents still experience odour issues.

6.89 The likelihood of odour from site activities is largely linked to the nature of wastes that would be permitted to be deposited within the landfill site or handled at the MRF. I do not consider an objection could be raised to this aspect as it would fall to the Environment Agency to consider this in the grant of any IPPC license. I would nevertheless expect some constraint on biodegradable material being handled within the MRF.

Generation of landfill gas

6.90 The applicant has stated in its application that the wastes accepted at the landfill site will not be biodegradable and will produce negligible methane and carbon dioxide. Any gases which are produced will be treated by oxidation treatment, which would be regulated by the EA. However, the EHO is concerned that the range of wastes to be accepted includes waste types that will be subject to further decomposition processes in the landfill and that landfill gases will occur. Clearly the quantity of landfill gas generated will depend on the proportions of biodegradable waste brought into the landfill but no additional information has been provided to support the applicant's conclusion that the landfill will produce negligible methane and carbon dioxide. The arrangements for the collection and flaring of any quantities of landfill gas is again an aspect that would be covered by any IPPC permit.

7. Conclusion and Reasons for Refusal

7.1 Whilst it is accepted that there is a need for additional waste management facilities generally within the South East Region and for facilities to deal with SNRHW in particular, reliance on landfill is at the bottom of the waste hierarchy and accordingly greater efforts are necessary to pre treat waste to minimise landfill. There is an absence of facilities in the South East Region to carry out such pre-treatment but this has not been acknowledged by the applicant. This situation has implications for the treatment route of the waste as it is likely to involve the transportation of local waste outside the Region which influences the location for disposal and the consideration of the proximity principle. The key issue for the application in terms of the landfill element is therefore being able to demonstrate that Old Hamsey Brickworks is an appropriate site to deal with this waste stream. The applicant has not been able to demonstrate that this is the most appropriate site for the disposal of SNRHW or that other sites are unavailable.

7.2 In the case of the MRF there is general policy support for the principle of such facilities which will assist in the achievement of higher rates for the reuse and recycling of different waste streams. However, the applicant has not shown that there is an absence of capacity in this part of the County, that this facility will be close to the sources of waste or that this rural location is an appropriate location given its separation from the urban areas where such waste is likely to be generated.

7.3 The BPEO assessment with the application is not considered to have adequately demonstrated that both the proposed waste management facilities in this location are the most appropriate option to handle the various waste streams or that the environmental consequences have been minimised.

7.4 Having regard to the absence of a demonstrated need for these waste facilities the Lewes Local Plan site allocation for business purposes takes precedence. The proposal also results in an overdevelopment of the site.

7.5 In the absence of a detailed tree survey and site layout plan which clearly shows the extent of all the site activities it is considered that the development would have an undue impact because of the need to intrude into treed areas which provide important enclosure and screening to the site.

7.6 Whilst the increase in traffic on the local road network is considered acceptable the change in the volume of HGVs so close to residential properties adjacent to the site access is considered to give rise to harm.

7.7 The application is therefore considered contrary to development plan policies and emerging policies and specifically Policies W4; W5 and W15 of the draft Regional Waste Management Strategy; Policies S1b); S1f); S1g); S4i); S10a); EN1; EN11; EN17; W1; W2; W3; W5; W9f) of the adopted East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policies HY1; E1; ST3; ST13 and ST9 of the adopted Lewes Local Plan, together with Policies WLP1; WLP2; WLP27; WLP35a); WLP35b); WLP37 and WLP38 of the East Sussex and Brighton and Hove Waste Local Plan.

7.8 All necessary environmental information was considered in reaching the recommendation and accordance with Section 54A of the Town & Country Planning Act 1990 and Section 38(6) of the Planning & Compulsory Purchase Act 2004, the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The advice in PPS 10 and PPS23 has been taken into account in the consideration of this application. There are not considered to be any other material considerations which would prevent the decision being taken in accordance with the development plan policies.

8. Formal Recommendation

8.1 To recommend to the Planning & Highways Sub Committee that, having considered all the environmental information, they refuse planning permission for the following reasons:-

1. The applicant has not adequately demonstrated that there is a need for the landfill facility at this location, that it clearly forms part of any regional strategy or that its provision would not undermine efforts to reduce reliance on landfill in accordance with draft Regional Waste Management Strategy Policy W5. Furthermore it has not shown that practical options for the pre-treatment of Stable Non Reactive Hazardous waste and Non Hazardous waste have been taken into account. It is therefore contrary to Policies W5 and W15 of the draft Regional Waste Management Strategy, Policy W17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP 27 of the East Sussex and Brighton & Hove Waste Local Plan Second Deposit Draft 2002 as modified.
2. It has not been demonstrated that there is an overriding need for a MRF in this rural location, particularly having regard to the principles of self sufficiency and the strong preference to locate such facilities as close as possible to the sources of waste. This waste management facility in this location is therefore considered contrary to Policy W4 of draft Regional Waste Management Strategy ; Policies S10a); W3 and W5 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policies WLP 1; WLP2 of the of East Sussex and Brighton & Hove Waste Local Plan Second Deposit Draft 2002 as modified.
3. The application has failed to demonstrate that this location for these waste facilities represents the Best Practical Environmental Option for the waste streams proposed to be managed at the site. The application has failed to demonstrate that: the site is appropriate given its location relative to the sources of the waste; that there is an under provision of facilities within the proposed catchment areas of the site to deal with all the waste streams proposed; there are no more appropriately located alternative sites which who have would fewer impacts on the environment. Accordingly the application is considered to be contrary to policies W1, and W2 of the adopted East Sussex and Brighton & Hove Structure Plan 1991-2011; policy WLP1 of East Sussex and Brighton & Hove Waste Local Plan Second Deposit Draft 2002 as modified.
4. The applicant has not shown an exceptional need for the proposed waste management uses of this site pursuant to policies E5 and W9a) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and is therefore contrary to policies HY1 and E1 of the Lewes Local Plan which allocates the site for business uses within

the B1, B2 or B8 use classes to meet a demand demonstrated by successive economic studies.

5. It has not been adequately shown that this development can provide for all its spatial requirements within the application site. On the information available it is considered that the proposal would represent an over intensive use of this small rural constrained site by virtue of the loss of trees around the boundaries of the site; the extension of the site into Kiln Wood; the displaced car parking outside the application site, all of which would be out of character with the surrounding area. The proposal is therefore considered to be contrary to Policies S4i) of the adopted East Sussex and Brighton & Hove Structure Plan 1991-2011; Policy ST3 of the Lewes Local plan and policy WLP35a) of East Sussex and Brighton & Hove Waste Local Plan Second Deposit Draft 2002 as modified.
6. The application has failed to demonstrate that the proposal will not have an adverse impact upon the amenity of neighbouring residents and the surrounding area by virtue of noise, generated by the development and the increase in heavy goods vehicles which will have an adverse impact upon the amenity of neighbouring residents by virtue of the noise and disturbance. Accordingly the proposal is considered to be contrary to Policies S1b), W9g) of the adopted East Sussex and Brighton & Hove Structure Plan 1991-2011; Policy WLP35b) of East Sussex and Brighton & Hove Waste Local Plan Second Deposit Draft 2002 as modified and Policy ST13 Lewes Local Plan.
7. The development of the site in the manner proposed in the application is considered to have a harmful impact on the landscape setting of the site with indications that trees and vegetation around the site which contribute to the landscape character of the area and which is important to the containment of the site will need to be cleared. The development in this form is therefore considered contrary to Policies S1f); EN1 and EN17 of the adopted East Sussex and Brighton & Hove Structure Plan 1991-2011 and ST9 of the Lewes Local Plan.
8. The applicant has not demonstrated that the proposals contribute to the achievement of sustainable development criteria and as such the development is considered to be contrary to Policies S1b); S1g); EN11; W9f) of the adopted East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policies WLP37 and WLP38 of the East Sussex and Brighton & Hove Waste Local Plan Second Deposit Draft 2002.

BOB WILKINS

Director of Transport and Environment

26 July 2005

P&HSUB: Hamsey final day

Contact Officer:	Peter Earl	Tel. No. 01273 482650
Local Members:	Councillor St. Pierre	
	Councillor Stroude	

BACKGROUND DOCUMENTS

PPS10, PPS23.

Development Plan policies

Draft Regional Waste Management Strategy

East Sussex and Brighton & Hove, Waste Local Plan second deposit Draft 2002.

Site planning history and relevant appeals.

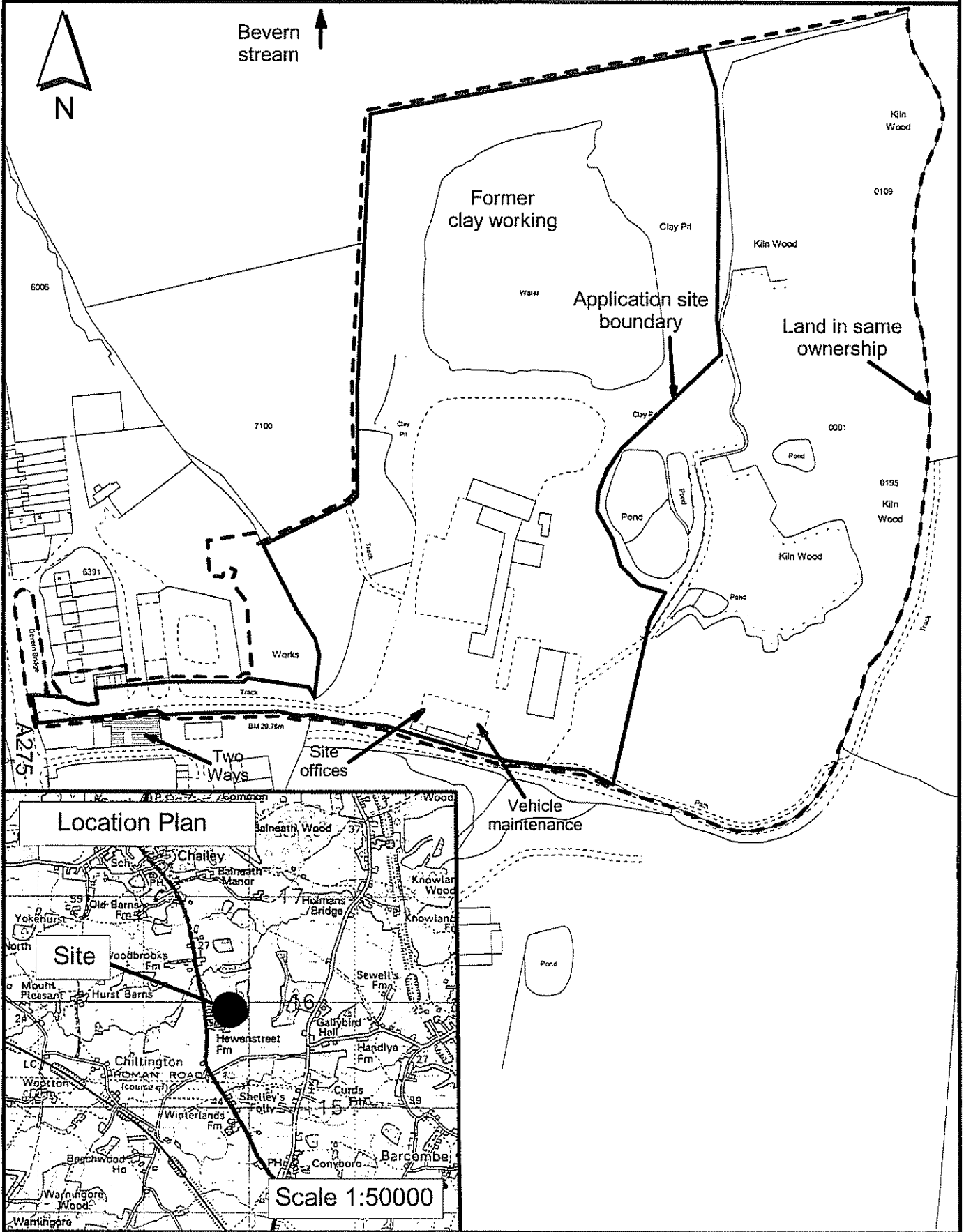
Lewes Local Plan Public Inquiry documents.

Responses to consultations.

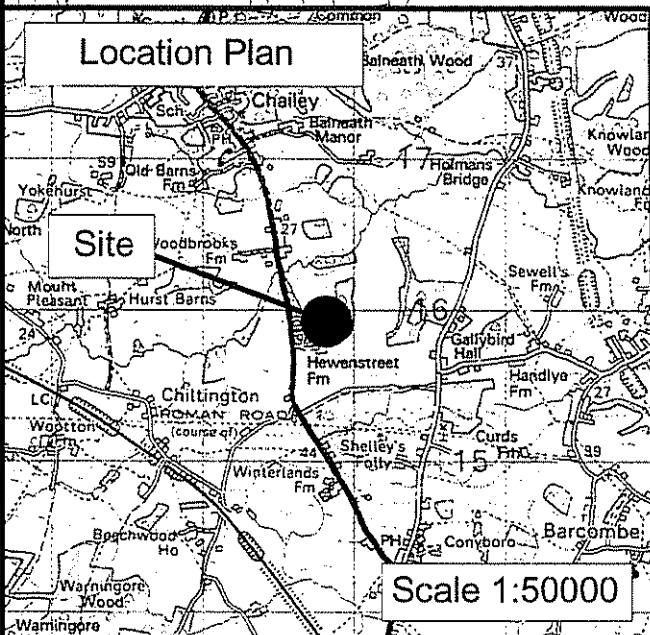
Additional information from applicant.

Application details and Environmental Statement.

LW/424/CM(EIA)



Location Plan

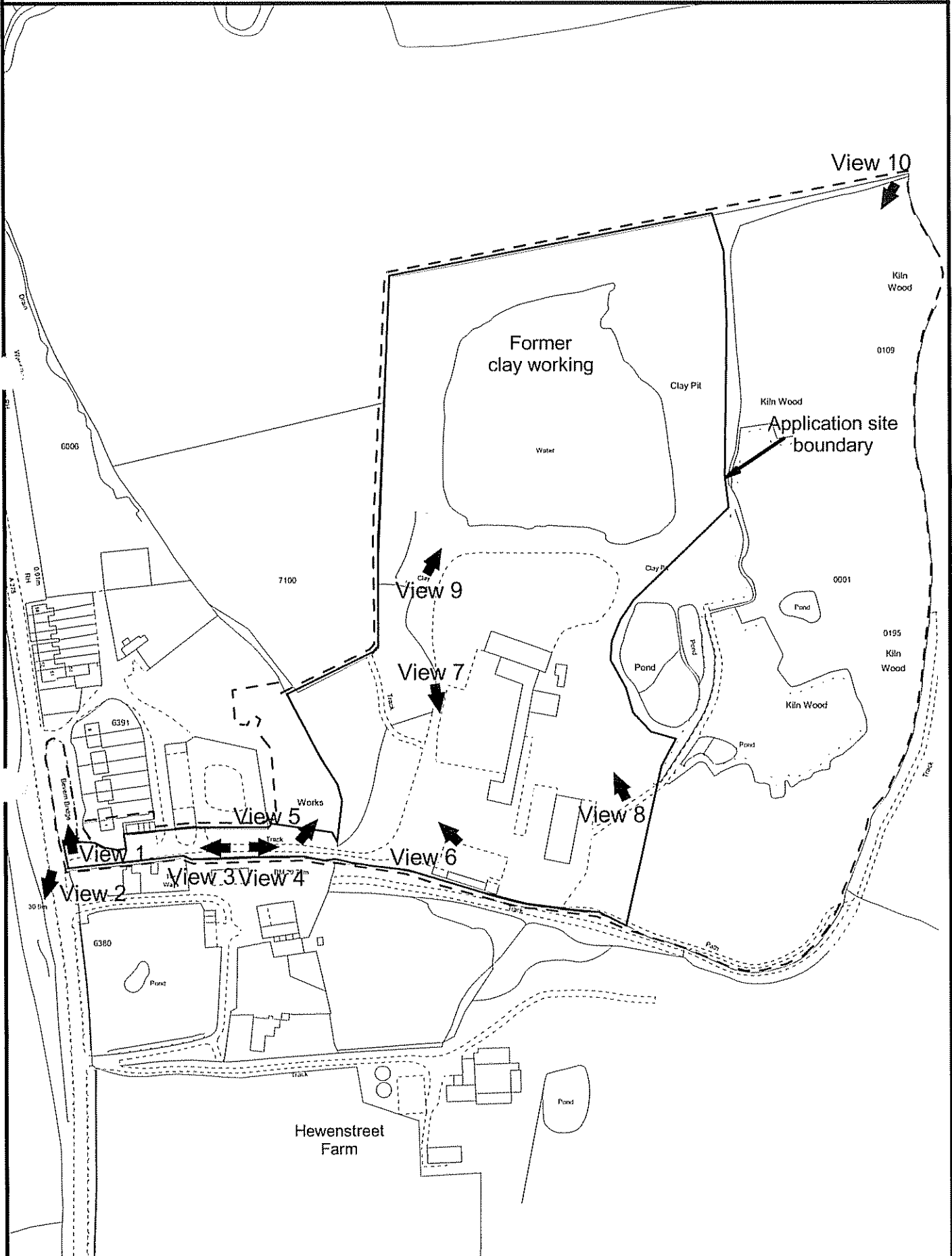


Scale 1: 2500

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, 100019601, 2005

Agenda item 6a, LW/424/CM(EIA) Old Hamsey Brickworks, South Chailey



Scale 1: 2500

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, 100019601, 2005

LW/424/CM(EIA)



View 1. View from site vehicular access looking northward on A275



View 2. View from site vehicular access looking southward on A275

LW/424/CM(EIA)



View 3. Site vehicular access passing Two Ways



View 4. Site access road looking eastward.

LW/424/CM(EIA)



View 5. Site access road and tree cover to site western boundary



View 6. Western boundary of site



View 7. Existing depot

LW/424/CM(EIA)



View 8. Eastern part of depot

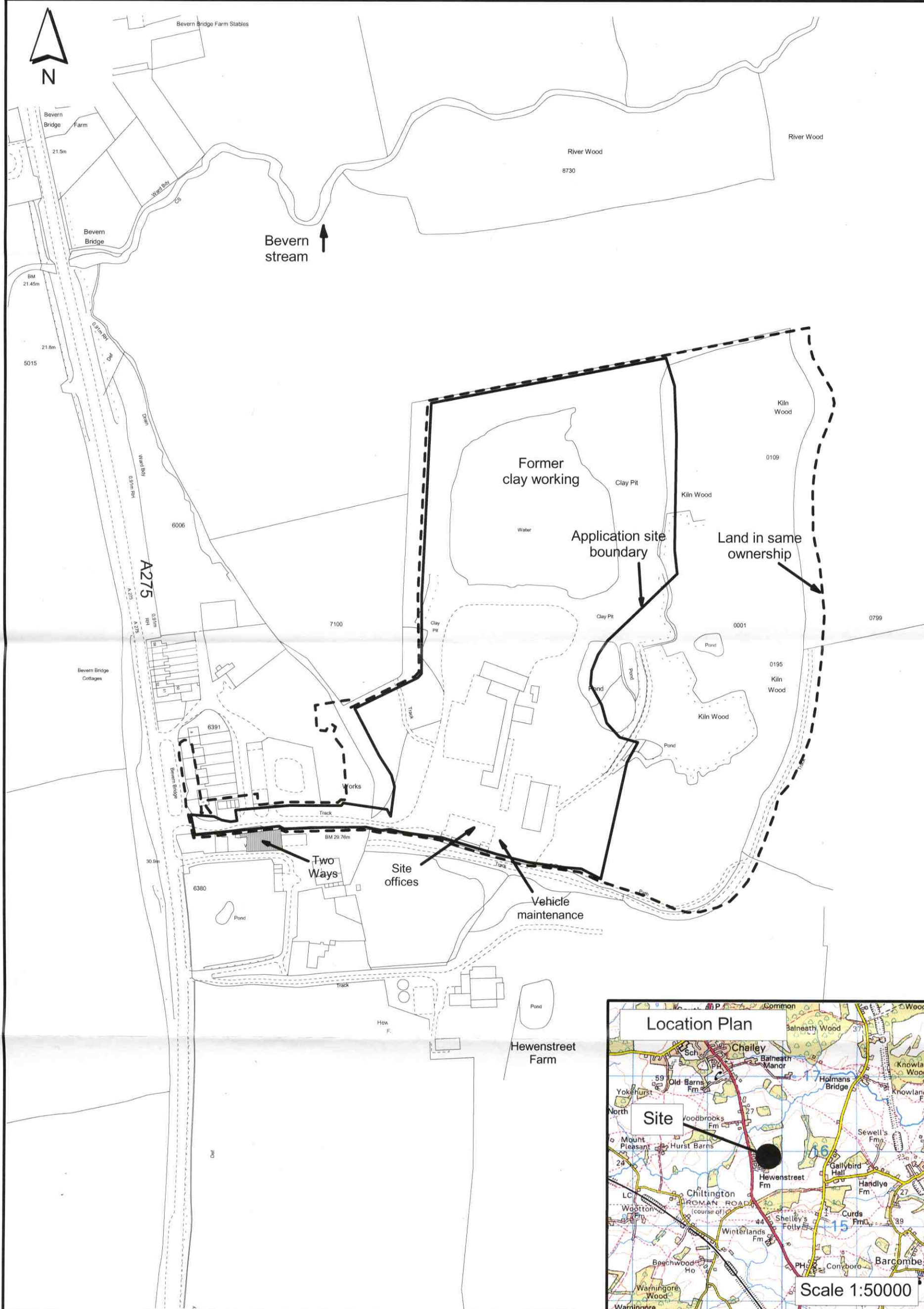


View 9. View across clay pit from south west corner



View 10. View across clay pit from north east corner of the site

LW/424/CM(EIA)



Scale 1: 2500

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, 100019601, 2005