

## Memo

**To:** Planning Policy and Development Management, Communities, Economy and Transport

**Fao:** Jeremy Patterson

**From:** Virginia Pullan

**Ref:** LW/799/CM (EIA)

**Date:** 11.01.18

**The construction and use of plant, namely aggregate processing plant, aggregate bagging plant, concrete batching plant, concrete making plant and buildings, ancillary offices and stores for processing and utilising aggregates landed at Newhaven Port and distribution of the products by road and rail together with access to the public highway and the extension of an existing rail siding. Fishers Wharf, Newhaven Port, Newhaven.**

With reference to your memo asking for comments on the above application, I have now had the opportunity to consider the application and can offer the following comments.

### ***Policy Context***

1. NPPF requires development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (para. 109). Further to this great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. (para115).
2. Section 7 of the NPPF addresses the issue of good design and recommends that planning decisions should aim to ensure that developments respond to local character and distinctiveness. Paragraphs 56- 68 require that planning policies and decisions should aim to ensure that developments create a strong sense of place and add to the quality of an area. Developments are required to respect local character and materials in both built form and soft landscape detailing.
3. The East Sussex and Brighton and Hove Waste and Minerals Local Plan, 2013, requires that '*design should complement the planned scale and built form of the area and/or the new development area, and take account of local landscape and distinctiveness*'.

### ***Site Context – Landscape Character and Views***

4. The Landscape and Visual Impact Assessment (LVIA, Bright and Associates Sept. 2017) submitted with the EIA provides a comprehensive review the published landscape character

assessments which relate to the site and surrounding area. This includes a review of the East Sussex County Landscape Assessment (ESCLA) which was updated in 2016. It should be noted that this update did not include the urban areas or areas that are now within the South Downs National Park. The latter areas have not been updated as they are covered by the updated South Downs Integrated Character Assessment. The LVIA correctly identifies that the southern part of the site falls within ES Landscape Character Area (LCA) 21: Firle to Bishopstone Downs, which encompasses the undeveloped coastal area between Newhaven and Seaford. The mapping of East Sussex Landscape Character Areas in Figure L-DR2 clearly places the area of the site which lies to the south of footpath 40b in this character area.

5. The LVIA has made an assumption in paragraph 4.3.7 that the southern part of the site should be incorporated into the ESLCA 34: Newhaven Town. This is based on the current planning permission (ref.LW15/0034) which is in place for the port. This assumes a baseline situation with two large buildings south of footpath 40b. This assumption needs to be considered with care bearing in mind the current landscape characteristics and sensitivities of this area. The southern part of the application site is of open shingle coast and this character is contiguous with the landscape which lies to the east of the site and is within ESLCA 21: Firle to Bishopstone Downs.
6. A local landscape character assessment has been carried out by B and A in section 4.3.24/25 of the LVIA. The local character areas as identified in this assessment which are directly affected or immediately adjacent to the application site are: Beach and Cliffs Landscape Character Area (LCA) and Newhaven Port LCA. The application site is assessed as being entirely within the Newhaven Port LCA. Whilst the built up area of the port to the north of footpath 40b is clearly part of the urban area the character to the south of the footpath is of open coast. It is considered that the current situation would place this area within the Beach and Cliffs LCA. The local assessment by B and A identifies areas of different land use, but it does not describe the intrinsic characteristics of these areas. This lack of detailed character analysis and the assumptions made about the approved port development would bring into question the conclusions of the assessment of predicted effects on landscape character in Section 6 of the LVIA.
7. A comprehensive range of viewpoints and illustrations of these have been selected in order to assess the potential visual impact of the development both within the town and from the surrounding countryside.
8. As with the landscape character assessment the LVIA establishes the baseline on assumptions that there would be two large port related buildings to the south of footpath 40b (Figure L-V1A).

### ***Potential Impacts and mitigation measures***

9. Table 11 of the LVIA concludes that the direct effect of the development on the ES LCA 34: Newhaven Port Area would be **negligible**. With appropriate mitigation and considered detailed design this could be achieved with regard to Stages 1 to 3.
10. Indirect effects on adjacent character areas are summarised in Table 12 as **negligible** and as above, with appropriate mitigation, this is not disputed for stages 1 to 3.
11. The LVIA concludes that Stages 1 to 3 would have a **neutral** effect on local views.

12. The above levels of effect with regard to Stages 1-3 could be achieved with further mitigation measures in place to reduce potential impacts on local landscape character and views. These are as suggested below:
  - a. The metal galvanised fence which encloses the existing port facilities and stage 1-3 of the site is intrusive and austere in views from the beach and footpaths to the east of the site. Whilst it is recognised that a robust and high security fence is required for port security purposes there are mitigation measures which could be considered to soften the impact of this on the adjacent public footpaths. The fence could be painted or coated with a more landscape sensitive finish than the proposed galvanised metal.
  - b. Consideration needs to be given to a requirement for a landscape scheme of native tree and shrub planting to soften the impact of the development and particularly the fence.
  - c. The finished colours of elements of the scheme need to be carefully selected to reduce the visual impacts and integrate them into the setting i.e. the office units, silos and push walls to aggregate storage areas.
13. The proposed building within Stage 4 of the application would be considerably higher than other buildings in the area and would be located in an open part of the landscape. As outlined above this area is physically and visually contiguous with the coastal area to the east. The LVIA in Table 11 concludes that Stage 4 of the development would have a **negligible** significance of direct effect on the landscape character. This is based on **low** landscape sensitivity and **very small** magnitude of impact. As outlined above this is assuming a character baseline being the current permission for the port extension. If the assessment were to use the context of the character of the existing undeveloped site the impact would be likely to be much greater. For example, the sensitivity could be considered to be **medium** and the magnitude of impact **medium to large** and this would result in a **moderate to major** significance of effect according to the applied methodology.
14. The indirect effects on Local Landscape Character Areas summarised in Table 12 have assumed that a **negligible** magnitude of impact would apply to all stages of the proposed development. For the reasons outlined above Stage 4 is more likely to have a **medium to large** magnitude of impact (Table 2: Landscape Magnitude of Impact). This would have implications for the conclusions in this table with regard to the significance of indirect effects on surrounding landscape character areas.
15. The LVIA concludes in Table 29 that Stage 4 of the proposed development would have a **Neutral** significance of effect on the majority of local views. This assessment is based on the assumption that the site has permission for built development however; there are no firm details to use this as a reliable baseline. This assumption has resulted in an underestimation of the potential magnitude of impact from the selected viewpoints.
16. The proposed building would be likely to have a significant impact on local views and in particular from Newhaven Fort, the SDNP at Tidemills and adjacent footpaths. Open views currently enjoyed from the beach and footpaths to the east of the site towards the Fort and cliffs to the west of the river would be obscured by the Stage 4 building. From longer distant viewpoints on the downs to the north and east the building would stand out as it would be higher and more intrusive than the existing developments.
17. It is noted that mitigation of the building has been considered with a variety of materials and colour finishes. Whilst this approach is supported the height of the building at 15m would be

difficult to mitigate in this location. A lower building with a curved roof would more closely reflect the surrounding downland topography and especially if proposed as a green roof. The LVIA states that the palisade fence will help to filter views to the building from close views. This fence will be an intrusive feature in the local landscape and it would be unlikely to reduce the overall impact of the scale and height of the building.

***Recommendation***

18. It is acknowledged that with appropriate mitigation the development of stages 1 to 3 would be unlikely to have significant adverse landscape and visual effects in the context of the existing port development. It is recommended that subject to consideration of appropriate conditions, as outlined above, that this part of the proposed development can be supported.
19. It is recommended that Stage 4 of the proposed development, the concrete block making factory, is not supported as it would have an unacceptable impact on local landscape character and views due to the scale and height of the building in this open location. This part of the development would not comply with planning policy as outlined in sections 1-3 above.

**Virginia Pullan**

County Landscape Architect

Environment Team, Communities, Economy and Transport

01273 482639 | 07786171433

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