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East Sussex BN9 9QE

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East Sussex County Council
County Hall
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7th December 2017

Dear Mr Patterson

PLANNING APPLICATION LW/799/CM(EIA)

Newhaven Town Council objects in the strongest possible terms to planning application LW/799/CM(EIA) for a concrete and aggregate processing complex at East Quay, Newhaven for Brett Aggregates. The Town Council believes this development would have significant detrimental effects on the town and its residents, many of which are contrary to national, county, district and local planning policies.

Health and Wellbeing

The National Planning Policy Framework 2012 (NPPF) recognises that supporting the health, social and cultural wellbeing of communities is part of the social role of planning in delivering sustainable development and includes improving health, social and cultural wellbeing for all, within the twelve core planning principles.

At Paragraph 109 the NPPF states that *"the planning system should prevent new development from contributing to unacceptable levels of air and noise pollution"*. In addition East Sussex County Council's sustainable community strategy 'Pride of Place' sets out the long term vision for improving peoples quality of life and has as one of its strategic priorities 'Improving Health and Wellbeing'.

Lewes District Council's Local Plan Part 1 states at Core Policy 9 – Air Quality, that *"development that by virtue of its location, nature or scale that could impact on an Air Quality Management Area will be required to ensure that the development will not have a negative impact on the surrounding area in terms of its effect on health, the natural environment or general amenity, taking into account cumulative impacts"*.

Newhaven Town Council believes that the proposal to locate a concrete and aggregates processing complex in such close proximity to existing and planned housing and in a location affected by maritime winds will be severely detrimental to the health and wellbeing of residents. These sorts of

operations are well known for creating enormous amounts of dust and particulate matter which will be inevitably widely distributed and are likely to lead to increased levels of cardiac and pulmonary disease amongst Newhaven's inhabitants. The prevailing winds blowing up the river valley from the sea will ensure that dust and particulate matter reaches most of the town. Our community already suffers higher than average rates of ill health and deprivation and permitting a development that would exacerbate this would be immoral as well as contrary to policy.

In addition to the effects of dust and particulates, the numbers of diesel driven lorries coming to and from the complex will add considerably to the levels of traffic pollution and noise emanating from the site will impact on residents living close by and over quite a wide area of the town. Noise tends to echo around the river valley and residents living on the western side of the town are already disturbed by port activities and in particular activity centred on the scrap metal pile on East Quay. Noise from port activity can even reach the Valley area of the town and Denton/Mount Pleasant/South Heighton.

Newhaven Town Council is extremely sceptical with regard to the claims made in the reports submitted by the applicant that the impacts of traffic pollution and dust/particulate matter would be 'negligible' and 'not significant' and that the environmental noise implications would be 'acceptable'. The Town Council believes these claims to be inaccurate and suggests that independent critiques of these reports are carried out to ensure a non-partisan approach on a proposal which will have such a significant impact on our community. Additionally, it notes that no health impact assessment has been carried out and believes that such an assessment is essential.

As quoted above, the District Council's policy highlights that cumulative impacts need to be taken into consideration. The current baseline of higher than average incidences of poor health in the town, current road traffic and heavy industry outputs and the Air Quality Management Area, form part of the background cumulative impacts to noise and air quality. The noise impact assessment does not appear to include activities that are 'permitted development' and therefore the study does not represent the full noise impact of the development as a whole on the local people and environment.

Transport

In terms of transport impacts, the NPPF at Paragraph 32 recognises the need for significant development to provide viable infrastructure and supports refusal on transport grounds "*where the residual cumulative impacts of development are severe*". Newhaven Town Council considers that 148 lorry movements per day, in an already highly congested road network will cumulatively create a significant material impact, with or without a new port access road. Traffic in and around Newhaven is already regularly at a standstill, or only able to move at a snail's pace. This does not only happen at peak hours, but often throughout the day.

Again, the cumulative effect should be considered. In addition to the existing heavily congested situation, more than 1500 extra dwellings have been either approved or allocated in housing development identified for Newhaven which will bring thousands of additional cars to the town. There is no prospect of fundamental improvements to the A259/A26, no plans for new linkages and no bypass proposal. No amount of mitigation can reduce impacts and the County Council's proposals to encourage the use of buses and phasing of lights on the ring road in Newhaven will not materially improve the wider transport issues for Newhaven. Therefore the proposal would also be contrary to LDC's Core Policy 13 – Sustainable Travel.

Once again, the transport assessment submitted with the application appears inadequate and lacking in details and an independent scrutiny of it is required.

Whilst stages 3 and 4 of the proposed development are stated as being dependent on the port access road having been built it is noted that stages 1 and 2 are intended to start without this being in place. The port access road has not yet been delivered. Newhaven has seen many plans for developments come and go without ever being delivered. No part of this proposal should be allowed to start before the port access road is built.

The substantial increase in the number of HGVs on the local road network, both within Newhaven and in surrounding areas, would impact on the physical condition of the roads at a time when the County Council is struggling to carry out basic maintenance on the county's road network due to funding restraints.

It is respectfully suggested that ESCC may be encouraged to support development within port property to support their appeal to the DfT for finances to complete the Port Access Road. The Enterprise Zone in due course will encourage more appropriate development on port land along with permitted development allowed within normal port operations.

Visual Impacts

The intrusive nature of the concrete block making plant building proposed for an area at the mouth of the River Ouse would, by virtue of its scale and massing, have a hugely detrimental visual impact on Seaford Bay, the National Park and the Newhaven townscape. The building would be both obtrusive and highly visible from the Tidemills nature reserve, the footpath between Newhaven and Seaford along the shoreline, and Seaford Head, all of which are within the National Park. It would be the first thing visitors arriving from France saw as they arrived at the port of Newhaven on the ferry. It would be an eye sore wrecking views of the river and coastline for tourists visiting Newhaven Fort and for visitors and residents alike walking on the cliff top at Castle Hill. It would be a highly visible eye sore to thousands of Newhaven residents living in housing on the western slopes of the river valley.

The East Sussex County Council's Landscape Assessment identifies as a priority "*environmental improvements to port/ferry approaches as Newhaven is the gateway to Sussex*". The proposal clearly is at odds with this aspiration by ESCC.

The Lewes District Landscape Capacity Study 2012 recognises that the Ouse Valley Nature Reserve and Tide Mills are "*a large low lying area of designated National Park land between the River Ouse and Downs, that provides an important undeveloped gap between Newhaven and Seaford*" and that "*opportunities for development without adversely impacting on the landscape character, are limited to small pockets around the urban fringes and would require a strong landscape structure*".

The South Downs National Park: View Characterisation and Analysis states as management guidance to "*ensure that development outside of the National Park does not block, or adversely affect the quality of, views towards the sea*". Also that "*built development outside of the Park is integrated into its context in terms of scale, form and materials – consider using native vegetation to contain development*".

In addition the Lewes District Local Plan (Part 1) states at Core Policy 10, (para 2) "***Within and in the setting of the South Downs National Park, development will be resisted if it fails to conserve and***

appropriately enhance its rural, urban and historic landscape qualities, and its natural and scenic beauty”.

The proposal will clearly significantly impact of the setting of the adjacent National Park, nature reserve and Tide Mills. In addition due to the open maritime character of the area, it would not be possible, nor appropriate to introduce a strong landscape structure to mitigate against the significant impacts.

Coastal Impacts

Lewes District Council’s Core Policy 12 states that *“development should avoid areas of undeveloped coastline unless it specifically requires a rural coastal location, meets the sequential test and does not have any other adverse effects”*. The location chosen for this proposal is partially on undeveloped land at the mouth of the River Ouse, immediately adjacent to a beach used as an amenity area by local people, close to the boundary of the National Park, a site of Nature Conservation Importance and an area of great beauty. Coastal impacts will be catastrophic to this part of the Sussex coast and Seaford Bay.

Footpath and leisure use

The public footpaths 40a and 40b, which were diverted to facilitate planning application LW/15/0034, do not appear to be protected under this scheme. Footpath 40b originally led to the East Pier and local people were promised that this access would be reinstated when the new, realigned East Pier was built. It is unclear whether this will now happen. Access to the East Pier is valued by local people for leisure purposes. The West Pier is not accessible to local people, as the owners do not allow access.

Safeguarding sites for Minerals

East Sussex, South Downs and Brighton & Hove Minerals Plan – 2017 at Policy SP 10, does not safeguard Fishers Wharf for concrete processing and batching **but does** safeguard a site at **North Quay**, Newhaven.

The North Quay site is further away from residential properties, is an area identified for heavy industry rather than mixed use as at Eastside and has no need for place-making strategies, unlike East Quay where community and employment co-exist.

North Quay is not overlooked by housing in the same way as East Quay. The location of East Quay close to housing both on East Side itself and to housing on the opposite side of the river facing the site, makes it unsuitable for concrete production and perhaps this is why East Quay was not identified as being safeguarded for concrete batching, coated materials manufacture and other concrete products in the Waste and Minerals Plan.

Environmental Impact on flora and fauna

Lewes District Local Plan Part 1 at Core Policy 10 seeks to conserve and enhance the districts natural environment and Landscape character including locally designated sites such as Tide Mills, and seeks to improve air quality through Core Policy 9 to ensure development does not have a negative impact on the natural environment.

The proposed use of this site for aggregate processing and the production of concrete would have a detrimental environmental impact on the adjacent wildlife reserve at Tidemills due to dust, air pollution and surface water run-off.

The Tidemills area is a valuable habitat for protected species of bird and reptiles and includes vegetated shingle which is of national importance. The East Sussex Vegetated Shingle Management Plan 2009 recognises the area's environmental value and that there are particularly sensitive areas within the site.

The port expansion (application LW/15/0034) was approved subject to certain mitigation measures for wildlife and the vegetated shingle. These measures do not appear to have taken place and should do so before this new proposal can take place. Additional mitigation measures would be required if this proposal was to go ahead because its environmental impact is so much more profound than that of the port expansion. These do not appear to have been included in the application.

Additionally, a concrete making complex will use a huge amount of water which will have to be both sourced and discharged, which could have detrimental effects on the river and marine environment, fish and other aquatic life.

The links with the port access road will have a further detrimental effect on this valuable and ecologically important habitat.

Employment Generation

When working at capacity at Stage 4 of the proposal, the provision of 93 jobs on this site appears a small number for the size of the development and the amount of land it would use up. These are jobs not in a higher value sector as envisaged by the Enterprise Zone.

The use of the site for aggregate processing and concrete batching will not make the best use of land in terms of job creation and therefore will reduce the potential overall economic impact and GVA. Longer term this will impact negatively on the overall economic impact and success of the Enterprise Zone.

Impact on the regeneration of Newhaven

Lewes District Councils vision for Newhaven in their Local Plan Part 1 focuses on the regeneration of the town and strengthening of its economic base through; port generated activities, high tech industries and tourism activities. An aggregate processing and concrete making plant is not aligned with these aspirations and will have a considerable negative impact on efforts to support the town and help it reaffirm its position as the gateway to the National Park and a place to visit.

The Draft Neighbourhood Plan vision builds on the Local Plan vision stating that *"By 2030 Newhaven will be a charming thriving harbour town" with "new developments making the most of the town's heritage, landscape and coastal setting" that "will have a strong economic base which meets the employment needs of the local community and beyond, with an established reputation as a hub for 'clean and green' technologies and businesses"*.

Newhaven has been waiting for a long time for regeneration to provide it with a new prosperity and a smarter, more attractive image and identity. Recently this has all seemed within reach and about to happen. The creation of an Enterprise Zone for Newhaven has been loudly proclaimed to local

residents as a wonderful opportunity to attract Clean, Green and Marine high tech businesses to the town, providing new employment opportunities for local people. The Newhaven Port and Properties Masterplan also refers to opportunities for Clean, Green and Marine businesses to be attracted to the port.

The proposal to build an aggregates and concrete processing complex on port land in the Enterprise Zone feels like a huge slap in the face for local people looking forward to the regeneration opportunities they have been promised. This enterprise could not be further from “clean and green”; it could hardly be dirtier. The pollutants of dust, aggregate, sand, chemicals, vehicle traffic, fuel and noise on an open coastal location (which by default will make the control of pollution more difficult), does not fit with the ‘clean and green’ sector for Newhaven, aspired to by all tiers of governance.

It seems highly likely that it could only lead on to more dirty, ugly businesses locating nearby. It seems highly likely that clean, green high tech businesses would be discouraged from setting up in the town as a result of this proposed development.

The development of a deep water berth at the entrance to the port has long been a major aspiration of Newhaven Port and Properties and has been envisaged as an essential part of its plans to attract business to the port and to ensure the long term sustainability of the ferry link with Dieppe. It is not clear whether the proposal from Brett Aggregates requires use of the new multi-purpose deep water berth permitted under application LW/15/0034. Whether it does or doesn't, it is situated very close to the proposed berth and leaves very little space for other users. It would make the deep water berth unusable for the ferries.

A major development for a new hotel in the town centre has just been announced and another planning application for a hotel on East Side is currently under consideration. A noisy, dirty and intrusive concrete and aggregates processing complex such as is proposed will have a detrimental effect on tourism and deter visitors to the town, impacting on the viability of these important regeneration proposals.

This proposed development feels like another blow to the people of Newhaven on top of other actions taken by the port such as closing the sandy West Beach and allowing scrap metal to be stored and loaded on to ships from East Quay. It feels like another blow on top of the building of a waste incinerator in our town. This is not the legacy local people want for Newhaven. Newhaven does not want to be the scrap and waste capital of the county.

This representation sets out the objections of the Town Council to the Brett planning application. **Under separate cover, Newhaven Town Council will be sending in detailed reviews of the submitted Transport Assessment, Noise Assessment and Air Quality Assessment.** These reviews are currently being carried out by commissioned consultants.

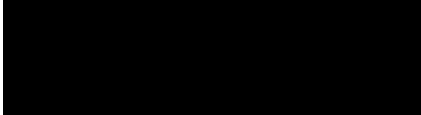
Without prejudice comment by the Town Council

Newhaven Town Council very much hopes that this application will be refused and that Brett Aggregates will look elsewhere to build their complex – perhaps at Southampton or Portsmouth, which are ports much closer to where aggregates are being dredged. However, if the worst should happen and the County Council does decide to permit the development the Town Council requests that the following mitigation conditions be imposed:

- That the port access road and rail extension should both be in place before any of the development starts
- That all materials brought to the site must come in by rail or by sea
- That the working hours for the site once operational be reduced to safeguard the wellbeing of local residents because this site is in such close proximity to housing

The Town Council would also expect to see a Section 106 agreement that provides real, tangible benefits to the town and would wish to be involved in discussions regarding this.

Yours sincerely,



Jacky Main
Clerk to Newhaven Town Council