

1 INTRODUCTION

The planning application

1.1 Brett Aggregates Limited (BAL), part of the Canterbury based Brett Group (Brett) seeks planning permission from East Sussex County Council (ESCC) for:

the construction and use of plant, namely aggregate processing plant, aggregate bagging plant, concrete batching plant, concrete block-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.

1.2 The proposals seek to redevelop land located at Fisher's Wharf, East Quay at Newhaven Harbour, which is owned by Newhaven Port Properties Ltd (NPP). The application site is shown on Figure 1 it comprises an area of 5.17 hectares.

1.3 Whilst all the development would be of the nature normally permitted under either Class I of Part 7 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) - developments related to an industrial process, or Class B of Part 8 - dock, pier, harbour, water transport, canal or inland navigation undertakings, such rights do not apply if they have been restricted under Article 4 of the GPDO.

1.4 An Article 4 direction was made on 23 November 1977 in respect of that part of the application site shown on Figure 2 (the Article 4 land) withdrawing the permitted development rights otherwise granted under what are now Class I of Part 7 and Class B of Part 8

1.5 Land which is to the west of the Article 4 land, where offloading of cargoes from sea going vessels, their storage and rehandling can be carried out, permitted development rights covering those activities granted to the statutory harbour authority and its lessees under Class B of Part 8 remain. Consequently this land is not part of the application

site. It is, however, included in the 'development site' (see Figure 1) and all those operations relating to the planning permission sought are, for the avoidance of doubt, described and discussed as part of the overall proposed development (referred to for clarity as the 'proposed development') to provide the full context of operations. The development site comprises an area of 5.78 hectares.

- 1.6 That part of the development site which is south of the Article 4 land has recently become part of the port under planning permission LW/15/0034 granted by Lewes District Council. However, although the planning application identified buildings being erected on this land, details and use were not specific and, as it is proposed to erect a building on this land, it must therefore be part of the application site.
- 1.7 The proposed development would be carried out in four stages in the areas of the development site shown on Figure 1 as follows:

Stage 1 development (indicative commencement year 2018)

Collecting aggregates from the existing berth on the East Quay and developing facilities to enable them to be processed, bagged and transported from site by rail and road. At this stage a daily average of 17 lorry loads would be exported by road with no more than 6 loads in any hour and restrictions self imposed to minimize any potential conflict with school and nursery drop-off and pick-up times. The use of the rail for distribution of aggregates in bulk would be maximised.

Stage 2 development (indicative commencement year 2019)

When Rampion Offshore Wind (ROW) relocates to elsewhere on the East Quay, using land, currently occupied by it in connection with the construction of the wind farm in the English Channel, a stocking conveyor system would be installed and the rail siding extended to improve cargo discharge and rail loading efficiency and provide more space for aggregates storage. Output by road would remain unchanged.

Stage 3 development (indicative commencement year 2020)

Only when the new port access road is open to traffic, bypassing Railway Road, Clifton Road and Beach Road, increasing levels of aggregate processing and bagging and adding a ready-mixed concrete batching plant. From this time all traffic associated with the proposed development would use the new port access road.

Stage 4 development (indicative commencement year 2020)

Once the concrete batching plant has been developed, to complement and supplement its other plants in the South, Midlands and Yorkshire, Brett proposes to add a concrete block-making plant on the southern extension of the East Quay, permitted by planning permission LW/15/0034.

- 1.8 The link from the development site to the currently permitted sections of the new port access road (NPAR) does not form part of this planning application. A separate application will be prepared and submitted by the landowners, NPP, showing the proposed design of the link road, how it would connect to the permitted road, how other users of land on East Quay would access that road and the necessary security infrastructure. Figure 1 shows indicative routes (only) for links to the roundabout at the southern end of the permitted NPAR from the application site.
- 1.9 BAL invites a Grampian condition to be imposed on any planning permission restricting outputs and lorry movements to those identified for Stages 1 and 2 development in Section 4 below until the NPAR is open to traffic after which that road must be used by all traffic to and from the development site.
- 1.10 A Grampian condition is also invited preventing the use of the Stage 3 development until the NPAR is open to traffic and also preventing the commencement of development of Stage 4 until that road is open to traffic.

- 1.11 The planning application supported by an environmental statement is submitted to ESCC for determination.

The structure of the combined planning supporting statement and environmental statement

- 1.12 The development for which permission is sought has been confirmed by ESCC to be EIA development and in order to inform the preparation of this planning supporting statement and environmental statement, BAL commissioned a team of experts:

- (i) to research and report relevant details about the application site and its surroundings;
- (ii) to assess the unmitigated environmental impact of the proposed development and advise on what mitigation is necessary to ensure that no significant adverse effects resulted; and
- (iii) to demonstrate compliance with the development plan policies and Government guidance and standards.

The topics covered and the consultants appointed are set out in Table 1.

Table 1 : Consultants reports

Topic	Consultant	Short Name	Appendix
Townscape and visual impact	Bright & Associates	The LVIA	1
Biodiversity	Bioscan (UK)	The Bioscan report	2
Cultural heritage	Andrew Josephs Associates	The Josephs report	3
Flood risk and drainage	SLR Consulting	The FRDA	4
Noise	WBM Acoustic Consultants	The noise report	5
Air Quality	Rural Planning Services	The air quality report	6
Road traffic	Cannon Consulting Engineers	The transport assessment	7
Design of the block-making building	Corstophine and Wright	The architect's design	8
Employment and economics	Regeneris	The Regeneris report	9

1.15 Following this introduction, the planning supporting statement and environmental statement is presented in sections as follows:

Section 2 identifies BAL as a wholly owned subsidiary of Robert Brett and Sons Limited, the UK's largest independent producer of sand and gravel and ready-mixed concrete and the other Brett businesses which would operate on site;

Section 3 describes the application site and its surroundings;

Section 4 describes the proposed development on the development site but, for completeness also includes infrastructure and operations which would be carried out under permitted development rights;

Section 5 summarises the pre-application consultations which BAL carried out on its draft proposals and the outcome of those consultations and public exhibitions in influencing the proposed development described in Section 4. It highlights that many members of the public focussed their concerns on the principle of development on the backshore of East Beach and the construction of the viaduct over the Brighton to Seaford railway line and Mill Creek both of which, to their surprise, are subject to valid planning permissions. This section also outlines the radical changes made to the proposed block-making building as a result of the public consultation process;

Section 6 contains the required design and access statement and summarises the architect's design for the block-making building;

Section 7 contains a summary of the energy strategy, which provides renewable energy for the non-industrial consumption of electricity in the various buildings in accordance with the building regulations;

Section 8 summarises the flood risk assessment and sustainable drainage report;

Section 9 contains a discussion of alternative locations, scale and plant. It identifies the lack of land won resources

of sand and gravel in East Sussex and the need for importation of marine dredged aggregate to meet demand; **Section 10** contains the summaries of the consultants reports and examines the potential environmental impact of the proposed development and identifies any mitigation necessary or beneficial, which in turn has been 'retro' introduced into Section 4;

Section 11 summarises the employment and economic impact report; and

Section 12 demonstrates compliance of the proposed development with both national and development plan policies and concludes that the proposed development accords with the three dimensions to sustainable development identified in the National Planning Policy Framework

1.16 s.38(6) of the Planning and Compulsory Purchase Act 2004 states:

'If regard is to be had to the development plan for the purpose of any determination under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

and paragraph 14 of the NPPF states:

*'14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

....

*For **decision-taking** this means:*

- approving development proposals that accord with the development plan without delay; and*
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

- *specific policies in this Framework indicate development should be restricted.*

1.17 It will be shown that the proposed development is in accordance with development plan policies and that there appear to be no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposed development and no material considerations or specific policies in the NPPF that indicate otherwise. Consequently there appears to be no reason why determination of this application, submitted to ESCC as the local planning authority under Schedule 1 to the Town and Country Planning Act 1990, should not be in accordance with the development plan or why the planning permission sought should not be granted without delay.

2 THE APPLICANT

2.1 Brett Group is a construction and building materials group of businesses, which is the largest independent company in the sector in the UK. It was established in 1909 in Canterbury and its three core businesses are the supply of aggregates, ready-mixed concrete and landscaping and building products.

Aggregates

2.2 Brett Aggregates Limited (BAL) provides a wide range of traditional and recycled products from 32 quarry sites and wharves in London, the South East and East of England, supplying customers by road, rail and water.

2.3 Britannia Aggregates and Volker Dredging are two Brett joint venture companies which focus on extracting aggregates from the seabed.

2.4 Britannia Aggregates was formed in the late 1980s to relieve the increasing pressures being put on land resources, and ensure that there is a continuous supply of consistently high quality aggregates.

2.5 The Company owns and operates the £12 million 'A' class dredger, 'Britannia Beaver'. Custom built in Devon, the Beaver became operational in 1992 and is capable of dredging to a depth of 45 metres, and working some 360 days a year.

2.6 The Beaver delivers sand and gravel to Brett-owned wharves in the South East of England, and in addition, delivers to other customers outside the Brett Group both in England and other EC countries; markets the Company is actively developing.

2.7 Britannia Aggregates has extraction licences for extensive reserves in the Thames Estuary and, through Volker Dredging, has access to sand and gravel deposits in the North Sea and in the English Channel near to the Isle of Wight.

Ready-mixed concrete

- 2.8 Brett Concrete has a combined resource of 20 quality controlled operational plants across the South East of England, a fleet of truck mixers and an annual production capacity in excess of 500,000 cubic metres. It is the largest independent operator of its kind in the UK and its nearest plant to Newhaven is at Bexhill.

Landscaping and building products

- 2.9 Brett Landscaping and Building Products supplies a comprehensive range of products for use in public spaces, infrastructure and the regeneration of buildings manufactured at its factories in Yorkshire, Leicestershire, Kent and Dorset.
- 2.10 It also makes specialised aggregates including decorative products, one of which is Durite - Canterbury Spar, a material it has produced since the end of the Second World War by roasting and crushing flint gravel to give a 'Kentish Apple Blossom' appearance.

Environmental Management

- 2.11 Brett operates 'QHEST' (Quality, Health, Environment, Safety Sustainably Together), an integrated management system combining quality, health, safety, environment and sustainability which is externally certified to the following standards:
- BS EN ISO 9001 Quality Management Systems by the Quality Scheme for Ready Mixed Concrete
 - BS EN ISO 14001 Environmental Management Systems by Construction Products Certification
 - BES 6001 Framework Standard for the Responsible Sourcing of Construction Products by Construction Products Certification.
- 2.12 The policies which form the basis of QHEST are included as Appendix 10.
- 2.13 Further details about the Brett Group, its products and track record can be found on its website www.brett.co.uk.

3 THE APPLICATION SITE AND ITS SURROUNDINGS

3.1 As set out in Section 1 above, the proposed development would be carried out on the 'development site' shown on Figure 1. It comprises an area of 5.78 hectares. However, all that part of the development site which is to the west of the Article 4 land, i.e. where offloading of aggregates from sea going vessels, their storage and rehandling would be carried out, would be carried out under the permitted development rights granted to the statutory harbour authority and its lessees. Consequently this land is not part of the application site which comprises an area of 5.17 hectares and is shown on Figure 1.

3.2 For simplicity, in this section, the the development site and the application site, both of which are shown on Figure 1, are referred to as the 'Site'.

Location of the Site

3.3 The Site is located within Newhaven Harbour (the harbour), which is located on the south coast of England at the mouth of the River Ouse (the river), to the south of the town of Newhaven in East Sussex (see Figure 1). The harbour is owned and operated by NPP which is also the statutory harbour authority and responsible for its management and safety.

3.4 The harbour comprises two roll-on-roll-off ferry berths, 1.3km of quayside berths and 122 hectares of land and buildings. The outer harbour is protected by a 705m long Western Breakwater and a 320m long East Pier (see Figure 1) The inner harbour includes a number of quays and the ferry terminal and provides a multi-purpose port (the port) used for general cargo and berthing for small passenger and fishing vessels.

3.5 The port is made up of four discrete quays; North Quay to the north of the A259 Brighton to Seaford Road, Railway Quay, on the eastern bank of the river immediately to the south of this road and is the site of the rail connected ferry terminal, East Quay, seaward of Railway Quay and West Quay on the river's western bank, mainly used for leisure purposes and the port's small scale fishing industry.

The application site and its surroundings

- 3.6 The Site is on land adjacent to the East Quay. It extends from the river's edge through a quadrant bounded on its southern side by rail sidings which are no longer in use to a rectangular plot extending from Mill Creek in the north to the East Beach in the south and on to the beach' back shore.
- 3.7 It is approached from the A259 via Railway Road, Clifton Road, Beach Road and the gated internal port access road. Rail sidings accessed from the Newhaven to Seaford railway line are located close to East Quay and extend into the Site.
- 3.8 East Quay is currently used by a metal reclamation company and ROW in connection with the construction of an offshore wind farm in the English Channel. Part of the Site is currently occupied by ROW for industrial, office and car parking purposes (see Figure 1). The land between the quay and the southern part of the Site is, with the exception of the port office, generally open and unoccupied. This will be occupied by ROW and is shown as the Rampion land on Figure 2. Existing industrial buildings about 8m high (the warehouse), are situated in the eastern part of the Site with expansive areas of concrete hardstanding to their north and south. Boundaries are generally marked by a 2m high palisade security fence. Photographs of these areas taken in 2016 are shown in Figure 3.
- 3.9 The nearest residential properties lie alongside the route to the A259 on Railway Road, Clifton Road and Beach Road and on the west bank of the river, near Hope Inn.

History of the port and recent uses of the East and North Quays

- 3.10 In 2012, NPP published the *Newhaven Port Masterplan 2012* (the NPM). In section 3.1 it outlined the history of the port as follows:

'The port of Newhaven was first created in 1539 after the decline of Seaford's port as the River Ouse silted up. A steady increase in trade at Newhaven during the subsequent centuries was followed by a major step-up in economic activity during the 19th century with the

development of Newhaven as a ferry port and the arrival of the railway.

Although Newhaven was a railway-owned port, many shipping lines used the facilities. Figures from 1863 show that 1,000 vessels a year used the port.

The early development of Newhaven town generally followed the development of the port with the main population increases occurring in the late 17th and early 18th centuries and then more rapidly through the 19th century.

During the 20th century, Newhaven continued to be a busy ferry port using its railhead as a key modal link but during the 1980s and 1990s began to suffer from shifting patterns of travel and transportation. By the time Sea Containers sold the port to the SEML [Société d'Economie Mixte Locale] in 2001, volumes were in severe decline with the problem exacerbated by decades of underinvestment in port facilities and infrastructure.

Newhaven's share of the Portsmouth to Ramsgate ferry/tunnel market for passengers travelling between the UK and France fell from 3.2% in 1995 to 0.8% in 1999 due to competition from competitor ports of Portsmouth and Dover and, except for a brief rise to over 1% during 2002-04, market share has fluctuated around 0.8% since then.

In recent years, the primary commercial focus of the Newhaven – Dieppe crossing has been freight carryings between Europe and the UK. At the time of acquisition the port's owners saw the need to preserve the ferry link between Newhaven and Dieppe as well as the potential to turn the port's fortunes around over time.

Before reversing this decline the port needed first to assess and stabilise the position then to consider how to plan for the future in a rapidly changing marketplace. A key turning

point was the appointment of new management in 2007, when the port's owners were able to start addressing the issues faced by the port. Under this management team, NPP is currently implementing an investment programme across the port's facilities and the strategic planning process sets out the vision of a sustainable long term future.

The port currently remains dependent on the Newhaven to Dieppe ferry route, which contributes a significant amount of its revenue. Without the ferry, NPP would be unable to finance the cost of undertaking its duties such as the dredging needed to maintain channel depths. The ferry route is supported by CGSM [The Conseil Général de Seine-Maritime].

Whilst the ferry generates around 100 jobs in the Newhaven area, the current financial position of the ferry operation is not sustainable so the focus on the PMP has to be on realising the business potential of the port's assets and facilities in order to turn it into a driver for growth in the Newhaven area. NPP intend to work in conjunction with Newhaven Town Council, Lewes District Council, East Sussex County Council and key representatives from the local community to implement this strategy.'

3.11 In section 3.4 the NPM describes the recent uses of the East and North Quays as follows:

East Quay

The East Quay leading up to the ferry berth is currently dredged to 5.0m below Chart Datum alongside the quay and a minimum of 6.0m in the channel. The berth is a multipurpose facility used for general cargo, O&M base for various off shore projects and also for berthing small passenger vessels and fishing vessels.

The quay is approximately 520m in length (i.e. the Previous Foot Passenger Terminal plus RoRo 1. RoRo 2 is on

Railway Quay). A number of warehouses on the East Quay site are currently occupied. However, due to the reduced level of port throughput observed in recent years, a few vacant units exist which are in suitable condition for let.

North Quay

There are 5 Not Always Afloat But Safe Aground (NAABSA) berths at the North Quay, accommodating vessels up to 6m draft (tide dependent) although only berths 1 and 4 are operational as of 2011:

- No.1 berth, vessels up to 91m LOA,*
- No.2 berth, vessels up to 82m LOA,*
- No.3 berth, vessels up to 82m LOA,*
- No.4 berth, vessels up to 91m LOA,*
- No.5 berth, vessels up to 85m LOA.*

When considering future usage of the North Quay, a number of constraints need to be taken into account. Whilst the port expects continued shipping activity in the North Quay over the short to medium term, the expectation is that this form of traffic will decline over the long term and there will need to be a switch towards more land-based activities on the North Quay. However, it is difficult for NPP to plan for the North Quay in isolation due to the complexity of the leases, so any initiative will be best served by a collaborative approach with the North Quay tenants. The existence of Veolia's new Energy Recovery facility adjacent to the North Quay offers some potentially interesting opportunities in the emerging energy and environmental sectors and NPP is currently in discussions with Veolia to see how a partnership might be developed around this theme. As a result, developments for the North Quay site will be considered in line with the ESCC Waste and Minerals Development Framework (WMDF) which will decide how and where waste should be dealt with in East Sussex and Brighton and Hove up to 2026.'

- 3.12 As can be seen on NPP's harbour layout drawing on Figure 4, parts of the land at the North Quay are shown leased to both RMC and ARC, predecessors of current aggregate production and distribution companies, Cemex and Hanson respectively. Aggregate handling operations on this land have since ceased. It is understood that F M Conway Ltd has recently submitted a planning application for an asphalt plant which would be supplied with aggregate by 'Not Always Afloat but Safe Aground' vessels on the drying North Quay.

Planning history of the East Quay

- 3.13 BAL carried out a search of the register of local land charges held by Lewes District Council for the harbour and obtained, *inter alia*, the schedule of planning decisions made since 1947; there are over fifty. In addition the eastern part of the Site is subject to the Article 4 direction referred to above which restricts certain permitted development rights on that part of the land. The land affected is shown on Figure 2. The direction does not restrict permitted development rights granted by what is now Class A of Part 18 of Schedule 2 to the GPDO assigns those rights to development permitted under orders such as the Newhaven Harbour Revision Order 2016, which confirms NPP as the statutory port undertaker.
- 3.14 Three planning decisions are of significance to this application, two of which lie within the Site and one which abuts it. These 3 areas are also identified on Figure 2.
- 3.15 Decision notice LW/13/0731 grants approval for '*works to existing warehouse, extension to roof and erection of new warehouse*' on the Article 4 land under what is now Class A of Part 18. The officers' report of the application confirmed that the existing and new buildings would be used for boat building and port related storage.
- 3.16 Planning permission LW/15/0034 was granted on land generally on the beach to the south and south-west of the Site for '*Refurbishment of the existing multi-purpose berth at East Quay including the construction of a new multi-purpose berth and slipway at the southern end of the East Quay; Levelling the backshore area to the east of the new multi-purpose berth to create a new Land Development Area (LDA) and*

Establishment of a 3.5ha nature reserve above mean high water springs (MHWS) to the east of the LDA area. Capital dredging of the existing approach channel (deepening and localised widening and extension); Capital dredging of the berthing pocket alongside East Quay; Demolition of part of the East Pier structure; (Use of dredged material, where possible, as fill for levelling the LDA. Material not suitable for use as fill or for an alternative use would be disposed of at Newhaven Port & Properties Ltd (NPP)'s existing licensed offshore disposal ground)'.

- 3.17 Part of the backshore which is to be levelled is part of the Site and the approved development includes provision of 3,000 square metres of floor space in industrial buildings on the beach, a visualisation of which is shown on Figure 5.
- 3.18 Planning permission LW/15/0373 was granted on land generally to the west of the Site (the Rampion land, see Figure 1) for 'onshore operations and a maintenance facility for the Rampion Offshore wind farm, with parking, storage and small vessel loading and unloading facilities'. The development includes a 12m high, 2,300 square metres floor space industrial building a visualisation of which is also shown on Figure 5.

Land use of the Site and its surroundings

Land east of the river

- 3.19 The Site lies east of the river in the south-eastern corner of the port to the east of East Quay. It is approached from the A259 via Railway Road, Clifton Road, Beach Road and the gated internal port access road. Rail sidings accessed from the Newhaven to Seaford railway line are located close to East Quay and extend into the Site (see Figure 1).
- 3.20 East Quay is currently used by a metal reclamation company and ROW in connection with the construction of an offshore wind farm in the English Channel. Part of the Site is currently occupied by ROW for industrial, office and car parking purposes (see Figure 1). The land between the quay and the southern part of the Site is, with the exception of the port office, generally open and unoccupied. This is the

Rampion land shown on Figure 2. Existing industrial buildings about 8m high, are situated in the eastern part of the Site with expansive areas of concrete hardstanding to their north and south. Boundaries are generally marked by a 2m high palisade security fence. Photographs of these areas taken in 2016 are shown in Figure 3.

- 3.21 To the north, Mill Creek provides separation between the Site and industrial areas, the Newhaven East Marine [water] Treatment Works (comprising large tanks and operational buildings, see Figure 1) and the Brighton to Seaford railway line. The treatment works form the outer limit of that part of the harbour area which is publicly accessible.
- 3.22 The open area of the beach and sand dunes lie adjacent to the Site to its south and south-east. The South Downs National Park lies to the east and north-east between about 200m and 400m away (see Figure 6).
- 3.23 Public footpath, Newhaven 7b (N7b) runs directly along the eastern boundary of the Site, as shown on Figure 6. This route connects via a footbridge to a long distance footpath, the Vanguard Way/Sussex Ouse Valley Way alongside Mill Creek. A second public footpath, Newhaven 40a (N40a) currently runs east/west through the site, to the immediate north of the backshore. Its diversion around the LDA along the new planned sea wall to the East Pier is the subject of a Footpath Diversion Order which was confirmed on 12 July 2017.
- 3.24 The nearest residential properties lie alongside the route to the A259 on Railway Road, Clifton Road and Beach Road (see Figure 1) with the nearest estate areas on the outskirts of Seaford 1km to the east and at Denton, about 1.5km to the north. Both of these estates are on rising ground

Land west of the river

- 3.25 To the west of the river, the area is more densely populated than the land to the east. Residential properties, some of which are multi-storey apartment blocks, lie close to the river and extend most of the way from the sea to the A259. The closest properties are on Fort Road near to the Hope Inn (see Figure 1); they are about 250m from the Site.

- 3.26 Newhaven Marina lies within the river about 200m north of Hope Inn and is accessed from the west bank. North of the marina, towards the A259, the port's fishing vessels tie up and off-load their catches.
- 3.27 About 400m south-west of the Site on land overlooking the port lies Newhaven Fort, a Scheduled Ancient Monument.
- 3.28 A public footpath runs from the southern end of Fort Road alongside the harbour wall to the Western Breakwater. Other footpaths lie to the west of the hill on which Newhaven Fort is sited (see Figure 6).

Topography

- 3.29 A topographic survey has been carried out and is included in Appendix 4. The survey indicates that ground levels across the Site vary from 3.20m Above Ordnance Datum (AOD) along the western boundary, adjacent to the existing building, to 4.01m AOD along the northern boundary and 6.50m AOD in the south eastern corner of the Site. Ground levels along the access road off Beach Road vary from 3.67m AOD at Beach Road to 4.05 at the Site. However, there is low lying area along the access road where ground levels reach 2.54m AOD.
- 3.30 The land immediately to the east and north-east as far as the A259 is generally flat, beyond that road the land rises to about 55mAOD at Rookery Hill to the east, 75mAOD at Norton Hill to the north-east and 105mAOD at Snap Hill to the north-north-east.
- 3.31 To the west of the river, at Castle Hill on which the Fort sits the level is 55mAOD and the highest level of the residential estate to the north is about 75mAOD.
- 3.32 Contour levels can be seen on Figure 6.

The local landscape

- 3.33 BAL commissioned Bright Associates to carry out a landscape (townscape) and visual impact assessment of the proposed development. Their report, the LVIA which is included as Appendix 1

The application site and its surroundings

describes the local setting of the Site in wider landscape. Significant matters regarding the setting within 3km of the Site (the study area) are described below.

- 3.34 The variety of land use found close to the River Ouse is a distinctive feature of the study area. The southern part towards the mouth of the River Ouse includes the port area and the small boat marina of Newhaven Harbour, both form a noticeable visual element. Industrial uses continue north-west of the Site along the eastern side of the river to North Quay and Denton Island about 1.5km away.
- 3.35 The main residential areas of Newhaven are situated on rising ground to the west of the river with the suburbs of South Heighton and Denton to the north. In addition, there is an area permitted for residential, industrial and retail use (Newhaven Eastside) immediately between the current area of industrial development and up to and in places overlapping the South Downs National Park.
- 3.36 A significant proportion of the urban development is fairly elevated but along dry valleys and therefore relatively concealed from outside views.
- 3.37 A number of transport routes pass through Newhaven and to the east of the River Ouse this includes the railway (Harbour Station and Newhaven Town Station), a minor road (Railway, Clifton and Beach Roads) and the A259 (Seaford Road) which links the eastern and western parts of the town via a swing bridge.
- 3.38 In a wider context, the A259 connects the coastal towns of Seaford and Peacehaven, whilst the railway line progresses along the coast to Seaford (east of the Site). Minor roads are not common, however where they do appear they connect the aforementioned settlements with outlying villages and hamlets such as Bishopstone and Norton to the north-east of the Site.
- 3.39 The coastline within the study area is varied and comprises chalk cliffs south of Peacehaven and man-made structures such as the Western Breakwater at the entrance to the harbour, West Pier and East Pier. To the east of the Site the land is predominantly a mix of shingle and sandy beaches.

- 3.40 The historic core (including residential areas) of Newhaven is set back from the seafront, where a wide shingle beach is maintained as a sea defence and also provides amenity space. In contrast, Peacehaven and Seaford are established closer to the sea. Settlement elsewhere includes villages and hamlets together with dispersed residential properties including farmsteads (which are often reached by tracks).
- 3.41 The South Downs National Park covers much of the study area to the north, east and west of Newhaven (see Figure 6). The National Park which was designated in 2010 is noted for its views, recreational opportunities, landscape of open downland, coastline and history.
- 3.42 Recreation and tourism based land uses are also apparent elsewhere in the study area and include Newhaven and Seaford Sailing Club and Peacehaven Golf Club. Buckle Caravan Park is on the western periphery of Seaford whilst Newhaven Fort and the Castle Hill Local Nature Reserve (LNR) are located south-west of the Site near to the mouth of the river.
- 3.43 Close to the Site is Tide Mills, a ruined 18th century village and granary and the Bishopstone Walk (a promoted walking route by East Sussex County Council) incorporates the Ouse Estuary Nature Reserve and Tide Mills. The Ouse Estuary Nature Reserve which is north of the Site and Tide Mills is recognised as an 'important undeveloped gap between Newhaven and Seaford'.
- 3.44 There is a lack of woodland throughout the study area although small tracts appear in places mainly on higher ground in the South Downs National Park or within the dry valleys. There are also isolated areas in association with Fort Newhaven, Peacehaven Golf Club and Rookery Hill.
- 3.45 A distinctive geometric field pattern appears in relation to the River Ouse floodplain to the east of the Site (c.500m) due to a grid of narrow channels (wet fences) which divide pasture fields.

Biodiversity

- 3.46 BAL commissioned Bioscan (UK) Ltd to carry out a study of the baseline ecological interest in and around the site, review the proposed development, assess the unmitigated impact and to recommend mitigation where necessary. Their report (the Bioscan report) is attached as Appendix 2.

Surveys

- 3.47 Bioscan carried out a desk-based study, an extended Phase 1 habitat survey and a review of the ecological section of the environmental statement submitted with NPP's port extension planning application.
- 3.48 The desk-based study obtained information on designated sites and archive data on notable and protected species for the area within and up to 2km from the Site in August 2016. Sources consulted included on-line resources such as the Lewes District Council website and the Multi-Agency Geographic Information for the Countryside (MAGIC) website managed by Natural England. A data request was also submitted to the Sussex Biodiversity Records Centre (SxBRC) for notable species records held, as well as for details of statutory and non-statutory designated sites.
- 3.49 A survey was carried out in accordance with Natural England guidance across two visits to the site during which the existing developed areas of the port and Rampion Offshore Windfarm operation were subjected to an 'extended' Phase 1 habitat survey.
- 3.50 The extended survey included reptile and nesting bird (including black redstart) surveys.
- 3.51 The Site is not subject to any statutory nature conservation designation. The nearest such site is the Brighton to Newhaven Cliffs SSSI, the easternmost extremity of which is around 400 metres to the south-west and on the other side of the River Ouse. This extensive site is designated primarily for geological reasons but also with cited biological interest associated with the wave-cut platform below the chalk cliffs.

- 3.52 Although the application site is within the 'impact consultation zone' for the SSSI, in the context of existing port operations there is no conceivable impact vector to it, or to the Castle Hill, Newhaven Local Nature reserve (LNR) which overlaps it at around the same distance, from the proposed development and neither of these sites is therefore considered further in this assessment.
- 3.53 In terms of non-statutory sites, the Site overlaps with a small area (around 0.6ha) of the 155 hectare Tide Mills SNCI, and it also adjoins other parts of this designated area to the east, south and north. The citation for this designation refers to the presence of a number of protected and notable species and habitats, including vegetated shingle, coastal grazing marsh and ponds. Part of the SNCI falling within the Site has however recently been developed by Rampion Offshore Wind as a temporary car-park, and has consequently lost the grassland and vegetated shingle habitats that were formerly reported there.
- 3.54 The beach area contained within the application site, which was assessed by Royal HaskoningDHV as part of the NPP application, continued to be undeveloped at the time of Bioscan's most recent visit on 30th June 2017.

Habitat types identified

- 3.55 The following main habitat types are present within the existing developed parts of the Site
- Unvegetated hard-standing and built structures
 - Colonising ground
 - Rough grassland and tall ruderal
 - Scrub

Unvegetated hard-standing and built structures

- 3.56 This is by far the dominant habitat type on the site, with sealed concrete or tarmac surfaces or built structures occupying more than 90% of this part of the site. These offer scant opportunities for

vegetation development, and vary from expansive surfaces of recently laid tarmac in the new car-park in the south-east (which are wholly devoid of any vegetation) through to concrete slabs which have a very few colonists in cracks or joins. The species found are identified in the Bioscan report.

Colonising ground

3.57 In peripheral areas that receive somewhat less disturbance, such as around the bases of fences or buildings and at the outer edges of the site, there are rather more opportunities for vegetation colonisation. In addition, substrate scraped up during the construction of the car-park in the southern part of the application site has been stored in an upstanding four-sided and flat-topped mound of loosely consolidated material. A more diverse suite of plant species is found in these areas. Again, the species found are identified in the Bioscan report.

3.58 A small area of mounded sand in the northern part of the site (arley maritime species, including red goosefoot *Chenopodium rubrum*, sea couch, hoary mustard, sea mayweed *Tripleurospermum maritimum*, sea spurrey *Sueda maritima* and, of note, oak-leaved goosefoot *Chenopodium glaucum*.

Rough grassland and tall ruderal

3.59 The parts of the site that have escaped disturbance for longest, mainly associated with the eastern edge of the Site, but also including some internal boundaries, see a transition from colonising ground vegetation similar to that described above, to closed-sward grassland dominated by graminoid species but also retaining a prominent ruderal component and some developing scrub. A broad array of herb species was noted in these areas, most of them common or ubiquitous.

Scrub

3.60 Although scattered bushes or low-growing thickets of bramble, rose and buddleia form a part of the above community, there are a few areas at the site boundary where woody species become dominant to the extent that they cast shade. These include thickets of buddleia,

bramble and dog-rose along the eastern boundary behind the warehouse, and bands of scrub along the northern edge and north-eastern fence line, the latter also festooned with traveller's joy *Clematis vitalba* and with a little wayfaring tree *Viburnum lantana*.

Reptile survey

- 3.61 No reptiles of any species were found within the developed parts of the application site itself. However, a small population of common lizard confirmed within the vegetated rail sidings area located on the Site.

Nesting bird survey including Black redstart survey

- 3.62 All the surveys were carried out during weather conditions favourable to bird activity. Nevertheless, no black redstart were observed or heard during any of the checks. The paucity of opportunities presented by the warehouse on the site and the relative lack of even sparsely vegetated areas mean that overall the Site is assessed to be of relatively low suitability for black redstart.

Other fauna

- 3.63 A restricted number of bird species were noted to be using the developed parts of the Site or active in the immediate local area during the habitat survey. On the site and possibly present in a breeding capacity earlier in the year were dunnock, pied wagtail, robin, feral pigeon and house sparrow. Using the edges of the site were flocks of up to twenty linnet, as well as greenfinch and small numbers of starling. Herring gulls were also present on the roofs of the warehouse buildings.
- 3.64 Weather conditions on the day of the habitat survey in 2016 were warm and thus conducive to insect activity. Large white, small white and small copper butterflies were all noted to be present on the site, with clouded yellow also observed (possibly a fresh migrant off the sea). Also potentially present as a fresh migrant was silver y moth. Field grasshopper and short-winged conehead were also noted.

The application site and its surroundings

- 3.65 Other fauna confirmed for the Site were field vole, rabbit and fox (field sign evidence of the latter only).
- 3.66 The extant warehouse in the north-eastern part of the Site was assessed for its potential to support bat roosts. This is a large structure of profiled steel sheets attached to an internal steel frame and with corrugated asbestos-type roofing. There is no internal lining to this structure, and while there are a few sections of very thin board cladding, it was assessed as of negligible potential for bat roosting overall. This part of the site is assessed to have negligible potential for bat foraging.
- 3.67 The existing developed parts of the application site offer no habitat opportunities for any other specially protected species such as great crested newts, badgers, water voles or dormice.

Vegetated shingle information review

- 3.68 A review of the information presented on the vegetated shingle on the port extension land is included in the Bioscan report.

Cultural Heritage

- 3.69 BAL commissioned Andrew Josephs Associates to carry out a cultural heritage desk-based assessment of the proposed development. Their report, the Josephs report which is included as Appendix 3 describes the local cultural heritage assets as set out below. In order to assess the effects of the potential scheme, existing cultural heritage information within and up to 2km from the centre of the proposed development area (PDA) was examined.
- 3.70 A variety of sources were consulted including the East Sussex Historic Environment Record (HER), the National Monuments Record, historic maps, historical works, archaeological reports for neighbouring sites, local history materials, satellite imagery and information from the online resources relevant to Newhaven Fort, a Scheduled Ancient Monument situated about 250m south-west of the PDA.

The application site and its surroundings

- 3.71 All work was undertaken in accordance with Standard and Guidance for Historical Environment Desk-Based Assessment (Chartered Institute for Archaeologists 2014).
- 3.72 No designated assets of cultural heritage importance lie within the boundary of the PDA or adjacent to it.
- 3.73 Newhaven Fort is situated on cliffs above the western bank of the river. No other designated assets lie within 1km of the PDA.
- 3.74 That site was already occupied by a battery which originated in the mid-16th century and was replaced and built over in the 1860s. The fort remained in service until 1962. Restoration began in 1982 following a failed commercial redevelopment venture. It is preserved and maintained by Lewes District Council and is an important educational and visitor attraction.
- 3.75 Only six entries are present in the East Sussex Historic Environment Record within a 1km radius of the PDA. No records lie within the PDA. The paucity of records probably reflects the marginality of the location for much of the past.
- 3.76 Prior to the 19th century, the area was a shingle spur with marshland. In 1879, the eastern part of the PDA and beyond was an area called *The Salts* with six rectangular ponds fed with water (controlled by sluices) off Mill Creek. These are most probably salterns, although could also be oyster beds.
- 3.77 In 1899, the marshland has been reclaimed and a branch taken off the Lewes railway to create Newhaven Harbour Station with sidings and an unmarked building within the PDA. Two linear ponds are shown on a different alignment to 1879.
- 3.78 Newhaven Harbour was designated as the principal port for the movement of men and material to the European continent during World War I and was taken over by the military authorities. Extensive areas of the East Wharf (East Quay) were covered by railway infrastructure including within the PDA. By 1963 all but one of the railway structures within the PDA had been removed. By 1980 the ponds had been filled

in and rectangular warehousing created to the west of the PDA, and slightly encroaching on the PDA.

Hydrology and drainage

- 3.79 BAL commissioned SLR Consulting Limited to carry out a hydrological assessment of the proposed development and carry out a flood risk assessment. Their report, the FRDA is included as Appendix 4.

Hydrological Features

- 3.80 The Site is located within Newhaven Harbour, which is bound to the north by the Mill Creek, to the west by the River Ouse and to the south by Seaford Bay.
- 3.81 With reference to the indicative Flood Map for Planning (Rivers and Sea) published by the Environment Agency, both the Mill Creek and the River Ouse are classified as Main River and discharge into the English Channel.

Existing Drainage Arrangements

- 3.82 A services plan was prepared for NPP by Hemsley Orrell Partnership in May 2012, a copy of which is included in Appendix 4. The plan shows two surface water sewers to the west of the Site which form part of the surface water sewer network serving the western and northern part of East Quay. The surface water sewer serving the existing building to the south west of the railway line outfalls to the Mill Creek via a 150mm diameter pipe with an invert level of 1.33m AOD.
- 3.83 The second surface water sewer serves the existing building adjacent to the western boundary of the Site and the hardstanding area along the River Ouse. This sewer is assumed to outfall into the River Ouse as shown on the services plan.
- 3.84 Moreover, with reference to the topographic survey, in Appendix 4 there are a number of gullies and channels across the Site which appear to drain in a northerly direction towards the Mill Creek. The topographic survey identifies a number of outfalls along the Mill Creek, to the north

of the Site and east of the outfall identified on the serves plan, which are anticipated to be associated with the drainage of the Site.

- 3.85 The southern part of the Site, comprising the proposed concrete block-making plant and storage area, is currently laid to gravel. It is therefore anticipated that surface water runoff from this area is 'drained' via infiltration into the underlying soils.

Flood Zone

- 3.86 The assessment of flood risk in Appendix 4 is based on the definitions provided by *Table 1: Flood zones at Planning Practice Guidance to the National Planning Policy Framework* Paragraph 065 and is summarised below:

Zone 1 - low probability (Flood Zone 1). Land having a less than 1 in 1,000 annual probability of river or sea flooding.

Zone 2 - medium probability (Flood Zone 2). Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding.

Zone 3a - high probability (Flood Zone 3a). Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding.

Zone 3b - the functional floodplain (Flood Zone 3b). This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency.

- 3.87 The Site lies on the fringes of Flood Zones 1 and 2.

Background noise levels

- 3.88 BAL commissioned WBM Acoustic Consultants to carry out a noise impact assessment of the proposed development. Their report, the noise report which is included as Appendix 5 contains details of background noise levels.
- 3.89 The nearest noise sensitive properties to the proposed Site are those on the west side of the River Ouse adjacent to Fort Road at a separation distance of about 150 metres to the proposed location of vessel off-loading and about 300m to the main part of the site. There are dwellings about 1km to the north east of the site at Marine Drive beyond the A259 Seaford Road.
- 3.90 Baseline noise survey data have been obtained to represent the existing noise climate at these receiver locations, at four positions that are accessible by public road or footpath, and by installing two sound level meters for about a week in August 2016.
- 3.91 Attended sample measurements of 15-minute duration were made at four positions, 1 to 4, that are accessible by public road or footpath, as shown on Figure 7. There were 8 measurements taken during the proposed daytime hours of operation on two days i.e. a total of sixteen 15-minute sample measurements, to represent the baseline noise climate for daytime at those positions. The daytime samples were made on Thursday 18 August 2016 and Thursday 25 August 2016.
- 3.92 There were 8 15-minute sample measurements taken during the night-time to represent the baseline noise climate for night-time at positions 1 to 4. The night-time samples were made between Thursday 18 August 2016 and Friday 19 August 2016.
- 3.93 Two sound level meters were installed at secure locations to obtain longer term unattended data for the dwellings on the west side of the River Ouse and those beyond the A259 Seaford Road, between 18/19 August 2016 and Thursday 25 August 2016. The microphones for the meters were installed on the flat roof of a building outside the offices at Newhaven Marina (position A) and in the rear garden of a dwelling on Marine Drive (position B).

The application site and its surroundings

3.94 A summary of the day time baseline survey results is shown in Table 2

Table 2 - A summary of day time baseline noise survey results

Location	Assessment Period	Average Measured Background Noise Level dBLA90.T	Average Measured Ambient Noise Level dBLAeq.T
1 The Hope Inn	07:00 to 18:00 M - F	45	54
2 Newhaven Marina	07:00 to 18:00 M - F	50	57
3 Cycle paths A259	07:00 to 18:00 M - F	49	53
4 Marine Drive FP	07:00 to 18:00 M - F	46	51
A Newhaven Marina	07:00 to 18:00 M - F	49	58
B Marine Drive	07:00 to 18:00 M - F	43	50

3.95 A summary of the night time baseline survey results is shown in Table 3

Table 3 - A summary of night time baseline noise survey results

Location	Assessment Period	Average Measured Background Noise Level dBLA90.T	Average Measured Ambient Noise Level dBLAeq.T
1 The Hope Inn	23:00 to 07:00 M - F	37	42
2 Newhaven Marina	23:00 to 07:00 M - F	37	48
3 Cycle paths A259	23:00 to 07:00 M - F	35	49
4 Marine Drive FP	23:00 to 07:00 M - F	28	42
A Newhaven Marina	23:00 to 07:00 M - F	46	
B Marine Drive	23:00 to 07:00 M - F	39	

3.96 LA90,T is the 'A'-weighted level exceeded for 90% of the time interval T, and is often used to describe the underlying background noise level and the 'A'-weighted equivalent continuous sound pressure level LAeq,T, is a notional steady level which has the same acoustic energy as the actual fluctuating noise over the same time period T. The 'A'-

weighting filter emulates human hearing response for low levels of sound.

Air quality

- 3.97 BAL commissioned Rural Planning Services (RPS) to undertake an air quality assessment associated with the proposed development which is included as the air quality report in Appendix 6.
- 3.98 The local authority, Lewes District Council (LDC), has declared an Air Quality Management Area (AQMA) due to elevated concentrations of nitrogen dioxide (NO₂) as a result of road traffic emissions. The designated AQMA incorporates '*Newhaven Town Centre, Southway, Northway, and sections of the A259 Brighton Road, Lewes Road and the swing bridge*'. The proposed development lies approximately 1 km southeast of the designated AQMA. No AQMAs have been designated in the area due to elevated concentrations of PM₁₀.
- 3.99 Monitors at urban background locations measure concentrations away from the local influence of emission sources and are therefore broadly representative of residential areas within large conurbations. Monitoring at local urban background locations is considered an appropriate source of data for the purposes of describing baseline air quality for the development site. In the vicinity of the site there are two local monitoring stations where urban background concentrations are measured using continuous automatic instruments and three sites where monitoring is undertaken passively using diffusion tubes. The measured concentrations at all the identified locations are well below the relevant EU Limit Values and Air Quality Strategy objectives for the protection of human-health.

Local highway network

- 3.100 BAL commissioned Cannon Consulting Engineers to carry out a transport assessment of the proposed development. Their report, the transport assessment is included as Appendix 7 and contained a description of the local highway network which is set out below.

- 3.101 The local highway network, principally comprises Beach Road (and Clifton Road), B2109 Railway Road, Drove Road, A259 and The Drove (A259). These roads can be seen on Figure 1

Beach Road (leading to Clifton Road)

- 3.102 Beach Road is subject to a 30mph speed limit, is street lit with pedestrian footways on either side of the carriageway and provides local access to the adjacent residential properties, to Newhaven Industrial Estate and to East Quay. Beach Road provides existing access for HGV to the existing industrial uses.

B2109 Railway Road

- 3.103 Railway Road is subject to a 30mph speed limit, is street lit with pedestrian footways on either side of the carriageway and provides direct access to the site via Clifton Road and Beach Road. It also provides access to Newhaven Rail Station, access to residential properties, Newhaven Industrial Estate and to East Quay. At its northern end the B2109 is segregated by Drove Road and the A259 (overpass). To the north-west of Drove Road the B2109 continues providing access on to North Quay Road.

Drove Road

- 3.104 Drove Road is predominately a two-way single carriageway, running parallel to Newhaven Port from east to west and is subject to a 40mph speed limit, and runs parallel to the A259. To the north east (via a mini roundabout junction), Drove Road provides access to the A26 New Road which runs north through North Quay and the Eastside Industrial Area.
- 3.105 To the east, Drove Road provides access to the adjacent retail outlets of Lidl, KFC, and Factory Outlet Village and at its most eastern point at the McDonalds Roundabout, Drove Road provides access to The Drove A259 and to The Drove Retail Park which comprises a McDonalds, B&Q, Pets at Home, Carpet Road and Halfords.

The application site and its surroundings

3.106 To the immediate west of its junction with Railway Road, there is a level crossing associated with Newhaven Town rail station and the sidings within the port, with pedestrian access into the station. West of the level crossing, Drove Road is two-way up to its access with Railway Approach and the B2109. West of Railway Approach, Drove Road becomes one-way joining The Drove A259.

3.107 Drove Road is street lit with pedestrian footways on either side of the carriageway and with bus stop facilities located adjacent to Newhaven Town rail station.

A259

3.108 The A259 is a two-way single carriageway running parallel to Newhaven Port from east to west and forms an overpass over Drove Road. The A259 is subject to a 40mph speed limit, and provides the main connection between the east side of the town and the town centre to the west of the port.

3.109 There are no pedestrian or cycle facilities along the overpass section (between the McDonalds Roundabout to the east up to the swing bridge crossing with the River Ouse) these are provided on Drove Road and from the swing bridge into the town centre.

3.110 To the west and beyond the swing bridge, the A259 forms a signalised gyratory referred to as the Newhaven gyratory (A259) with South Way A259 and North Way A259 around the town centre, providing access to West Quay and the Marina.

3.111 Advance signage is provided on the Newhaven gyratory relating to a 7.5 tonne weight restriction on the A259 towards Peacehaven.

The Drove (A259)

3.112 The Drove (A259), provides a dual carriageway link between the McDonalds Roundabout and the Avis Road B2109 roundabout junction. The Drove (A259) is subject to a 40mph speed limit, is street lit, with shared pedestrian / cycle facilities provided on both sides.

A26

- 3.113 The wider highway network comprises the A26 Strategic Road Network (SRN) connecting Newhaven with the A27 (which provides an east/west strategic route between Eastbourne and Brighton) to the north.

4 THE PROPOSED DEVELOPMENT

- 4.1 Whilst all the proposed development is of the nature permitted under either Class I of Part 7 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) - developments related to an industrial process, or Class B of Part 8 - dock, pier, harbour, water transport, canal or inland navigation undertakings, such rights do not apply if they have been restricted under Article 4 of the GPDO or if the development is confirmed to be EIA development (as defined in Regulation 2 of the EIA regulations).
- 4.2 An Article 4 direction was made on 23 November 1977 in respect of that part of the application site shown on Figure 2 (the Article 4 land) withdrawing the permitted development rights otherwise granted under what are now Class I of Part 7 and Class B of Part 8. That part of the development which is on land to the west of the Article 4 land, i.e. offloading of aggregates from sea going vessels, their storage and rehandling will be carried out under the permitted development rights which the statutory harbour authority and its lessees enjoy under Class B of Part 8.
- 4.3 The proposed development would be carried out in four stages; the first (Stage 1) being whilst that part of the application site shown shaded green on Figure 1 is occupied by Rampion Offshore Wind in connection with the development of a wind farm in the English Channel; the second (Stage 2) when that developer has vacated this land, probably in 2019; the third (Stage 3) to coincide with the new port access road being constructed and open to traffic; and the fourth (Stage 4) to follow development of Stage 3.
- 4.4 During the construction of each stage of development, the minimum of construction plant would be used, continuous flight auger piling techniques would be employed to minimise noise and any waste generated would be managed as described below. No more plant would be on site during the construction of a stage of the development than when it is in operation. The imposition of a planning condition requiring the submission, prior approval and implementation of a construction management plan is invited.

Stage 1 development

4.5 Stage 1 comprises the importation of unprocessed marine dredged sand and gravel, its off-loading and processing to produce construction aggregates, their distribution by road and rail and their bagging and distribution by road. The use of the rail for distribution would be maximised.

Infrastructure

4.6 The proposed infrastructure comprises:

- (i) water holding tanks and silt recovery facility;
- (ii) an aggregate processing plant, equipped with feed hopper, conveyors, and washing, screening, crushing and sand dewatering plant;
- (iii) aggregate storage bays formed from precast concrete wall segments secured to the ground;
- (iv) a series of feed hoppers, conveyors, weighing, bagging and palletising equipment mainly sited within an existing building (the warehouse); and
- (v) a weighbridge, office and welfare facilities.

4.7 The proposed layout is shown on Figure 8, the elevations of the processing plant on Figure 9, the bagging building and external feed hoppers and conveyors on Figure 10 and the weighbridge and site office building on Figure 11.

4.8 All steel structures, cladding and buildings would be colour treated as agreed with ESCC. All plant would be designed to be the minimum height practicable.

4.9 All the operating areas are either concrete or asphalt surfaced laid to falls with a purpose designed and built drainage system. The access road and rail track are in place and lighting towers are located mainly along the boundaries of the application site and are long established. Those towers and lighting would be retained. The application site boundaries are generally already secured by 1.8m high galvanised steel palisade fencing, which would be retained.

Site operations

Offloading and storage

- 4.10 Dredged sand and gravel would be imported by ship which would be tied up at the East Quay and the cargo offloaded on to the quay. Off loading during this stage would be carried out using an hydraulic excavator standing on the quay.
- 4.11 Offloaded materials would be either stored temporarily on the quay or loaded directly into dumptrucks and transported to the application site. As the offloading area would also be used by operators of other businesses at the port, the stored material would be moved as soon as is practicable and transferred to the aggregate bays on the eastern boundary of the site (see Figure 8).

Sand and gravel processing

- 4.12 Dredged sand and gravel would be fed into the processing plant by loading shovel via a feed hopper and conveyor and washed, graded and crushed as necessary and the coarse (stone) and fine (sand) products stored in bays where shown on Figure 8.
- 4.13 Water taken from NPP's on-site borehole would be used to wash the dredged sand and gravel and the water recirculated with the silt first being removed then reintroduced into the fine products.

Aggregate bagging

- 4.14 A photograph of the warehouse in which aggregate bagging would be carried out is shown in Figure 3. Filled bags would normally contain either 15kg (small bags) or 750kg (bulk bags) of material. The proposed layout of the bagging plant is shown on Figure 8 and external elevations on Figure 10. It would comprise:
- (i) a series of loading shovel fed feed hoppers with rising conveyors outside the building;

- (ii) semi-automatic bagging plants, comprising overhead aggregate storage with weigh gear beneath; and
- (iii) automatic heat sealing of small bags and pallet loading machinery.

- 4.15 Stored sand and stone would be loaded directly into the feed hopper by loading shovel and elevated to the overhead storage hopper. From there material would be discharged into a weigh hopper and thence a measured quantity would be discharged into bags.
- 4.16 Bulk bags would be handled by forklift truck but the small bags would be placed on pallets manually or automatically and then picked up by forklift which would transport them for storage where shown on Figure 8 to the north of the building.
- 4.17 A limited number of other aggregate products which are not readily available by sea going vessels (e.g. building sand) would be imported by road, generally in lorries returning from making deliveries.
- 4.18 The anticipated annual output would be 50,000 tonnes.

Stage 1 bulk and bagged aggregate distribution

- 4.19 It is estimated that approximately 100,000 tonnes of aggregates would be exported by road annually. 50,000 tonnes would be bagged and 50,000 tonnes in bulk.
- 4.20 Loading of material in bulk would be by loading shovel into tippers whilst bagged materials either in small bags on pallets or single reusable bulk bags containing would be by forklift truck on to flat bed lorries.
- 4.21 Once it is developed, all road going vehicles would leave the site via the weighbridge.
- 4.22 The estimated average payload for both tipper and flat bed lorries is 21 tonnes and over a 275 working day year this would result in a daily average of 17 loads being delivered resulting in 34 lorry movements

(17 in and 17 out), peaking at 8 movements per hour of which a maximum of 6 would be out.

- 4.23 Although no maximum would be set for distribution by rail, it is estimated that 100,000 tonnes of aggregates would be exported in bulk by rail annually. Stored products or products taken straight from the processing plant would first be loaded by loading shovel and transported by dumptruck and stored alongside the rail track where shown on Figure 8. The temporary stockpile, which would be the equivalent of a trainload, would be loaded into the waiting train by hydraulic excavator or high lift loading shovel.

It is not envisaged that more than two trains would arrive and leave in any one day.

- 4.24 The total aggregate processed during Stage 1 would be in the region of 200,000 annually.

Stage 2 development

- 4.25 In general the Stage 2 development would be little changed from the Stage 1 development. The extension of the available land would improve the efficiency of ship discharging and train loading as well as making more space available for aggregate storage. Again, the use of the rail for distribution would be maximised.

Infrastructure

- 4.26 All of the infrastructure developed or used in the development of Stage 1 would be retained.

- 4.27 The additional infrastructure would be as shown on Figure 12 as follows:

- (i) a feed hopper sited on the quay and a rising conveyor with a tripper discharge attached (see Figure 13);
- (ii) additional storage bays to accommodate dredged sand and gravel and imported crushed rock, mainly sub-base material;

- (iii) additional product storage bays in the south of the application site; and
- (iv) an extension of the rail track.

4.28 All steel structures would be colour treated as agreed with ESCC. All plant would be designed to be the minimum height practicable.

4.29 All new storage bays would be formed using similar precast concrete wall units to those used in the Stage 1 development. Any asphalt surfacing which is damaged would be replaced by concrete. As much of the existing lighting as is practicable would be retained.

Site operations

4.30 Whilst the processing, bagging and distribution by road operations would be unchanged, material handling when ship unloading and train loading would be much reduced with both economic and environmental benefits

4.31 In the main, the dredgers used to transport the sand and gravel to the quay would now be self discharge vessels which would transfer the aggregate direct to storage bays via a feed hopper on the quay and a tripper conveyor.

4.32 Crushed rock probably imported in vessels which are not self discharging would be rehandled before being placed in the feed hopper and transported by the tripper conveyor to the stockpile shown on Figure 12.

4.33 The extension of the rail track into the application site would enable wagons to be loaded by high lift loading shovel direct from the storage bays.

Stage 2 bulk and bagged aggregate distribution

4.34 When Stage 2 is in operation distribution by road would remain the same as in Stage 1 but it is predicted that aggregates exported by train could increase by an annual 50,000 tonnes. Hence the total aggregate processed during Stage 2 could rise to 250,000 annually.

Stage 3 development

4.35 Stage 3 comprises the additional manufacture of ready-mixed concrete from the processed sand and gravel, cement, cement substitute and additives. Operations would commence only after the new port access road is open to traffic. The proposed layout of the development site during Stage 3 is shown on Figure 14.

Infrastructure

4.36 The proposed infrastructure comprises:

- (i) a surface mounted feed hopper with an inclined radial conveyor designed to be fed by loading shovel;
- (ii) aggregate storage bins;
- (iii) cement and cement substitute silos;
- (iv) water storage tanks;
- (v) aggregate and cement weigh hoppers;
- (vi) a control cabin;
- (vii) a water recycling system;
- (viii) welfare facilities; and
- (ix) a storage area for consumables within which any cycles used by site personnel for travelling to work would be parked during the day.

4.37 Elevations of the proposed concrete batching plant are shown on Figure 15. All cladding shown would be Plastisol coated, profiled sheet steel with the truckmixer loading points only open at the front for lorries to manoeuvre. The control room, welfare building and store would be bespoke units with shutters fixed to windows to ensure security.

4.38 All steel structures, cladding and buildings would be colour treated as agreed with ESCC. All plant would be designed to be the minimum height practicable. The factor determining the capacity and height of the cement and cement substitute silos is the need to accommodate sufficient for at least 3 days use of each material to ensure continuous availability of these vital raw materials in the production process.

Site operations

Ready-mixed concrete

- 4.39 The basic operation of a concrete batching plant is the controlled discharge of measured quantities of sand, stone, cement (and cement substitute), any admixtures and water into a mixing unit with the mixed material being loaded in batches into a truckmixer waiting beneath.
- 4.40 Stored aggregates would be loaded into the feed hopper by loading shovel and from there they would be conveyed to the aggregate storage bins by radial conveyor which would feed into the bins, each containing a material of a particular grade.
- 4.41 Computer controlled from the control cabin, the required proportions of each grade of aggregate for a batch of concrete would be discharged into a weigh hopper and conveyed to the mixer. Cement and cement substitute, imported by road tanker and loaded pneumatically into the silos would be fed from the silos to the mixer by sealed screw conveyor via a weigh hopper.
- 4.42 Any required admixtures and water would be added and the batch would then be discharged to the truckmixer waiting below.
- 4.43 Whilst the principal source of supply of water for use in the production of concrete would be taken from NPP abstraction borehole, the use of recycled water would be maximised.
- 4.44 Recycled water would be derived from the following sources:
- (i) rainwater drainage from the paved area around the batching plant; and
 - (ii) water used in cleaning out truckmixers' drums at the end of the working day.
- 4.45 Rainwater would drain to the 'washout sump'. Truckmixers would be washed out into the 'washout bay' and water together with cement removed from the aggregate in residual concrete in the cleaning process would drain to the 'washout sump'. The water and cement

would then be pumped into the 'stirrer tank' where the solids would be constantly agitated and remain in suspension and clean water weired over and pumped to the water tank for use in concrete production.

- 4.46 The suspended solids would be allowed to settle and from time to time would be recovered, allowed to dry and removed from site. The aggregate from which the cement has been removed in the washing out process would be transferred from the 'washout bay' to the 'drying bay' and, once dry, reloaded into the aggregate bins together with the stored aggregate.
- 4.47 All site generated waste would be placed in standard wheeled and covered containers which would be emptied as and when necessary by waste collection contractors. Separate containers for waste for disposal and waste for recycling would be provided.
- 4.48 Annual output of ready-mixed concrete is predicted to be 25,000 cubic metres requiring 50,000 tonnes of aggregates. In general, the aggregates will be those processed and stored on site but, on occasions, special aggregates, e.g. lightweight aggregate and limestone would be imported by road.

Stage 3 bulk and bagged aggregate distribution

- 4.49 Once the new port access road is open to traffic, tight constraints on vehicle movements would be lifted enabling the business to grow organically. It is estimated that annual distribution of bulk aggregates by road would increase to 150,000 tonnes and bagged aggregates to 70,000 tonnes.

Table 4 : Total output of aggregates during Stage 3

Aggregates in bulk distributed by road (tonnes)	150000
Aggregates in bulk distributed by rail (tonnes)	150000
Aggregates in bags (tonnes)	70000
Aggregates in ready-mixed concrete (tonnes)	50000
Total aggregates (tonnes)	420000

Estimated lorry movements associated with Stage 3 development

Table 5 : Estimated lorry movements associated with aggregates in bulk

Annual output of aggregates in bulk (tonnes)	150000
Average payload (tonnes)	21
Annual loads of aggregates in bulk	7143
Annual lorry movements of aggregates in bulk	14286

Table 6 : Estimated lorry movements associated with bagged aggregates

Annual output of aggregates in bags (tonnes)	70000
Average payload (tonnes)	21
Annual loads of aggregates in bags	3333
Annual lorry movements of aggregates in bags	6667

Table 7 : Estimated lorry movements associated with concrete output

Annual output of concrete (cubic metres)		25000
Average payload (cubic metres)		6
Annual loads of concrete		4167
Annual concrete truck movements	A	8333
'Special' aggregate importation by road (tonnes)		1000
Average payload (tonnes)		25
Annual loads of 'special' aggregate		40
Annual 'special' aggregate lorry movements	B	80
Average cement and admixture content per cubic metre of concrete (kg)		300
Total cement and admixture used (tonnes)		7500
Average carrying capacity of vehicles importing cement and admixture(tonnes)		30
Loads of cement and admixture imported		250
Annual lorry movements associated with the import of cement and admixtures	C	500
Annual lorry movements associated with concrete output (A+B+C)		8913

Table 8 : Estimated lorry movements associated with Stage 3 development

Annual lorry movements of aggregates in bulk	14286
Annual lorry movements of aggregates in bags	6667
Annual lorry movements associated with concrete output	8913
Total annual lorry movements	29866
Working days	275
Average daily lorry movements	109

Stage 4 development

4.50

Stage 4 comprises the additional manufacture of concrete paving blocks from the processed sand and gravel, cement and additives. The proposed layout of the development site during Stage 4 is shown on Figure 16 and the elevations of the block-making building on Figure 17.

Infrastructure

- 4.51 The proposed infrastructure comprises:
- (i) a surface mounted feed hopper with an inclined conveyor designed to be fed by loading shovel;
 - (ii) an architect designed industrial building with administration offices within;
 - (iii) cement silos alongside the building;
 - (iv) water storage tanks;
 - (v) an aggregate batching system
 - (vi) 48 drop block paving plant;
 - (vii) a curing system;
 - (viii) a packaging and handling system; and
 - (ix) an external product storage area.
- 4.52 The proposed industrial building has been designed by commercial architects and the design concept is set out in Appendix 8. A lighting assessment for the area was submitted as part of the port extension application environmental statement and is included as Appendix 11.

Site operations

- 4.53 Stored aggregates would be loaded into the feed hopper by loading shovel and from there they would be conveyed to the industrial building by an inclined conveyor which would feed into a series of bins, each containing a material of a particular grade.
- 4.54 Cement would be imported by road tanker and loaded pneumatically into the silos.
- 4.55 The appropriate proportions of aggregate, cement and added pigment needed for a particular mix design would be drawn from storage and be weighed in a weigh hopper and transported to a planetary mixer for mixing to the correct consistency. Once these ingredients have been mixed, the material would be transported to a concrete block paving

block machine were the material would be placed in a mould and vibrated to produce 48 concrete block pavers.

- 4.56 These block pavers would then be transferred to a curing chamber to cure for a period of 24 to 48 hours. Once cured, the blocks would be sent through a packaging line and stacked into cubes on pallets and placed in the gravel surfaced product storage area for 14 to 28 days to reach their final strength.
- 4.57 Once the product has reached its final strength, it would be loaded by all-terrain forklift truck on to flat bed lorries for distribution to the end user.
- 4.58 The projected annual output is 100,000 tonnes of blocks requiring 80,000 tonnes of aggregates.
- 4.59 Hence when all four stages of the project are developed, the annual throughput of aggregates would be in the region of 500,000 tonnes.

Table 9 : Estimated lorry movements associated with concrete block output

Annual output of concrete blocks (tonnes)	100000
Average payload (tonnes)	21
Annual loads of concrete blocks	4762
Annual lorry movements of concrete blocks D	9524
Average cement and admixture content per tonne of concrete blocks (kg)	200
Total cement and admixture used (tonnes)	20000
Average carrying capacity of vehicles importing cement and admixture(tonnes)	30
Loads of cement and admixture imported	667
Annual lorry movements associated with the import of cement and admixture E	1333
Annual lorry movements associated with concrete block output (D+E)	10857
Working days	275
Average daily lorry movements	39

4.60 Hence, added to the daily average of 109 movements associated with Phase 3, the daily average movements would be 148 (79in and 79 out).

Hours of working

4.61 The hours of working would be different for the separate elements of the proposed development: ship docking, unloading and leaving; aggregate processing and bagging; and train loading. They would be as follows:

Ship docking, unloading and leaving (Stages 1, 2, 3 and 4)

As directed by the Harbourmaster as part of existing permitted port operations.

Aggregate processing, bagging and distribution (Stages 1, 2, 3 and 4)

Monday to Friday (excluding public holidays): 07:00 to 18:00
Saturday: 07:00 to 13:00

No deliveries would be made between 08:00 and 09:00 Monday to Friday

Train loading (Stages 1, 2, 3 and 4)

Monday to Saturday 06:00 to 20:00

Ready-mixed concrete production and distribution (Stages 3 and 4)

Monday to Friday (excluding public holidays): 07:00 to 18:00
Saturday: 07:00 to 13:00

Concrete block production (Stage 4)

Monday to Friday (excluding public holidays): 00:00 to 24:00

Saturday: 00:00 to 13:00

No external operations would be carried out between 22:00 and 07:00 hours the following morning.

Concrete block distribution (Stage 4)

Monday to Friday (excluding public holidays): 07:00 to 18:00

Saturday: 07:00 to 13:00

4.62 Only essential maintenance would normally be carried out outside these hours.

The control of noise and dust

The control of noise

4.63 The following noise control measures would be applied:

- (i) plant start-up alarms and sirens would be designed to avoid unnecessary off-site awareness;
- (ii) there would be no use of a tannoy system at the site;
- (iii) chutes and conveyor transfer points would be lined with appropriate noise reducing materials;
- (iv) screen decks would be constructed from noise (and wear) reducing materials;
- (v) acoustically lined cladding would be used where necessary to reduce noise emissions from fixed plant;
- (vi) unnecessary scraping of the loading shovel buckets on the ground would be avoided;
- (vii) all mobile plant and vehicles used would be serviced regularly, maintained in good working order and fitted with effective silencers;
- (viii) reversing beepers would not be used by plant or lorries operating at the site. A white noise or other approved device would be used instead;
- (ix) vehicle drivers would be advised that there should be no use of horns except for emergency purposes; and

- (x) the block-making building would be appropriately acoustically lined and all doors to the building would be closed and no external operations would take place between 22:00 and 07:00 hours the following morning; and
- (xi) the maximum hours of working would be restricted to those set out above.

The control of dust

4.64 The following dust control measures would be applied:

- (i) all combustion powered plant would be fitted with exhausts directed vertically upwards to prevent raising of dust at ground level;
- (ii) 'drop heights' of aggregates into hoppers, rail wagons and lorries would be minimised;
- (iii) all unsurfaced areas over which plant and vehicles are required to travel would be damped down with water using a towed water bowser equipped with a spray bar, when necessary, to reduce dust emissions;
- (iv) a speed limit of 10 mph would be applied to all plant and vehicles operating on the site;
- (v) all paved areas would be swept and cleaned routinely and additionally whenever necessary; and
- (vi) a site management plan would be prepared and implemented to establish a protocol for managing dust episodes which could become a nuisance to sensitive receptors if unaddressed.

4.65 The handling of bulk cement is classified as a prescribed process under *The Pollution Prevention and Control Regulations 2000* and a Local Authority Pollution Prevention and Control permit to operate would be sought before the batching plant was erected.

4.66 The following cement dust control measures would be proposed in the application for the permits for both the concrete batching plant and the block-making plant:

- (i) the cement (and cement substitute) silos would be filled by tankers generally delivering 30 tonnes of material. Flexible hoses attached to the tankers would be connected at ground level to continuous sealed steel pipes attached to the outside of the silo. Each silo would be equipped with audible and visual alarms, a reverse jet dust filter and a pressure relief valve;
- (ii) the maximum discharge pressure would be marked adjacent to each filling pipe and before the transfer of material takes place, all connections would be checked to ensure that they are secure. Filling of the silos would only be carried out under the supervision of a competent person and appropriate action would be taken in the event of malfunctions arising during the delivery operation. Further deliveries would not be permitted until faults are rectified if there are likely to be emissions to air;
- (iii) the transfer of cement from the silos to the weigh hopper would be by sealed screw conveyor, the integrity of the enclosing structure being checked weekly by visual inspection and repaired when breached;
- (iv) spray bars, which would provide a curtain of water around the loading point each time dry materials are discharged, would be fitted to the 'roof' of the loading point. Water would drain to the water recycling system;
- (v) any spillages of cement would be cleared up promptly using either wet handling techniques or a vacuum cleaning system; and
- (vi) effective preventative maintenance would be employed and staff would receive all appropriate training and instruction in their duties relating to control of the process and emissions to air.

4.67 Operations at the site would be controlled by planning conditions and compliance with them would be monitored as part of Brett's integrated management system.

Energy efficiency measures

4.68 The 'Be Lean' measures which would be employed on site to improve the energy efficiency of the fixed plant and buildings include:

- (i) energy efficient motors;
- (ii) belt speed control measures will be incorporated to optimise the electricity consumption;
- (iii) installation of sub-meters;
- (iv) power factor correction would be applied; and
- (v) the use of energy efficient lighting.

4.69 **Ecological mitigation and enhancement**

Vegetation and other areas likely to be affected and capable of being used by nesting birds will be cleared in the non-breeding season, or under supervision to ensure no nests are affected. Whilst not recorded in 2017, a precursor check for black redstart will be carried out if works with the potential to affect the species are programmed, especially if in the breeding season.

4.70 Other than the measures to avoid impacts on nesting birds outlined above, which is likely to be relevant to both the existing developed areas of the site and the vegetated shingle beach, the remaining impacts which require specific mitigation relate only to the vegetated shingle beach. As such, the following extracts are taken from Section 13.6 of the NPP ecological impact assessment (NPP EclA) in respect of the mitigation proposed for the vegetated shingle habitat itself and any reptiles that might be present would be carried out. For the avoidance of doubt, Brett does not have control of the area of 3.5ha mentioned below the establishment of a new nature reserve on which has been secured by a s.106 agreement associated with planning permission LW/15/0034,

'13.6.1 Ecological Mitigation and Management Plan (EMMP)

All mitigation measures proposed below would be incorporated and detailed in an overarching EMMP. The EMMP would be a live document that is produced to cover

the pre-, during and post-construction stages of the project. The EMMP would take into account any planning obligations and conditions attached to the project should consent be granted. The EMMP would be submitted to and agreed with LDC and other stakeholders, including the East Sussex County Council (ESCC) ecologist, SDNPA, Friends of Tide Mills and Sussex Wildlife Trust. The EMMP would include the principal requirements of mitigation including:

- Any necessary pre-construction ecological surveys;*
- An overall strategy for delivery of any mitigation proposed in this EclA and agreed with regulators as necessary; and*
- Production of a habitat creation and management plan for a new nature reserve to be created in the vicinity of the port.*

13.6.2 Loss of coastal vegetated shingle

The project has been designed to minimise the footprint (See Section 1 Introduction and Section 2) and thus the extent of the impact on the coastal vegetated shingle. However, due to the nature of the development it has not been possible to avoid the habitat altogether. The following mitigation measures are recommended:

- Target plant species shall be translocated from the area to be impacted to other areas of the same habitat nearby. These would be species that are present in the habitat affected but not in the receiving habitat;*
- Temporary fencing would be used to physically demarcate the working area from the remaining coastal vegetated shingle habitat and prevent access to the area;*
- All construction activities would take place within the fenced area and no plant or materials shall be stored outside of the area;*

- *An ECoW would oversee the erection and dismantling of temporary fencing to ensure compliance with the measures;*
- *Remaining areas of coastal vegetated shingle within the port area that are currently in unfavourable condition would be brought into active management; and*
- *An area of 3.5ha would be provided to establish a new nature reserve, which would include either the translocation or re-creation of coastal vegetated shingle. The amount to be translocated/re-created shall be determined in consultation with NE, SDNPA, Friends of Tide Mills and the County Ecologist (see Section 13.7). N.B. NE screened out coastal vegetation as a national or international concern during consultation, and was satisfied with local bodies being consulted as regards mitigation for this habitat. However, they did express interest in remaining involved due to the opportunities that may occur with regard to translocation of vegetated shingle not in an international or national nature conservation designation.*

Death or injury to common lizard and slow-worm and loss of habitat

The project has been designed to minimise the footprint and thus the extent of the impact on notable plant species. However, due to the nature of the development direct impacts are predicted to Area 6. The following mitigation measures are recommended:

- *A detailed strategy for the translocation of these species would be incorporated into an EMMP and agreed in consultation with LDC. The strategy would include:*
- *A pre-construction survey to validate the location and extent of areas being used by reptiles as identified in this EclA and any other notable plant species not previously identified; and to identify suitable receptor sites for the translocation of reptiles;*

- *A Precautionary Method of Working (PMoW) drawn up to provide details to the contractor of reptile-sensitive methods to be used during construction;*
- *Details of exclusion fencing around the works area where it falls within or in close proximity to known reptile habitat to be maintained throughout the construction period and removed post development under ecological supervision;*
- *Details of a reptile translocation that would aim to capture and relocate any reptiles within the works area (likely to require 30-60 days to complete);*
- *Identification of suitable habitat within the surrounding habitats where captured reptiles would be released as informed by the reptile survey results;*
- *Enhancement of the receptor area to be sufficient to receive an increased population;*
- *Enhancements to include the creation of log piles and hibernacula for shelter and alterations to management of grassland areas;*
- *The reptile capture area to be destructively searched by removing the top soil using a 360° excavator under ecological supervision; and*
- *Appropriate timings for translocation of captured animals, identification of receptor site and enhancement measures.*
- *The strategy would be informed by a finalised landscaping scheme for the port prior to being submitted to LDC’.*

4.71 The NPP EclA also set out the compensation and enhancement measures which would be associated with the creation of the new nature reserve and reference should be made to that document for details.

4.72 Other options for the enhancement of the application site such as the additional of bat and bird nest boxes would not appear to be applicable in this instance. The designs of the proposed buildings do not lend these to the addition of such features, which are typically designed to be installed on trees or into the fabric of a brick or stone building.

Similarly, the addition of a green roof to the existing warehouse would add significant weight to the overall structure and it is unknown if it would therefore be possible. However, the design of the block-making building with flat roof areas would enable green roof areas to be created.

Site lighting

- 4.73 Although lighting is generally already in place for Stages 1 to 3 and a lighting strategy has been submitted to cover the Stage 4 land, a condition similar to that imposed on the port extension permission (LW/15/0034) is invited to be attached to a planning permission. It states:

'17. No development shall take place until the developer has provided an agreed lighting scheme mitigating the environmental impact of all forms of artificial lighting from the development. The scheme is to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of the scheme within five years.'

The management of waste

Construction waste

- 4.74 The Site predominantly comprises hardstanding and disturbed ground. The proposals do not therefore require any large scale demolition or excavation works and waste management during construction would predominantly focus on excavated soil, the development of foundations and any other civil works.
- 4.75 Construction waste, for example spoil would be reused or recycled where feasible and will only be sent to landfill where no other options exist. For example, soil excavated from the foundation works can be reused as fill material during backfilling operations or other ancillary civil works providing it is free of contamination.
- 4.76 It is expected that minimum construction waste will be produced during the construction phase because, with the exception of the block-making

plant, the main structures for the developments including store rooms, offices, cabins, tanks and other plant, would be pre-fabricated structures (which are themselves recyclable) that are delivered to Site and installed on purpose built foundations.

4.77 During construction, subcontractors and suppliers will be encouraged to operate 'take-back' for packaging.

4.78 Throughout the construction phases of the Site, reference would be made to the Considerate Constructors Scheme and British Standard S906: 2005 Waste Management in Buildings - Code of Practice, to ensure that best practice guidance is applied.

Operational waste

4.79 All onsite waste management processes would be carried out in accordance with any planning conditions or permitting arrangements, and best practice guidance including the adopted waste hierarchy.

4.80 If any aggregates are contaminated as a consequence of their handling or loading shovels running over the edge of stockpiles, would if necessary be rewashed and remain as primary aggregates.

4.81 Any concrete returned to site for any reason would be recycled as described above.

4.82 As discussed above, water including rainwater would also be reused on site where possible to reduce the use of main water supplies in accordance with usual best management practice for concrete batching plants in the UK.

4.83 Any sub-standard or damaged blocks would, as appropriate, be transferred to an aggregate recycling facility.

Site generated waste

4.84 All Site generated waste would be placed in standard wheeled and covered containers which would be emptied as and when necessary by waste collection contractors. Separate containers for waste disposal and

waste for recycling would be provided; each would be kept in the vicinity of the offices and welfare buildings.

4.85 Internal recycling bins will be provided within the office areas for recyclable waste including, as a minimum, paper, metal, glass and plastic, and details of these facilities and how they can be used will be made available to staff to ensure sustainable onsite waste management objectives are adhered to.

4.86 Proper material storage areas will be established on site to minimise the damage to new materials. The segregation of waste on site will be implemented where there is sufficient working room and where the facilities exist locally in order to process the various waste streams segregated on site.

Employment Opportunities

4.87 The potential job opportunities which would be created by the four stages of development are tabulated below.

Table 10 : Total employment opportunities when Stages 1 and 2 only are operating

Aggregates in bulk production and distribution		
Ship unloading		1
Loading shovel drivers		2
Processing plant attendant		1
Supervision/Maintenance		1
Weighbridge clerk		1
Lorry drivers		3
Total associated with aggregates in bulk	A	9
Aggregates in bags		
Bagging plant attendants		2
Packaging plant attendants		2
Forklift driver		1
Lorry drivers		5
Total associated with aggregates in bags	B	10
Total employment Stages 1 and 2 (A+B)		19

Table 11 : Total employment opportunities when Stages 1, 2 and 3 only are operating

Aggregates in bulk production and distribution		
Ship unloading		1
Loading shovel drivers		2
Processing plant attendant		1
Maintenance		1
Weighbridge clerk		1
Lorry drivers		6
Total associated with aggregates in bulk	C	12
Aggregates in bags production and distribution		
Bagging plant attendants		2
Packaging plant attendants		2
Forklift driver		1
Lorry drivers		7
Total associated with aggregates in bags	D	12
Ready-mixed concrete production and distribution		
Loading shovel driver		1
Batching plant attendant		1
Truckmixer drivers		5
Total associated with ready-mixed concrete	E	7
Total employment Stage 3 (C+D+E)		31

Table 12 : Total employment opportunities when Stages 1, 2 3 and 4 are operating

Stages 1, 2 and 3 employment		31
Concrete block production and distribution (Stage 4)		
Production operatives		15
Secondary processing		9
Material handling		3
Forklift drivers		4
Ingate/Outgate control		2
Logistics manager		1
Lorry drivers		15
Site manager		1
SHE administrator		1
Operational administrator		1
Laboratory technicians		2
Sample operative		1
Sales office manager		1
Receptionist		1
Internal sales		3
Logistics/Transport		2
Total employment associated with concrete blocks	G	62
Total job opportunities generated by all four stages (F+G)		93

4.88 Hence, when all four stages of the proposed development are fully developed nearly 100 job opportunities would be created.

5 PRE-APPLICATION CONSULTATIONS AND STATEMENT OF COMMUNITY INVOLVEMENT

Introduction

5.1 Pre-application consultations comprised two elements:

- (i) the request for a 'scoping opinion' which, when received, outlined the environmental issues which ESCC and its consultees required to be addressed in the ES; and
- (ii) engaging with the community to discuss the draft development proposals, considering what amendments can be made to address any legitimate concerns and preparing a Statement of Community Involvement (SCI).

Scoping Opinion

5.2 ESCC confirmed by screening opinion, sought on 20 June 2017 and issued on 10 July 2017, that the proposals constituted EIA development and that an ES must be submitted under the Town & Country Planning Environmental Impact Assessment (England) Regulations 2011 and a Scoping Opinion was sought.

5.3 That opinion required the following issues to be addressed:

- (i) cultural heritage;
- (ii) ecology;
- (iii) flood risk;
- (iv) noise;
- (v) air quality; and
- (vi) traffic impacts.

5.4 The proposed development has been examined by experts in each of the above disciplines and their reports are included as appendices.

Statement of Community Involvement

5.5 Section 122 of the *Localism Act 2011* inserted new ss.61W and 61X into the *Town and Country Planning Act 1990* (TCPA 1990). s.61W

sets out the requirement for an applicant to consult the local community before an application is submitted and to take account of the procedural advice given by the planning authority. Section 61X requires that the applicant takes account of the responses made in that consultation process in the submitted proposals.

5.6 In accordance with Brett's long established approach and now in compliance with s.61W of TCPA 1990, Brett has carried out the following:

- (i) discussed the principle and outline details of the proposed development with planning and highways officers on several occasions over a period of a year;
- (ii) prepared draft proposals generally as outlined in the request for a scoping opinion submitted to ESCC on 26 June 2017;
- (iii) sought the initial recommendations of experts in the disciplines highlighted in the scoping opinion and other environmental issues on the draft proposals and incorporated any mitigation necessary;
- (iv) published a notice of the intention to hold a public exhibition of the draft proposals in local newspapers and an on-line publication;
- (v) written to county, district and town councillors and officers and the local Member of Parliament of the intention to hold the public exhibition;
- (vi) prepared and distributed a leaflet describing the draft proposals and further advertising the public exhibition;
- (vii) prepared display panels for the exhibition based on the leaflet but giving details of an indicative programme for the development and showing computer projected photomontages of views of the proposed development from public viewing points;
- (viii) held the exhibition, staffed principally by senior management of Brett;
- (ix) handed copies of the leaflet to each attendee and invited comment verbally, in writing or via a dedicated E-mail address; and

- (x) took account of the comments made in all forms in the preparation of the submitted proposals.

The public exhibition

- 5.7 The public exhibition was held on two days, Saturday 15 July (between 10:00 and 14:00 hours) and Monday 24 July 2017 (between 13:00 hours and 21:00 hours). Notice of the exhibition was given by placing adverts in the public notices section of the following publications:
- Haven News;
 - The Argos - Brighton; and
 - The Sussex Express.
- A copy of the notice is included in Appendix 12.
- 5.8 A personal letter was sent by Brett's Director of Lands and Planning on 6 July 2017 to the following:
- The local Member of Parliament;
 - Members and officers of East Sussex County Council;
 - Members and officers of Lewes District Council;
 - Members of Newhaven Town Council;
 - The Clerk of South Heighton Parish Council;
 - Directors of NPP;
 - The Harbourmaster; and
 - The Friends of Tide Mills
- 5.9 A copy of the letter template is included in Appendix 12 but the full contact list, with addresses, is withheld for data protection reasons.
- 5.10 A leaflet inviting readers to the exhibition was personally delivered by Brett's Senior Planning Manager to residents, businesses and Noah's Ark Nursery on Railway Road, Clifton Road and Beach Road. It was also delivered to properties on the western bank of the estuary, which overlook East Quay. In all about 400 leaflets were distributed. A copy of the leaflet is included in Appendix 12.
- 5.11 Both the Saturday and Monday exhibitions were staffed by, inter alia, Brett's Director of Lands and Planning; Brett's Senior Planning Manager and Brett's planning consultant, who one time was Brett's

Director of Planning. The display boards showed text similar to that contained in the distributed leaflet, a plan showing the location of the application site (similar to Figure 1), drawings of the 4 proposed stages of development (similar to Figures 9, 13, and 15 and to draft Stage 4 development drawing included in Appendix 12) and computer generated photomontages of views of the then proposed completed development from the public footpath to the east of the port and from the raised ground at Newhaven Fort (included in Appendix 12).

- 5.12 At the Monday exhibition, an additional board was displayed. It showed the area the subject of the recent NPP planning permission and a visualisation of the buildings identified in the planning application (content similar to Figures 2 and 5).
- 5.13 74 people attended the Saturday exhibition and 32 individuals or couples made written comments on the attendance sheets provided.
- 5.14 114 people attended the Monday exhibition and 31 individuals or couples made written comments on the attendance sheets provided.
- 5.15 The following summarises the issues raised in the written and anecdotal comments at the exhibition and later communications with both Brett and NPP.

Overview

- 5.16 There was much discussion about the need for the Port to be a vibrant facility and attract jobs and further development to create more employment and avoid people having to commute to Brighton and other towns for work.
- 5.17 On the Saturday, there was also a general recognition that Newhaven is an industrial town - rather than a quaint county town - and that this is the bedrock of its development. A number of people commented on the town not being part of the South Downs National Park and thereby missing out on the financial and protected status benefits that other areas of the region benefit from and a feeling that Newhaven has been let down. There was a strong consensus that Newhaven is very much

seen as the 'Cinderella of the South Coast' compared to Brighton and Eastbourne.

- 5.18 On the Monday, whilst many visitors stated the above view, others saw the future of Newhaven as being a tourist town with riverside cafés and bistros. Many members of the public focussed their concerns on the principle of development on the backshore of East Beach and the construction of the viaduct over the Brighton to Seaford railway line and Mill Creek both of which, to their surprise, are subject to valid planning permissions.
- 5.19 With regard to the proposed development, several attendees naturally wanted to know more about the project and extent to which it would have local impact as a consequence of noise and traffic movements and on visual amenity, the beach and the adjoining Tide Mills local wildlife site
- 5.20 Whilst there was almost total support for the projected employment opportunities creation, some who expressed total objection dismissed the potential 100 job opportunities as insufficient to warrant disturbance.
- 5.21 There was general support for the use of the railway to distribute aggregates but concern that it would cause level crossing closures during the day.

Community concerns

Aggregate Importation and concrete production

- 5.22 The principle of importation of aggregates and the production of concrete to serve the construction industry was an issue with a small minority of visitors. The reason was the use of cement, an essential raw material, to produce concrete as its manufacture produces a large amount of carbon dioxide, a greenhouse gas.

Noise and Dust

- 5.23 Concerns were raised over noise from aggregate handling and processing and the operation of the concrete block and batching plants. Many commented about the noise created by the adjacent scrapyard when loading ships and expressed concern that noise levels from the proposed development might add to that noise.
- 5.24 Dust was considered an issue when ships are being loaded with scrap and concern was raised about the potential for further dust generation by the proposed development.

Road traffic

- 5.25 Most attendees recognised there would be additional traffic movements and that this would have an impact Beach Road, Clifton Road and Railway Road and the Noah's Ark Nursery in the short term and one resident was concerned over possible damage to his house foundations from vibration and another home-owner anticipated noise and HGV movement concerns from tenants living in her property.
- 5.26 The principal concern, however was the traffic congestion in Newhaven and that adding more traffic, especially when the NPAR is open, would add to that congestion with exhaust emissions polluting the poor quality air still further.

Rail distribution

- 5.27 Whilst the reactivation of the rail siding was generally welcomed, increased closure of the level crossing on Drove Road, there were concerns that this could add to traffic congestion in the area.

The block-making building on the NPP port extension

- 5.28 Several questioned why the proposed concrete block-making plant could not be repositioned elsewhere in the Port, as the proposed location could restrict development adjacent to the new deep-berth Quay. There were also concerns over the visual impact of an industrial

building on what is currently backshore and views from Newhaven Fort and Tide Mills.

Community benefits

Job opportunities

- 5.29 The strongest focus of attention and support was the potential level of job creation. Most recognised that more local jobs are needed in Newhaven for the town's future success and welcomed the project creating new roles - as long as they are for local people and not 'parachute' jobs.

Port Development

- 5.30 Many welcomed the Port again becoming a vibrant and well-used facility and recognised that Brett would be only part of the overall development and that its operations would be within the Port site rather than spreading across new areas of land. It was widely recognised that the NPAR would open up new opportunities for port related and other development.

Response to community concerns

Aggregate importation and distribution and concrete production

- 5.31 The shortage of permitted reserves of land won sand and gravel in the county is well documented but this does not determine the level of demand for the material. The strategic economic plans and development plans for an area identify the planned growth within that area and this in turn sets the demand for aggregates. The Regeneris report in Appendix 8 confirms that Newhaven is one such growth point.
- 5.32 Aggregate is one of the main constituents of concrete; cement and cement substitute are the others. Concrete along with asphalt is a necessary material for construction projects. Whilst it is acknowledged that the heating process necessary for cement manufacture results in carbon dioxide being formed, this process is in no way part of the planning application (such operations are carried out at major

limestone and chalk quarries elsewhere in the country). Brett optimises the use of cement substitute, ground granulated blast-furnace slag (GGBS), in its quality assured concrete mixes.

- 5.33 Blast-furnace slag is a by-product of the manufacture of steel and the energy (and hence carbon dioxide) associated with preparation of the cement substitute is that used for grinding and processing the material and not heating it. Details of GGBS and its use as a cement substitute are included in Appendix 13

Noise and Dust

- 5.34 The noise and air quality reports in Appendices 5 and 6 respectively, assess thoroughly the potential impact of noise and dust emitted from the proposed operations. Baseline noise levels had been measured in the vicinity of the residences of those people who showed the most concern and projected noise levels from the proposed development calculated.
- 5.35 After taking account of the barrier effect of buildings and retaining walls and the noise control measures identified in Section 4, the calculations in Appendix 5 show that no significant adverse effects would result.
- 5.36 Noise from the overnight block-making operations would be mitigated by designing the building to include appropriate sound insulation and operating with doors closed. Also between 22:00 and 07:00 the following morning, no mobile plant would operate outside the building.
- 5.37 Dust control measures identified in Section 4 are those adopted at other Brett sites where similar operations are carried out. Brett's Safety, Health and Environment policies in Appendix 10 identify the company's overarching approach adopted for addressing such issues.
- 5.38 After taking account of the mitigation included in Section 4 above the air quality report concluded that the residual disamenity dust impacts and the PM₁₀ impacts on the surrounding area as a whole are predicted to be 'negligible' based on numerous pessimistic and conservative assumptions. This level of effect resulting from the

impacts is considered to be 'not significant'. On that basis no additional mitigation measures were considered necessary.

Road traffic

- 5.39 BAL's internal research shows that, as a guide, there is normally a pattern to lorry movements from its sand and gravel distribution sites. Loaded vehicles tend to leave in phases, shortly after the site opens, after drivers have had a breakfast break, before lunch and then in mid afternoon. These periods can be taken as 07:00-08:00, 09:00-10:00, 11:00-12:00 and 14:30-15:30 hours and do not correspond to the surrounding weekday highway network peak which is 0800-0900 hours and 17:00-18:00 hours. Hence, fears that additional lorry traffic once the NPAR is open adding to any peak hour congestion, do not appear justified.
- 5.40 During Stages 1 and 2, lorry movements on Beach Road, Clifton Road and Railway Road would be minimised. In order to avoid the peak time when children are being dropped of at Noah's Ark Nursery, BAL would accept a planning condition preventing loaded lorries leaving the site between 08:00 and 09:00 hours. The evening peak hour between 17:00 and 18:00 hours is later than lorries would normally be leaving in any event.

Rail distribution

- 5.41 As indicated in Section 4 above, it is estimated that 150,000 tonnes of aggregate would be delivered by rail once Stage 3 has been developed. The carrying capacity of each train would be approximately 1,250 tonnes resulting in 120 train loads per year, an average of less than 3 train loads per week.
- 5.42 The arrival and departing times would be determined by Network Rail but it is normal for aggregate trains to be scheduled so as not to coincide with peak time travel by rail, which coincides with peak time for travel by road.
- 5.43 Trains would remain on the development site or on nearby sidings and normally depart 4 hours after arrival.

The block-making building on the NPP port extension

- 5.44 The preparation of the photomontages for display at the exhibition highlighted that without sympathetic attention to the detailed design of the block-making building, it could stand out more than the buildings associated with the port extension and shown in the visualisation in Figure 5.
- 5.45 Consequently, BAL commissioned Corstorphine and Wright, a highly respected commercial architects practice (<https://www.corstorphine-wright.com>) to design the building to reflect and respect its surroundings. That design is included as Appendix 8 and extracts are included in the design and access statement in Section 6.
- 5.46 The new design provides a lower building which is reorientated to minimise the impact in views from the east and west and colour treated to fit more appropriately into the surroundings. At the same time, it would discreetly accommodate photovoltaic panels and a green roof area, specifically targeting black redstarts.
- 5.47 Recognising the overnight operations are proposed. as stated in Section 4 above, a planning condition similar to that imposed on the port extension planning permission is invited. It states:

'17. No development shall take place until the developer has provided an agreed lighting scheme mitigating the environmental impact of all forms of artificial lighting from the development. The scheme is to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of the scheme within five years.'

6 DESIGN AND ACCESS STATEMENT

Introduction

6.1 This statement should be read in conjunction with Figures 8 - 17 and Appendix 8.

Article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO) sets out purpose and the requirements of a 'Design and Access Statement' which must accompany certain planning applications. It states:

- '(1) Paragraph (2) applies to an application for planning permission which is for:
 - (a) development which is **major development**;
 -*
- (2) An application for planning permission to which this paragraph applies must, except where paragraph (4) applies, be accompanied by a statement ("a design and access statement") about:
 - (a) the design principles and concepts that have been applied to the development; and
 - (b) how issues relating to access to the development have been dealt with.*
- (3) A design and access statement must:
 - (a) explain the design principles and concepts that have been applied to the development;
 - (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
 - (c) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
 - (d) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and*

- (e) *explain how any specific issues which might affect access to the development have been addressed.*

6.2 The definition of 'major development' in Article 2 of the DMPO includes 'development carried out on a site having an area of 1 hectare or more'. With the application site exceeding this threshold, this application must be accompanied by a 'Design and Access Statement'.

Government guidance 'Making an application' includes a section entitled 'What is a Design and Access Statement?'. It states:

'A Design and Access Statement is a concise report accompanying certain applications for planning permission and applications for listed building consent. They provide a framework for applicants to explain how the proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users. Design and Access Statements can aid decision-making by enabling local planning authorities and third parties to better understand the analysis that has underpinned the design of a development proposal.

The level of detail in a Design and Access Statement should be proportionate to the complexity of the application, but should not be long.'

6.3 A large proportion of the development site would be used for the storage of aggregates, either in bulk or in bags and, hence, it is reasonable that the proposed development within that site should be considered to be of minor complexity. Access issues, which would be resolved once the new port access road is open to traffic are perhaps, more complex.

Summary of the stages of development

6.4 Stage 1 development (indicative commencement year 2018)

Off-loading aggregates at the existing berth on the East Quay and developing facilities on land behind the Quay, to enable sand and gravel to be off-loaded, processed, bagged and transported from site by rail and road. At this stage a daily average of 17 lorry loads would be exported by road with no more than 6 loads in any hour and restrictions self imposed to minimize any potential conflict with school and nursery drop-off and pick-up times. The use of the rail for distribution of aggregates in bulk would be maximised.

Stage 2 development (indicative commencement year 2019)

When Rampion Offshore Wind (ROW) relocates to elsewhere on the East Quay, using land, currently occupied by it in connection with the construction of the wind farm in the English Channel, a conveyor system would be installed and the rail siding extended to improve cargo discharge and rail loading efficiency and provide more space for aggregates storage. Output by road would remain unchanged.

Stage 3 development (indicative commencement year 2020)

Only when the new port access road is open to traffic, bypassing Railway Road, Clifton Road and Beach Road, increasing levels of aggregate processing and bagging and adding a ready-mixed concrete batching plant. From this time all traffic associated with the proposed development would use the new port access road.

Stage 4 development (indicative commencement year 2020)

Once the concrete batching plant has been developed, to complement and supplement its other plants in the South,

Midlands and Yorkshire, Brett proposes to add a concrete block-making plant on the southern extension of the East Quay, recently permitted.

The principles adopted for the allocation of land for each stage of the development

- 6.5 Aggregates would be off-loaded at East Quay where there is deep enough water to accommodate the class of dredger to be used. The only part of the quay available to Brett is immediately south of that part occupied for the storage and export of scrap metal. Consequently the off-loading point becomes fixed.
- 6.6 Processing of aggregates needs to be carried out as close as is reasonably practical to the source of supply but where there is sufficient space to accommodate not only the processing plant but also the bulk storage of 'ballast as dredged' and finished products.
- 6.7 The aggregate bagging plant, concrete batching plant and concrete block-making plant rely on aggregate stored near the processing plant. The bagging and block-making plants need large areas for storage of their products - bagging to ensure that disproportionately high Easter DIY demand can be met and blocks because of the product to gain strength over time before they can be used. Hence, these two operations require an area of land which is only available either to the north of the processing plant or on the NPP LDA area to the south. With the development of the bagging plant not reliant on the new port access road and required in the first stage of development and able to be accommodated in the existing warehouse, it has been allocated the storage area in the north of the development site.
- 6.8 The concrete batching plant requires only a relatively small area of land and can be accommodated close to the aggregate plant.

The design principles that have been applied to the Stages 1 - 3 development

6.9 The general principles adopted in designing the proposed development were as follows:

- (i) taking account of the areas of land as described above and optimising the use of the land to accommodate the operations proposed whilst ensuring that those operations can be carried out safely without significant impact on the local environment;
- (ii) optimising the use of the existing warehouse;
- (iii) taking full account of the industrial uses and general setting of the port;
- (iv) taking full account of the proximity of residential properties;
- (v) ensuring that sufficient aggregate storage capacity is available to ensure that dredgers importing the material can discharge their cargoes swiftly before returning to the dredging grounds;
- (vi) minimising the height and massing of plant structures and buildings without compromising the ability to carry out operations efficiently; and
- (vii) ensuring that advantage can be taken of existing and planned buildings at the port to maximise screening of the operations from public view.

6.10 Aggregate storage in bulk would be contained by pre-cast concrete 'A' frame wall units; which not only serve to retain the materials within a confined area but also form a 'push wall' to ensure the efficient use of rehandling plant. Aggregates stored immediately after being discharged from ships would be stored by a tripper conveyor in piles no higher than 12m but the product storage would be contained within walls no higher than 5m.

6.11 Aggregates in both large (850kg) and small (25kg) bags would be stored on pallets, generally no more than two pallets high (2.5m). Pallets would be aligned in rows according to product grade ensuring a tidy and orderly appearance to the stocking area.

- 6.12 The height of the aggregate processing plant would be as low as practical given that the washing screening and crushing process is in stages and generally relies on gravity to transfer material from one element of plant to the next.
- 6.13 Aggregate bagging is a basic operation with aggregate first stored by conveyor above a weigh hopper before being discharged into a bag below, which is then sealed and placed on pallets.
- 6.14 Much of the bagging operation would be carried out in the retained part of the industrial building and generally screened both visually and acoustically from public view.
- 6.15 The production of ready-mixed concrete relies on the simultaneous availability of various grades of stone and sand, cement and cement substitute, admixtures and water.
- 6.16 Separate storage is required on the plant for sand, 2 grades of stone and any aggregates (e.g. lightweight aggregates such as expanded clay) needed for special mixes of concrete. These materials would be stored in discrete aggregate bins which are conveyor fed.
- 6.17 Cement and cement substitute must be stored dry in sealed silos. The optimum shape of the silo is a vertical cylinder with a steep sided funnel at the base to enable the material to flow under gravity. It is conveyed to a weigh hopper by a steep angled screw conveyor and thence drops into a mixing unit. Aggregate is conveyed by belt conveyor to the weigh hopper and discharged into the mixer where water and admixtures are added before being dropped into a truck mixer for delivery to site.
- 6.18 The anticipated output dictates the amount of storage needed and hence the height of the individual elements of plant.

Colour treatment

- 6.19 Subject to ESCC approval, all elements of plant which are in the open would be colour treated RAL 9002, Brett's normal plant colour.

The design principles that have been applied to the Stage 4 development

Preliminary proposals displayed at the public exhibition

- 6.20 The preliminary proposals for the block-making building are shown in Appendix 12. The site layout showed the block-making building in a north/south orientation with a main office facility centrally sited adjacent to the plant. Parking was located to the western boundary of the application site. The remainder of the site was to be used for product storage.
- 6.21 Visually the preliminary proposals for the buildings were designed in a purely utilitarian form in simple shapes and volumes that reflected the space required to undertake the block-making activities within. Elevational views of these proposals as well as 3 dimensional visualisations are shown in Appendix 8.
- 6.22 The design development progressed with more clearly understanding the visual impact of the proposed building on its setting. A review of the siting and orientation of the block-making building, the form and massing, the scale and the choice of materials and colours to be utilised for the building was undertaken to improve the visual impact of the building upon its setting.

The architect's redesign of the building

Overview

- 6.23 The design development was influenced predominantly by alleviating and reducing the impact of the proposed development from the key views from the east, south and also the west of the application site.
- 6.24 While the design brief focused on maintaining the same building footprint to ensure functionality to the operations, the building envelope design was amended to take into effect the following design drivers;
- Re-orientate the building 90 degrees to reduce visual impact from the east and west;

- Introduce clear building articulation through building materials and building form;
- Reduce the height of the higher part of the building;
- Incorporate the office within the new building footprint;
- Introduce galvanised palisade fencing to the perimeter boundaries of the area as is permitted in connection with the port extension planning permission; and
- Adopt a material and colour palette sensitive to the locality.

Scale and massing

- 6.25 The need to provide sufficient functionality for operations within the proposed buildings sets the building heights. Reviewing these details more closely, the scale of the proposed buildings has been reduced from the original proposals. Although the foot print of the building remains the same, the height of the building has been reduced by 0.5m to the ridge line.
- 6.26 The design of the adjacent silos has also been reviewed and they are now no taller than the main building.
- 6.27 The proposed block-making facility is bounded by the River Ouse and new berthing facility to the west, by the proposed aggregate plant to the north, by the Seaford Bay to the south and by a vegetated shingle Site of Nature Conservation Importance to the east.
- 6.28 Particular attention has been placed on ensuring the massing to the east of the site is sympathetic in scale and detailing to the surrounding landscape. The design of the massing has considered modulation within the building form to break up the singularity of the mass into distinct areas to create a variety in the massing form introducing both vertical and horizontal elements.
- 6.29 The elevational treatment has been kept as clean industrial forms that have a strong simple shape and directness of expression. This is partly in response to the site conditions, where the architects are trying to relate to the open spaces and the direct structural expression of the locality and also the functionality of the building within.

- 6.30 The boundaries would be be fenced with 2.2m high galvanised fences and all access to this part of the site would be via a private access road that runs across the railway siding.

Appearance

- 6.31 The proposed building would be articulated with a number of building materials and finishes. The walls are envisaged to be constructed from a combination of metal cladding systems including corten steel mesh and other metal cladding and galvanised steel palisade fences. To the eastern facade these would be predominantly rustic brown in colour.
- 6.32 Natural light would be introduced into the building with glazed overhead skylights incorporated within the roof structure and also introducing aluminium curtain wall glazing units to the facades. For the eastern facade opaque panels are to be substituted to prevent internal light being visible externally during any overnight operations. Access into the main superstructure would be via metal roller doors.

Landscaping

- 6.33 Given the location of the block-making facility within the international sea port, the prevention of trespass is essential and the erection of a 2.2m high palisade fence is essential for security reasons. This fencing has already been approved as part of the port extension proposals.
- 6.34 This facility would be sited on the back-shore to East Beach where, as can be seen from the photographs in Appendix 1, vegetation is sparse and mainly ground covering rather than of a height which could soften the appearance of the fencing.
- 6.35 As the surface of the block-making facility would remain as gravel, with no areas of soil, no soft landscaping is proposed.

Approach to sustainability

BREEAM rating

6.36 At all stages, the detailed design, construction, use and maintenance of the building would meet the requirements of Table 7 : Minimum standards for a BREEAM (Building Research Establishment Environmental Assessment Method) 'Very Good' rating of the Building Research Establishment publication Technical Manual SD5076: 5.0-2014.

6.37 In order for the 'Very Good' rating to be confirmed, Table 7 sets the minimum standard to be achieved in the following:

Energy monitoring

- Energy metering systems are installed to enable energy consumption to be assigned to end uses.
- Sub-meters are provided for high energy load and tenancy areas.

Water consumption

- Reducing the demand for potable water through the provision of efficient sanitary fitting, rainwater collection and water recycling systems

Water monitoring

- Specification of a water meter/s on the mains water supply to encourage water consumption management and monitoring to reduce the impacts of inefficiencies and leakage

Responsible sourcing of materials

- Materials sourced in accordance with a sustainable procurement plan.
- Key building materials are responsibly sourced to reduce environmental and socio-economic impacts

Minimising impact on existing site ecology

- Recognition of steps taken to avoid impacts on existing site ecology.

Placing solar panels

6.38 As identified in the Energy report in Appendix 14, photo voltaic panels would be placed on the roof of the building. The system proposed to be adopted in relation to this building would require 32 solar panels. These solar panels are about 1.6m wide and x1.0m deep.

6.39 The roof space to the south-eastern area of the building could comfortably accommodate the panels which would be orientated to be facing south at a mounting angle of 30 degrees. The PV panels would be inset a minimum of 2.0m from the roof edges to allow accessibility and also to reduce any visual impact from this installation. It is considered such an installation would have little if any detrimental impact to the local setting.

Approach to 'Green Roof' design

6.40 Adjacent to the PV panels a green roof would be adopted, not only to reduce the visual impact of the building from afar but also improve the quality of sustainability of the building. Green roof systems provide storm water runoff mitigation by absorbing water and releasing it slowly over a period of time as opposed to a conventional roof that where storm water is immediately discharged.

6.41 Other benefits include

- Reduced energy and maintenance costs;
- Long roof life; protects against UV and weather damage;
- Provides a habitat for flora and fauna;
- No reflected heat and prevents sealed surface heat build up;
- Cools buildings in summer and insulates in winter.

6.42 The green roof habitat would be targeted at attracting the Black redstart.

The approach adopted as to access and relevant development plan policy

6.43 The approach taken towards the use on a long established port access route from the A259 to the application site is to make minimal use of it in Stages 1 and 2 and to divert all traffic on to a new port access road once it is open to traffic and Stage 3 is developed.

6.44 BAL commissioned Cannon Consulting Engineers to undertake a traffic study and prepare a transport assessment in connection with the proposed development. The assessment, included as Appendix 7:

- (i) describes the local roads and the surrounding highway network;
- (ii) identifies that both automatic traffic counts and junction turning counts were carried out at strategic locations in the vicinity of both the application site;
- (iii) reports the accident data for the area for the last 5 years;
- (iv) summarises, national, regional and local transport planning policy;
- (v) quantifies the traffic movements associated with the 4 stages of the proposed development; and
- (vi) assesses the traffic impact.

6.45 The relevant development plan policy which deals specifically with the impact of traffic on the local highway networks and access routes is WMLP Policy WMP 26 which states:

'Traffic Impacts

Proposals will be permitted where:

- (a) *access arrangements are appropriate or could be made suitable for the volume and nature of traffic generated by the proposal;*
- (b) *no unacceptable safety hazards for other road users, including cyclists and pedestrians, would be generated;*
- (c) *the level of traffic generated would not exceed the capacity of the local road network;*

- (d) *no unacceptable adverse impact upon existing highway conditions in terms of traffic congestion and parking would arise;*
- (e) *there are suitable arrangements for on site vehicle manoeuvring, parking and loading/unloading areas; and*
- (f) *adverse traffic impacts that would arise from the proposal can be satisfactorily mitigated by routeing controls or other highway improvements.*

Consideration of these matters should take into account existing and other planned development.'

6.46 In relation to WMLP Policy WMP 26, the transport assessment shows:

- (i) access arrangements are appropriate for all 4 stages of the proposed development;
- (ii) no unacceptable safety hazards for other road users would result as a consequence of the proposed development;
- (iii) the level of traffic during stages 1 and 2 before the new port access road is open to traffic and during Stages 3 and 4, when it would be the sole means of access to and from the main highway network, would not exceed the capacity of the local road network. The analyses took account of all known planned but as yet undeveloped projects in the vicinity of the application site;
- (iv) no unacceptable adverse impact upon existing highway conditions in terms of traffic congestion and parking would arise;
- (v) there are suitable arrangements for on site vehicle manoeuvring, parking and loading/unloading areas; and
- (vi) whilst it is considered that minor adverse traffic impacts would arise from the proposal during Stages 1 and 2 of the proposed development on Beach Road, Clifton Road and Railway Road, this impact would be eliminated once the new port access road is open to traffic.

7 THE ENERGY STRATEGY

7.1 The energy strategy prepared by RPS is included as Appendix 14. The report was prepared with reference to the national and local planning policy and a number of good practice documents. It addresses the planning requirements of an Energy Strategy and presents an outline of the planning policy requirements relevant to energy consumption within the development. The report includes an executive summary, important parts of which are set out below, identifies the outcome of the analysis of the requirements of an energy strategy and of computer modelling of the relevant input parameters:

7.2 The proposed development includes the development of an industrial facility for the importation and processing of sea dredged aggregates and the preparation of value added products. The site consists of 7 separate buildings in total. The remaining development structures, due to their industrial use as processing plants, are exempt from Building Regulations Part L; hence, they are not analysed within this report, which establishes how the site will achieve compliance with Building Regulations Part L and Local Authority requirements. This has been achieved by following best practice procedures of the Energy Hierarchy: be lean (improved building performance); be clean (centralised heating and cooling systems); and be green (use of low or zero carbon technologies).

Reducing carbon emissions through lean measures

7.3 To maximise the energy efficiency of the development and thus reduce the energy demands, the following design principles and features have been incorporated:

- Building fabric elements and glazing specifications significantly improved to the Building Regulation requirements.
- Reduced air permeability compared to maximum required standards.
- Specification of efficient heating services and control systems.
- Energy efficient lighting through the development.

- 7.4 It was identified in the energy strategy, through the modelling undertaken, that an 910.33kg (7.74%) reduction in CO₂ emissions could be achieved over the baseline emissions via the implementation of these energy efficient design aspects.

Reducing carbon emissions through clean measures

- 7.5 The inclusion of a site wide heating system was investigated. Potential options at the site included either connection to an area wide low carbon heat distribution network, a site wide heat network or a Combined Heat and Power (CHP) system. It was considered that the installation of either of these options was not practical.

Reducing carbon emissions through green measures

- 7.6 A low or zero carbon (LZC) technology feasibility study was completed as part of the Energy Strategy which compared the feasibility of different technologies based on the energy demand of the development. Based on this, it was identified that the most appropriate technology to meet its sustainability and energy targets, is the installation of Photovoltaic Panels to comply with the energy requirements for the site. It is proposed to install a total 52m² of PV panels on the roof of each building.
- 7.7 Based on the robust approach to the energy hierarchy, the development has exceeded the required sustainability and energy targets. The proposed strategy achieves a site wide total reduction of the regulated carbon dioxide emissions of 23.13% over Building Regulations 2013. Moreover, the development achieves a total reduction of 15.39% of its regulated emissions through the use of renewables on site.

Conclusion

- 7.8 Overall, the requirements of both East Sussex County Council and Lewes District Council to maximise energy efficiency, investigate the use of decentralised energy and use renewable energy onsite have been met. The modelling undertaken shows that both Building

Regulations 2013 and local authority planning requirements have been exceeded with respect to energy and CO2 reduction.

8 SUMMARY OF THE FLOOD RISK ASSESSMENT

- 8.1 BAL commissioned SLR Consulting Ltd (SLR) to prepare a hydrological and hydrogeological assessment of the proposed development and to prepare a site specific flood risk assessment. Its report, the flood risk and drainage assessment (FRDA) is included in Appendix 4
- 8.2 The assessment has been completed in accordance with national and local guidance with respect to assessing, managing and mitigating flood risk. The flood risk assessment not only considers flood risk to the site and site users, but also the potential for the proposed development to pose increased flood risk off-site and to third parties.
- 8.3 A detailed review of the potential sources of flood risk to the site has been considered (e.g. the potential for flooding to occur from river, tidal, groundwater, overland flow flooding etc.). Tidal and fluvial (river) flooding have been shown to pose the greatest risk to the site. The magnitude of flood risk, and the level of protection provided by existing flood defences has been identified. The potential effects of climate change on the frequency and extent of flooding has also been completed in accordance with current best practice guidance.
- 8.4 The proposed development, and its potential effects on flood risk has then been considered. It has been confirmed, and with reference to the National Planning Policy Framework and the National Planning Practice Guidance, that the site is considered 'water compatible' development and thus is an appropriate form of development at this location.
- 8.5 Safeguards have been proposed to ensure vulnerable site infrastructure (e.g. site weighbridge, offices and welfare facilities) is located above potential flood levels; this would also provide safe refuge for employees and contractors in the unlikely event this was required during a flood event.
- 8.6 It is also proposed that a site specific flood emergency plan is prepared and that the site subscribes to the Environment Agency flood warning service which would provide a minimum of 2 hours warning of a potential flood event occurring. Subject to these safeguards it is

Summary of the flood risk assessment

considered flood risk at site be appropriately managed and be managed in accordance with current best practice guidance. It has also be shown that runoff from the site would not increase flood risk to users of the site or to third parties.

9 DISCUSSION OF ALTERNATIVES

Legislative Context

9.1 Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 sets out the information for inclusion in Environmental Statements. Section 2 of the Schedule states that the ES should include: *'an outline of the main alternatives studied by the applicantand an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.'*

9.2 However, the *Planning Practice Guidance - Environmental Impact Assessment* updated on 28 July 2017 states:

'The 2017 Regulations do not require an applicant to consider alternatives. However, where alternatives have been considered, paragraph 2 of Schedule 4 requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied (for example in terms of development design, technology, location, size and scale) and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.'

9.3 Set out below is an assessment of the potential alternative locations for the proposed development at other ports in East Sussex and after rejecting them as unsuitable, alternative scales of the project and processes are considered.

Alternative locations

9.4 As described above, the proposed development includes, the importation of marine dredged aggregate, its processing and bagging and distribution by road and rail and the production and distribution of ready-mixed concrete and concrete paving blocks by road.

9.5 The discussion below demonstrates why other sites considered have been unable to produce aggregates on a comparable scale in order to

make a significant contribution to meeting the demand for aggregates and aggregate products in East Sussex.

- 9.6 Strategic objectives of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan - 2013 (WMLP) which covers the administrative areas of the three authorities (the Plan Area) are as follows:

‘SO2: To achieve prudent and efficient use of minerals, having regard to the market demand and supply restrictions in the Plan Area,’

‘SO3: To make timely provision for sufficient facilities for the production of minerals to meet forecast requirements for the Plan Area, in order tosupport the production of nationally and regionally important minerals.’

- 9.7 Paragraph 1.30 of the WMLP states:

Historically there has been low levels of extraction of 'land-won' sand and gravel in East Sussex, and imports of aggregates dredged from the seabed (known as marine aggregates) and crushed rock have been important in meeting local construction needs. Whilst there are several permitted sites for land-won aggregates, there are only two working aggregate sites.

One of these sites produces building sand and it is located in an area now within the South Downs National Park.

- 9.8 The only ‘land-won’ sand and gravel extracted in the county is from BAL’s quarry which straddles the East Sussex/Kent border at Camber/Lydd. It is therefore vital that in order for the forecast requirements for the Plan Area to be met, aggregates are imported into the county either ready processed or for processing. Transport of these materials can be by road, rail or sea.

Importation by road

- 9.9 Table 10 Imports of primary aggregates by sub-region in 2014 of the *Collation of the results of the 2014 Aggregate Minerals survey for England and Wales (AM2014)* confirms that, in that year, only 42,000 tonnes of aggregate were imported from quarries outside the county. This is less than 0.5% of the 1.2 million tonnes of aggregate consumed in the Plan Area in 2014 (Table 11- Consumption of primary aggregates by sub-region in 2014). Hence it can reasonably assumed that quarries outside the county will continue to make little contribution to meeting the demand within the Plan Area. Delivery from quarries further afield have been proved to be financially unsustainable.

Importation by rail

- 9.10 *The Aggregate Wharves and Rail Depots in South East England - Final Report* prepared for SEERA by MDS Transmodal Limited in 2007 showed that there is only one rail terminal in the Plan Area where aggregates can be imported.
- 9.11 That terminal is at the North Quay at Newhaven. However, it was reported as 'redundant' at the time of the report. As it is essential that the source of supply of aggregates is also rail connected, the opportunities for this railhead to make a significant contribution towards meeting the demand in the Plan Area, must be limited.

Importation by sea

- 9.12 With low production and remote reserves of sand and gravel both in and outside East Sussex and little contribution from rail borne supplies, the Plan Area must continue to rely heavily on the contribution of marine dredged aggregates in order to meet the commitment to ensuring an adequate and steady supply of aggregates is made (source paragraph 4.5 of the WMLP).
- 9.13 As confirmed in Table 2 of the *East Sussex, South Downs and Brighton & Hove Local Aggregate Assessment - December 2013 (LAA2013)* there are 10 'active' minerals wharves in the Plan Area. However,

practically all the marine dredged aggregate consumed is imported from outside the Plan Area.

9.14 WMLP policy WMP 4 affirms the need to ensure that an adequate supply of aggregates is available in the Plan Area and WMLP policy WMP 15 recognises the part that local wharves must play to achieve this.

9.15 As can be seen from *Table 10 - Imports of primary aggregates by sub-region in 2014* of AM2014, 650,000 tonnes of the marine dredged materials were imported from wharves outside the Plan Area (source - footnote 2 to Table 10 which states : *'2. In the case of sales of marine sand and gravel and crushed rock, imports are only shown where material has been moved outside the home sub-region [Plan Area]where the wharf is located.'*)

9.16 *Table 11- Consumption of primary aggregates by sub-region in 2014 of AM2014* shows that 657,000 tonnes of marine dredged materials were consumed in the plan Area in 2014. Thus in 2014, it is evident that only 7,000 tonnes of marine dredged sand and gravel, little more than 1% of that consumed, was actually landed and processed at wharves in the plan area.

9.17 Hence, not one of the 10 'active' minerals wharves in the Plan Area was able to make a significant contribution to meeting the demand for aggregates. These wharves are located at Newhaven, Rye and Shoreham and paragraph 4.15 of the WMLP which was adopted in February 2013 asserts that:

'Sand, gravel and crushed rock are landed by small vessels to the wharves at Newhaven, Rye and Shoreham port. Although some wharves have been mothballed and others are falling into disrepair, there is still a market for this material in the Plan Area, and it is still economically viable for operators to continue to import materials through the existing wharves.'

9.18 However, as is confirmed in paragraph 4.9 of LAA2013:

'The County Council has recently been advised of the closure of plant at Newhaven Port and that marine dredged aggregate imports have currently ceased from May 2013.'

- 9.19 It is evident that with a market for marine dredged sand and gravel of some 650,000 tonnes annually in the Plan Area and despite there being 5 'minerals wharves' on the North Quay at Newhaven supposedly able to supply this market (source Table 2 of LAA2013), even the last one of these operating could no longer do so economically.
- 9.20 The reasons for this are explained in the report prepared for BAL by Alexander Stanmore included as Appendix 15 (the Stanmore report) as due to shallow water and access restrictions, only small vessels can use the North Quay. The report asserts that such vessels are of only extremely limited availability and are apparently not being replaced by shipping companies.
- 9.21 The Stanmore report also shows that the port of Shoreham in East Sussex has shallow water, is used for general cargo and is not rail connected.
- 9.22 The wharf at Rye also suffers from shallow water, is not rail connected and is of insufficient area for processing and carrying out the value added operations proposed at the application site.
- 9.23 It is therefore evident that, with capacity for landing, processing and handling and associated storage of minerals at wharves in Newhaven being safeguarded by policy WMP15, the transition from safeguarded productive capacity to real productive capacity can only be achieved at East Quay where there is deep water, no river access restrictions and ample space to process landed aggregate.

Alternative scales of the project

- 9.24 The scale of the project, when fully built out, is established by the opportunities to displace aggregate imported from outside the Plan Area, thus enabling a greater degree of self sufficiency to be achieved. Also with the application site being rail connected, the opportunity of

supplying more distant markets by a sustainable mode of transport enhances that scale.

- 9.25 The deep water at the East Quay enables the largest dredging vessels to dock at all states of the tide.
- 9.26 Using BAL's associate company (Britannia Aggregates) dredger or DEME Building Materials' Charlemagne, cargoes of up to 10,000 tonnes of marine dredged aggregate can be carried and discharged over the wharf in about 4 hours.
- 9.27 The fact that all of the other wharves in East Sussex which have been supplied by smaller vessels which are not longer available or are being phased out by shipping companies, has confirmed that smaller scale operations are not financially viable.
- 9.28 Throughput would depend not only on the demand from construction projects in the local market area but the available opportunities to supply rail connected concrete batching plants from Newhaven. Market research and taking account of the need to ensure that no significant adverse environmental effects result, suggests that the throughput indicated above is the optimum and appropriate for the application site.

Alternative processes or equipment

- 9.29 The processing of sand and gravel, its bagging and the production of ready-mixed concrete are very basic processes which are not open to significant changes.
- 9.30 The processing operation involves washing the raw material, its separation into the required grades and crushing oversized material if and when necessary.
- 9.31 Over recent years, improvements have been made to the sand preparation process. Earlier methods involved merely separating the sand from the water and then removing the clay particles in the raw material in a dewatering process and removing the settled clay from site. Modern methods enable that clay, especially from the relatively

clean marine aggregates, to be reintroduced into the sand whilst still meeting the required specification. The latter type of plant would be utilised.

- 9.32 Bagging of aggregates involve handling and placing a predetermined weight of aggregate in a bag, its storage on pallets before being loaded on to lorries. No workable alternatives have been identified.
- 9.33 Whilst various companies manufacture concrete batching plants, the production principle remains the same. Aggregate is stored overhead and transferred in predetermined proportions to a mixer where cement and water are added before the mixed material is discharged into a truck mixer for delivery to customers.
- 9.34 The main variable is the amount of aggregate that is stored overhead. The unit selected takes full account of the output projected. Larger units only vary in height by 1 or 2m.
- 9.35 The plant housed within a sound insulated building is all state-of-the-art plant and machinery for the economic production of concrete paving blocks on the scale projected. This equipment is used within other Brett factories. No alternatives were initially considered.
- 9.36 This equipment dictated the general scale of the building in which it would be housed and a similar building to those erected at other Brett factories was included in photomontages of the proposed development at the public exhibition discussed in Section 5. It was clear from the public reaction that the building, as shown, was too intrusive so it was redesigned by a commercial architects practice to be more sympathetic to its surroundings and the backshore to the East Beach. The proposed new design is shown in Appendix 8.

10 SUMMARY OF THE ENVIRONMENTAL EFFECTS OF THE PROPOSED DEVELOPMENT

The procedure and methodology of the preparation of the Environmental Statement

Need for Environmental Impact Assessment (EIA)

10.1 The need for an Environmental Impact Assessment (EIA) was determined by ESCC having regard to Schedule 2 of the Town and Country Planning (EIA) Regulations 2017 under Section 10(g) – Construction of harbours and port installations including fishing harbours; and with reference to Schedule 3 ‘*Selection criteria for screening Schedule 2 Development*’, which takes into account the nature, location and characteristics of the proposed development.

10.2 An Environmental Impact Assessment (EIA) has been undertaken of the proposed development and an Environmental Statement (ES) has been prepared detailing the procedures and findings of the EIA. EIA constitutes a procedural tool for pursuing sustainable development objectives through the UK planning system. The purpose of the EIA is to identify and assess the significance of the potential environmental impacts of the proposed development in an objective and systematic manner. The ES is intended to inform decision-making in the determination of the planning application and ensure that the proposed land use is appropriate and sustainable.

10.3 This Environmental Statement (ES) has therefore been prepared having regard to:

- (i) The Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
- (ii) National Planning Practice Guidance - Environmental Impact Assessment - July 2017;
- (iii) The Institute of Environmental Management and Assessment publication ‘Guidelines for Environmental Impact Assessment’ (2004); and
- (iv) Pre-application discussions by Brett and its consultant team with ESCC, the Local Planning Authority (as the

Summary of the environmental effects of the proposed development

proposed development is a 'county matter' as defined in Schedule 1 to the Town and Country Planning Act 1990) as well as a range of other statutory and non-statutory consultees and relevant bodies.

- 10.4 As the various potential impacts were to be examined by experts from several specialist companies experienced in EIA, it was decided to prepare a single document entitled *Proposed Development at Newhaven Port - Planning Application and Environmental Statement*, with their reports appended for ease of reference. Brief summaries of the findings are given in this section but the formal submission comprises those reports in the appendices.

The Scope of the EIA

- 10.5 BAL undertook a scoping exercise to determine the terms of reference for the EIA and ES. It prepared an outline of the proposed development together with a draft transport statement and requested that ESCC sought views from its various consultees on the issues that needed to be addressed in the ES. Views were given on the following topics:

- (i) landscape and visual impact;
- (ii) biodiversity;
- (iii) cultural heritage;
- (iv) drainage and flood risk;
- (v) noise;
- (vi) air quality; and
- (vii) road transport.

- 10.6 Given the iterative nature of EIA, the scope of the ES has not remained fixed. It has continually evolved to take account of consultation responses, technical recommendations, and other considerations which have come to light throughout the EIA process.

- 10.7 The scope of the individual topic area assessments has been determined in accordance with best practice and guidance and the scope and methodology of each topic area assessment is explained in the relevant report.

Summary of the environmental effects of the proposed development

- 10.8 In order to comply with the EIA Regulations, the above considerations identified the need to:
- (i) carry out baseline studies;
 - (ii) identify any potential impacts which may arise as a result of the proposed development;
 - (iii) assess these potential impacts (by quantitative means where appropriate and practicable) to give an indication of their magnitude and significance;
 - (iv) advise on appropriate mitigation measures which would either eliminate or reduce any adverse effects to minimum practicable levels; and
 - (v) identify and assess any residual long-term impacts.
- 10.9 Each element has been carried out in connection with the topic areas listed in paragraph 10.5 above.
- 10.10 In following the procedure, where appropriate, consideration was given to positive and negative potential impacts; secondary and cumulative effects; and impacts in the short, medium and long term, including temporary and permanent effects.
- 10.11 In accordance with best practice and guidance, an EIA is required to consider the potential impacts arising during both the construction and operational phases of the proposed development.

Cumulative Impact Assessment

- 10.12 Schedule 4 to the EIA Regulations states that an ES must include a description of the likely significant effects of the development, including reference to possible cumulative effects. This refers to the potential cumulative impact with other developments which have not yet been built and are either in planning or consented and therefore do not already form part of the environmental baseline. In the main this relates to vehicle movements and this has been addressed in the transport assessment. The development considered included:

The Eastside Development (Planning Ref LW/11/0634)

Summary of the environmental effects of the proposed development

Outline application for mixed Use Development including 190 dwellings, 1,860 sqm of B1 Office, car parking, open space and access (including details of the NPAR)

The Eastside Development (Planning Ref LW/11/0635)

Full application for port access roads, retail foodstore, petrol filling station, parking spaces, service area and associated landscaping.

The Former Parker Pen Factory (Planning Ref LW/14/0188)

145 dwellings, car parking, servicing and access

The Offshore Rampion Wind Farm (Planning Ref LW15/0373)

The onshore operations including a maintenance facility, parking, storage, loading and unloading facilities

Land West of Beach Road Development (Planning Ref LW/17/0205)

81 bedroom hotel, 14 houses, 144 sqm of B1 Office, a multi-storey car park, ground floor parking and access

Plots 6 & 7, North Quay Road, Newhaven Development (Planning Ref PS/2016/1680)

Proposed installation and operation of an asphalt plant, concrete batching plant, gulley waste plant, and ancillary development.

Establishing Baseline Conditions

10.13 Baseline data were obtained from:

- (i) a combination of published information sources;
- (ii) non-confidential data supplied by the various organisations consulted; and
- (iii) additional fieldwork specifically undertaken for this EIA.

The impact assessments each contain a detailed description of the baseline environmental conditions that are pertinent to each individual topic area and types of impact under consideration.

Assessment of Impact Magnitude and Significance

- 10.14 Methodologies for predicting the nature, extent, magnitude and significance of environmental impacts vary according to the topic area being considered. The methodology for predicting impacts is explained in each report.
- 10.15 Quantitative methods can make reference to thresholds and indicative criteria set out within Government or professional regulations and guidance. Where quantitative criteria are not available or not appropriate, qualitative methods have been adopted which rely on previous experience and professional judgement.
- 10.16 The objective of prediction is to determine the magnitude and other dimensions of identified change in the environment *with* a project action in comparison to *without* the same project or action. The assessment of significance gives context to the predicted impact and makes a judgement of the severity of the impact on a particular environmental receptor. Significance is generally a function of impact magnitude and the importance/sensitivity of the resources or receptors. Whilst the methods for determining impact significance can vary according to the topic area considered, the underlying principles remain consistent. The assessment of significance generally takes into consideration all or a combination of the following factors:
- (i) geographical extent;
 - (ii) rate of change;
 - (iii) reversibility of impact;
 - (iv) probability of impact;
 - (v) duration of impact;
 - (vi) size and magnitude of impact; and
 - (vii) sensitivity/importance/substitutability of receptor.
- 10.17 The criteria for the assessment of significance has been selected and applied in accordance with published guidance. Such guidance represents the industry standard method for assessing potential impacts and is consistent with EIA best practice. The published guidance used in the undertaking of the assessments is referenced, where appropriate, in each topic area report. Where published

Summary of the environmental effects of the proposed development

guidance or criteria are not available the chosen method for assessing impacts and their significance is explained in detail to ensure transparency.

Stakeholder and Public Consultation

- 10.18 The EIA has been accompanied by a comprehensive programme of stakeholder and public engagement and consultation. This engagement process has served to inform environmental stakeholders and local residents and provide them with opportunities to express their views and contribute to the elaboration of the development proposals prior to submission of the planning application. The consultation process and feedback from it is described in Section 5 above.

Mitigation

- 10.19 The development proposals have evolved mainly in response to the findings of technical assessments and the application of experience. Various iterations have been produced incorporating measures to avoid, reduce and remedy any adverse environmental impacts and to enhance the environmental benefits of the scheme.
- 10.20 In this way the EIA process and its accompanying consultation programme have served to shape and refine the site design, by simultaneously identifying and addressing potential adverse effects, issues or constraints and effectively ensuring that they are 'designed out' of the scheme as far as practicably possible.
- 10.21 Any impacts that cannot be adequately mitigated through considerate site design have been or will be addressed through a combination of operational methods and techniques, best working practices or specific strategies or action plans implemented as part of the scheme and monitored as part of BAL's integrated management system, certified to: *ISO 14001; BES 6001; and ISO 9001* which is implemented at all Brett sites and would be implemented at Newhaven Port. All proposed mitigation measures are discussed and documented within the relevant topic report.

Summary of the environmental effects of the proposed development

- 10.22 The end result of the participatory, integrated and iterative EIA and site design processes is that, at the time of applying for planning permission, it is considered that the negative environmental impacts of the proposed scheme have been reduced to the lowest practicable levels consistent with the overall project objectives.

Assessment of Residual Impacts

- 10.23 The ES is required to demonstrate the extent to which the significance of each adverse impact has been offset by the mitigation measures proposed, or in other words the 'effectiveness' of the mitigation measures. Therefore each technical assessment where appropriate, has sought to assess the significance of each particular 'unmitigated' impact as well as the significance of the impact once mitigation has been applied, also known as the 'residual' impact.

Summaries of Experts' Reports

- 10.24 Where appropriate, matrices have been used in the reports to determine the significance of an impact and present an easy read summary. The qualifications of the reports' authors and the sources of information are identified in each report.
- 10.25 For the avoidance of doubt, the assessment of the environmental effects of the proposed development is contained within each topic report in the relevant appendix.

Landscape and visual amenity

- 10.26 BAL commissioned Bright Associates to carry out a landscape (townscape) and visual impact assessment of the proposed development. Their report, the LVIA is included as Appendix 1.
- 10.27 The LVIA was carried out in adherence with industry guidelines and best practice including the GLVIA Third Edition. The Methodology is outlined in Section 3 of the report. Given the type and scale of development involved, a study area of approximately 3km from the Site boundary was adopted which was judged to be a suitable distance to assess the baseline (i.e. landscape setting character, landscape

designations) and within which viewpoint locations have been identified.

Landscape setting

10.28 The baseline situation of the Site and environs has been evaluated and described. The Site is located on the eastern side of Newhaven harbour which is used for mixed industrial and port activities close to the mouth of the River Ouse. Industrial buildings (sheds) are situated in the eastern part of the Site and there are large areas of concrete hardstanding to the north and south of the buildings.

10.29 The Site already constitutes existing development of similar land use to that being proposed and due to the consented Port Authority extension area. In addition, the Rampion building which is currently under construction and is adjacent west of the Site

Landscape Character effects

10.30 At a national level, the Site is located on the edge of the South Downs National Character Area (NCA) No.125. The proposed development is not of a scale whereby it would notably modify any key characteristics (due to size and diversity) of this particular NCA. Under 'Drivers of change', it is noted that there is scope for '*well-designed developments that contribute to landscape and settlement character ...*'

10.31 With respect to The East Sussex Landscape Character Assessment (2016), Local Landscape Character Areas (LLCA) are identified and divided into 'County Landscape Character Areas' and 'Urban Areas'. In principle, two LLCAs apply to the Site, namely the **Firle Bishopstone Downs LLCA No.21** (County Landscape Character Area) and the **Newhaven LLCA No.34** (Urban Area). However, the scale of mapping and analysis undertaken as part of the 2016 review may have resulted in an error regarding the boundary between the two LLCAs in so far as it affects the Site. This has been examined further and taking account of the existing landscape setting and characteristics of the Site and environs, it is evident that it should be categorised within Newhaven LLCA No.34. It should be noted that the review of The East Sussex

Summary of the environmental effects of the proposed development

Landscape Character Assessment (2016) was published prior to several recent planning permissions in the vicinity.

- 10.32. With respect to direct effects on landscape character, the Site has an industrial character and features existing buildings including sheds, porta cabins and large areas of concrete hardstanding. Stage 4 of the Proposed Development will be located within the consented Port Authority extension area.
- 10.33 For Stage 1 to 3, given the type and scale of development, there will be virtually no effect on the existing baseline situation, in terms of landscape character and quality. Due to the **Low** landscape sensitivity, there will be a **Negligible** magnitude of impact and significance of effect. In Stage 4, there will be a slight effect on landscape character albeit within the context of permitted development i.e. the Newhaven East Quay and Port Expansion Area (reference LW/15/0034) which has already established the principle of development in this part of the Newhaven LLCA. However, **Negligible** magnitude of impact and significance of effect will be relevant.
- 10.34 The same ratings would apply to the indirect effects on the landscape character of the **Firle Bishopstone Downs LLCA No.21** which is assumed to directly adjoin the Site on its eastern boundary.

Landscape designations

- 10.35 The Site is not located within a statutory or non-statutory designated area.
- 10.36 The South Downs National Park has a **Very High** sensitivity given its designation, although due to the geographic location of existing and permitted development along the River Ouse at Newhaven, the core central areas such as open downland etc. are found at some distance from the Site. Accordingly, the sensitivity in this instance is rated as **Medium to High**.
- 10.37 Potential effects resulting from Stage 1 to 4 of the Proposed Development will be restricted in such areas, given the type and scale of each Stage involved and in light of the current baseline situation.

Summary of the environmental effects of the proposed development

10.38 For Stage 1 to 4, there would be a **Negligible** magnitude of impact and significance of effect.

Visual effects

10.39 It was determined that the likely effects on visual receptors is limited during Stage 1 to 3, and the magnitude of change from the baseline situation ranges broadly from **Negligible** to **Small**. The latter would typically apply when new or additional elements are introduced which would constitute only a minor component of the wider view and such changes would not affect the overall quality of the scene. In all such cases, significance of effect was **Moderate** or more commonly lower and the nature of effect was **neutral**.

10.40 Higher levels did occur in relation to Stage 4 due primarily to the concrete block plant (building) which resulted in a **Small-Medium** or **Medium** magnitude of change. A **Moderate** significance of effect was determined for Viewpoint location 3: From car park near Fort Newhaven (for visitors and residents). Otherwise significance of effect was lower and **in all cases**, the resultant nature of effect was **neutral**.

10.41 Field work undertaken as part of the LVIA found that the following aspects are of importance and limits the potential effects resulting from the Proposed Development:

- The Site has **existing industrial uses** which are also found in close proximity;
- The Site is located in an **area of low lying land which includes the port area**. Consequently, potential views of the Proposed Development can be obscured due to existing built form and due to the lack of elevated views to the north and north-west of Newhaven;
- The **existing land uses found along the River Ouse in Newhaven** are an important factor for views east of the Site. The Proposed Development will be seen within the existing port area and given the location of Stage 1 to Stage 3, elements such as the aggregate processing plant and cement silos etc. are seen against a back

drop of rising ground comprising trees, open grassland and primarily residential development, on the western side of the River Ouse;

- In Stage 4, **the concrete block making plant (building) will be arranged on an east to west alignment** and close to the other Stages of the Proposed Development. Palisade fencing will filter direct views of the lower elevations of the building and the storage areas. The cladding of the building will primarily be brown in colour on the eastern and southern façades. For easterly views (close and medium range), the difference in colour offers a break in the overall mass of the industrial buildings currently found in the port area. It will mitigate the coalescence of the existing building style and will be more visually appealing. Stage 4 will replace the developable area identified through the consented Port Authority extension area and although exact details regarding the built form of the latter are not currently available, it is reasonable to assume that other buildings would be constructed up to the southern boundary; and
- With respect to potential views from the **South Downs National Park**, given the type and scale of development, industrial land uses established in the port area, combined with the lack of elevated locations; only limited views of Stage 1 to 4 of the Proposed Development would be available. Furthermore, potential views from the edge of the South Downs National Park might be considered not as sensitive to those in less modified landscapes at further distance from coastal areas and industrial development.

Landscape Capacity

- 10.42 Landscape capacity relates to the landscape character sensitivity as well as value and is also informed by the effects upon the visual amenity.
- 10.43 The proposed development would be located in the port area and the effects such as they have been predicted will bring about a change to

Summary of the environmental effects of the proposed development

the Site. The proposed aggregate processing plant, concrete block plant (building), conveyors and cement silos etc. will be in keeping with existing industrial uses. These are of a type and scale which will adhere to existing land uses and the identified effects are not overbearing upon the current features of landscape value or in visual terms.

- 10.44 In this regard, it can be concluded that there is sufficient 'capacity' to enable the proposed development without significant **adverse** effects to both the character and value of the adjoining landscape.

Biodiversity

- 10.45 BAL commissioned Bioscan (UK) Ltd to carry out a study of the baseline ecological interest in and around the site, review the proposed development, assess the unmitigated impact and to recommend mitigation where necessary. Their report (the Bioscan report) is attached as Appendix 2.

- 10.46 The Bioscan report:

- (i) sets out the survey methodology;
- (ii) establishes the baseline conditions;
- (iii) evaluates the baseline interest and identifies the key receptors;
- (iv) sets out the impact assessment methodology;
- (v) assesses the likely significant effects in the absence of mitigation;
- (vi) describes the mitigation and enhancement;
- (vii) reviews development policy, and
- (viii) assesses the residual effects.

- 10.47 The survey methodology and baseline conditions are described in Section 3 above.

- 10.48 The assessment methodology followed as far as possible the guidelines produced for ecological impact assessment by the *Institute for Ecology and Environmental Management*. It involved:

Summary of the environmental effects of the proposed development

- (i) identification and evaluation of key receptors;
- (i) determining the sensitivity of key receptors;
- (iii) defining the impact magnitude;
- (iv) assessing the significance of effects; and
- (iv) defining the impact prediction level of confidence.

10.49 The principal legislation is identified as the Wildlife and Countryside Act 1981 (as amended) (WCA) and the Conservation of Habitats and Species Regulations 2010 (as amended) which update the Conservation (Natural Habitats &) Regulations 1994 (as amended) and implement the EC Habitats Directive. Some animals are protected under separate legislation (e.g. the Protection of Badgers Act 1992).

10.50 The presence or absence of the following key receptors was examined:

- (i) international;
- (ii) national;
- (iii) regional/county;
- (iv) district/borough;
- (v) parish/local.;
- (vii) within zone of influence only (which might be the project site or a larger area)

10.51 It was found that the key receptors are as follows:

International/national importance

The nearest statutory sites are some 400m distant, on the opposite side of the River Ouse and there is no conceivable impact vector to them in the light of existing port uses. They are thus screened out of any further assessment.

County importance

Tide Mills SNCI - No statutory protection but afforded local policy protection (e.g. under Core Policy 10 in the adopted Joint Core Strategy)

Site/immediate zone of influence importance

Reptiles (e.g. common lizard) - All species with the potential to occur on the site are protected under WCA1981 and are Species of Principal Importance

Nesting birds - All nesting birds protected under WCA1981 with black redstart subject to special protection as a Schedule 1 species. Dunnock, starling and house sparrow are Species of Principal Importance

- 10.52 The Bioscan report presents a matrix of the likely significant effects on those sensitive receptors in the absence of mitigation but then describes that mitigation and enhancement which is part of the proposed development. It is as follows:
- 10.53 Vegetation and other areas likely to be affected and capable of being used by nesting birds would be cleared in the non-breeding season, or under supervision to ensure no nests are affected. Whilst not recorded in 2017, a precursor check for black redstart would be carried out if works with the potential to affect the species are programmed, especially if in the breeding season.
- 10.54 Other than the measures to avoid impacts on nesting birds outlined above, which is likely to be relevant to both the existing developed areas of the site and the vegetated shingle beach, the remaining impacts which require specific mitigation relate only to the vegetated shingle beach. As such, the mitigation described Section 13.6 of the NPP application ecological impact assessment in respect of the mitigation proposed for the vegetated shingle habitat itself and any reptiles that might be present would be carried out. It too is introduced into the proposed development.
- 10.55 However, For the avoidance of doubt, Brett does not have control of the area of 3.5ha mentioned below which NPP agreed to provide to establish a new nature reserve,

'13.6.1 Ecological Mitigation and Management Plan (EMMP)

All mitigation measures proposed below would be incorporated and detailed in an overarching EMMP. The EMMP would be a live document that is produced to cover the pre-, during and post-construction stages of the project. The EMMP would take into account any planning obligations and conditions attached to the project should consent be granted. The EMMP would be submitted to and agreed with LDC and other stakeholders, including the East Sussex County Council (ESCC) ecologist, SDNPA, Friends of Tide Mills and Sussex Wildlife Trust. The EMMP would include the principal requirements of mitigation including:

- Any necessary pre-construction ecological surveys;*
- An overall strategy for delivery of any mitigation proposed in this EclA and agreed with regulators as necessary; and*
- Production of a habitat creation and management plan for a new nature reserve to be created in the vicinity of the port.*

13.6.2 Loss of coastal vegetated shingle

The project has been designed to minimise the footprint (See Section 1 Introduction and Section 2) and thus the extent of the impact on the coastal vegetated shingle. However, due to the nature of the development it has not been possible to avoid the habitat altogether. The following mitigation measures are recommended:

- Target plant species shall be translocated from the area to be impacted to other areas of the same habitat nearby. These would be species that are present in the habitat affected but not in the receiving habitat;*
- Temporary fencing would be used to physically demarcate the working area from the remaining coastal vegetated shingle habitat and prevent access to the area;*

Summary of the environmental effects of the proposed development

- *All construction activities would take place within the fenced area and no plant or materials shall be stored outside of the area;*
- *An ECoW would oversee the erection and dismantling of temporary fencing to ensure compliance with the measures;*
- *Remaining areas of coastal vegetated shingle within the port area that are currently in unfavourable condition would be brought into active management; and*
- *An area of 3.5ha would be provided to establish a new nature reserve, which would include either the translocation or re-creation of coastal vegetated shingle. The amount to be translocated/re-created shall be determined in consultation with NE, SDNPA, Friends of Tide Mills and the County Ecologist (see Section 13.7). N.B. NE screened out coastal vegetation as a national or international concern during consultation, and was satisfied with local bodies being consulted as regards mitigation for this habitat. However, they did express interest in remaining involved due to the opportunities that may occur with regard to translocation of vegetated shingle not in an international or national nature conservation designation.*

Death or injury to common lizard and slow-worm and loss of habitat

The project has been designed to minimise the footprint and thus the extent of the impact on notable plant species. However, due to the nature of the development direct impacts are predicted to Area 6. The following mitigation measures are recommended:

- *A detailed strategy for the translocation of these species would be incorporated into an EMMP and agreed in consultation with LDC. The strategy would include:*
- *A pre-construction survey to validate the location and extent of areas being used by reptiles as identified in*

Summary of the environmental effects of the proposed development

this EclA and any other notable plant species not previously identified; and to identify suitable receptor sites for the translocation of reptiles;

- A Precautionary Method of Working (PMoW) drawn up to provide details to the contractor of reptile-sensitive methods to be used during construction;*
- Details of exclusion fencing around the works area where it falls within or in close proximity to known reptile habitat to be maintained throughout the construction period and removed post development under ecological supervision;*
- Details of a reptile translocation that would aim to capture and relocate any reptiles within the works area (likely to require 30-60 days to complete);*
- Identification of suitable habitat within the surrounding habitats where captured reptiles would be released as informed by the reptile survey results;*
- Enhancement of the receptor area to be sufficient to receive an increased population;*
- Enhancements to include the creation of log piles and hibernacula for shelter and alterations to management of grassland areas;*
- The reptile capture area to be destructively searched by removing the top soil using a 360° excavator under ecological supervision; and*
- Appropriate timings for translocation of captured animals, identification of receptor site and enhancement measures.*
- The strategy would be informed by a finalised landscaping scheme for the port prior to being submitted to LDC'.*

10.56 The NPP EclA also set out the compensation and enhancement measures which would be associated with the creation of the new nature reserve and reference should be made to that document for details.

10.57 Other options for the enhancement of the application site such as the additional of bat and bird nest boxes would not appear to be applicable

Summary of the environmental effects of the proposed development

in this instance. The designs of the proposed buildings do not lend these to the addition of such features, which are typically designed to be installed on trees or into the fabric of a brick or stone building. Similarly, the addition of a green roof to the existing warehouse would add significant weight to the overall structure and it is unknown if it would therefore be possible. However, the design of the block-making building with flat roof areas would enable green roof areas to be created.

10.58 The Bioscan report then examines the residual effects after mitigation and concludes that:

'no significant net negative ecological effects from the proposals on those parts of the site that are already developed are predicted. In the operational state, the site is likely to offer a continuation or even possibly an expansion of the types of peripheral habitat opportunities that currently occur.'

Cultural heritage

10.59 BAL commissioned Andrew Josephs Associates to carry out a cultural heritage desk-based assessment of the proposed development. Their report, the Josephs report is included as Appendix 3

10.60 The Josephs report considers both direct and indirect effects upon cultural heritage. Direct effects are those that physically affect a cultural heritage asset. Indirect effects can occur as a result of significant changes to the setting of a cultural heritage landscape or asset, whether permanent or temporary. This is particularly relevant to designated features of national importance, such as Scheduled Monuments, Listed Buildings, Conservation Areas and Registered Parks and Gardens.

10.61 Two archaeological sites are recorded within the Proposed Development Area (PDA): the site of WWII pillbox (now demolished) and infilled salt workings of 19th century date. The land of the PDA would appear to be founded on a shingle spur of medieval date and the

Summary of the environmental effects of the proposed development

lack of any archaeological records within the PDA and its vicinity would bear this out.

10.62 At depth below the PDA, chalk head gravels, which may preserve Pleistocene landforms, and Holocene deposits infilling the Ouse valley are likely to exist, and these have potential to preserve palaeoenvironmental remains.

10.63 Early records are relatively sparse and predominantly relate to chance finds of prehistoric and Roman date. In the broader townscape and landscape, there are numerous archaeological records, predominantly of 19th and 20th century date, that reflects the town's importance as a transport hub and vital role in both world wars as an embarkation port and line of defence against invasion.

10.64 Archival research shows that the majority of the PDA has had an industrial function since the late 19th century with progressive development and redevelopment.

Direct impacts upon archaeology

10.65 Other than through piling, construction predicted to penetrate below madeground is restricted to water recycling pits. The madeground itself may retain the foundations associated with the railway and military activity, although this potential is considered low.

10.66 The piling could affect Pleistocene landforms and Holocene deposits that have potential to preserve palaeoenvironmental remains. The potential area of disturbance caused by piling represents a maximum of 0.072% of that archaeological layer should it exist as a continuous and coherent land surface across the PDA. This is not a significant adverse effect.

Mitigation of direct impacts

10.67 A watching brief may be required in specific areas to permit the identification, investigation and recording of any archaeological remains exposed during the construction work. The locations of the watching brief, if considered appropriate, should be determined in

Summary of the environmental effects of the proposed development

consultation with the East Sussex Archaeological Officer when detailed construction designs are available.

Indirect effects

- 10.68 Indirect impacts are those that do not physically affect a cultural heritage asset, townscape or landscape, but that alter the context or setting.
- 10.69 Only one designated heritage asset has any visual link with the PDA due to separation by distance, intervening development and topography. This is Newhaven Fort and Lunette Battery, a scheduled monument.
- 10.70 A thorough assessment of the visual and historical setting of the monument has been undertaken in relation to the proposed development based upon criteria published by Historic England.
- 10.71 This has concluded that the overall impact of the development proposals upon the views from the Fort is minor adverse. In respect of the historical setting of Newhaven Fort and Lunette Battery, the proposed development would have a negligible-low adverse effect.

Conclusion

- 10.72 National Planning Practice Guidance (NPPG) *Conserving and Enhancing the Historic Environment* (2014), and in respect to heritage decision-making, stresses the importance of determining applications on the basis of significance, and explains how the tests of harm and impact within the National Planning Policy Framework (NPPF) are to be interpreted.
- 10.73 In particular, the NPPG includes the following in relation to the evaluation of significance and harm:

‘Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial

Summary of the environmental effects of the proposed development

harm is a high test, so it may not arise in many cases.... It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.'

10.74 The predicted effects are therefore significantly less than substantial harm, which is the test set by NPPF and paragraph 134 therefore applies:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

10.75 Therefore, and having regard to the baseline conditions and the scope of the proposed development, there would be negligible-minor adverse residual effects upon the setting of Newhaven Fort and a negligible effect upon the archaeological resource.

10.76 Under the EIA Regulations this constitutes a 'not significant' effect. The proposed development therefore fully accords with both local and national cultural heritage policy.

Drainage and flood risk

10.77 BAL commissioned SLR Consulting Ltd (SLR) to prepare a hydrological and hydrogeological assessment of the proposed development and to prepare a site specific flood risk assessment. Its report, the flood risk and drainage assessment (FRDA) is included in Appendix 4.

10.78 The FRDA is summarised in Section 8 above.

Noise

10.79 BAL commissioned WBM Acoustic Consultants to carry out a noise impact assessment of the proposed development. Their report, the

Summary of the environmental effects of the proposed development

noise report, is included as Appendix 5 but a 'non-technical' summary of the report is presented as follows:

'The noise report addresses the environmental noise implications of the proposal by setting out the findings of noise measurements at the nearest properties to the site; discussing the existing noise climate, and presenting the calculated noise levels arising from the proposed operations with extensive mitigation measures incorporated into the development.

If this development were not to proceed the area would be developed by NPP, for example, buildings and associated area to extend the dock facilities.

The effects of the noise from the construction phase would be direct, negative, short-term and temporary and below the threshold of a significant effect at dwellings.

The effects of the noise from the development would be direct, negative, long-term and temporary (for the duration of the operations on the site).

The calculated noise levels for the development have been compared with guideline values set out in BS 8233:2014 "Guidance on sound insulation and noise reduction for buildings" and the WHO document "Guideline on Community Noise 1999". The calculated daytime levels are between 3 and 17 dB(A) below the daytime guideline values. The calculated night-time levels are between 7 and 21 dB(A) below the night-time guideline values.

An assessment of the development noise levels has also been carried out in accordance with British Standard BS4142:2014 "Methods for rating and assessing industrial and commercial sound".

The measured background noise levels for the night-time period 11 pm to 7 am varied significantly for the install

meters, depending on wind speed, time of night, traffic on the A259 for measurements at Marine Drive and scrap metal loading activity at the Port of Newhaven for measurements at Newhaven Marina.

For the purposes of the BS4142 assessment, the 25 percentile levels have been calculated from the install meters which it is believed provides representative background sound levels rather than using average values for the daytime and night-time periods.

For the daytime operations, an acoustic feature correction of + 3 dB(A) could be required and therefore the rating level is equal to the specific noise level + 3 dB(A). The rating levels would be equal to the specific noise levels if there was no need for an acoustic feature correction and this will not be known until the site is operational.

For the daytime, with the acoustic feature correction included, the excess of rating level over background indicates below an adverse impact for the four receiver locations and would avoid noise from giving rise to significant adverse impacts.

In the context of the existing operations on East Quay, vessels using the River Ouse and the expansion of Newhaven Harbour it is considered that this impact is acceptable for daytime operations.

For the night-time, the rating levels for the development are below the background which indicates a low impact, depending on the context and it is considered this impact is acceptable for night-time operations.'

Air quality

- 10.80 BAL commissioned Rural Planning Services (RPS) to undertake an air quality assessment associated with the proposed development which is included as the air quality report in Appendix 6.

Summary of the environmental effects of the proposed development

- 10.81 The local authority, Lewes District Council (LDC) has declared an Air Quality Management Area (AQMA) due to elevated concentrations of NO₂ as a result of road traffic emissions. The Site lies approximately 1 km southeast of this designated AQMA.
- 10.82 Regarding the operational impact of the traffic generated by the proposed development on the surrounding area, detailed atmospheric dispersion modelling has been undertaken for three separate years, 2018, 2019 and 2020 to reflect different stages of the development. The operational impact of the proposed development on existing receptors in the local area is predicted to be 'negligible' taking into account the changes in pollutant concentrations and absolute levels. Using the criteria adopted for this assessment together with professional judgement, the overall impact on the area as a whole is described as 'negligible'.
- 10.83 The operational dust control measures required by Defra's "*Process Guidance Note 3/01(12) Statutory guidance for blending, packing, loading, unloading and use of cement*", will be enforced to Best Available Techniques (BAT) standard by way of a 'Part B' Environmental Permit. An assessment has been undertaken, using the Institute of Air Quality Management - Minerals guidance, to predict the residual risk of impacts on surrounding users of the land.
- 10.84 The residual disamenity-dust impacts and the PM₁₀ impacts on the surrounding area as a whole were predicted to be 'negligible' even with numerous pessimistic and conservative assumptions. The effect resulting from these negligible impacts are considered to be "not significant". On that basis, the BAT dust-control measures required by the Part B Permit are deemed adequate and no additional mitigation measures are considered necessary over and above those incorporated into the design of the scheme.
- 10.85 Using professional judgement, the overall air quality effect of the proposed development, covering both traffic emissions and dust, is considered to be 'not significant'.

Summary of the environmental effects of the proposed development

- 10.86 The 'golden thread' of presumption in the NPPF runs through plan making and decision taking. For determining planning applications, this means approving development proposals if they accord with the local development plan, unless material considerations indicate otherwise. If the development plan is absent, silent or the policies are out of date, then planning permission should be granted unless any adverse impacts would significantly outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.
- 10.87 The National Planning Practice Guidance advises that in considering planning permission, the relevant question for air quality is 'will the proposed development (including mitigation) lead to an unacceptable risk from air pollution, prevent sustained compliance with EU limit values or national objectives for pollutants or fail to comply with the requirements of the Habitats Regulations?' The proposed development will not.
- 10.88 The proposed development does not, in air quality terms, conflict with national, local or development plan policies. There are no constraints to the development in the context of air quality.

Transport

- 10.89 BAL commissioned Cannon Consulting Engineers to carry out a transport assessment of the proposed development. Their report, the transport assessment is included as Appendix 7.
- 10.90 The transport assessment demonstrates that the local highway network has a good provision of pedestrian facilities with street-lit footways on the surrounding roads providing excellent pedestrian connectivity between the site and throughout Newhaven, and in particular to and from the local public transport facilities on Drove Road, which include bus stops and the Newhaven Town Rail Station. This also includes signalised pedestrian crossings locally to the site, and shared pedestrian / cycle facilities.
- 10.91 The local roads are conducive to cycling and National Cycle Route 2 runs past Newhaven Port and through Newhaven from east to west.

Summary of the environmental effects of the proposed development

- 10.92 Bus stops are located on Drove Road providing 4-7 buses per hour Monday – Saturday between the site and the key settlements of Brighton, Newhaven and Eastbourne. As part of the Former Parker Pen Factory consented development, bus stops on Drove Road are to be improved with new bus shelters, raised kerbs, seating, signs and the inclusion of Real-time passenger information. These improvements will further improve sustainable travel in Newhaven and will be of specific benefit to the site. Newhaven Town Rail Station is located within less than 10-minutes' walk from the site. The services are operated by Southern Rail, with regular links provided between Lewes and Seaford.
- 10.93 Due to the proximity of the site to the A26 New Road, identified as being the Strategic Road Network local to the site, and the existing environmental weight restrictions to the west at Peacehaven, all HGVs will route to and from the site via the A26 New Road. For Stages 1 and 2, the HGV route will be via Beach Road, Clifton Road, Railway Road, the B2109 Drove Road and the A26 New Road. For Stages 3 and 4, 75% of all vehicular traffic associated with the existing and permitted operations at East Quay is predicted to divert to the New Port Access Road (NPAR). However, 100% of the activity associated with the BAL operations for both Stages 3 and 4 will use the NPAR.
- 10.94 Whilst it is acknowledged that staff vehicle movements will generally occur outside of the AM and PM Peak Hours, in order to ensure a robust assessment, the level of car traffic predicted for each stage of the proposed development has been assigned to the surrounding highway network during the peak periods.
- 10.95 Consideration has been given to the arrival / departure operations of the Dieppe Ferry and it is considered that the proposed development will have no material impact on these operations.
- 10.96 The daily and peak hour threshold analyses, demonstrates that the net increases in flows associated with all four stages of development are low and will not have a material impact on the local highway network. Accordingly, in traffic terms it is considered that the proposed development is consistent with the National Planning Policy Framework, specifically paragraph 32, which states that "*Development*

Summary of the environmental effects of the proposed development

should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Conclusion

10.97 The above summarises the findings of experts in the following disciplines:

- (i) townscape and visual Impact assessment;
- (ii) ecology and nature conservation;
- (iii) archaeology and cultural heritage;
- (iv) hydrology and hydrogeology and flood risk;
- (v) noise;
- (vi) air quality; and
- (vii) transport and highways.

in relation to the potential environmental impact of the proposed development described in Sections 4 above.

10.98 Their reports in Appendices 1 to 7 have been prepared in accordance with the relevant legislation and planning guidance and policy and, by determining the scale of any impact and the sensitivity of the relevant receptor, show that the development would not cause any adverse impact of significance on;

- (i) the landscape and visual amenity;
- (ii) ecology and nature conservation;
- (iii) archaeology and cultural heritage;
- (iv) the surface and groundwater regimes or increase the risk of flooding;
- (v) noise levels;
- (vi) air quality; or
- (vii) the highway network.

11 EMPLOYMENT AND ECONOMIC IMPACT

Development Context

- 11.1 BAL commissioned Regeneris Consulting to assess the employment and economic impact of the proposed development which would only be completed if and when the new port access road (NPAR) is open to traffic. Its report, the Regeneris report is included as Appendix 9. The following is a summary of the report.
- 11.2 The NPAR is partially constructed and an extension crossing the Newhaven to Seaford railway line and Mill Creek (see Figure 1) has the benefit of planning permission and funding for its construction has been sought by ESCC from the Department for Transport but the outcome is awaited. A planning application to provide links from the port to the NPAR will be prepared and submitted separately by NPP. A Grampian condition, preventing use of the Stage 3 development and the commencement of the Stage 4 development, attached to a planning permission has been invited (see paragraphs 1.11 and 1.12 above).
- 11.3 The proposed port access road has the potential to unlock employment land in and around Newhaven Port and provide employment and economic impacts for Newhaven and the wider East Sussex area.
- 11.4 The most significant impact will be associated with East Quay, as access via Beach Road is currently constrained. Stages 3 and 4 of the proposed development are dependent on the completion of the NPAR and, while it would be possible to complete Stages 1 and 2 without the new road, this would not be a profitable or viable option for BAL. Without the commitment to the proposed access road, it would be unlikely to invest in the site.

Headline Impacts

Direct Impacts

- 11.5 The four stage development, which includes the facilities to import and process sand and gravel adding a bagging operation, a concrete batching plant and a concrete block making facility, is expected to

deliver circa 100 new Full Time Equivalent (FTE) jobs on site. This is expected to result in **74 net additional FTE jobs** in East Sussex (after accounting for scheme additionality and the wider multiplier impacts).

- 11.6 During full operation the 74 net additional jobs will result in an additional economic contribution to East Sussex (measured as Gross Value Added or GVA) of £5.3 million a year. Over a typical ten-year assessment period this would equate to an **uplift in GVA of £46 million** after discounting.
- 11.7 Given that the public-sector cost of constructing the NPAR is £23 million, this suggests that the return on public sector investment (the BCR) of the BAL proposals alone would be in the order of **£2 for every £1 of public investment**, which would represent high value for money.
- 11.8 In addition, the construction costs of the BAL proposals suggest that the scheme would support **75 additional construction jobs** over the life time of the construction phase.
- 11.9 Sensitivity testing suggests that the proposals will continue to deliver a minimum of 'acceptable' value for money under a range of assumptions (i.e. a BCR of between 1 and 2) and, once accounting for the wider benefits outlined below, it is highly likely that the NPAR will deliver a minimum of good value for money (i.e. a BCR of at least 2:1).

Wider and Strategic Impacts

- 11.10 In addition to the direct impacts identified above, there are a range of wider benefits that are expected to be associated with the NPAR. These include:
- Increased employment at other sites in Newhaven (potentially including Railway Quay, Eastside South and Bevan Funnell) as a result of enhanced transport connectivity, a reduction in congestion associated with the existing port access road, and the enhanced attractiveness of these sites for firms considering locating in the area.
 - The circa 100 jobs to be provided at Newhaven Port which will provide significant employment opportunities for local residents,

including local unemployed people or those that are inactive but would like a job. The profile of Newhaven residents also suggests that there will be a significant opportunity for BAL to recruit locally.

- The NPAR will deliver significant inward investment into Newhaven. This will include the proposals by BAL who will be required to make a long-term commitment to the new facility to justify their initial outlay. Further inward investment would also be associated with the wider employment impacts identified above.
- As a major anchor occupier making significant use of the port facilities, the investment by BAL will also support the long-term sustainability of Newhaven Port.

11.11 As a minimum, the proposed port access road will leverage £10 million of private sector investment based on the construction costs of the BAL facility. The total investment over the lifetime of the facility will almost certainly be more this. Further private sector investment will be associated with any additional investment that results from the proposed port access road.

12 NPPF AND DEVELOPMENT PLAN CONSIDERATIONS AND THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Introduction

12.1 S.38(6) of the *Planning and Compulsory Purchase Act 2004* (the 2004 Act) states:

'If regard is to be had to the development plan for the purpose of any determination under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

12.2 On 27 March 2012 the *National Planning Policy Framework* (the NPPF) was issued and replaced most of Government's Planning Policy Guidance Notes and Minerals Planning Guidance Notes. The NPPF conferred a presumption in favour of sustainable development. Paragraph 197 NPPF states:

'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'

12.3 The following topics are discussed below insofar as they relate to the development plan and Government policy:

- (i) the documents comprising the development plan;
- (ii) The MPA's commitment to ensuring an adequate and steady supply of aggregates is made to the construction industry;
- (iii) the site specific identification of the application site in the development plan for upgrading the port;
- (iv) the strategic and development control policies in relation to the three dimensions to sustainable development; and
- (v) the presumption in favour of sustainable development; and
- (vi) conclusion that the proposed development represents sustainable development

The Documents Comprising the Development Plan

- 12.4 The extant development plan for the application site comprises the following:
- (i) East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan - Adopted 19 February 2013 (WMLP);
 - (ii) Lewes District Local Plan Part 1 Joint Core Strategy 2010 - 2030 - adopted May 2016 (Core Strategy); and
 - (iii) the Lewes District Local Plan - Saved Policies set out in the Schedule to the letter from Housing and Planning Directorate to Lewes District Council dated 25 September 2007 (Saved Policy/Policies)

The MPA's commitment to ensuring an adequate and steady supply of aggregates is made to the construction industry.

- 12.5 With low production and remote reserves of sand and gravel, East Sussex, Brighton and Hove and the South Downs National Park (the plan area) relies heavily on the contribution of marine dredged aggregates in order for the two Councils to meet their commitment to ensuring an adequate and steady supply of aggregates is made to the construction industry (source paragraph 4.5 of the WMLP).
- 12.6 It is demonstrated below that, despite there being 10 'active' minerals wharves in the plan area, confirmed in Table 2 of the *East Sussex, South Downs and Brighton & Hove Local Aggregate Assessment - December 2013* (LAA2013), practically all the marine dredged aggregate consumed is imported from outside the plan area. With none of the 10 wharves able to make a meaningful contribution to the supply pattern new importation and processing facilities are essential.
- 12.7 WMLP policy WMP 4 affirms the need to ensure that an adequate supply of aggregates is available in the plan area and policy WMP 15 recognises the part that local wharves must play to achieve this.

WMLP Policy WMP 4

‘Sustainable Provision and Use of Minerals in the Plan Area

Proposals for minerals development shall be assessed against the following overarching principles in terms of the contribution they make to sustainable provision and use of minerals in the Plan Area:

(a) To make provision for a steady supply of minerals in accordance with national policies;

....’

WMLP Policy WMP 15

‘Safeguarding railheads and wharves

Existing, planned and potential railhead and minerals wharf facilities (including rail sidings) and their consequential capacity will be safeguarded in order to contribute towards meeting local and regional supply for aggregates and other minerals as well as supporting modal shift in the transport of minerals. The need for railheads and minerals wharves will be monitored.

Capacity for landing, processing and handling and associated storage of minerals at wharves in Shoreham, Newhaven and Rye Ports will be safeguarded. Alternative use proposals would need to demonstrate that there is no net loss of capacity for handling minerals within a port.

....

The Authorities will support the co-location of railheads and minerals wharves with processing capacity subject to it being demonstrated that this does not adversely affect space requirements for operational use.’

NPPF and development plan considerations and the presumption in favour of sustainable development

- 12.8 In 2014, 1,200,000 tonnes of primary aggregates were consumed in the plan area of which 280,000 tonnes was crushed rock (source Table 11- Consumption of primary aggregates by sub-region in 2014 of *Collation of the results of the 2014 Aggregate Minerals survey for England and Wales* prepared by the British Geological Survey on behalf of the Department for Communities and Local Government (AM2014). The remainder was land won or marine dredged sand and gravel.
- 12.9 Land won material, mainly produced at BAL's quarry at Lydd on the Kent/East Sussex border totalled 263,000 tonnes and marine dredged 657,000 tonnes.
- 12.10 However, as can be seen from Table 10 - Imports of primary aggregates by sub-region in 2014 of AM2014, 650,000 tonnes of the marine dredged materials were landed and processed at wharves outside the plan area (source - footnote 2 to Table 10 which states : '2. *In the case of sales of marine sand and gravel and crushed rock, imports are only shown where material has been moved outside the home sub-region [county]where the wharf is located.*' Thus in 2014, it is evident that only 7,000 tonnes of marine dredged sand and gravel, little more than 1% of that consumed was actually landed and processed at wharves in the plan area.
- 12.11 Paragraph 4.15 of the WMLP which was adopted in February 2013 asserts that:
- 'Sand, gravel and crushed rock are landed by small vessels to the wharves at Newhaven, Rye and Shoreham port. Although some wharves have been mothballed and others are falling into disrepair, there is still a market for this material in the Plan Area, and it is still economically viable for operators to continue to import materials through the existing wharves.'*
- 12.12 However, as is confirmed in paragraph 4.9 of LAA2013:

NPPF and development plan considerations and the presumption in favour of sustainable development

'The County Council has recently been advised of the closure of plant at Newhaven Port and that marine dredged aggregate imports have currently ceased from May 2013.'

- 12.13 It is evident that with a market for marine dredged sand and gravel of some 650,000 tonnes annually in the plan area and despite there being 5 'minerals wharves' on the North Quay at Newhaven able to supply this market (source Table 2 of LAA2013), even the last one of these operating could no longer do so economically. The reasons for this are explained in the report prepared for BAL by Alexander Stanmore, included as Appendix 15, as, due to shallow water and access restrictions, only small vessels can use the North Quay. Such vessels are of only extremely limited availability and are apparently not being replaced by shipping companies.
- 12.14 It is therefore evident that, with capacity for landing, processing and handling and associated storage of minerals at wharves in Newhaven being safeguarded by policy WMP15, the transition from safeguarded productive capacity to real productive capacity can only realistically be achieved at East Quay where there is deep water, no river access restrictions and ample space to process landed aggregate.
- 12.15 With ESCC committed by policy WMP 4 to make provision for a steady supply of aggregates in accordance with national policies and by policy WMP15 and paragraph 143 of the NPPF to safeguard processing and handling and associated storage of minerals at wharves in Newhaven and to support the co-location of railheads and minerals wharves with processing capacity, the proposed development is in compliance with these development plan policies.

The site specific identification of the application site in the development plan for upgrading the port (see Figure 18)

Saved Policy NH20

'Land at East Quay and East Beach, as defined on Inset map No 2 (Area A), is allocated for the upgrading and expansion of the port, provided that:

- (a) *a full environmental impact assessment is submitted with the planning application*
- (b) *the proposed access road has been, or is in the process of being, provided*
- (c) *provision is made for access to The Port by public transport*
- (d) *adequate screening is provided along the eastern edge of the proposal site*
- (e) *the proposals are in compliance with all appropriate District-Wide Policies.*

Encroachment onto other land between Mill Creek and the former railway line, as separately defined on Inset Map No 2 (Area B), may be permitted (to the minimum extent necessary) if it can be demonstrated to be essential to the expansion of the port in order to support the continuing operation of a modern cross-channel passenger and freight vehicle ferry service. In such event planning permission will only be granted within Area B for open storage uses, including vehicle and trailer parking.

Any planning permission for Area B would be dependent on acceptable measures being taken to minimise the visibility and impact of the use through the design of any lighting , fencing , earth bunds and other features.

East Quay

Saved policy NH 23

'In the event of the existing ferry and cargo berths at East Quay becoming redundant, then planning permission will be granted only for other commercial port-related uses.'

- 12.16 Whilst the application site is site specifically subject to Saved Policies NH 20 (Area A), NH 21 and NH 22, Saved Policy NH 21 only applies to Railway Quay to the north of the application site and Saved Policy NH 21 only applies in the event that berths on East Quay become redundant. That is not the case in the in connection with the proposed development.

NPPF and development plan considerations and the presumption in favour of sustainable development

12.17 This planning application is not for the expansion of the port. As can be seen from the Harbour Map in Figure 4 and the boundaries of the planning permissions granted, shown on Figure 2, the application site is part of the existing port. In these circumstances Saved Policy NH 20 does not appear to apply, nevertheless, comment is made on each of the elements of the policy as follows:

(a) a full environmental impact assessment is submitted with the planning application

12.18 A full environmental impact assessment, including but not exhaustively, those topics required to be assessed by ESCC at the scoping stage, has been carried out in accordance with the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is included within this statement.

(b) the proposed access road has been, or is in the process of being, provided

12.19 Whilst Stages 1 and 2 of the proposed development would be carried out before the new port access road is open to traffic, vehicle movements would be severely restricted until that time. Stages 3 and 4 would not be carried out until the new road is open; the imposition on a planning permission of Grampian conditions along the lines suggested in paragraphs 1.11 and 1.12 is invited.

(c) provision is made for access to The Port by public transport

12.20 The transport assessment demonstrates how the application site can be reached via the existing public transport system.

(d) adequate screening is provided along the eastern edge of the proposal site

12.21 Adequate screening of the operations from views to the east would be provided from north to south by the existing ship repair business, the existing industrial building and aggregate storage bay walls in Stages

1-3 and by the block-making plant in Stage 4. The higher elements of the aggregate processing plant would be seen in views from the east as would the block-making building itself, which has been designed to minimise the visual impact. A 2.2m galvanised steel palisade fence would be erected on the exposed boundaries.

(e) *the proposals are in compliance with all appropriate District-Wide Policies.*

12.22 The examination of development plan policies, how they apply to the proposed development and the conclusions drawn above and below seek to confirm compliance with this policy.

The strategic and development control policies in relation to the three dimensions to sustainable development

12.23 Paragraph 7 of the NPPF states that:

‘There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

***an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure;*

***a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*

***an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and,*

as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'

- 12.24 The development plan policies which appear to BAL to apply to the proposed development are set out and discussed in accordance with those three dimensions and then a conclusion is drawn that the proposed development meets their requirements.

The economic role

Core Policy 4 – Encouraging Economic Development and Regeneration

'In order to stimulate and maintain a buoyant and balanced local economy through regeneration of the coastal towns, support for local and key strategic businesses and the rural economy and ensuring that the district's economy does not become reliant on one or two sectors, the local planning authority will take a flexible and supportive approach to economic development through the following measures:

- (1) When and where appropriate, identify sufficient sites in sustainable locations to provide for a flexible range of employment space to meet current and future needs. Within the South Downs National Park the pursuit of National Park Purposes will be paramount.*

- (2) Safeguard existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so. This will include:*
 - (i) A demonstrated lack of tenant/occupier interest.*
 - (ii) A demonstrated lack of developer interest.*

- (ii) Serious adverse environmental impacts from existing operations.*
- (iv) Where the site is otherwise unlikely to perform an employment role in the future.*
- (v) Where the loss of some space would facilitate further/improved employment floorspace provision.*

Guidance on the interpretation of (i) and (ii) in the determination of planning applications is set out in paragraph 7.45 of the supporting text.

In such circumstances, there will be a strong preference for a mixed use alternative development in order to facilitate the retention or delivery of an appropriate element of employment use on the site.

There is a presumption in favour of retaining the unimplemented employment site allocations from the Local Plan (2003) towards meeting the District's employment land requirements over the plan period. However, if there are clear economic viability or environmental amenity reasons for not doing so then such sites will be de-allocated or considered for alternative uses through the Site Allocations and Development Management Policies DPD or the SDNPA Local Plan.

....

- (7) Support the continued use of Newhaven port for freight and passengers including plans for expansion and modernisation of the port as identified in the port authority's Port Masterplan. Support will also be provided to the delivery of onshore infrastructure and support services for the Rampion offshore windfarm.*

....'

Saved policy E1 - Planning for Employment

'To promote and increase employment opportunities throughout the District, the Council will grant planning permission for business and industrial uses (Use Classes B1, B2 and/or B8):

- (a) on the sites specifically allocated in the Plan*
- (b) on sites within a Planning Boundary which have an existing business and industrial use*
- (c) on unidentified sites within Planning Boundaries*

....

provided that all the above comply with relevant District-wide policies.

....

12.25 The Regeneris report included as Appendix 9 and summarised in Section 11 above demonstrates the employment and economic benefits of the proposed development. Not only would the number of jobs opportunities it would create in an area of relatively high unemployment of personnel with the required skills give direct benefit but also when the NPAR is built it would indirectly open up other areas of the port to new investment opportunities.

12.26 The completion of the outstanding section of the NPAR which already has benefit of planning permission for its construction relies on public money being allocated for its construction. Irrespective of any benefit to BAL, the Regeneris report demonstrates that the projected public funding of the completion of the road represents good value for money.

The social role

WMLP Policy WMP 25

'General Amenity

All proposals should ensure:

- (a) *there is no unacceptable effect on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development including transport links;*
- (b) *there is no significant adverse impact on air quality or the local acoustic environment;*
- (c) *adequate means of controlling noise, dust, litter, odours and other emissions, including those arising from traffic generated by the development, are secured;*
- (d) *there is no unacceptable effect on the recreational or tourist use of an area, or the use of existing public access or rights of way.*

Where proposals require an Environmental Impact Assessment, applicants should consider the potential impacts on human health.'

Transport links

- 12.27 It is a principal feature of the application that the distribution of aggregates by road would be minimised and the distribution by rail maximised until the NPAR is open to traffic. Thereafter, restrictions on road transport would be relaxed so that the natural market area could be supplied and all road distribution would be via the NPAR as would be all other traffic movements including motor car and motor cycle transport to and from site.
- 12.28 When the NPAR is open, it is likely that many other businesses at the port would use this road thus reducing significantly the vehicle movements on Beach Road, Clifton Road and Railway Road to the benefit of those local residents.

Noise and air quality

- 12.29 The assessments of the impact of noise and on air quality are included as Appendices 5 and 6 respectively and the noise and dust control measures which would be implemented are set out in Section 4.
- 12.30 The noise and air quality reports both conclude that no significant adverse impact would arise. Further comment is made below on the findings of the air quality report when assessing the environmental role.
- 12.31 As part of its 'QHEST (Quality, Health, Environment, Safety Sustainably Together) management system mentioned in Section 2 above, Brett monitors, reviews, reports and acts on all aspects of its environmental management and how it effects both employees and the general public alike.

Tourist amenity

- 12.32 Public access to the East Beach via public footpaths will be altered as a consequence of the port extension planning permission and no public access would be available to or through the development site.
- 12.33 At that time public footpath 40a will be diverted (as already permitted) around the port extension but will extend along the new sea wall to the end of the East Pier.

Public health

- 12.34 The potential impact on human health has been assessed by way of the noise report (Appendix 5), the air quality report (Appendix 6) and the transport statement (Appendix 7). Together they show that the proposed development would cause no significant adverse impact and, consequently, there would be no adverse impact on human health.

WMLP Policy WMP 20

'Community Involvement and Benefits

NPPF and development plan considerations and the presumption in favour of sustainable development

Applicants should demonstrate how host communities have been involved in the development of the proposal, taking into account best practice, and show how their concerns have been addressed. Subject to agreement with the minerals and waste planning authority, this policy may not apply to some proposals involving small non-strategic facilities, minor extensions or alterations to existing facilities.

Applicants should investigate concerns of those communities and provide information about any perceived risks held by them.

For communities hosting strategic waste or minerals developments which serve a much wider area, the proposal should set out the tangible benefits to the local host community'

- 12.35 The pre-application consultations, including a 2 day public exhibition and the Statement of Community Involvement are set out in Section 5. The people and organisations consulted and the procedure adopted are also set out.
- 12.36 In accordance with s.61X of TCPA 1990, comments on the action taken to address the concerns raised are also described.
- 12.37 The principal benefit of completing the proposed development would be the creation of around 100 jobs in any area of high unemployment. The Regeneris report highlights that the nature of the job opportunities would suit many of the area's unemployed.

The environmental role

Saved policy ST3 - Design, Form and Setting of Development

NPPF and development plan considerations and the presumption in favour of sustainable development

‘Development requiring planning permission will be expected to comply with the following criteria, and be supported by justification statements where necessary:

- (a) development should respect the overall scale, height, massing, alignment, site coverage, density, landscaping, character, rhythm and layout of neighbouring buildings and the local area more generally*
- (b) materials should be of a quality, type, colour and design which is appropriate to the character of the local area*
- (c) development, including conversion, should respect the amenities of adjoining properties in terms of noise, privacy, natural daylight, and visual amenities and smell*
- (d) development should not result in detriment to the character or the amenities of the area through increased traffic levels, congestion or hazards, noise levels and other environmental considerations*
- (e) access, circulation and parking to the development shall be provided in accordance with the policies in the Transport and Communications chapter. The site should be capable of accommodating the required parking provision without detriment to the visual amenities of the area through over intensive parking in a prominent position*
- (f) development should not result in the loss of significant buildings, public views or spaces between and around buildings, or trees or other landscape features which make an important contribution to the character of the area*
- (g) the design of hard and soft landscaping in spaces around buildings should enhance and complement new development where appropriate and should maximise wildlife potential by the use of native species and appropriate design in accordance with Policies ST11 and ST12*

- (h) development should consider the enclosure of spaces around buildings and should be designed to take account of overlooking, microclimate and the function of such spaces*
- (i) in exposed locations, such as seafronts, materials used in new development will normally be required which have been demonstrated to be durable in comparable conditions and which complement locally used materials*
- (j) development should seek to maximise the efficient use of energy, resources and materials through the influence of factors such as design, housing type, orientation, location and construction methods.'*

Design of the block-making building on the backshore

- 12.38 It can be shown from Figures 8, 12, 14 and 16 that there would be adequate space for both vehicle manoeuvring and parking at all stages of the development,
- 12.39 Whilst this policy is mainly directed at residential development, the design and access statement generally addresses the matters that are covered by the policy and the architect's design in Appendix 8 concentrates on those issues which relate to the design of the building on the backshore.
- 12.40 The building materials and colour treatment of exposed surfaces are detailed and the steps which would be taken to ensure compliance with the BREEAM 'Very Good' standard are listed.
- 12.41 The measures which would be taken to ensure the efficient use of energy are set out in Section 4 above and the necessary generation of energy from renewable resources is described in Appendix 14 and summarised in Section 7 above.
- 12.42 Issues relating to noise are addressed in Appendix 5, the noise report.

Saved policy ST 11 - Landscaping of Development

'The District Council will, where appropriate, require applications for development to include a framework for landscaping and maintenance which clearly shows which features are to be retained and all new landscaping measures. Where practicable re-contouring, infilling and top-soiling should use material excavated from the site. Such schemes will be required to be submitted before the application is determined. Provision will be required to be made for the future maintenance of the landscaping scheme. This may be achieved by means of a legal agreement in appropriate circumstances.'

12.43 Examination of an aerial photograph of East Quay would reveal that soft landscaping has not been introduced within this area. Given that the land on which Stages 1-3 would be developed is already concrete or asphalt surfaced and in general the external boundaries of the site would be defined by concrete 'A' frame aggregate storage bay walls and the existing industrial building, no soft landscaping is proposed.

12.44 As detailed in the design and access statement in Section 6 above, the retention of a gravel surface and there being no soils present in the Stage 4 area, again, no soft landscaping is proposed.

Core Policy 10 – Natural Environment and Landscape Character

'(1) The natural environment of the district, including landscape assets, biodiversity, geodiversity, priority habitats and species and statutory and locally designated sites, will be conserved and enhanced by:

....

(ii) Ensuring that new development will not harm nature conservation interests, unless the benefits of development at that location clearly outweigh the harm caused. In such cases appropriate mitigation and compensation will be required;

(iii) Maintaining and where possible enhancing local biodiversity resources including through maintaining and improving wildlife corridors, ecological networks and avoiding habitat fragmentation in both rural and urban areas;

....

(2) The highest priority will be given to the first purpose of the South Downs National Park and the integrity of European designated sites (SACs and SPAs) in and around Lewes District. 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, as informed by the South Downs Integrated Landscape Character Assessment.

....’

Landscape assets

12.45 The LVIA in Appendix 1 shows that there is sufficient ‘capacity’ to enable the proposed development without significant adverse effects to both the character and value of the local and wider landscape.

Biodiversity

12.46 As shown in the Bioscan report in Appendix 2, no part of the proposals is located within the South Downs National Park or a statutory designation such as an SPA or SAC.

12.47 Whilst the proposals overlap with a small part of the Tide Mills SNCI, part of this is already developed or has recently been developed as a temporary car-park by Rampion Offshore Wind. Consent to remove the remainder has also already been given granted under the NPP application ref: LW/15/0034. As part of this, measures to mitigate impacts on the vegetated shingle habitat are proposed.

12.48 Measures to enhance the application site over and above any direct mitigation required are set out under Section 4 above.

Policy WMP 27

‘Environment and Environmental Enhancement

- (a) *To conserve and enhance the local character and environment of the Plan Area, permission will not be granted where the development would have a significant adverse impact on the following sites :*
- South Downs National Park (see Policy WMP 2);*
- High Weald AONB;*
 - Listed Buildings;*
 - Scheduled Monuments;*
 - Conservation areas;*
 - Registered Parks and Gardens;*
 - Registered Battlefields;*
 - Designated wreck sites;*
 - Significant Heritage Assets;*
 - High quality agricultural land;*
 - other sites recognised for their cultural heritage and historic significance.*

These assets should be protected and where appropriate, enhanced.

- (b) *Environmental enhancement - biodiversity and habitat creation*

To conserve and enhance the local natural environment, the Authorities will maximise opportunities for increasing biodiversity and habitat creation. Permission will not be granted where the development would have a significant adverse impact on sites of national and local importance for nature conservation including:

- Sites of Special Scientific Interest;*

- *Local sites, identified for their biodiversity interest, including Sites of Nature*
- *Conservation Importance and Local Nature Reserves;*
- *Areas of significance for geodiversity and geomorphology, including local sites and Regionally Important Geological and Geomorphological Sites;*
- *Ancient woodlands;*
- *Land managed under an agri-environment agreement.*

(c) International Designations

These sites and protected species have statutory protection. Any development with a negative assessment of the implications of the proposal would need to demonstrate imperative reasons of overriding public interest.'

12.49 No part of the application site has a statutory nature conservation designation such as SSSI and no Europe protected species have been found to be at risk of direct effects from the proposals. Similarly, no part of the site is located within an area of ancient woodland or that is managed under an agri-environment scheme.

12.50 As set out in the Bioscan report in Appendix 2, part of the site does however fall within the Tide Mills SNCI. Any issues arising from that have been addressed in the report.

Core Policy 11 – Built and Historic Environment and High Quality Design

'The local planning authority will seek to secure high quality design in all new development in order to assist in creating sustainable places and communities. This will be achieved by ensuring that the design of development:

NPPF and development plan considerations and the presumption in favour of sustainable development

- (i) Respects and, where appropriate, positively contributes to the character and distinctiveness of the district's unique built and natural heritage;*
- (ii) Within the South Downs National Park is in accordance with the National Park purposes and outside the SDNP has regard to the setting of the National Park and its purposes;*
- (iii) Adequately addresses the need to reduce resource and energy consumption;*
- (iv) Responds sympathetically to the site and its local context and is well- integrated in terms of access and functionality with the surrounding area;*
- (v) Is adaptable, safe and accessible to all and, in relation to housing development, is capable of adapting to changing lifestyles and needs;*
- (vi) Incorporates measures to reduce opportunities for crime or anti- social behaviour, including the provision of active ground floor frontages in town, district and local centres to assist with the informal surveillance of the public realm;*
- (vii) Makes efficient and effective use of land, avoiding the creation of public space which has no identified use or function;*
- (vii) Provides a satisfactory environment for existing and future occupants including, in relation to housing development, adequate provision for daylight, sunlight, privacy, private outdoor space and/or communal amenity areas;*
- (ix) Minimises flood risk in accordance with Core Policy 12.*

The local planning authority will safeguard historic assets, including scheduled ancient monuments, listed buildings (both statutory and locally listed), registered parks and gardens, the Lewes Battlefield (1264), and archaeological remains. Proposals which conserve or enhance the historic environment, including the sensitive use of historic assets through regeneration, will be encouraged and supported.

The local planning authority will seek opportunities to enhance the character and appearance of designated Conservation Areas, in accordance with the Conservation Area character appraisals.'

- 12.51 Whilst this policy is mainly directed at residential development, the relevant issues, energy conservation and minimising flood risk, are addressed elsewhere in this section.

Saved Policy H 2 - Listed Buildings

'Consent will not be granted for any proposal which:

- (a) involves the demolition of a listed building unless the Council is satisfied that every possible effort has been made to continue its present use or find a suitable new use; that preservation in some form of charitable or community ownership is not suitable or possible; or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. Where demolition can be justified, consent will not be granted until there are approved detailed plans for redevelopment and development is about to commence. The Council will seek, by legal agreement or condition, to ensure that demolition will be immediately followed by redevelopment. Consent will not be granted for the partial demolition of a listed building, except the removal of additions which are of no historic or architectural interest, and where there is an overall improvement to the listed building*
- (b) would adversely affect the architectural or historic character of a listed building, its internal or external features of special architectural or historic interest, or its setting.'*

NPPF and development plan considerations and the presumption in favour of sustainable development

12.52 The following paragraphs are extracted from the conclusions of the Josephs report.

‘Planning Practice Guidance (PPG) Conserving and Enhancing the Historic Environment (2014), and in respect to heritage decision-making, stresses the importance of determining applications on the basis of significance, and explains how the tests of harm and impact within the NPPF are to be interpreted.

In particular, the PPG includes the following in relation to the evaluation of significance and harm:

‘Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases.... It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.’

12.53 The Josephs report confirms that the predicted effects are significantly less than substantial harm, which is the test set by NPPF and paragraph 134 therefore applies:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use’.

12.54 Therefore, and having regard to the baseline conditions and the scope of the proposed development, there would be negligible-minor adverse residual effects upon the setting of Newhaven Fort and a negligible effect upon the archaeological resource.

12.55 Under the EIA Regulations this constitutes a ‘not significant’ effect. The proposed development therefore fully accords with both local and national cultural heritage policy.

Core Policy 9 – Air Quality

‘The local planning authority will seek to improve air quality, having particular regard to any Air Quality Management Area (AQMA) designations. Applications for development that by virtue of their location, nature or scale could impact on an AQMA will be required to:

- (1) Have regard to any relevant Air Quality Action Plans (AQAP) and to seek improvements in air quality through implementation of measures in the AQAP.*
- (2) Provide mitigation measures where the development and/or associated traffic would adversely affect any declared AQMA.*

All applications for development will be required to:

- (3) Provide mitigation measures where the development and/or its associated traffic could lead to a declaration of a new or extended AQMA.*
- (4) 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.*
- (5) Promote opportunities for walking, cycling and public transport and congestion management to reduce traffic levels in areas of reduced air quality, particularly in town centre locations, and promote the opportunity for cycling through the provision of cycleways.*
- (6) Secure best practice methods to reduce levels of dust and other pollutants arising from the construction of development and/or from the use of the completed development.’*

12.56 The air quality report in Appendix 6 shows that:

- *regarding the operational impact of the traffic generated by the proposed development on the surrounding area, detailed atmospheric dispersion modelling has been undertaken for three separate years, 2018, 2019 and 2020 to reflect different stages of the development. The operational impact of the proposed development on existing receptors in the local area is predicted to be ‘negligible’ taking into account the changes in pollutant concentrations and absolute levels. Using the criteria adopted for this assessment together with professional judgement, the overall impact on the area as a whole is described as ‘negligible’;*
- *the residual disamenity-dust impacts and the PM₁₀ impacts on the surrounding area as a whole were predicted to be ‘negligible’ even with numerous pessimistic and conservative assumptions. The effect resulting from these negligible impacts are considered to be “not significant”. On that basis, the BAT dust-control measures required by the Part B Permit are deemed adequate and **no additional mitigation measures are considered necessary over and above those incorporated into the design of the scheme.; and***
- ***the overall air quality effect of the proposed development, covering both traffic emissions and dust, is considered to be ‘not significant’ and, hence, it does not, in air quality terms, conflict with national, local or development plan policies. There are no constraints to the development in the context of air quality.***

WMLP Policy WMP 18

‘Transport - Road, Rail and Water

Waste and minerals development should seek to minimise transport movements and prefer non-road modes of transport subject to the practicalities pertaining to individual cases.

Proposals for waste and minerals development should demonstrate:

- (a) how movements relate to waste and minerals sources;*
- (b) how opportunities for alternative methods of transport have been evaluated;*
- (c) how access to the strategic highway network is suitable and how impacts on road safety and congestion have been addressed; and*
- (d) what measures have been incorporated including mitigation to avoid unacceptable harm to the environment and local communities.*

The Authorities will seek to maximise the use of existing railheads and rail links. Proposals which will enable waste and/or minerals to be carried on the rail network or by water will be permitted, subject to other policies of the Plan where relevant, and where it is demonstrated that this would achieve overall environmental benefits.'

WMLP Policy WMP 26

'Traffic Impacts

Proposals will be permitted where:

- (a) access arrangements are appropriate or could be made suitable for the volume and nature of traffic generated by the proposal;*
- (b) no unacceptable safety hazards for other road users, including cyclists and pedestrians, would be generated;*
- (c) the level of traffic generated would not exceed the capacity of the local road network;*
- (d) no unacceptable adverse impact upon existing highway conditions in terms of traffic congestion and parking would arise;*
- (e) there are suitable arrangements for on site vehicle manoeuvring, parking and loading/unloading areas; and*

- (f) *adverse traffic impacts that would arise from the proposal can be satisfactorily mitigated by routeing controls or other highway improvements.*

Consideration of these matters should take into account existing and other planned development.'

Core Policy 13 – Sustainable Travel

'The local planning authority will promote and support development that encourages travel by walking, cycling and public transport, and reduces the proportion of journeys made by car, in order to help achieve a rebalancing of transport in favour of sustainable modes by:

- (1) Ensuring that new development is located in sustainable locations with good access to schools, shops, jobs and other key services by walking, cycling and public transport in order to reduce the need to travel by car (unless there is an overriding need for the development in a less accessible location).*
- (2) Ensuring that the design and layout of new development prioritises the needs of pedestrians, cyclists and users of public transport over ease of access by the motorist.*
- (3) Ensuring that new residential developments are designed to achieve speeds of 20 mph or less.*
- (4) Ensuring that new development minimises the need to travel and incorporates appropriate measures to mitigate for any transport impacts which may arise from that development.*
- (5) Requiring new development to provide for an appropriate level of cycle and car parking in accordance with parking guidance approved by the local planning authority.*
- (6) Requiring development which generates a significant demand for travel, and/or is likely to have other transport implications to:*

NPPF and development plan considerations and the presumption in favour of sustainable development

- (i) *Be supported by a Transport Assessment/Transport Statement and sustainable Travel Plan, where appropriate;*
- (ii) *Contribute to improved sustainable transport infrastructure, including the provision of safe and reliable sustainable transport modes; and*
- (iii) *Provide facilities and measures to support sustainable travel modes.*

The local planning authority will work with East Sussex County Council and other relevant agencies to encourage and support measures that promote improved accessibility, create safer roads, reduce the environmental impact of traffic movements, enhance the pedestrian environment, or facilitate highway improvements. In particular, the local planning authority will:

- (a) *Support the expansion and improvement of public transport services, particularly those providing links between the rural and urban areas;*
- (b) *Encourage improvements to existing rail services, new or enhanced connections or interchanges between bus and rail services, and improvements to the quality and quantity of car and cycle parking at railway stations; and*
- (c) *Support the development of a network of high quality walking and cycling routes throughout the district.'*

Transport by rail

- 12.57 WMLP Policy 18 confirms that the MPA will seek to maximise the use of existing rail links and that, subject to compliance with other policies of the development plan, rail connected development will be permitted.
- 12.58 East Quay is already rail connected but the siding on the application site has fallen into disrepair due to the lack of use. It is proposed not only to reopen this stretch during the Stage 1 operations but also, as part of the Stage 2 development, to extend it so that longer trains can

NPPF and development plan considerations and the presumption in favour of sustainable development

be used to deliver aggregate to other rail connected facilities not only in East Sussex but in other parts of the South East.

- 12.59 It is envisaged that about half of the aggregate processed on the application site would be transported by rail until the new port access road is open to traffic.

Transport by road

- 12.60 As is identified above it is a principal feature of this application that the use of the rail is maximised to distribute aggregates to end users, thus minimising the use of road transport. Indeed, output would be significantly restricted until the new port access road, which will pass the residential area situated within the port area, is open to traffic. BAL commissioned Cannon Consulting Engineers to undertake a traffic study and prepare a transport statement in connection with the proposed development. The transport assessment included as Appendix 7:

- (i) describes the local roads and the surrounding highway network;
- (ii) identifies that both automatic traffic counts and junction turning counts were carried out at strategic locations in the vicinity of both the application site;
- (iii) reports the accident data for the area for the last 5 years;
- (iv) summarises, national, regional and local transport planning policy;
- (v) quantifies the traffic movements associated with the 4 stages of the proposed development; and
- (vi) assesses the traffic impact.

- 12.61 In relation to WMLP Policy WMP 26, the Transport assessment shows:

- (i) access arrangements are appropriate for all 4 stages of the proposed development;
- (ii) no unacceptable safety hazards for other road users would result as a consequence of the proposed development;

NPPF and development plan considerations and the presumption in favour of sustainable development

- (iii) the level of traffic during stages 1 and 2 before the new port access road is open to traffic and during Stages 3 and 4, when it would be the sole means of access to and from the main highway network, would not exceed the capacity of the local road network. The analyses took account of all known planned but as yet undeveloped projects in the vicinity of the application site;
- (iv) no unacceptable adverse impact upon existing highway conditions in terms of traffic congestion and parking would arise;
- (v) there are suitable arrangements for on site vehicle manoeuvring, parking and loading/unloading areas; and
- (vi) the daily and peak hour threshold analyses, demonstrate that the net increases in flows associated with all four stages of development are low and will not have a material impact on the local highway network. .

Sustainable transport

12.62 The objective of LDLP Policy Core Policy 13 is identified to be as follows:

'To reduce the need to travel and promote a sustainable system of transport and land use for people who live in, work in, study in, and visit the district

To ensure the district reduces locally contributing causes of climate change and is proactive regarding climate change initiatives

To work with other agencies to improve the accessibility to key community services and facilities and to provide the new and upgraded infrastructure that is required to create and support sustainable communities.'

12.63 The ways in which the proposed development would meet the relevant parts of the objective are by maximising the distribution of aggregates

NPPF and development plan considerations and the presumption in favour of sustainable development

by rail and encouraging employees, when and where practical, to use sustainable modes of transport to and from work.

12.64 The application site is readily accessible by train, bus, car, motor cycle and cycle and on foot from local residential areas. The transport assessment identifies the relevant infrastructure.

12.65 The proposed development would be BAL's first in the local area with the nearest facility being Brett Concrete's concrete batching plant at Bexhill some 30km away 'as the crow flies'. Consequently, job opportunities would arise for local residents who, in the main, could take advantage of sustainable methods of transport.

Conclusion of the transport assessment

12.66 The transport assessment concludes:

'The daily and peak hour threshold analyses, demonstrates that the net increases in flows associated with all four stages of development are low and will not have a material impact on the local highway network. Accordingly, in traffic terms it is considered that the proposed development is consistent with the National Planning Policy Framework, specifically paragraph 32, which states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."'

Flood risk, climate change and energy conservation

Policy WMP 28a

'Flood Risk

Development will only be permitted if it can be demonstrated that a proposal:

- (a) adequately provides for the implications of flood risk in that it would not increase the risk of flooding on*

- the site or elsewhere and where possible reduce the risk of flooding overall;*
- (b) is not detrimental to the integrity of sea, tide or fluvial flood defences or river channels;*
 - (c) would not impede access for future maintenance or improvements of flood defences;*
 - (d) has no significant adverse impact on the nature conservation and amenity value of rivers, wetlands or the marine environment; and*
 - (e) has appropriate measures in place to reduce surface water run-off, including the provision of sustainable drainage systems (SUDS); and*
 - (f) would not require any additional protection from flood or erosion such that it would be in contravention of the existing Shoreline Management Plans and/or Catchment Flood Management Plans.*

Development proposed in areas of flood risk (flood zones 2, 3a, or 3b) must apply the Sequential Test and where applicable the Exceptions Tests, as set out in national policy and carry out a site level Flood Risk Assessment. Proposals should also take into account recommendations in the Strategic Flood Risk Assessment for East Sussex and Brighton & Hove, or for the relevant district/borough council, whichever is more recent.'

Core Policy 12 – Flood Risk, Coastal Erosion, Sustainable Drainage and Slope Stability

'The local planning authority will seek to reduce the impact and extent of flooding and damage from slope failure. This will be achieved by:

- (1) Steering development away from areas of flood risk (as identified in the latest Environment Agency and SFRA flood risk and climate change maps) where possible. Development in areas of flood risk will be required to meet the national Sequential and Exception tests, where relevant.*

- (2) *Where site specific flood risk assessments are required, directing applicants to demonstrate that the development and its means of access will be safe from flooding without increasing the risk of flooding elsewhere. Development should seek to reduce overall flood risk where possible.*
- (3) *Requiring flood protection, resilience, resistance and mitigation measures appropriate to the specific requirements of the site. Such measures will be expected to have regard to the character of the natural and built environment of the site and surroundings, to climate change implications and to biodiversity.*
- (4) *Liaising closely with the Environment Agency and East Sussex County Council on development and flood risk.*
- (5) *Seeking the appropriate management of surface water run-off and ensuring there is no increase in surface water run-off from new developments. This will include requiring new development to incorporate Sustainable Drainage Systems (SuDS), unless it is demonstrated that SuDS are not technically appropriate. The local planning authority will consult East Sussex County Council, the lead local flood authority, on the whole life management and maintenance of SuDS.*
- (6) *Ensuring development avoids areas of undeveloped coastline unless it specifically requires a rural coastal location, meets the sequential test and does not have other adverse impacts.*
- (7) *Preventing development on unstable areas of coastline and areas at risk of erosion and slope failure, such as those identified in the South Downs Shoreline Management Plan.*

The local planning authority will work with partners and applicants to implement the current Shoreline Management Plan, Catchment Flood Management Plan and other relevant flood/coastal protection strategies and plans.'

Policy WMP 24b

‘Resource and Energy Use

Proposals should incorporate carbon offset measures and should be designed in such a way as to minimise greenhouse gas emissions. Applicants should demonstrate that during operation of any facility:

- (a) energy (including heat) will be obtained from decentralised renewable or low carbon sources where possible (although on-site generation of energy should not prejudice the movement of waste up the waste hierarchy); and*
- (b) measures will be taken to minimise waste from operational processes and maximise energy efficiency.’*

Core Policy 14 - Renewable and Low Carbon Energy and Sustainable Use of Resources

‘In order to reduce locally contributing causes of climate change, including through the implementation of sustainable construction techniques in new developments, the local planning authority will:

- (1) Encourage renewable and low carbon energy in all development, with proposals responding to the potential identified in the Energy Opportunities Map. Development location and design that takes advantage of opportunities for decentralised, renewable and low carbon energy will be encouraged.*
- (2) Support applications for low carbon and renewable energy installations, subject to the following matters being satisfactorily assessed and addressed:
 - (i) Appropriate contribution to meeting national and local renewable heat and energy targets;*
 - (ii) Protecting the special qualities and setting of the South Downs National Park, in**

- accordance with national park purposes and the duties of regard by relevant authorities;*
- (iii) Landscape and visual impact;*
 - (iv) Local amenity impact;*
 - (v) Ecology impact; and*
 - (vi) Cultural heritage impact, including the need to preserve and enhance heritage assets.*
- (3) Require planning applications relating to Core Strategy strategic site allocations to be accompanied by an Energy Strategy. The Energy Strategy will seek to incorporate decentralised and renewable or low carbon technologies into the development proposal. Where a strategic site is developed in phases, the Energy Strategy will guide the development of infrastructure for renewable and/or low carbon technologies in a coordinated way.*
- (4) Require all new dwellings to achieve water consumption of no more than 110 litres per person per day, unless it can be demonstrated that it would not be technically feasible or financially viable. All new non-residential developments over 1,000 square metres (gross floorspace) will be expected to achieve the BREEAM 'Very Good' standard and developers will be expected to provide certification evidence of the levels achieved in the relevant requirements/standards at the planning application stage.'*

Policy WMP 24a

'Climate Change

Proposals for minerals or waste management, including restoration proposals, must take account of climate change for the lifetime of the development from construction through to operation and decommissioning.

Measures should be incorporated to minimise greenhouse gas emissions ('mitigation') and to allow flexibility for future

adaptation to the impacts of climate change ('adaptation'), which may include some or all of the following:

- (a) locating and designing the facility, and designing transport related to the development, in ways that seek to minimise greenhouse gas emissions;*
- (b) incorporating carbon off-setting measures;*
- (c) Use of renewable, decentralised, or low carbon energy sources to power the facility;*
- (d) incorporating measures to minimise flood risk associated with the development; and*
- (e) measures to minimise waste materials generated from operational processes.*

The information supplied and the measures to be incorporated into the design should be appropriate to the scale and nature of the proposals. It is likely therefore that larger scale proposals may be expected to show more detailed mitigation and adaptation measures and provide more information than smaller-scale permissions or proposals for temporary waste facilities.'

Policy WMP 28a

'Flood Risk

Development will only be permitted if it can be demonstrated that a proposal:

- (a) adequately provides for the implications of flood risk in that it would not increase the risk of flooding on the site or elsewhere and where possible reduce the risk of flooding overall;*
- (b) is not detrimental to the integrity of sea, tide or fluvial flood defences or river channels;*
- (c) would not impede access for future maintenance or improvements of flood defences;*
- (d) has no significant adverse impact on the nature conservation and amenity value of rivers, wetlands or the marine environment; and*

- (e) *has appropriate measures in place to reduce surface water run-off, including the provision of sustainable drainage systems (SUDS); and*
- (f) *would not require any additional protection from flood or erosion such that it would be in contravention of the existing Shoreline Management Plans and/or Catchment Flood Management Plans.*

Development proposed in areas of flood risk (flood zones 2, 3a, or 3b) must apply the Sequential Test and where applicable the Exceptions Tests, as set out in national policy and carry out a site level Flood Risk Assessment. Proposals should also take into account recommendations in the Strategic Flood Risk Assessment for East Sussex and Brighton & Hove, or for the relevant district/borough council, whichever is more recent.'

Flood risk and climate change

- 12.67 A flood risk and sustainable drainage assessment has been carried out and is presented as an appendix to the hydrological and hydrological impact assessment in Appendix 4 (the FRDA). The documents are summarised in Section 8 above where it was shown that with reference to the NPPF and the NPPG, that the site is considered 'water compatible development and thus is an appropriate form of development at this location.
- 12.68 Safeguards have been proposed to ensure vulnerable site infrastructure (e.g. site weighbridge, offices and welfare facilities) is located above potential flood levels; this would also provide safe refuge for employees and contractors in the unlikely event this was required during a flood event.
- 12.69 It is also proposed that a site specific flood emergency plan is prepared and that the site subscribes to the Environment Agency flood warning service which would provide a minimum of 2 hours warning of a potential flood event occurring. Subject to these safeguards it is considered flood risk at site be appropriately managed and be

NPPF and development plan considerations and the presumption in favour of sustainable development

managed in accordance with current best practice guidance. It has also be shown that runoff from the site will not increase flood risk to users of the site or to third parties.

Energy conservation

12.70 An energy strategy is included as Appendix 14 (the energy report) and is summarised in Section 7 above. The strategy seeks to reduce energy in office and welfare buildings by adopting lean, clean and green hierarchy of measures which are clearly set out in the strategy, which concludes:

‘Overall, the requirements of both East Sussex County Council and Lewes District Council to maximise energy efficiency, investigate the use of decentralised energy and use renewable energy onsite have been met. The modelling undertaken shows that both Building Regulations 2013 and local authority planning requirements have been exceeded with respect to energy and CO2 reduction.’

12.71 The ‘Be Lean’ measures for energy efficiency of the industrial operations are set out in Section 4.

12.72 In addition, at all stages, the detailed design, construction, use and maintenance of the block-making building would meet the requirements of Table 7 : Minimum standards for a BREEAM (Building Research Establishment Environmental Assessment Method) ‘Very Good’ rating of the Building Research Establishment publication Technical Manual SD5076: 5.0-2014. This requires energy monitoring and management.

The presumption in favour of sustainable development

WMLP Policy WMP 1

‘The Authorities will take a positive approach to waste and minerals development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.’

NPPF and development plan considerations and the presumption in favour of sustainable development

Waste and minerals development that accord with policies in this Plan and subsequent Plans will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the proposal or the relevant policies are out of date at the time of making the decision, then the Authorities will grant permission unless material considerations indicate otherwise – taking into account whether:

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

Specific policies in that Framework indicate that development should be restricted.'

- 12.73 The above discussion of how the proposed development has been designed and would be operated in compliance with all relevant development plan policies confirms that it meets the requirements of all three roles for sustainable development.
- 12.74 It is clear that any perceived adverse impacts do not 'significantly and demonstrably outweigh the benefits [of the proposed development], when assessed against the policies in the National Planning Policy Framework taken as a whole'.
- 12.75 BAL welcomes the commitment made by ESCC that it 'will take a positive approach to minerals development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and that 'minerals development that accord[s] with policies in this Plan and subsequent Plans will be approved without delay, unless material considerations indicate otherwise.

Conclusion that the proposed development represents sustainable development

12.76 s.38(6) of the Planning and Compulsory Purchase Act 2004 states:

'If regard is to be had to the development plan for the purpose of any determination under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

and paragraph 14 of the NPPF states:

*'14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

....

*For **decision-taking** this means:*

- approving development proposals that accord with the development plan without delay; and*
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - specific policies in this Framework indicate development should be restricted.'*

12.77 The development plan policies which appear to BAL to apply to the proposed development have been set out and discussed above. It is shown that the proposed development is in accordance with their requirements.

12.78 In addition, the assessment has taken full account of the three dimensions of sustainable development, i.e. the economic, social and environmental roles, and the conclusion drawn is that the proposed development also meets their requirements.

- 12.79 There appear to be no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposed development and no material considerations or specific policies in the NPPF that indicate otherwise. Consequently there is no reason why determination of this application should not be in accordance with the development plan or why the planning permission sought should not be granted without delay.