

Ref: 4115

QUERCUS

Littlehampton Road
Ferring
Worthing
West Sussex
BN12 6PG

Planning Department
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF
FAO Mrs A Gardner



Dear Mrs Gardner

Application: FG/52/18/PL

Amendments to approved design approved under FG/95/16/PL
Quercus Nursery, Littlehampton Road, Ferring, BN12 6PH

Thank you for your assistance during the above application.

We attended the planning committee on the 12th December 2018 and listened to the debate.

While we were pleased that our application was approved, we were concerned about how little councillors appeared to understand the content of our application, despite your very comprehensive report and the very eloquent information delivered by the Environmental Health Officer, for example:-

- We noted that despite Cllr Elkins admitting that he lived close to the site and had a personal interest, he was permitted to speak and influence the debate.
- Despite our application plans being shown, there was unresolved confusion over the location of our access, and how the delivery lorry enters and exits our site.
- Some councillors expressed misunderstood concerns that Lorries 'parked' on the dual carriageway either; making the delivery from the road or; while waiting for the gate to be unlocked.

For the avoidance of doubt, all lorries are loaded and unloaded within our yard and not on the highway. As the EHO pointed out at the meeting, lorry drivers give us an estimated time of arrival and we ensure the gate is unlocked.

- There was some confusion about the results of the various noise surveys and whether residents would be disturbed (i.e. woken up) with a misleading assumption clearly made by councillors that deliveries at 5am were audible and would wake residents.

During the meeting the EH officer was very clear in advising members of the committee that;

- We had submitted a noise report with the application that demonstrated that the noise on the A259 masked any delivery noise
- Noise monitoring was undertaken at an objector's house in September 2017 that showed no increase in noise resulting from deliveries to our site.
- The objectors declined further opportunities for noise monitoring equipment to be installed and no noise diaries had been submitted.



- An experienced member of the EH out of hours team, attended a nearby residence during 4 separate nights (Friday, Saturday, Monday and Tuesday), during which two deliveries were observed (Friday and Tuesday) between 5am and 6am and the EHO was satisfied that the noise generated by these deliveries was not audible over the background noise so as to disturb a resident while asleep.

The EH officer at the meeting repeated the recommendations that they made during the application for 4:45 condition, but noted that the draft conditions within your report were 'more restrictive' with no deliveries before 5am and only 5 per week (i.e. one lorry per day) between 5am-6am.

The EH officer could not have been clearer in stating at the meeting that the officer's opinion (who had objective first-hand experience of a delivery) the noise on the busy A259 ramps up between 4am-4:45am and when deliveries are made after 4:45am "if you were awake you might notice it, but it would not wake you up."

The comments made at the committee by; Cllr Mrs Hall "5am is a little early and I would not like to be woken up at 5am, I would prefer 7am " and Cllr Mrs Oakley's 'experience' comparing the 6 minute delivery of 3 pallets to our site with Covent Garden, describing it as 'crash and bangs' are contrary to the EHO's professional advice and we are concerned that this reasonable independent advice was either misunderstood or simply disregarded by members of the committee.

As you are aware from your discussions with our agent, the timing of the condition is important to our business.

We have a regular delivery made by one lorry that arrives from Holland between 5am and 6am, Tuesday-Saturday (5 days a week) that is essential to the operation of our business and cannot simply be delayed. The driver's working hours are severely restricted by the rules governing haulage (tachographs) and they only have a limited slot to make a delivery to us.

We did not appreciate the jibe made by Mrs Oakley about delivery drivers parking up and listening to the radio, as we have found delivery drivers to be very professional, working to strict time lines and on occasions, the 5am delivery driver (having driven overnight from Holland) only has 15 min left on their clock when they leave us to get to the Arundel truck stop, where they are required to take an 8 hour rest (sleep) break.

Before making this application we worked with the Environmental Health Officers and altered our practices (e.g. stopping the practice of loading empty cages onto the early morning lorry) and have worked hard to explore all avenues to alter the timing of our deliveries.

We appreciate your time and consideration in discussing the draft conditions within the report with our agent before our application was heard at committee and it was perhaps unfortunate that you were not at the committee meeting.

Had the importance of the timing of the condition for deliveries been made clear to the councillors during the committee, the amendment to your recommended conditions to remove the single delivery (1 lorry) between 5am and 6am on 5 days a week) may not have been necessary.

We are now in a position where we have an unworkable condition imposed upon us that we were not consulted upon and has been imposed contrary to professional advice and sound evidence base.

As it currently stands, the condition your members imposed has negated the benefit of our consent so we ask what options we have and how we may resolve this issue ?

Yours Sincerely

Roger Smith and Dave Baldwin

Quercus Nursery

