

REGULATORY COMMITTEE

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes, on 19 October 2011

PRESENT - Councillor Daniel (Chairman), Councillors Harris, Hughes, Ost, Simmons and Stogdon

25. MINUTES

25.1 RESOLVED to approve as a correct record the minutes of the previous meeting held on 21 September 2011.

26. REPORTS

26.1 Copies of the reports and documents referred to are contained in the minute book.

27. DISCLOSURES OF INTEREST

27.1 Councillor Daniel declared a personal interest in item 6 in that he is a magistrate.

27.2 Councillor Ost declared an interest in one of the cases reported in item 6 in that he is the Chair of Governors of the school in question, and indicated that he would leave the Chamber if the particular case was to be discussed.

28. APPLICATION FOR THE REVIEW OF MINERAL PLANNING PERMISSIONS – DETERMINATION OF CONDITIONS TO BE ATTACHED TO PLANNING PERMISSION RR/89/2294(CM). LYDD QUARRY (AREA 10 WITHIN EAST SUSSEX), JURY'S GAP ROAD, LYDD, KENT – MR/15

28.1 The Committee considered a report by the Director of Economy, Transport and Environment, and a correction to a reference contained in paragraph 6.31 of the report.

Reason for decision

28.2 Members have considered the officer's report and clarification and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report.

28.3 RESOLVED to grant permission subject to the following conditions:

1. Except with the prior written approval of the Mineral Planning Authority (MPA), mineral extraction pursuant to this permission shall cease on or before 25 April 2030 and the site shall be restored and landscaped within a further period of 2 years in accordance with the requirements of condition 20 below or any variation thereof as may be subsequently approved by the MPA. For the avoidance of doubt: (i) the restoration shall make provision for the installation of a conveyor and walkway across land identified on Figure ROMP 3, dated September 2011, to the land permitted for mineral extraction under planning permission reference RR/362/CM and any further extension of the workings that may be permitted thereafter until such time as identified in

condition 2 below; and (ii) except for the provision for works in (i) above no development or associated activities shall take place within the area identified as green hatched on Figure ROMP 3.

Reason: To secure an appropriate working programme and restoration scheme for the site in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

2. The proposed method of mineral working shall be carried out in accordance with the Proposed Scheme for Completing Working and Restoration of Area 10 of Lydd Quarry as set out in Section 4 (Revised August 2011) of the Environmental Statement dated October 2010 and the proposed programme for monitoring hen harriers shall be carried out in accordance with the details submitted in the report by Bioscan (UK) Ltd, 'Lydd Quarry - Area 10 Information in support of an Appropriate Assessment', dated September 2011, or any variation thereof as may subsequently be approved in writing by the MPA.

Reason: To secure an appropriate method of working in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

3. With regard to the programme for monitoring hen harriers referred to in condition 2 above, details shall be submitted to the MPA for written approval by 31 October 2011 and shall include: (i) the person or persons who will undertake the monitoring; (ii) the days(s) on which the monitoring will take place; and (iii) a timetable for implementation.

Reason: To secure an appropriate method of working in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

4. Restoration of the land used for the conveyor and walkway identified in condition 1 above shall be completed within 2 years of the completion of extraction from the land permitted for mineral extraction under planning permission reference RR/362/CM and any further extension of the workings that may be permitted thereafter.

Reason: To secure the restoration of this part of the site in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

5. All archaeological works including field work, recording, analysis, reporting and archiving shall be carried out in accordance with the provisions of the report by Archaeology South-East on a Written Scheme of Investigation for a Programme of Archaeological Work during Quarry Operations, dated September 2010, or any variation which has been approved first by the MPA.

Reason: To secure an appropriate archaeological scheme of investigation in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

6. Prior to the commencement of soil stripping, a survey shall be carried out by a competent ecologist to ascertain the presence of any badger setts within the approved working area. The findings shall be reported to the MPA and any necessary mitigation or protection measures shall be agreed in writing with the MPA before working is carried out within 50 metres of any sett so identified.

Reason: To secure the protection of any badgers in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

7. No working or storage of soils shall take place within 30 metres of the entry to the badger sett identified in Appendix 5 of the submitted Environmental Statement dated October 2010.

Reason: To secure the protection of any badgers in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any subsequent amendment thereof, no buildings, plant machinery or structures additional to those identified in the approved scheme of working and restoration, shall be placed on the site without the prior written approval of the MPA. For the avoidance of doubt, nothing in this condition shall prevent the erection of a bridge across Widney Fleet and the retention of a conveyor and walkway on the land, as identified in condition 1 above, to serve the land permitted for mineral extraction under planning permission reference RR/362/CM and any further extension of the workings that may be permitted thereafter.

Reason: In the interests of the amenity of the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

9. No processing except for de-watering of as-dug material shall take place on and no stockpiling of any material other than as dug material, soils and overburden shall be carried out on the site without the prior written approval of the MPA.

Reason: To secure an appropriate working scheme for the site and in the interests of the amenity of the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

10. With the exception of essential maintenance, the development hereby permitted shall take place between the hours of 0700-1800 Monday to Friday and 0700-1300 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: In the interests of the amenity of the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

11. Any facilities above ground for the storage of oils, fuels or chemicals shall be provided with adequate durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity of no less than the equivalent of 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses shall be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway.

Reason: To protect the watercourses from pollution in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

12. Working practices shall be controlled to ensure that no substance, including sand and sediment enters any watercourse or feature, sufficiently to be detrimental to the watercourse.

Reason: To protect the watercourses from pollution in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

13. Between the hours of 07.00 - 18.00 on Monday to Friday inclusive and 07.00 - 13.00 on Saturday, noise levels shall not exceed 47 dBLAeq 1hr (free field) at the boundary of the residential farm workers' cottages identified as 'Receptor 2' in Figure 1 of the Noise Impact Assessment dated 18 August 2010, submitted as part of the Environmental Statement dated October 2010. No machinery shall be used on the site unless it has been properly suppressed in accordance with the manufacturer's recommended standard and all machinery shall be properly maintained to ensure that noise emissions are kept to a minimum. In addition the noise control measures set out in paragraph 3.31 of the submitted Environmental Statement shall be implemented in full.

Reason: In the interests of residential amenity and the amenity of the locality generally, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

14. The dust control measures set out in paragraph 3.32 of the submitted Environmental Statement dated October 2010 shall be implemented in full at all times.

Reason: In the interests of amenity in the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

15. There shall be no planting of trees or bushes within 8 metres of the top of the bank of the Jury's Gut Sewer, Widney Fleet or Scotney Petty Sewer.

Reason: To protect the integrity of the watercourses in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

16. The faces of the workings where adjacent to the undisturbed margins as set out in Section 4 (Revised August 2011) of the Environmental Statement dated October 2010 shall be battered to a slope not steeper than 5 horizontally to 1 vertically and maintained as such throughout the extraction period of the quarry workings.

Reason: To protect the integrity of the watercourses in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

17. The plastic limits for the topsoil and subsoil identified on the site shall be deemed to be those determined by ADAS and included as Appendix 10 of the submitted Environmental Statement dated October 2010. Topsoils and subsoils shall only be handled when their moisture contents is at least 5% below its plastic limit for topsoils and 3% below its plastic limit for subsoils. The testing of topsoils and subsoils on site once the plastic limit is determined shall be carried out using a Speedy Moisture Meter or Speedy Moisture Probe.

Reason: To secure the proper handling of soils as part of the working and restoration programmes in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

18. Topsoil, subsoil and overburden shall be handled and stored where appropriate separately. The height of the stockpiles shall not exceed 3.5 metres. No soils or overburden shall be removed from site.

Reason: To secure the proper handling and storage of soils in accordance with the working and restoration programmes in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

19. No material shall be imported for use in backfilling the site.

Reason: An appropriate restoration of the site can be achieved without the importation of other materials in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

20. The site shall be restored in accordance with Figure 5 and the Proposed Scheme for Completing Working and Restoration of Area 10 as set out in Section 4 (Revised August 2011) and Appendix 3 of the Environmental Statement dated October 2010 or in accordance with a scheme subsequently approved by the MPA. The lake margins at the common boundary with Area 9 shown on Figure 5 of the submitted Environmental Statement shall be continuous and not disjointed.

Reason: To secure an appropriate restoration of the site in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

21. The scheme of aftercare for permanent pasture, reedbeds and wetland areas shall be implemented in accordance with the general principles detailed in the Proposed Scheme for Completing Working and Restoration as set out in Section 4 (Revised August 2011) and Appendix 3 of the Environmental Statement dated October 2010 for a period of 5 years from the completion of restoration of the site or part thereof.

Reason: To secure appropriate aftercare at the site in accordance with Policy 35 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

Schedule of Approved Plans

Figure 1 - Location of the Review Site, Figure 2 - Marked up 2005 aerial photograph, Figure 5 - Approved Restoration and proposed restoration of review land, Proposed Working of Area 10 and access to Area 11

29. DEVELOPMENT CONTROL AND SITE MONITORING QUARTERLY REPORT

29.1 The Committee considered a report by the Director of Economy, Transport and Environment. A case at Watermill Lane, Bexhill will be presented to Committee in a separate report.

29.2 RESOLVED to note the report and thank the officers involved.

30. CHANGE OF USE OF LAND TO THE NORTH WEST OF THE SCHOOL FOR EDUCATIONAL USE. EAST HOATHLY CE PRIMARY SCHOOL, CHURCH MARKS LANE, EAST HOATHLY – WD/3045/CC

30.1 The Committee considered a report by the Director of Economy, Transport and Environment.

Reason for decision

30.2 Members have considered the officer's report and clarification and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report.

30.3 RESOLVED to grant permission subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The land for which planning permission is given shall be not be used for any purpose other than for educational use.

Reason: For the avoidance of doubt.

INFORMATIVE

1. Planning permission is granted for change of use of land only and any physical structures or significant alterations of that land may require further planning permission.

Schedule of Approved Plans

Ref 1 - Site Plan, Ref 2 - Location Plan Scale 1:1000