

Committee: **Regulatory
Planning and Highways Sub Committee**

Date: **12 October 2005**

Report by: **Director of Transport and Environment**

Proposal: **Environmental improvement works through: diversion of River Line around existing landfill; abandonment of culverts under landfill; pollution control and drainage works; provision of new lorry park and access road; rationalisation of on-site lorry parking; all together with associated works.**

Site Address: **British Gypsum Limited, Mountfield, Robertsbridge**

Applicant: **British Gypsum Limited**

Application No. **RR/445/CM(EIA)**

REVISED RECOMMENDATION

8.1 To recommend the Planning & Highways Sub Committee to grant planning 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 & Country Planning Act 1990.

2. No development shall take place on the proposed new lorry park as indicated on drawing number D100486\PA\031 until a written scheme of investigation and programme of implementation of archaeological work has been submitted to and approved in writing by the Director of Transport and Environment. The development shall be carried out in accordance with the approved scheme which shall be implemented in full.

Reason: to comply with Policy EN24 of the East Sussex and Brighton & Hove Structure Plan 1991-2011

3. The development hereby approved shall be carried out wholly in accordance with the approved plans as listed on this decision notice, unless minor amendments are agreed in writing by the Director of Transport and Environment.

Reason: The development is considered of national importance and would not otherwise be permitted and it should therefore be carried out as indicated to accord with policies EN18, EN20, MIN2, MIN 4a, MIN12 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy 26, 27 and 31d of the East Sussex and Brighton & Hove Minerals Plan 1999

4. No waste material other than that inert waste materials originating from this development shall be deposited at the site.

Reason: This permission is granted exceptionally to meet the waste disposal needs of the stated source to comply with Policy WLP21 of the East Sussex Brighton & Hove Waste Local Plan Second Deposit April 2002

5. Before the commencement of the use of the proposed lorry park shown on drawing number D100486\PA\031 the sleeper wall shall be constructed to the north and east of the old lorry park next to the gatehouse and the surface of the area outlined in red shall be harrowed and left to re vegetate naturally.

Reason: To revitalise the ancient woodland habitat to comply with policies EN18 and EN20 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy 31c of the East Sussex and Brighton & Hove Minerals Plan 1999

6. Before the commencement of works on the lorry park, or any equipment, machinery or materials are brought on to the lorry park site for the purposes of the development, a 2m high chestnut paling fence on a frame of permanent scaffold poles to BS5837, or such other agreed fence, shall be erected on the line of the canopy of trees in Crowhurst Wood on the north and south borders of the lorry park as denoted by a green line on drawing number D100486\PA\031 and from points A to B, C to D and E to F on the attached plan and shall be maintained until the development is completed and all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in adjoining ancient woodland, nor any fires lit, and the ground levels within the ancient woodland areas to the north and south of the site respectively, shall not be altered, nor shall any excavation be made, or operations carried out without the prior written consent of the Director of Transport and Environment.

Reason: To preserve the trees on the site in the interests of visual amenity and the environment and to ensure that the works shall be carried out in order to comply with policies S1(j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policies.GD1(v) and DS(vi) of the Rother District Local Plan, Revised Deposit Draft 2003

7. Permission shall relate solely to the lighting details shown on drawing number D100486\PA\031 and to the submitted lighting specifications received 2 September 2005, unless otherwise agreed in writing by the Director of Transport and Environment.

Reason: To accord with condition EN 14 of the East Sussex and Brighton & Hove Structure Plan 1991-2011

8. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the commencement of the development; any hedgerow planted in accordance with this condition shall thereafter be retained; any trees, shrubs, hedges or plants which within a period of 5 years from the completion of the development die, are removed, uprooted or destroyed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Director of Transport and Environment gives prior written consent to any variation.

Reason: In the interests of the visual amenity and habitat creation in compliance with Policy EN18 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 Policy WLP 39 of the East Sussex and Brighton & Hove Waste Local Plan Second Deposit April 2002 and Policies DS(vi) and GD1(v) of the Rother District Local Plan, Revised Deposit Draft 2003.

9. No development shall take place until wheel washing facilities have been installed on the site in accordance with details to be submitted to and approved in writing by the

Director of Transport and Environment. The facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle shall leave the site carrying mud, dust or debris.

Reason: In the interests of road safety to comply with Policy S1(d) of the East Sussex and Brighton & Hove Structure Plan 1991-2011

10. No operations shall take place in association with this development other than between the hours of 07.00 and 18.00 on Mondays to Fridays and between 07.00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: To safeguard the residential amenities of the occupiers of properties in the vicinity of the site.

11. Development shall not commence until a management plan for the whole of the site, especially for the areas of ancient woodland and channel and banks of the River Line, has been submitted to and approved in writing by the Director of Transport and Environment. The site shall thereafter be maintained and managed in accordance with the approved plan.

Reason: To preserve the ancient woodland on the site in the interests of visual amenity and the High Weald Area of Outstanding Natural Beauty and to comply with Policies EN 17, S1 (j) and MIN4 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policies DS (v) and GD1 (v) of the Rother District Local Plan, Revised Deposit Draft 2003

12. No development shall take place until a scheme for the carrying out of the development in successive phases has been submitted to and approved in writing by the Director of Transport and Environment. The scheme shall include the phasing of the development to show the works avoid the salmon and fresh water fish, bird, bat and amphibian breeding seasons.

Reason: In order to safeguard the fauna identified on the site in the Environmental Statement and to comply with Policy EN 17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011

13. Before the commencement of works on this site a landscaping scheme of the whole site at the scale of 1: 2500 shall be submitted and approved in writing by Director of Transport and Environment showing:

- the areas where the waste material is to be deposited together with contours of these areas at 0.5 metre contours
- details of all trees, shrubs, hedges or other planting indicating the position of trunks or stems, the spread (shown to scale) and the species;
- written specifications (including cultivation and other operations associated with plant and grass establishment)
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- details of the treatment and surfacing of the proposed lorry park slopes

- construction details for the formalising the existing trailer including details of the park surface, edging, drainage
- retention of the stand of trees to the east of the proposed lorry park.

Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of the High Weald Area of Outstanding Natural Beauty.

14. No development of the lorry park shall take place until details of surface water drainage works have been submitted to and approved in writing by the Director of Transport and Environment. Such details shall incorporate the principles of Sustainable Urban Drainage Systems and the lorry park shall not be occupied until the works have been carried out in accordance with the approved details.

Reason: To ensure satisfactory drainage of the site an to prevent water pollution

BOB WILKINS
Director of Transport and Environment
18 October 2005
P12October-RR445CM-Amended Recommendations

Contact Officer:	Clare Farrands	Tel. No. 01273 482394
Local Member:	Councillor Field	

Committee: **Regulatory
Planning and Highways Sub Committee**

Date: **12 October 2005**

Report by: **Director of Transport and Environment**

Proposal: **Environmental improvement works through: diversion of River Line around existing landfill; abandonment of culverts under landfill; pollution control and drainage works; provision of new lorry park and access road; rationalisation of on-site lorry parking; all together with associated works.**

Site Address: **British Gypsum Limited, Mountfield, Robertsbridge**

Applicant: **British Gypsum Limited**

Application No. **RR/445/CM(EIA)**

Key Issues: **i. Impact of the River Line alignment on High Weald Area of Outstanding Natural Beauty
ii. Impact of the lorry park on the High Weald Area of Outstanding Natural Beauty
iii. Loss of ancient woodland
iv. Other relevant matters**

SUMMARY OF RECOMMENDATIONS

- 1. To grant planning permission subject to conditions subject to conditions.**

CONSIDERATION BY DIRECTOR OF TRANSPORT AND ENVIRONMENT

1. The Site

1.1 The planning application relates to the British Gypsum site at Mountfield, 8 kilometres north of Battle and to the west of the A2100. The factory site, homogeniser and stockpile areas are set within the valley of the River Line surrounded by an area of ancient woodland, part of which is an Site of Nature Conservation Interest (SNCI) within the High Weald Area of Outstanding Natural Beauty (AONB).

1.2 The site covers approximately 26 hectares and includes uses of processing gypsum, manufacturing plasterboard, gypsum stockpiles areas and two gypsum landfill sites. The factory building itself stretches for half a kilometre along the northern bank of the River Line. The river passes west to east through the site along the base of the valley in a mixture of culverts and open ditches. In particular, the river and its tributary are run through an Armco type culvert for approximately 800 metres beneath the old plasterboard landfill site.

1.3 The River Line valley, 600 metres upstream of the proposed river diversion works, is a Site of Special Scientific Interest, designated as such for its geological interest. There is a public drinking water abstraction point at Brede, 10 km downstream from the factory.

1.4 The field to the northeast of the factory is for grazing and is used by a local shooting club. It falls gently from north to south and to a small degree from west to east. Access to the east end of the factory is via a tarmac road off the main road to the factory.

will enhance its appearance and water quality to comply within East Sussex and Brighton & Hove Structure Plan 1991-2011 policies S1 (g) and EN11, which seeks to protect water resources.

6.5 Any blockage of the existing culvert could lead to flooding of the river and the spread of pollutants from the dissolved sulphate in the surface water run off. This is partly controlled at present by leachate and settlement ponds. The proposal seeks to create significant stretches of open water in ditches to replace parts of the old culverts and this will improve the quality of the water in the river. Further, the gypsum storage areas are to be engineered to control the surface water run off and ensure any polluted water is passed through leachate ponds or settlement tanks. The proposal complies with East Sussex and Brighton & Hove Structure Plan 1991-2011 policy MIN1 (c) that seeks to minimise pollution, waste and loss of water resources and Policy EN 11 which seeks to protect the quality of water resources.

6.6 It is considered that the engineering solution for the realignment of the river is acceptable, provided consideration is given to prevent silting downstream and to ensure the spawning period of the year does not coincide with the construction period. The proposal for the realignment of the river complies with East Sussex and Brighton & Hove Structure Plan 1991-2011 policies EN2 and EN3 and PPG7, in that it increases the open lengths of the river including a meandering feature and will improve the physical and visual quality of the river. The recycling of mine water will reduce the influx of polluted water into the stream. The use of gullies and traps will reduce the amount of surface water pollutants entering the stream. Native tree and shrub species are to be planted along one bank of the open section of the River Line as it flows through the amenity grassland to recreate the wooded character of the river. The engineering proposal for the realignment of the river and the proposed landscaping will enhance the SNCI and AONB in accordance with the Structure Plan policies EN2 and EN3 and the advice given in PPS7, Sustainable Development in Rural Areas 2004.

ii. Impact of provision of lorry park on the High Weald Area of Outstanding Natural Beauty

6.7 The river diversion will result in the permanent displacement of lorries from the existing lorry park adjacent to the gypsum landfill site and the opportunity has been taken to rationalise lorry parking in other areas particularly in the light of Health and Safety requirements on the site. It is necessary to make provision for the parking of 90 lorries within the site as part of this planning application. This application proposes a site on the open field to the east of the works. The lorry park has been designed outside the canopy of the trees to the north and south of the field, is remote from any dwellings with the nearest residence 200 metres from the proposed works and is not readily visible in views from a public footpath 200 metres to the south of the site, being screened by trees. There are limited distant views of the site from the residences on the ridge of Netherfield village.

6.8 Three internal access routes to the lorry park were investigated by the applicant and the submitted route is considered to be the least intrusive both visually and in terms of localised impacts on vegetation because it involves the widening of an existing road.

6.9 The lorry park includes the provision of flood lighting which raises policy issues because of the sensitive location of the site. Policy S1(s) of the Structure Plan seeks to avoid unnecessary artificial lighting and Policies EN2 EN3, Minerals Planning Policy Statement 2 and Policies DS1 (vi) and GD1 (v) of Rother District Local Plan seek to protect the quiet enjoyment of the AONB and to avoid damage to its character. It is important however to achieve a balance between these policies and Policy 1a and P26 of the East Sussex and Brighton & Hove Minerals Local Plan 1999 which seek to support the continuation of processing and manufacturing activities on the British Gypsum site. Policy S1 of the Structure Plan seeks to achieve a balance between development and its impact. The applicant needs to rationalise the parking of lorries on the site and be able to operate efficiently within the tight envelope of a valley site constrained within the boundaries of

2.7 The existing road which currently provides access to the eastern, wet area of the factory, will be widened to 7 metres in width and reduced in gradient to provide access to the lorry park involving the loss of a small area of ancient woodland.

2.8 The proposal is accompanied by an Environmental Statement as required under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. This details in a systematic way an assessment of the project's likely significant environmental effects, other scenarios and proposed mitigating measures.

3. Site History

3.1 Planning permission was refused on this site in 2004 (RR/396/CM (EIA) for a similar development to that now being proposed but involving the loss of a significant area of ancient woodland. A planning appeal against this refusal has been held in abeyance pending the determination of this application. The current application is the result of discussions with the applicants to address the grounds for this refusal of planning permission.

4. Consultations

4.1 Rother District Council comments have not been received but it is understood that the application will be put before their planning committee on 13 October. The officer recommendation will be available by the date of the Sub Committee meeting.

4.2 Rother District Council Environmental Health note that the wheel wash facility will reduce mud and dust on the roadways which will benefit air pollution control.

4.3 Mountfield Parish Council is strongly opposed to the planning application on the grounds of more light, dust and noise and possible damage from rubbish being dumped in the AONB

4.4 Environment Agency has no objection providing the possible siltation of down river and the affect on salmon and freshwater fish during the construction period is considered,

4.5 Highway Authority No objection subject to a wheel washing facility for the extra vehicles during the construction period.

4.6 English Nature advises that if planning permission is to be granted conditions are attached to ensure that woodland beyond the boundary of the site is not affected; that lighting is designed so as not to disturb wildlife and that the opportunity is taken to use Sustainable Urban Drainage Systems.

4.7 County Archaeologist requests a 'watching brief' due to unexpected amounts of archaeology in this area

4.8 Representations Two letters of objection have been received on the grounds of light pollution, noise and possible damage to the AONB.

5. The Development Plan policies of relevance to this decision are:

5.1 East Sussex and Brighton & Hove Structure Plan 1991-2011: Policy S1 (g) protecting groundwater S1 (j) not damaging to AONB or ancient woodland, EN2 conserve and enhance AONB, EN3 protect character and quality of Areas of Outstanding Natural Beauty, EN11 protection of water resources, EN14 light pollution, EN17 protection of SNCI, EN18 creation of new habitats, EN20 (compensation for loss of habitat) EN22 (sites of archaeological interest) MIN1 (a) avoid permanent loss of valued habitats and landscapes, MIN 1(c) minimize pollution, waste and loss of water resources, MIN 2 Environmental quality of site, MIN4 (b) development in accordance with objectives of AONB, ancient woodland, SNCI.

6.18 The site lies within an area of potential archaeological interest and provision should be made to record any possible findings to comply with policy EN22 of the East Sussex and Brighton & Hove Structure Plan 1991-2011

6.19 The waste material from the excavation of the drainage channel for the river, the formation of the lorry park and the widening of the access road and other miscellaneous drainage works are to be deposited on site as part of a restoration scheme for the site. Disposal of waste material to the land is the least preferable option and is only supported by policy WLP21 of the Waste Local Plan where it is part of a comprehensive restoration scheme. In addition to the landscaping proposed as part of this application the applicant is willing to submit a Master Plan for further landscaping of the site to enhance the AONB. I recommend a condition to this effect.

7. Conclusion and reasons for approval

7.1 Planning application RR/396/CM (EIA) was refused primarily on the loss of ancient woodland and therefore the decision to recommend approval of this proposal reflects a balancing act. I have reviewed the site with the applicant considering the need for adequate parking and pollution arrangements on the site which will meet the standards of the Environment Agency and the Health and Safety Executive. The factory was established here because of the presence of gypsum on the site and the mining of this mineral and this mineral is of national importance. I consider that support for this proposal is in line with Policies EN18, EN20, MIN2, MIN 4a, MIN12 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy 26, 27 and 31d of the East Sussex and Brighton & Hove Minerals Plan 1999 and Minerals Planning Policy Statement 2. I consider the mitigation measures and the gain of a realigned and re-sculptured river outweigh the loss of the small sections of ancient woodland. However in view of the location of the site within the High Weald Area of Outstanding Natural Beauty and Policies EN2, EN3, MIN4b of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy 31c of the East Sussex and Brighton & Hove Minerals Plan 1999 and Rother District Local Plan 1988 Policies DS1 (vi) and GD1 (v), I propose a number of conditions to limit the impact of these proposals on the area.

8. Formal Recommendation

8.1 To recommend the Planning & Highways Sub Committee to grant planning 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 & Country Planning Act 1990.

2. No development shall take place on the proposed new lorry park as indicated on drawing number D100486\PA\031 until a written scheme of investigation and programme of implementation of archaeological work has been submitted to and approved in writing by the Director of Transport and Environment. The development shall be carried out in accordance with the approved scheme which shall be implemented in full.

Reason: to comply with Policy EN24 of the East Sussex and Brighton & Hove Structure Plan 1991-2011

3. The development hereby approved shall be carried out wholly in accordance with the approved plans as listed on this decision notice, unless minor amendments are agreed in writing by The Director of Transport and the Environment.

April 2002 and policies DS(vi) and GD1(v) of the Rother District Local Plan, Revised Deposit Draft 2003.

9. No development shall take place until wheel washing facilities have been installed on the site in accordance with details to be submitted to and approved in writing by the Director of Transport and Environment. The facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle shall leave the site carrying mud, dust or debris.

Reason: In the interests of road safety to comply with Policy S1(d) of the East Sussex and Brighton & Hove Structure Plan 1991-2011

10. No operations shall take place in association with this development other than between the hours of 07.00 and 18.00 on Mondays to Fridays and between 07.00 and 13.00 on Saturdays and not at any time on Sundays Bank and Public Holidays.

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Reason: To preserve the ancient woodland on the site in the interests of visual amenity and the Hugh Weald Area of Outstanding Natural Beauty and to comply with Policies EN 17, S1 (j) and MIN4 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policies DS (v) and GD1 (v) of the Rother District Local Plan, Revised Deposit Draft 2003

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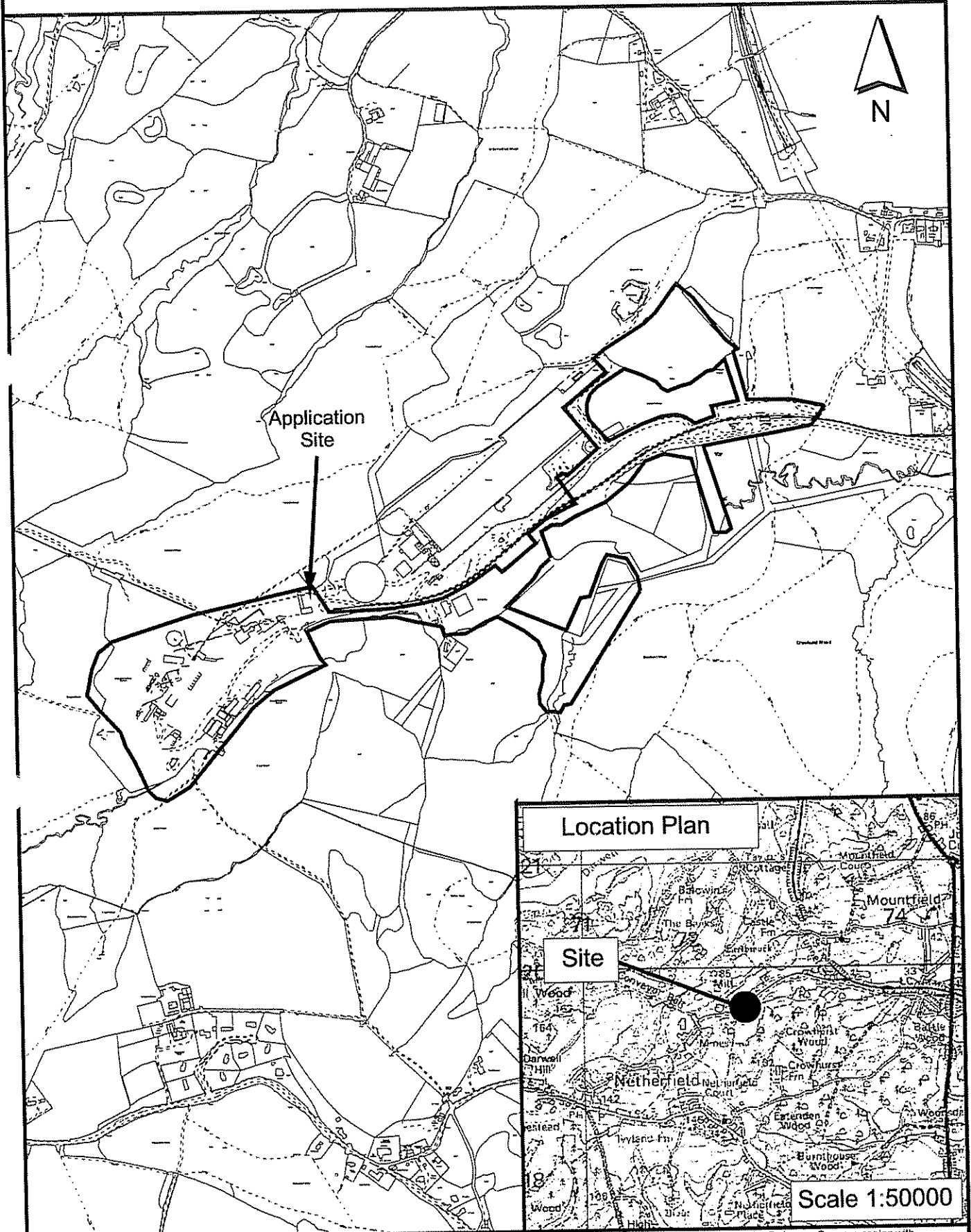
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- the areas where the waste material is to be deposited together with contours of these areas at 0.5 metre contours
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- construction details for the formalising the existing trailer including details of the park surface, edging, drainage
- retention of the stand of trees to the east of the proposed lorry park.

Specs

RR/445/CM(EIA)

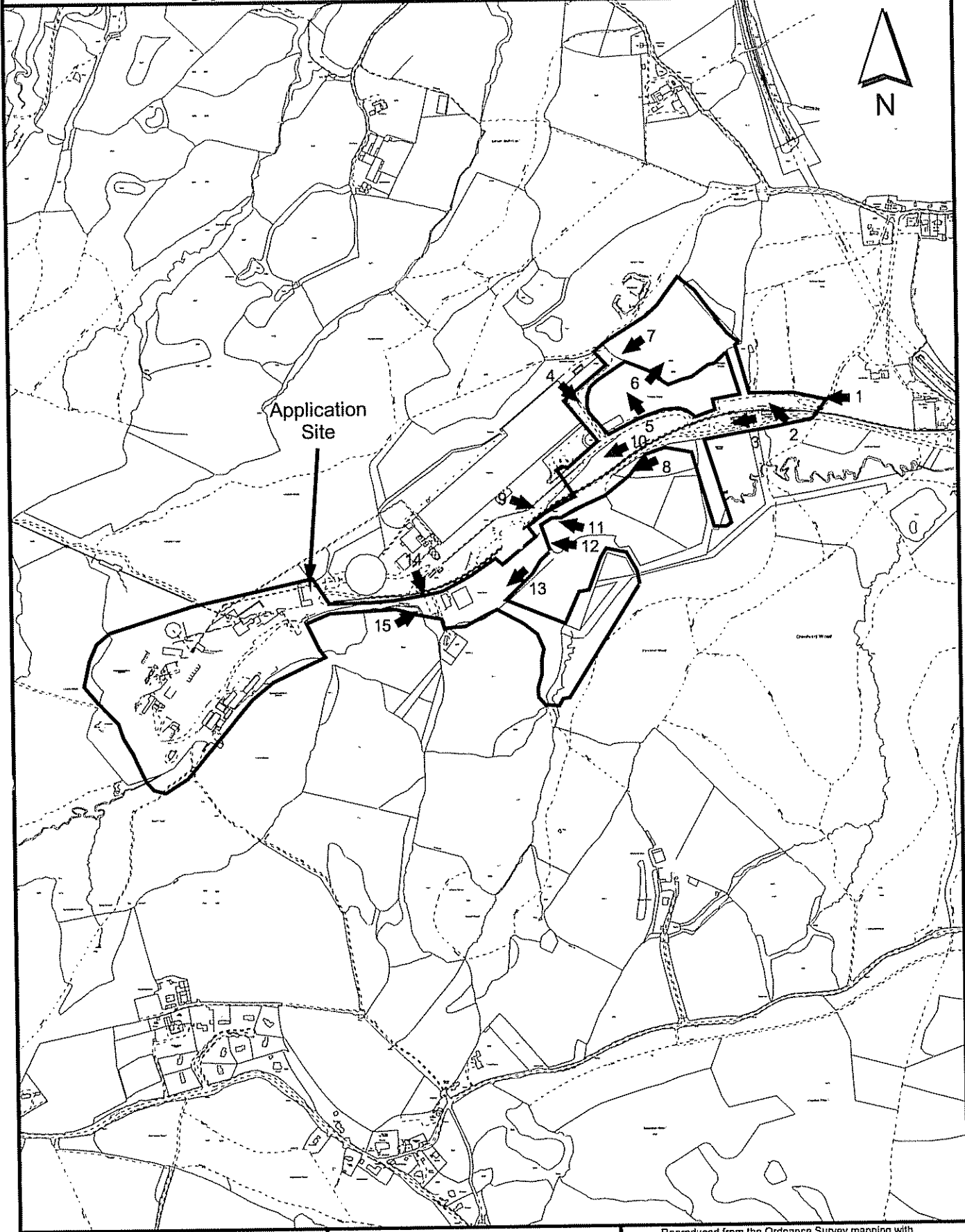


Scale 1: 5000

Bob Wilkins
Msc CEng MICE MinstWM MIHT
Director, Transport and Environment
East Sussex County Council

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Agenda item 6, RR/445/CM(EIA) British Gypsum Limited. Mountfield, Robertsbridge



Scale 1: 10000

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RR/445/CM(EIA)



View 1, Eastern approach to the site



View 2, Existing lorry park by gate house

RR/445/CM(EIA)



View 3, Gatehouse and weighbridge at eastern entrance



View 4, Trees to be lost
by construction of
access to lorry park

RR/445/CM(EIA)



View 5, A typical view of Crowhurst Wood, ancient woodland south of proposed lorry park



View 6, View of field to east of factory from ancient woodland to south

RR/445/CM(EIA)



View 7, Eastern end of factory with existing road access



View 8, Lorry parking area next to landfill site, to be abandoned

RR/445/CM(EIA)



View 9, View from car park to lower road and lorry park



View 10, Lorries parked using lower road

RR/445/CM(EIA)



View 11, Lorries on lower lorry road area



View 12, View north from old land fill site, to factory

RR/445/CM(EIA)



View 13, View west across tennis courts to social club, area of proposed meandering river course



View 14, Access to south tributary

RR/445/CM(EIA)



View 15, View east across site from social club