

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.**
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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 tarmacaded road off the main road to the factory.

1.5 The site is served by an access road some two kilometres in length that runs from the A2100, north of Battle. This road divides at the gatehouse to serve the lower section of the site along the River Line to the western limit of the site, and to provide access the factory and car parking area higher up the valley side. A subsidiary access from the upper road provides access to the east of the factory and to the field to the east.

1.6 There is an existing lorry park close to the gatehouse with a capacity for 30-40 lorries and a lorry park adjacent to the landfill site adjoining the lower road.

2. The Proposal

2.1 Planning permission is being sought to divert the River Line and its tributary from its existing culverts, to carry out drainage works for pollution control and to rationalise vehicle parking on the site by the creation of a new all purpose car park.

2.2 The diverted river will run along adjacent to the lower road partly in 700 metres of open channels with artificial riffles and marginal planting and 300 metres of culverts. The maximum channel depth will be between 1.5 and 2.0 metres and will be heavily engineered between the road and landfill sites. The section of the river on the open amenity area between the landfill sites and the tennis courts has been designed as a meandering river to improve the quality of the river and to increase its amenity value. The new alignment joins the existing bed of the River Line by the gatehouse where there will be an energy dissipation tank to allow the water to fall into the river before it turns to the south.

2.3 The proposal also involves the replacement of the culvert that carries the feeder stream from the south which joins the River Line culvert beneath the landfill site. This will be replaced with an open ditch, across an area of grassland, connecting to the River Line to the south and north. A new leachate sump will be constructed further downstream. The small flow remaining in the southern tributary will be held in a small bund and pumped into the tributary diversion channel. A new access road will be formed to provide access to the leachate drainage system.

2.4 Improvements are proposed to the drainage arrangements on site to separate clean rainfall from sulphate contaminated water from the gypsum stockpiles. The stockpile areas will be clearly demarcated. Mine water will no longer be discharged into the stream but will be recycled within the factory. Clean water will enter directly into the River Line and other water will be passed through settlement tanks.

2.5 The proposed engineering works will result in the loss of a lorry parking area on the southern feeder road and the use of this lower feeder road for on-road parking. The existing lorry park next to the gatehouse will be retained but reduced in size to cater for 20 trailers and 6 tractors. It is surrounded by ancient woodland which will be protected from further encroachment by lorries with the construction of a 0.5metre wall of railway sleepers on the northern boundary. A small part of the eastern area of this lorry park will be broken up and allowed to naturalise to link the existing island of woodland with the ancient woodland to the north

2.6 The application includes the proposal to construct a new all purpose lorry park for 83 trailers 30 tractors and 35 cars in the field to the north east of the factory. The car park will form a flat area of 150 metres by 120 metres with cut and fill construction method. The ground level will be set approximately 2.5 metres below the northern boundary of the site and some 2.5 metres above the woodland to the south. This varies from west to east with the slight fall of the land. The lorry park and access road is to be illuminated in the hours of darkness with down lighters on 6 metres high columns.

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.

5.2 East Sussex and Brighton & Hove Minerals Local Plan 1999 Policy1 (a) general approach to processing and related activities, Policy 26 sustainable developments at the Robertsbridge site, Policy 27 environmental management of this site, Policy 31c and d development control criteria protecting amenity and restricting harm to the environment by traffic.

5.3 East Sussex and Brighton & Hove Waste Local Plan Second Deposit April 2002 Policies WLP3 (protection of AONB) (as modified) WLP11 (reduction, re-use and recycling of waste materials) WLP36 (transport considerations) WLP39 (design considerations and landscaping) (as modified)

5.4 Rother District Local Plan, Revised Deposit Draft 2003 Policies DS1 (vi) protecting the character and qualities of the environment, particularly the High Weald Area of Outstanding Natural Beauty and GD1 (v) development should be compatible with the conservation of the High Weald Area of Outstanding Natural Beauty.

5.5 Planning Policy Statement 7-Sustainable Development in rural areas 2004 provides advice on development affecting nationally designated areas such as AONB.

5.6 Minerals Policy Guidance 2- sets out the general considerations applicable to the determination of mineral related development and emphasises the need to ensure it is sustainable and that the operations are kept to an acceptable minimum.

6. Considerations

(i) Impact of the proposed river alignment on High Weald Area of Outstanding Natural Beauty

6.1 The site is within the High Weald Area of Outstanding Natural Beauty where East Sussex and Brighton & Hove Structure Plan 1991-2011 policy EN3 seeks to protect and promote quiet enjoyment and limit development within Areas of Outstanding Natural Beauty to that derived from the character and qualities of the countryside. The East Sussex and Brighton & Hove Minerals Local Plan 1999 policy 27 seeks to secure an appropriate programme of environmental management for the Area of Outstanding Natural Beauty adjoining the British Gypsum site, whilst policy 26 supports development of mineral sites only where the environment is not damaged.

6.2 Rother District Local Plan, Revised Deposit Draft 2003 Policies DS1 (vi) and GD1 (v) support the conservation of the character and qualities of the High Weald Area of Outstanding Natural Beauty. Both of these policies, however, is the subject of major objections as part of the Local Plan consultation process and hence carry reduced weight in development control terms.

6.3 The application includes comprehensive pollution reduction measures, bunding, wheel washes and settlement tanks and the construction of the channels and culverts to realign the river and its southern tributary. This element of the planning application has been submitted because of the potential collapse of the culverts under the existing waste gypsum landfill sites, which could lead to a pollution of the watercourse. This river has a drinking water abstraction point further downstream and hence water quality is of significant concern, Policy S1(g) of the Structure Plan requires the protection and enhancement of water quality for drinking. There is evidence that these culverts are time expired and collapsing. There is also pollution at present from the surface water runoff, containing sulphates, across the site. The Environment Agency is particularly concerned about the collapsing state of the existing culverts under the gypsum landfill sites and wishes to reduce the pollution of the River Line because of the abstraction for drinking water downstream.

6.4 The principle of the realignment of the river is supported by National Mineral Policy Guidance and East Sussex and Brighton & Hove Structure Plan 1991-2011 policy EN 3 and

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 SSSI 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

ancient woodland. A previous planning application for the diversion of the River Line and associated works was refused on the grounds of loss of ancient woodland because of a proposal to extend the existing lorry park by 250m by 35m with a subsequent loss of ancient woodland.

6.10 The proposed siting of the lorry park is on the only open land available to the applicant at present to accommodate this use in this form, meeting their operational requirements. The construction of a purpose built lorry park will result in the containment of any run off from the lorries and vehicles which transport gypsum and plasterboard will be containerised and cleansed before any waters enter the River Line. This complies with the requirement of the Environment Agency to avoid pollution of the source of drinking water.

6.11 It is necessary under Health and Safety legislation to provide adequate lighting for the lorry parking areas. The factory operates 24 hours a day and is already lit throughout the night. The additional lighting of the area to the east of the factory is regrettable but I consider should be accepted as part of the gain of rationalising the parking in one place. If lorries continue to be parked all over the site, there will be a degradation of larger areas of the site and the possibility of a spread of high level lighting across a wider area. The applicant has minimised the impact with down lighting, with the use of enclosed lamps whereby the light is directed at the ground which will limit glare and impact on wildlife.

6.12 Mitigation measures to compensate for the impacts on the AONB include protection of the ancient woodland from further encroachment, planting of new native trees, the opening up of the River Line which resultant habitats and site management proposals. All habit clearance will be timed to avoid impacts on protected species. These measures are supported by the Environment Agency and by Structure Plan policies EN18, EN20, MIN2 MIN 4a and MIN 12 and Policies 26 27,31c and 31d of the Minerals Local Plan.

6.13 On the balance of the site circumstances I consider that the overall benefits of the rationalisation of parking on the site are sufficient to outweigh the impacts and safeguard these parts of the AONB to comply with Policies EN2, EN3 and EN14 of the Structure Plan.

(iii) Loss of ancient woodland

6.14 The proposal involves the loss of two small areas of ancient woodland. The widening and reconfiguration of the access road to the east of the factory will result in the loss of 0.1 hectares of ancient woodland contrary to Policy EN 17, S1(j) and MIN4 of the Structure Plan. The applicant has proposed in mitigation, with other proposals, to return part of the old lorry park to a naturalised woodland and to provide a management plan for the whole site. In view of the need for the lorry park and access road I consider these requirements outweigh these policies and accord with the Structure Plan policies EN 18 and EN20, MPG 1 and Mineral Local Plan policies 6 and 27.

6.15 There is also a small loss of 50m² of ancient woodland around the southern tributary in the area of the proposed pumping station and cut-off ditches. This is considered unavoidable because of the need to site these facilities next to the tributary. Mitigating measures include the planting of native species in the gully area extending the woodland and planting a hedge creating a new habitat in compliance with policy EN18 of the Structure Plan and outweighs policy S1 (j) policy relating to the loss of ancient woodland.

(iv) Other relevant matters

6.16 Consultations have been carried out on the submitted Environmental Statement which included information on the development plan policies and central government guidance, the surface and groundwater resources, the ecology of the area, landscape and visual assessment land quality and waste and socio economics. The mitigating measures have been especially considered. All this information and resulting representations given above have been taken into account when considering this application.

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.

Reason: The development is considered of national importance and would not otherwise be permitted 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.

space

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 2 meters 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. These works shall be carried 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 Rother District Local Plan, Revised Deposit Draft 2003

Reason?

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 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