**DELEGATED REPORT**

Report considered and agreed by Team Manager, Planning Policy & Development Management:

………*Sarah Iles..*……………….. date …3 February 2021…………

Report considered and agreed by Principal Planning Officer, Planning Policy & Development Management:

……JAS Patterson……………….. date …28 January 2021…

**RESOLUTION OF THE DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

**Under the powers delegated to me by the Governance Committee on 30 January 2003, I resolve to approve the proposal subject to the conditions set out in the recommendation.**

CONSIDERATION OF RELEVANT PLANNING MATTERS

**1. The Site and Surroundings**

1.1 British Gypsum Ltd is a major supplier of gypsum-based products to the UK construction industry and the Robertsbridge Works near Mountfield (referred to subsequently as ‘the Works’) are the principal element of the company’s manufacturing operations in southern England. The Works are located a short distance to the north-east of Netherfield village, south-west of the village of Mountfield and approximately 4 kilometres to the north of Battle. The Works are accessed via a private access road, some 2 kilometres in length, from the A2100 to the east.

1.2 The Works site is a significant industrial development, set within the High Weald Area of Outstanding Natural Beauty (AONB), and comprises a gypsum processing facility, plasterboard manufacturing facility, two closed gypsum landfill sites, railway sidings, lorry and car parking and office facilities. An overland conveyor, approximately 5 kilometres in length, transports gypsum from the Brightling Mine to the north west of the site, to the processing facility at the Works.

**2. The Proposal**

2.1 The application is seeking planning permission for development involving the installation of additional plant to connect the existing overland conveyor from Brightling Mine to the feed of imported gypsum into the factory building within the Works, part of which is retrospective. High-grade gypsum is currently imported from Spain for use in the production of plasterboard. The proposal would allow this high-grade material to be blended with gypsum from Brightling Mine, thereby maintaining product quality while making use of local gypsum and reducing the need for imported material. Installation of the plant began in January 2020 but has not yet been completed.

2.2 The application site is 852m2 in size and sits within the existing external plant yard area which is over 4 hectares overall. The area is currently used by mobile plant and lorries to collect gypsum, and there are no trees or vegetation within the application site. The proposed plant would have a footprint of 850m2 in total, and would comprise: a 23.3m high bunker for storing the gypsum from the Mine; approximately 110m of ground-mounted conveyors from the bunker to meet a short extension to the existing conveyor for imported high-grade gypsum; a 6.18m high in-line blender to blend materials from both sources; and, a discharge conveyor from the bunker for loading out gypsum from the Mine for third-party uses.

3. **Site History**

3.1 The site has been subject to a large number of planning applications, the most recent of which was granted in December 2020 for the construction of a vehicle service depot with associated landscaping, and the construction of a lorry strapping shed (reference: RR/846/CM).

**4. Consultations and Representations**

4.1 Rother District Council – **No objection**, subject to the County Council being satisfied that the development will safeguard the ancient woodland and the Limekiln Wood Complex Site of Nature Conservation Interest (SNCI) close to the site.

4.2 Mountfield Parish Council – **Support** the application.

4.3 High Weald AONB Unit – Recommend that, in the event planning permission is granted, the following requirements are met: that colours of external materials are selected from the High Weald Colour Study and that controls over lighting are imposed to preserve dark skies.

4.4 Local Representations – One objection was received from the occupant of Banks Farm regarding the land ownership shown in the submitted location plans. The agent revised the plans to show the correct ownership boundary, and the occupant of Banks Farm confirmed that their objection was removed.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013: Policies WMP4 (Sustainable Provision of Minerals in the Plan Area), WMP12 (Provision of Gypsum), WMP18 (Transport – Road, Rail and Water), Policy WMP25 (General Amenity), WMP27 (Environment and Environmental Enhancement).

5.2 Rother Development and Site Allocations (DaSA) Local Plan 2019: Policies DEN1 (Maintaining Landscape Character), DEN2 (The High Weald Area of Outstanding Natural Beauty (AONB)) and DEN7 (Environmental Pollution).

5.3 Rother District Local Plan Core Strategy 2014: Policies RA3 (Development in the Countryside) and EN1 (Landscape Stewardship).

5.4 High Weald AONB Management Plan 2019-2024: The High Weald AONB Management Plan is a material consideration for making decisions on planning applications within the AONB and its setting.

5.5 National Planning Policy Framework: The NPPF does not change the status of the Development Plan as the starting point for decision making and constitutes guidance as a material consideration in determining planning applications. In particular, Part 15 (Conserving and enhancing the natural environment) and Part 17 (Facilitating the sustainable use of minerals) are relevant here.

**6. Considerations**

**Principle of the Development**

6.1 Policy WMP4 of the Waste and Minerals Plan states that proposals for minerals development shall be assessed in terms of the contribution they make to sustainable provision and use of minerals in the Plan Area through, *inter alia*, allowing primary mineral production where it is demonstrated that the need cannot be met by alternative materials and there is evidence of viable resources. Policy WMP18 of the same Plan states that, *inter alia*, waste and minerals movements should seek to minimise transport movements and demonstrate what measures have been incorporated to avoid unacceptable harm to the environment and local communities. Policy WMP12 of the Plan states that the use of alternative sources of gypsum will be supported to increase supply for the plasterboard factory and to safeguard and extend the lifetime of reserves of mined gypsum.

6.2 The proposed additional plant would allow for locally sourced material from the Brightling Mine to be transported to the Works via the existing overland conveyor and used in plasterboard production onsite. High grade gypsum is currently imported by rail. Although rail delivery is considered relatively sustainable, the high grade material is imported from Spain, and therefore the use of local material would have reduced environmental impacts, including carbon impacts, compared to a long journey by sea and rail. It is therefore considered that the proposal would improve the sustainability of production at the site. Although the proposal would use primary material, it is considered that there are sufficient gypsum reserves available at the Brightling Mine that the proposal would not compromise future supply. The proposal is considered to comply with Policies WMP4 and WMP18 of the Waste and Minerals Plan and to not conflict with Policy WMP12, and it is therefore considered to be acceptable in principle.

**Design and Impact on the High Weald AONB**

6.3 Policy WMP27 of the Waste and Minerals Plan states that permission will not be granted where development would have a significant adverse impact on, *inter alia*, the AONB. Policy DEN1 of the Rother Development and Site Allocations (DaSA) Local Plan states that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located. Policy DEN2 of the DaSA states that all development within or affecting the setting of the AONB shall conserve and seek to enhance its landscape and scenic beauty. Policy RA3 of the Rother District Local Plan Core Strategy states that proposals for development in the countryside will be determined on the basis of, *inter alia*, ensuring that the development is of an appropriate scale and will not adversely impact on the landscape character or natural resources of the countryside. Policy EN1 of the Core Strategy seeks to ensure the protection, and wherever possible enhancement of, *inter alia*, the distinctive identified landscape character, ecological features and settlement pattern of the AONB. The High Weald AONB Management Plan seeks to conserve and enhance the natural beauty of the AONB. Paragraph 180 of the NPPF states that, *inter alia,* planning decisions should ensure that new development limits the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

6.4 The Works are set in a deep valley surrounded by woodland, therefore views into the site from the surrounding landscape and residential properties are very limited. The proposed plant, comprising a bunker, blender and conveyors, would be located within the existing external plant area of the Works, and would be similar in scale to the existing plant onsite. The proposed bunker would be adjacent to an existing bunker of similar design. The blender and conveyors would be terracotta and goosewing grey in colour, similar to the colours of the existing plant, and also similar to colours identified within the High Weald Colour Assessment for building finishes within this part of the High Weald. It is therefore considered that the proposed plant would integrate well with its surroundings and would have a negligible impact on local landscape character and views in the context of the existing site.

6.5 The proposal would be located on an area of disturbed ground that is already used by mobile plant and lorries to collect gypsum and would not directly impact any trees or vegetation. Given that the proposed plant would not greatly change the use of the application site it is considered that there would not be any significant adverse effects on the ecological features of the AONB including the ancient woodland and the Limekiln Wood Complex SNCI close to the site. The proposal would require some artificial LED lighting to be installed on the bunker for safety and security purposes, which would replace the existing flood lights in this part of the site. It is proposed that the new lighting would be angled downwards to avoid unnecessary light spillage outside of the operational area of the site. No additional lighting is required for the other proposed plant. In the context of the existing Works it is considered that the proposed lighting would have no additional effect on light pollution and the dark skies of the AONB.

6.6 The proposal is considered to be acceptable in terms of its design and impact on views, local landscape character and the wider High Weald AONB, and it therefore complies with Policy WMP27 of the Waste and Minerals Plan, Policies DEN1 and DEN2 of the Rother DaSA Local Plan, Policies RA3 and EN1 of the Rother Core Strategy, Paragraph 180 of the NPPF, and does not conflict with the aims of the High Weald AONB Management Plan.

**Dust Emissions**

6.7 Policy WMP25 of the Waste and Minerals Plan states, *inter alia*, that all proposals should ensure that adequate means of controlling emissions are secured. Policy DEN7 of the Rother DaSA states that development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of emissions associated with the development, including where appropriate, the cumulative impacts of existing and proposed developments. Paragraph 180 of the NPPF states, *inter alia*, that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

6.8 The proposed new plant would be enclosed, and the conveyors would be covered, however it has been identified that there is the potential for some dust emissions to arise during the transportation and loading of gypsum. Therefore, a qualitative air quality assessment has been provided by the applicant. The assessment concludes that the effects of the proposal on amenity, on ecological receptors and on particulate matter concentrations would not be significant, and that overall the proposal would not give rise to significant levels of dust emissions. The County Council considers the report and its conclusions to be acceptable, and therefore it is considered that the proposal is acceptable in terms of dust, both by itself and cumulatively with other processes taking place at the Works. It is therefore considered that the proposal does not require the implementation of specific dust mitigation, although several good practice dust management measures are recommended in the assessment. It should also be noted that other dust management measures are already in place at the Works.

6.9 Given the separation between the Works and nearby residential areas, the nature of the development and the context of the existing site, it is not considered that the proposal would be likely to give rise to any unacceptable effects in terms of emissions, or any significant environmental effects. It is therefore considered that the proposal complies with Policy WMP25 of the Waste and Minerals Plan, Policy DEN7 of the Rother DaSA Local Plan and Paragraph 180 of the NPPF.

**7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The proposal would allow for local gypsum to be used in place of imported material from Spain, thereby reducing the environmental impact of plasterboard production at the Works. It is considered that the proposal is acceptable in terms of its design and impact on views, local landscape character and the wider High Weald AONB, and that it would not give rise to significant emissions or any significant environmental effects. The proposal therefore complies with Policies WMP4, WMP18, WMP25 and WMP27 of the Waste and Minerals Plan, Policies DEN1, DEN2 and DEN7 of the Rother Development and Site Allocations Local Plan, Policies RA3 and EN1 of the Rother District Local Plan Core Strategy and Paragraph 180 of the NPPF, and does not conflict with Policy WMP12 of the Waste and Minerals Plan or the aims of the High Weald AONB Management Plan.

7.3 In determining this planning application, the County Council has worked with the agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

**8. Recommendation**

8.1 To grant planning permission subject to the following condition:-

1. The development hereby permitted shall be carried out in accordance with the plans and documents listed in the Schedule of Approved Plans.

Reason: For the avoidance of doubt and in the interests of proper planning.

Schedule of Approved Plans

Air Quality Assessment, Completed Minerals Related Development Supplementary Information Form, Landscape Visual Appraisal, Planning Statement , SR/3 Designations Plan, RW/2 - Application Boundary, RW/3 - Proposed Site Layout, RW/4a - Proposed Long Elevations, RW/4b - Proposed End Elevations, RW/LA/1 - Topography Plan, RW/LA/2 - Landscape Character, RW/LA/3 - Potential Visual Receptors, RW/LA/4 - Initial Photography, 00195.00027.0004.1 Site Location Os Base Zoomed In Rev2, 00195.00027.0003.1 Site Location Aerial Base Rev2, 00195.00027.0002.1 Site Location Os Base Rev2, 00195.00027.0005.1 Site Location Aerial Base Zoomed In Rev2

RUPERT CLUBB

Director of Communities, Economy and Transport

8 December 2022

**BACKGROUND DOCUMENTS**

Application File RR/848/CM

The Development Plan