**DELEGATED REPORT**

Report considered and agreed byTeam Manager, Planning Policy and Development Management

……*Sarah Iles*…………………….. date …*16 September 2021*………………………

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

……*Pat Randall*…………………….. date …*14 September 2021*……………………

Report by: Director of Communities, Economy and Transport

Proposal: Installation and operation of a sustainable leachate treatment system and integral solar PV

Site Address: Robertsbridge Works, Eatenden Lane, Robertsbridge, Mountfield TN32 5LA

Applicant: Mr Eric Clarke, British Gypsum Limited

Application No: RR/853/CM

Key Issues: (i) Managing Waste Sustainability

 (ii) Effect on AONB

 (iii) Drainage

 (iv) Climate Change

Contact Officer: Jeremy Patterson – Tel 01273 481626

Local Member: Councillor Kathryn Field

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**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 The application site is about 4 hectares in area and located wholly within the British Gypsum Robertsbridge Works (‘the Works’), to the west of the village of Mountfield, about 8 kilometres to the north of Battle and about 1.8 kilometres to the west of the A2100 London Road. The Works are accessed from the A2100 via a 1.5 kilometres private access road. The nearest residential property is about 330 metres to the north-east of the application site. The Works and surrounding area are within the High Weald Area of Outstanding Natural Beauty (AONB).

1.2 The application site is largely contained within the boundary of a closed landfill site (the Old Tip – refer to paragraph 2.2), south of the main Works buildings and the principal access road into the Works. The site includes a section of the route of the River Line which flows partly in a culvert along the northern edge of the site. The site also extends slightly to the east of the landfill where it includes an existing access road (the ‘eastern access road’). This road is bounded to the east by the River Line which emerges from a culvert at the northern end of the road and flows south past the road and into woodland. An area of vegetation and trees lies between the eastern access road and the landfill, part of which is currently occupied by temporary mobile containers that have been used for trialling the leachate treatment project.

1. **Site History**

2.1 Gypsum mining has taken place at the Mountfield Mine since the late Nineteenth Century, although is now closed, and a second mine, Brightling Mine, was opened in 1963. The main factory building operates under a planning permission granted in 1964 (ref. A/64/350). The Works have benefited from various planning permissions, but none is relevant to the current proposal.

2.2 There are two ‘landfills’ (in reality, above-ground ‘land-raises’) that formerly served the Works, known as Old Tip and New Tip, both of which were previously used for the disposal of plasterboard waste. Both are now closed, although continue to be monitored and managed in accordance with Environmental Permits. The proposed leachate treatment facility is also the subject of a current application to the Environment Agency to vary the Environmental Permit for the Old Tip.

1. **The Proposal**

3.1 The proposal is to install a passive, biological leachate treatment facility constructed on top of the Old Tip to treat leachate from both closed landfills. This would provide a filtration and ‘polishing’ system that would clean the water to a standard which is capable of being discharged under Permit to the River Line. Treated water would also be diverted and used as process water within the Works, thereby reducing the demand on water drawn from the Darwell Reservoir. About 73 million litres of leachate would be treated per year.

3.2 The initial treatment would take place within four open topped, waterproof-lined holding tanks formed within a series of engineered earth bunds located in the south-west section of the site, which would stand at about 3 metres. The tanks would be filled with solid organic media (i.e. woodchip, limestone, straw and bio-char) that use sulphur-reducing bacteria to consume sulphate in the leachate, resulting in the production of sulphide. Leachate treatment would involve the wastewater being pumped to the first tank from the existing leachate holding tank (located at the southern end of the eastern access road), which would then ‘rise’ through the media by hydraulic processes and be gravity fed through pipes to the other three tanks in succession. The treated water would then pass through a sand filter to remove particulates. This would be contained within a pre-formed tank standing at 2 metres in height and covering an area of 500sqm. The water would then flow into a reed bed at the north-eastern part of the site (covering an area of about 6,600sqm) to re-aerate the anoxic treated leachate before being directed into a new underground storage tank, and then either discharged into the River Line or used for processing within the Works. The external surface of the tanks would be grassed to complement the existing surface of the landfill.

3.3 The energy demand for the operation would be powered by a connection to an integrated solar photovoltaic (PV) system. The solar panels would be installed in arrays facing south along the top of the landfill and would cover an area of about 6200sqm. The panels would be grey/blue in colour and have an anti-reflective coating to minimise glare and glint while ensuring maximum absorption. The panels would be mounted on metal frames and anchored by ballast plates connected to shallow concrete plinths to avoid penetrating the landfill and would stand up to 2.6 metres high.

3.4 Two inverter units (used to change the type of electricity current) would be located adjacent to the arrays. Switchgear and pumphouse kiosks (6m long and 2.4m high) would also be required. Any surplus power generated would be used elsewhere within the Works or exported to the Grid. A new site entrance would be located at the north-western boundary of the site and would be surfaced with porous tarmacadam or concrete covering an area of about 682sqm. Internal access tracks would be surfaced with hardcore. No external lighting is proposed except for motion sensor lighting at the pumphouse and switch-house for health and safety reasons.

3.5 Construction is anticipated to take about six months and operating hours would be between 07.00 and 19.00 Mondays to Saturdays. For the first phase of construction (involving the media tanks and reed bed), about 5000cum of soils would be required, which would be brought in over several weeks depending on supply, although deliveries would be limited to 40 loads per day. The second phase (involving the solar arrays) would be much shorter, spanning three weeks and involving only six lorry loads.

3.6 As noted in paragraph 2.2, the applicant is also seeking to vary the Environmental Permit which regulates discharges from the Old Tip. As such, the variation will cover the control of odour emissions from leachate treatment.

1. **Consultations and Representations**

4.1 Rother District Council raises no objections from either a planning or environmental health perspective.

4.2 Mountfield Parish Council supports the proposal.

4.3 The Environment Agency raises no objections and confirms that the applicant has submitted an application to vary the Environmental Permit covering the site.

4.4 Flood Risk Management ESCC raises no objections subject to the inclusion of conditions regarding the submission of a detailed surface water drainage strategy, a maintenance and management plan, measures to manage flood risk during construction and evidence showing that the approved drainage system has been implemented.

4.5 High Weald AONB Officer supports the proposal to treat the leachate on site rather than tankering it off site.

4.6 The Highway Authority raises no objections subject to the inclusion of a condition for the submission of a construction management plan.

4.7 Other representations: None received.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP1 (Presumption in favour of sustainable development), WMP18 (Transport), WMP22 (Increased operational capacity within site boundary), WMP23b (Operation of sites), WMP24a (Climate change), WMP24b (Resource and energy use), WMP25 (General amenity), WMP26 (Traffic impacts), WMP27 (Environment and environmental enhancement), WMP28a (Flood risk) and WMP28b (Water resources and water quality).

5.2 Rother District Local Plan Core Strategy 2014: Policies OSS4 (General development considerations), EN1 (Landscape stewardship) and EN5 (Biodiversity).

5.3 Rother District Development and Site Allocations (DaSA) Local Plan 2019: Policies: DEN1 (Maintaining landscape character), DEN2 (High Weald AONB) and DEN4 (Biodiversity).

5.4 High Weald Management Plan 2019: The purpose of the Plan is to coordinate policy, investment and action to achieve the legal purpose of conserving and enhancing natural beauty within the High Weald AONB.

5.5 National Planning Policy Framework 2021: Parts 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment) are relevant.

1. **Considerations**

**Managing waste sustainably**

6.1 The applicant is seeking to replace the current method of treating leachate from the closed landfills with a more sustainable method that is undertaken on site, as the landfills are expected to continue to generate leachate for many years to come. Currently, leachate is taken off site by tanker to a treatment works at Aylesford in Kent, resulting in a round trip of 122 kilometres. On average, up to 5 tanker loads are taken off site per day resulting in 182,400 tanker kilometres per year. Avoiding the need to export leachate would lessen the volume of traffic servicing the Works, thereby reducing the environmental and amenity effects of transporting waste. As such, it would accord with Policy WMP18 of the Waste and Minerals Plan. Ceasing tanker use would also save 150 tonnes of carbon being emitted annually. The new treatment system would use processes that would clean the leachate using biological media, including a reed bed system for final cleansing, prior to discharge. As this would be a new operation at the site, which would improve operational efficiencies, including in the generation and use of energy, the proposal is supported by Policy WMP22 of the Waste and Minerals Plan.

6.2 As well as seeking to manage the treatment of leachate more sustainably, the applicant also proposes to provide the energy requirements of the treatment process on site by using a solar PV system. The flow of leachate at the site would largely exploit gravity but some mechanical processes would also be involved, and solar power would provide the necessary energy. Moreover, any surplus energy could be used elsewhere within the Works or exported to the Grid. The use of this type of technology is supported by Policy WMP24b of the Waste and Minerals Plan, which seeks to minimise greenhouse gas emissions through the use of renewable sources.

6.3 The applicant is also seeking to source materials more sustainably in the construction and treatment phases of the facility, either from within the Works or locally. For example, hardcore for internal access tracks from mining operations, woodchip for organic media from woodland management activities and reeds to populate the reed bed from local waterbodies. Such an approach will contribute to reducing the carbon footprint of the development.

**Effect on AONB**

6.4 Policies in the Development Plan and NPPF seek to conserve and enhance the natural environment, including valued landscapes and sites of biodiversity value, while also recognising the intrinsic character and beauty of the countryside. In addition, the NPPF gives great weight to conserving and enhancing the landscape and scenic beauty in AONBs.

6.5 The site is within the High Weald AONB and development proposals within it should have regard to the purpose of the AONB designation. Accordingly, a Landscape and Visual Appraisal (LVA) of the potential landscape and visual effects of the development has been undertaken and a report accompanies the application. This provides an accurate assessment of the baseline landscape and visual context of the site and surrounding area. The Works are set in a deep valley and are surrounded by woodland, with views into the site from the surrounding area being very limited. Although the development will result in a localised change to views across the site, the conclusions of the LVA are considered to be sound in that the proposal would not be detrimental to the overall character, qualities and appearance (in wider views) of the site and its surrounding environment. The AONB Unit is supportive of the proposal and it is not considered that there would be a conflict with policy in protecting and enhancing the AONB.

6.6 As well as assessing the potential effects on the landscape, the applicant has also assessed the ecological impact of the development and a Preliminary Ecological Appraisal has been submitted to support the application. Whereas the land associated with the Works comprises various habitats of importance to wildlife, including ancient woodland, the application site largely comprises semi-improved grassland, which has no elevated value for biodiversity and the loss of which would not be significant. Despite that, the development of the reed bed would create a new habitat which would have some value for wildlife and the clean discharge into the River Line would be of benefit to the water environment. No conflict arises with policies in the Development Plan and NPPF which seek to protect biodiversity.

**Drainage**

6.7 The site lies within the River Line catchment which rises to the west of the Works and flows east where it undergoes several phases of culverting before continuing to flow east downstream. This river is a sub catchment of the River Brede which continues to flow eastwards until it discharges into the sea at Rye Bay. The site is in Flood Zone 1 where there is a low probability of flooding.

6.8 A Flood Risk Assessment has been undertaken to support the application. The perimeter of the site shows a low risk of shallow surface water flooding through existing watercourses and access tracks but would not be significant to the proposed development. Although the applicant considers that there is no significant risk of flooding at the site, an outline surface water strategy is proposed to manage the minor increase in impermeable areas proposed at the site, involving a swale adjacent to the eastern access road. However, the LLFA requires details of the proposed surface water drainage system to be submitted for approval before the commencement of development, as the outline strategy provides insufficient detail. Subject to the submission of these details by condition, the proposal raises no conflict with Policy WMP28a of the Waste and Minerals Plan.

6.9 Currently, the treatment of leachate off site means that 73,000cum of water is lost to the local water catchment. The proposal would enable the retention of this volume and provide opportunities for its use as process water elsewhere within the Works, thereby replacing water drawn from the Darwell Reservoir, and allowing discharge into the River Line, which could make a positive contribution to the water environment, particularly at times of reduced flow. This benefit is supported by Policy WMP28b of the Waste and Minerals Plan, which seeks to protect the quality and quantity of water resources in the natural environment.

**Climate change**

6.10 All development has a ‘carbon footprint’, which cumulatively has an impact on the climate. The Waste and Minerals Plan, through Policy WMP24a, requires proposals to take account of climate change, including measures to minimise greenhouse gas emissions. The proposed development will use materials which, through their manufacturing lifecycle, will generate carbon emissions. Similarly, vehicle movements associated with the development will also produce emissions.

6.11 However, under this proposal, the applicant will be taking responsibility for treating its own waste and in so doing will ensure that a more sustainable and long-term method of treatment will be employed. Tanker usage will be minimised resulting in 150 tonnes of additional carbon per annum being saved from entering the environment. Moreover, the energy requirements for the treatment process will be generated using solar power and not by using hydrocarbons. The proposal promotes a more sustainable way of managing leachate and will be likely, in the longer term at least, to significantly reduce its carbon footprint compared to the current arrangement. As such, the development accords with Policy WMP24a and can be supported.

**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 is for the development of a sustainable leachate treatment system and solar PV arrays. Currently, leachate from two closed landfills is taken off site by tanker and treated elsewhere. This proposal seeks to treat the leachate on site using biological processes with the cleaned water being discharged to the River Line or used elsewhere within the Works for processing. The treatment will largely be gravity fed but some mechanical processes will be involved, and the energy requirements will be provided by the adjoining solar PV development, with any surplus power being used elsewhere within the Works or exported to the Grid. Once operational, the development will avoid the need to export waste leachate by tanker, thereby saving 150 tonnes of carbon being emitted to the environment annually; it will also be powered by renewable energy. There would be no significant adverse effects to the High Weald AONB, either in relation to its landscape or biodiversity and matters regarding drainage and the use of vehicles during construction can be conditioned. The proposal is acceptable and can be supported. As such, it accords with Policies WMP1, WMP18, WMP22, WMP23b, WMP24a, WMP24b, WMP25, WMP26, WMP27, WMP28a and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, the relevant policies in the Rother District Local Plans, the principles of the High Weald Management Plan and Parts 14 and 15 of the National Planning Policy Framework 2021.

7.3 In determining this planning application, the County Council has worked with the applicant and 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 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 development hereby permitted shall be carried out in accordance with the drawings and documents listed in the Schedule of Approved Plans.

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

3. No development shall take place until details of the surface water drainage system at the site have been submitted to the Director of Communities, Economy and Transport and approved in writing. The details of the system shall incorporate the following:

 (a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to greenfield runoff rates for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence;

 (b) The details of the outfall and how it connects into the watercourse, including cross sections and invert levels;

 (c) Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely; and

 (d) The measures required to manage flood risk both on and off the site during the construction phase.

 Reason: To ensure a robust surface water drainage system is implemented at the site to minimise the risk of flooding, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

4. No development shall take place until a maintenance and management plan for the drainage system is submitted to the Director of Communities, Economy and Transport and approved in writing. The plan shall include the following:

 1. A clear statement on who will be responsible for managing all aspects of the surface water drainage system, including piped drains; and

 2. Evidence of how these responsibilities will remain in place throughout the lifetime of the development.

 The plan shall be carried out in accordance with the approved details for the lifetime of the development.

 Reason: To ensure the approved designed system takes into account the design standards of those responsible for maintenance, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. Prior to occupation of the development evidence (including photographs) shall be submitted to the Director of Communities, Economy and Transport showing that the drainage system has been constructed in accordance with the final agreed detailed drainage designs.

 Reason: To ensure that a robust surface water drainage system has been implemented, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. No development shall take place, including any ground works, until a construction management plan has been submitted to the Director of Communities, Economy and Transport and approved in writing. The plan shall include a schedule setting out a timeframe for the anticipated numbers and types of vehicles using the site and how vehicles would be managed in relation to other projects being undertaken at the Robertsbridge Works.

 Reason: In the interests of highway safety and the amenities of the area, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

Schedule of Approved Plans

Planning Statement, LTS/1 - Site Location and Ownership Boundary, LTS/2 - Application Boundary, LTS/3 - Proposed Site Layout, LTS/4 - Typical Sections Leachate Treatment, EQ5005-E-37-01 - Solar Panel Elevation, EQ5005-E-40-04 - Inverter GRP Layout, RW/LVA/16 - Landscape Strategy

RUPERT CLUBB

Director of Communities, Economy and Transport

17 September 2021

**BACKGROUND DOCUMENTS**

Application RR/853/CM

Planning history of site

The Development Plan

The National Planning Policy Framework 2021

The High Weald Management Plan 2019