**DELEGATED REPORT**

Report considered and agreed by Head of Planning and Environment

*Edward Sheath*………………….. date …22/07/22…………

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

…*Sarah Iles*………………….. date …21/07/22……………

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| Report by: | **Director of Communities, Economy and Transport** |
| Proposal: | **Variation of Conditions 1 and 2 (re: importation of high-grade gypsum) of planning permission RR/756/CM**  |
| Site Address: | **British Gypsum Robertsbridge Plant, Mountfield, Robertsbridge, East Sussex TN32 5LA** |
| Applicant: | **Jeremy Elvins, Saint-Gobain Construction Products UK Ltd (trading as British Gypsum)** |
| Application No. | **RR/867/CM** |
| Key Issues: | **Variation to Conditions 1 and 2** |
| Contact Officer:  | **Jeremy Patterson** |
| Local Member:   | **Councillor Kathryn Field** |

**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 site is a significant industrial development, set within the High Weald Area of Outstanding Natural Beauty and is accessed via a private road from the A2100 to the east.

**2. The Proposal**

2.1 The applicant is seeking to vary Conditions 1 and 2 of planning permission RR/756/CM to allow for the importation of high-grade Spanish gypsum by road but not on a back-haul basis, as currently approved. The proposed arrangements have already commenced (from 6 June) and are planned to continue until the end of September 2022.

**3. Site History**

3.1 Planning permission RR/756/CM was granted in 2015 for the construction of development at the Works, without complying with Conditions 3 and 3A of planning permission RR/53/CM, to allow for the importation by rail and road of high-grade gypsum materials originating from outside the Works. The permission is subject to four conditions.

**4. Consultations and Representations**

4.1 Rother District Council raises no objections.

4.2 Mountfield Parish Council supports the application.

4.3 The Highway Authority raises no objections.

4.4 The High Weald AONB Unit has not submitted any observations.

4.5 Other representations: None received.

**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 Plan 2013: Policies: WMP12 (Provision of gypsum); WMP18 (Transport – Road, Rail and Water); WMP24a (Climate change); WMP25 (General amenity); WMP26 (Traffic impacts).

5.2 National Planning Policy Framework (NPPF) 2021: Parts 9 (Promoting sustainable transport) and 17 (Facilitating the sustainable use of minerals).

**6. Considerations**

**Variation of Conditions 1 and 2**

6.1 The Waste and Minerals Plan is the primary policy document in this case. Policy WMP12 requires that reserves of at least 20 years of current production rates for mined gypsum should be maintained and the use of desulphogypsum and other 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. Part 17 of the NPPF requires there to be a sufficient supply of minerals to provide the goods that the country needs. Policy WMP18 requires that development should seek to minimise transport movements by road, while maximising the use of existing railheads. Proposals must also take account of climate change and should incorporate measures to minimise greenhouse gas emissions (Policy WMP24a), while also seeking to control adverse effects on the amenity of host communities likely to be affected by the development, including from traffic generated (Policy WMP25). Policy WMP26 and Part 9 of the NPPF, which look at traffic impacts from development on existing highway conditions, also need to be considered.

6.2 Both Conditions 1 and 2 allow for the importation of high-grade gypsum by road, providing it is on a back-haul basis, whereby HGVs importing the material must export cement rock from the Works on the return journey. The reason for this is to minimise the use of vehicles transporting materials and reduce any associated adverse effects. The applicant is now proposing to temporarily import high-grade Spanish gypsum by road from Southampton but not on a back-haul basis, as the opportunities for this cannot be secured. Normally, this type of gypsum is imported regularly by rail from Southampton, as it forms a crucial part of the plasterboard manufacturing process. The need to import Spanish gypsum now by road has arisen due to a set of circumstances, which are outside of the applicant’s control, including: (1) Stocks of Spanish gypsum at the Works are at low levels due to several reasons: (i) HGV driver strikes in Spain; (ii) cancellation of deliveries by ships with Russian connections following sanctions placed on assets resulting from the war in Ukraine; and (iii) train deliveries from Southampton being cancelled due to driver sickness related to the Covid-19 pandemic; and (2) Industrial action by rail unions, which could impact some or all rail deliveries of gypsum from Southampton to the Works.

6.3 Although measures have been put in place by the applicant to manage the supply chain, which have allowed the continued production and distribution of plasterboard in the south-east of England, stocks of Spanish gypsum are becoming depleted and need to be replenished to maintain production levels. This approach is supported by Policy WMP12 of the Waste and Minerals Plan, which seeks to maintain supplies of gypsum for plasterboard manufacture. To secure replenishment, the applicant considers that importation by road is necessary, in conjunction with any on-going rail deliveries. The proposed maximum number of HGV deliveries per day is based on 400 tonnes of Spanish gypsum being delivered each weekday, amounting to 28 movements (14 in, 14 out). However, if there were no rail deliveries, HGV movements would involve 52 movements per day (26 in, 26 out). Overall, the current estimate of HGV movements from the Works amounts to about 1600 per week (800 in, 800 out). The temporary increase would add 140 movements per week (70 in, 70 out), with a maximum increase, if no rail deliveries were secured, of 260 movements per week (130 in, 130 out).

6.4 As noted above, the requirements of Conditions 1 and 2 to allow the importation of high-grade gypsum by road but on a back-haul basis only, seeks to minimise the number of HGV movements transporting materials. This has benefits in reducing the number of vehicle trips and consequently, reducing vehicle emissions and potential congestion. It also reduces the potential adverse effects on the amenity of other road users and persons living and working along transport routes. These requirements are supported by Policy WMP18 of the Waste and Minerals Plan in seeking to minimise transport of materials by road and by Policy WMP24a, which seeks to reduce greenhouse gas emissions. Protecting amenity and avoiding adverse impacts on existing highway conditions (under Policies WMP25 and WMP26, respectively) are also supportive of these requirements.

6.5 However, the proposal is not supported by these policies, as the importation of gypsum by road would not be back-hauled; securing such an arrangement from Southampton has not been possible. Despite this, the proposal is for a modest temporary period only (to the end of September 2022) and has been brought about by an exceptional set of circumstances. The Covid-19 pandemic has resulted in logistical challenges, to such an extent that there have been two Government Ministerial Statements on this matter. The second of these, which was made on 10 December 2021, states the following: ‘Due to the covid pandemic, the logistics sector is facing an exceptional challenge resulting from the acute shortage of HGV drivers across the distribution network. This has resulted in missed deliveries which have the potential to lead to significant shortages and hinder economic growth.’ It continues by noting that ‘…local planning authorities should take a positive approach to their engagement with all supply chain stakeholders to ensure planning controls are not a barrier to the supply of all goods and services.’ Maintaining the supply of Spanish gypsum to the Works, despite the controls on the planning permission, is a good example of the implementation of the Government’s measures. In addition, since February 2022, the Russian invasion of Ukraine has affected global markets and supply chains, so that the free flow of goods has been further disrupted.

6.6 The proposal has been subject to consultation and no objections have been raised, including by the District and Parish Councils, or by the Highway Authority, which considers that the temporary increase in HGV movements can be accommodated without being detrimental from either a highway safety or capacity perspective. Moreover, the importation of Spanish gypsum from Southampton has been operating since 6 June, a period of about six weeks, and no complaints have been received. It is not anticipated that the proposal would result in any unacceptable adverse effects on the amenity of persons in the locality for the temporary period of the development.

6.7 The circumstances of this case and the Ministerial Statement of 10 December 2021 are important material considerations in the determination of this proposal and therefore carry considerable weight. In balancing the requirements of Conditions 1 and 2 against the exceptional circumstances, the temporary nature of the proposal, the Ministerial Statement, and the importance of maintaining plasterboard production at this regionally important site, it is considered that these other material considerations outweigh the policies in the Waste and Minerals Plan. As such, the proposal 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 applicant is seeking to vary Conditions 1 and 2 of planning permission RR/756/CM so that high-grade gypsum can be temporarily imported to the Works by road without having to back-haul material. The Covid-19 pandemic and the Russian invasion of Ukraine have resulted in an exceptional set of circumstances, which have jeopardised the secure throughput of Spanish gypsum by rail into the Works, such gypsum being an essential ingredient in the manufacture of plasterboard. Consequently, in order to maintain the supply of this type of gypsum, importation by road is required. These circumstances, together with the Ministerial Statement on supply chains, are important material considerations and are considered to outweigh the conflicting policies in the Waste and Minerals Plan. Therefore, the proposal is considered to be acceptable and can be supported.

7.3 In determining this planning application, the County Council has worked with the applicant 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.

**8. Recommendation**

8.1 To grant planning permission subject to the following conditions:

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

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

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the permitted buildings shall be used only for the purpose of manufacture of wall plasters, plasterboard and associated products from converted gypsum rock, rail imported desulphogypsum or high-grade gypsum and back-hauled high-grade gypsum and for the storage of materials and products in connection therewith.

 Reason: In the interests of amenity, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

3. No desulphogypsum shall be imported into the site other than by rail. No high-grade gypsum shall be imported to the site other than by rail or on a back-haul basis using only heavy goods vehicles that are collecting cement rock from the Robertsbridge Works site for transfer elsewhere.

 Reason: In the interests of protecting amenity and minimising the use of vehicles for transporting materials, in accordance with Policies WMP25 and WMP18 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, respectively.

4. Notwithstanding the requirements of Conditions 2 and 3, the importation by road of high-grade Spanish gypsum without back-hauling is permitted until 30 September 2022 only, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

 Reason: To ensure that planning controls do not represent a barrier to the supply of Spanish gypsum to the Robertsbridge Works in accordance with the Government's Ministerial Statement, dated 10 December 2021.

5. The screen of trees on the north-western side of the plaster mill and plasterboard factory buildings shall be retained and managed in accordance with the details set out and approved in the letter from East Sussex County Council to Arborweald Environmental Planning Consultancy, dated 22 October 2018.

 Reason: In the interests of visual amenity and protecting the landscape of the High Weald AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. The existing private access road which connects the Robertsbridge Works to the A2100 shall continue to be used by all vehicles transporting materials to and from the Works.

 Reason: In the interests of road safety and in protecting amenity, 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

Supporting Statement, BRI/168 - Location Plan, dated May 2022

RUPERT CLUBB

Director of Communities, Economy and Transport

1 December 2022

**BACKGROUND DOCUMENTS**

Application RR/867/CM

Planning permission RR/756/CM

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013

National Planning Policy Framework 2021

Government Ministerial Statement, ‘Update on supply chains’, dated 10 December 2021