**DELEGATED REPORT**

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

Signed: *Mrs Sarah Iles* Date: 11 December 2023

*Report considered and agreed by Principal Planning Officer*

*Signed: Mrs Pat Randall* Date: 24 November 2023

Report by: **Director of Communities, Economy and Transport**

Proposal: **Non Material Amendment to vary Condition 4 of planning permission RR/867/CM to remove the date specific time limit for the importation of gypsum by road.**

Site Address: **British Gypsum Ltd, Eatenden Lane, Mountfield, East Sussex, TN32 5LA**

Applicant: **Mrs Jen Saunders, Saint Gobain Construction Products Ltd**

Application No. **RR/867/CMNM/1**

Key Issues: **Whether the amendment sought is considered to be non-material in its effect.**

Contact Officer: **Miss Kiran Sajjan**

Local Member: **Councillor Kathryn Field**

## RESOLUTION OF THE DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT:

**Under the powers delegated to me by the Governance Committee, 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. 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 longstanding 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**
   1. The applicant is seeking to amend Condition 4 of planning permission RR/867/CM to allow for the importation of high-grade Spanish gypsum by road not on a back-haul basis. Permission RR/867/CM allowed for this on a temporary basis until September 2022 as there were unprecedented circumstances (e.g. Covid-19 pandemic, rail strikes and the Russian invasion of Ukraine) which affected the logistics sector. Some of these circumstances have not resolved. The applicant wishes to continue the arrangement allowed by Condition 4 without an end date, but with prior agreement by the Minerals Planning Authority for limited and temporary periods of road imports. An open-ended arrangement is sought in case of continual situations or new circumstances arising in the future which may impact the import of Spanish gypsum by rail and where no arrangement for back-hauling can be secured.
3. **Site History**
   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.
   2. Subsequently permission RR/867/CM was granted in July 2022 to allow for the importation of high-grade Spanish gypsum by road but not on a back-haul basis, as previously approved. This was required for a number of reasons relating to the Covid-19 pandemic, HGV driver shortage, rail strikes and low stock levels at the Works. The arrangements were permitted until the end of September 2022.
4. **Consultations and Representations**
   1. Rother District Council – No response received.

4.2 Local 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: 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) 2023: Parts 9 (Promoting sustainable transport) and 17 (Facilitating the sustainable use of minerals).

1. **Considerations**

**Whether the amendment sought is considered to be non-material in its effect**

6.1 As an application for approval of a non-material amendment the main consideration is the effect of the changes on the original planning permission. The LPA must be satisfied that the amendment sought is non-material in its effect in order to grant the application. In addition, account should be taken of any representations received (although consultation is optional). As these are not planning applications, the decision maker is not required to have regard to the Development Plan but may take its provisions into account.

6.2 The importation of Spanish gypsum by road not on a back-haul basis from Southampton has been operating since 6 June 2022 and no complaints have been received. Since September 2022, the applicant has sought written agreement to import gypsum by road without back-hauling so there is a clear need for this arrangement on an occasional basis. It is not anticipated that the proposed amendment would result in any unacceptable adverse effects as the importation by road (not on a back-haul basis) would only occur on limited occasions and on a temporary basis when trains cannot run between Southampton and Robertsbridge for reasons outside the applicants control. Condition 4 of permission RR/867/CM allows some flexibility with the ‘unless otherwise agreed in writing’ tailpiece but it is restricted by an end date. The non-material amendment would retain this flexibility without an end date. It is therefore considered that this application would not have a material effect on the original permission.

6.3 Moreover, in order to continue to accord with WMP12 of the Waste and Minerals Plan which aims to maintain supplies to and from the British Gypsum works, the importation of gypsum by road may be required on occasions to maintain plasterboard production levels therefore some flexibility to allow imports by road is required. The non-material amendment sought would not allow for continual imports by road without back-hauling and would require prior agreement by the Minerals Planning Authority and therefore the impacts as the result of traffic generation and on the amenity of host communities would be negligible.

6.4 Taking into account the negligible effect of the proposed changes, it is considered there is no conflict with relevant Development Plan policies and that the amendments are non-material in their effect and appropriate for approval.

1. **Conclusions and reasons for approval**

7.1 This application has been considered in accordance with Section 96A of the Town and Country Planning Act and the proposed amendments are considered appropriate for approval as non-material to planning permission RR/867/CM.

1. **Recommendation**
   1. To grant the application for approval of non-material amendment to planning permission WD/867/CM, and include the following amended condition:

1. Notwithstanding the requirements of Conditions 2 and 3 of permission RR/867/CM, the importation by road of high-grade Spanish gypsum without back-hauling is permitted with the prior written approval by the Director of Communities, Economy and Transport only.

Any approval requests for imports by road without back-hauling must include a start and end date.

Reason: To ensure that planning controls do not represent a barrier to the supply of Spanish gypsum to the Robertsbridge Works in accordance with WMP12 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

RUPERT CLUBB

Director of Communities, Economy and Transport

Date: 11 December 2023

## BACKGROUND DOCUMENTS

Permission RR/867/CM and RR/756/CM

Application File RR/867/CMNM/1

The Development Plan