



**REGULATORY COMMITTEE**

**PLANNING COMMITTEE**

**MEETING 10.30 am WEDNESDAY, 15 MAY 2019**

**COUNCIL CHAMBER - COUNTY HALL, LEWES**

**MEMBERSHIP** - To be confirmed

**A G E N D A**

- 1 Minutes of the meeting held on 13 March 2019 (*Pages 3 - 4*)
- 2 Apologies for absence
- 3 Disclosures of interests  
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent items  
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.

**County Matter Proposals - report(s) by the Director of Communities, Economy and Transport**

- 5 Renewal of planning permission WD/772/CM for depositing of lake silt on land previously used as lagoons. Bayham Lake estate, nr Lamberhurst, Tunbridge Wells, Kent TN4 8BG - WD/816/CM (*Pages 5 - 36*)  
Report by the Director of Communities, Economy and Transport
- 6 Development Management Quarterly report (*Pages 37 - 50*)  
Report by the Director of Communities, Economy and Transport
- 7 Any other items previously notified under agenda item 4

PHILIP BAKER  
Assistant Chief Executive  
County Hall, St Anne's Crescent  
LEWES BN7 1UE

7 May 2019

**NOTES:**

- (1) *Members are reminded that copies of all representations received are available for inspection in the Members' Room*
- (2) *As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website and the record archived for future viewing. The broadcast / record is accessible at: [www.eastsussex.gov.uk/webcasts](http://www.eastsussex.gov.uk/webcasts)*

Contact Simon Bailey, Democratic Services Officer,  
01273 481935  
Email: [simon.bailey@eastsussex.gov.uk](mailto:simon.bailey@eastsussex.gov.uk)

## PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 13 March 2019.

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PRESENT Councillors Claire Dowling (Chair), Barry Taylor (Vice Chair), Godfrey Daniel, Angharad Davies, Kathryn Field and Tom Liddiard

### 32 MINUTES OF THE MEETING HELD ON 16 JANUARY 2019

32.1 The Committee approved as a correct record the minutes of the meeting held on 16 January 2019.

### 33 APOLOGIES FOR ABSENCE

33.1 Apologies for absence were received from Councillor Bob Bowdler and Councillor Pat Rodohan. It was noted that Councillor Angharad Davies was substituting for Councillor Bowdler.

### 34 DISCLOSURES OF INTERESTS

34.1 Councillor Claire Dowling declared a personal interest in Item 5 in that she is a member of the Cabinet of Wealden District Council, but she did not consider this to be prejudicial.

### 35 REPORTS

35.1 Reports referred to in the minutes below are contained in the minute book.

### 36 TRAFFIC REGULATION ORDER - CROWBOROUGH PARKING REVIEW

36.1 The Committee considered a report by the Director of Communities, Economy and Transport.

36.2 Members have considered the officer's report and agree with the reasons for recommendation as set out in paragraph 3 of the report.

36.3 RESOLVED (1) to not uphold the objections set out in Appendix 2 to the report, concerning the draft Traffic Regulation Order for various sites in Crowborough;

(2) to uphold the objection to the draft Traffic Regulation Order as set out in Appendix 1 to the report concerning site 8;

(3) to recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order relating to sites 1-7 and 9-13 be made as advertised; and

(4) to recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order relating to site 8 be amended and be made.



Committee: **Regulatory  
Planning Committee**

Date: **15 May 2019**

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

Proposal: **Renewal of planning permission WD/772/CM for  
depositing of lake silt on land previously used as  
lagoons.**

Site Address: **Bayham Lake Estate, Lamberhurst, Tunbridge Wells,  
Kent, TN3 8BG**

Applicant: **Bayham Lake Management Ltd**

Application No. **WD/816/CM**

Key Issues: **(i) Renewal of Planning Permission  
(ii) Changes in the Policy position  
(iii) Matters raised in representations**

Contact Officer: **Miss Kiran Sajjan Tel. 01273 481595**

Local Member: **Councillor Bob Standley**

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## **SUMMARY OF RECOMMENDATIONS**

**1. To grant planning permission subject to conditions as indicated  
in paragraph 4.1 of this report**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

### **1. Introduction**

1.1 The application WD/772/CM for depositing of lake silt to lagoons to the west of Bayham Lake was originally granted planning permission by the Planning Committee at its meeting in May 2016. The Committee resolved that the Director of Communities, Economy and Transport be authorised to grant planning permission subject to conditions. A copy of the previous Report and Decision Notice are attached as Appendix 1 and 2.

1.2 Since permission was granted, three years have ensued and the development has not been implemented due to the construction of a spillway at the eastern end of the lake. The construction of the spillway, approved by Tunbridge Wells Borough Council, is now complete and would aid the de-silting of the lake by providing the ability to lower the water level to allow for

easier access for the machinery. The applicant is therefore seeking to renew the extant planning permission, which is due to expire on 20 May 2019.

## **2. Consideration**

### **Renewal of Planning Permission**

2.1 This application primarily relates to the renewal of an extant planning permission relating to the depositing of 3,900 cubic metres of excess lake silt, resulting from the dredging of the western end of the Bayham Lake, onto an area of adjacent land. The removal of the silt deposited over time by the River Teise is part of the periodic maintenance and restoration of the Bayham Lake. The operations relating to the dredging of the western part of the Lake do not require planning permission.

2.2 Members resolved on 18 May 2016 that, Planning Permission be granted subject to the imposition of conditions relating to (i) a Programme of Works; (ii) Submission of an Arboricultural Report; (iii) Scheme of Landscape Management; (iv) Scheme of investigation and programme of implementation of archaeological work; (v) Completion of archaeological site investigation and post investigation assessment. Several of the conditions included within Planning Permission WD/772/CM are required to be discharged prior to the commencement of the development. Due to the limited amount of time left until the permission expires, the applicant considers that an application for renewal is necessary.

2.3 The previous consideration and assessment of the proposal as outlined in the May 2016 report is considered to remain relevant. There are no material changes to the proposal that would alter the assessment carried out in May 2016.

### **Changes in the Policy position**

2.4 Since the consideration of the original application in May 2016, there have been two major changes in the relevant policy context. These relate to the National Planning Policy Framework (NPPF), which was revised in July 2018 and February 2019, and the Wealden Local Plan Submission Document January 2019. A further policy change has been the adoption of the East Sussex Waste and Minerals Sites Plan in February 2017, although the policies within this plan are considered to have little relevance to this application and proposal.

2.5 The NPPF was referred to in the May 2016 report (paragraph 5.4). The specific parts referred to in the May 2016 report have been maintained and the aims remain the same in the revised NPPF (February 2019). However, it should be noted that section numbers have now changed: Part 11 (Conserving and enhancing the natural environment) has been replaced by Part 15 (Conserving and enhancing the natural environment) and Part 12 (Conserving and enhancing the historic environment) has been replaced by Part 16 (Conserving and enhancing the historic environment). These revisions

are not considered to change the national policy position on the matters in question, or the status and weight of the Development Plan policies referred to in the May 2016 report (i.e. they are still considered to be NPPF compliant) and used in the assessment of the proposal.

2.6 The submission version of the Wealden Local Plan January 2019 has been published and as part of the examination of the Plan, stage 1 of hearings is due to take place in May 2019. Until this plan is adopted, policies from The Wealden District (Incorporating part of the South Downs National Park) Core Strategy Local Plan 2013 remain relevant and many policies from the earlier Wealden Local Plan 1998 are still “saved” where they remain of relevance and consistent with the NPPF, and until they are superseded. The relevant policies within the Submission Wealden Local Plan January 2019 are Policy EA5 (High Weald Area of Outstanding Natural Beauty); Policy BED1 (Design); Policy HE1 (Historic Environment); Policy HE3 (Sites of Archaeological Interest); Policy NE4 (Flood Risk); NE5 (Development Affecting Water Quality) and Policy WE1 (Waste). In accordance with paragraph 48 of the NPPF, these policies can be afforded some limited weight for decision making purposes. Notwithstanding this, the purpose of Policies within the Submission Wealden Local Plan reflect the intentions of the policies referred to in paragraphs 5.2 and 5.3 of the May 2016 report and there is no significant change to the policy considerations related to this renewal application.

2.7 Despite these changes to the relevant policy context, it is considered that there are no material differences in the thrust of the policies that were previously used to determine this proposal.

### **Matters raised in representations**

2.8 In response to the application for renewal of planning permission WD/772/CM, two representations objecting to the proposal have been received. The first representation, a repeat response from the occupier of Forest Lodge, wishes to object on the same grounds raised in regards to the original application. These objections were addressed within the May 2016 report and there have been no material changes to the proposal, the application site, or in policy terms. The other representation received from Frant Parish Council also objects to this planning application. The Parish Council previously supported the proposal. Wealden District Council does not raise any objections and no other objections have been received to the proposal.

2.9 The occupier of Forest Lodge, located approximately 1 kilometre to the south west of the deposition areas is objecting on the following grounds: (i) The applicant has right of access to the track but this does not benefit the land which forms the lagoons; (ii) The burning of any waste timber from the felling of trees within the lagoon area could cause smoke pollution and create a fire risk to the adjoining woodland areas; (iii) As the lagoons have not been used for 30 years the land has reverted back to mature woodland and it is therefore considered that this proposal would change the use from woodland to a

landfill site for hazardous waste which would be considered inappropriate within an Area of Outstanding Natural Beauty; (iv) As no method statement has been submitted with the application the proposed 3900 cubic metres to be deposited can only be a guesstimate; (vi) As a works programme has not been submitted it is assumed that desilting will be carried out during the peak summer months, which coincides with the breeding seasons; and (vii) The submitted ecology report is limited as there is no acknowledgement of dormice or the impact on ground nesting birds with heavy industrial machinery making frequent trips in and around the Lake and lagoon area.

2.10 Frant Parish Council objects to the proposal on the following grounds: (i) The deposition location is considered inappropriate as the site is located within the Area of Outstanding Natural Beauty and adjacent to Bayham Abbey and would not fit into the character of the area; (ii) The proposed operations are outdated and it is recommended that the silt should be taken off site instead; (iii) The silt deposits would cause threat to local wildlife; (iv) It is considered that the silt would pose a hazard and would impact the amenity of users of the public right of way to the south of the site; and (vi) Lack of acknowledgement of the telephone line that runs underneath the site.

2.11 Although the proposal would require clearance of self-sown trees and vegetation, which are considered to be of poor quality, and there would be a change in the contours of the area, it is not considered that the final landform would be out of character with the area as the average depth of the deposited silt would not exceed the height of the existing banks around the lagoons. The site is not open to public access, but some disruption may be experienced by users of the track to the south of the site, however this would be temporary during the construction period.

2.12 An updated Ecological and Enhancement Plan has been submitted as part of the application for renewal, the report concludes that there has been no significant change in habitats and conditions since the earlier surveys undertaken between March 2013 and October 2015. Therefore, it is considered that the recommendations for mitigation, compensation and enhancement made in the original ecological statement remain valid. On completion of the development, the applicant has indicated that the woodland would be subject to a management programme. Overall, a balance has to be struck and in this case it is considered that the site is suitable for the deposition of silt.

2.13 It is considered that the matters raised within the Parish Council's objection have been sufficiently addressed within the report (Appendix 1) and by the inclusion of conditions. As there has been no material change in the policy position, the application site, or the proposal no further assessment is required.

### **3. Conclusion and reasons for approval**

3.1 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.

3.2 Planning permission is sought for the renewal of an extant planning consent for the depositing of excess lake silt, onto an area of land previously used as lagoons to the west of the Bayham Lake. There are no material changes to the proposal and it has been considered that there are no material differences in the thrust of the policies that were previously used to determine the proposal. The proposal for renewal therefore accords with the following Policies: WMP8b (Deposit of Inert Waste on Land for Beneficial Uses); WMP17 (Restoration); WMP23b (Operation of Sites); WMP25 (General Amenity); WMP26 (Traffic Impacts); WMP27(a,b) (Environment and Environmental Enhancement); WMP28a (Flood Risk). of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Saved Policies EN6 (High Weald AONB); EN12 (Trees, Woodland & Landscaping); EN13 (Ancient Woodland); EN16 (Nature Conservation); EN22 (Buildings of special and Architectural or Historic Interest); EN23 (Historic Parks and Gardens); EN24, EN25, EN26 (Archaeology); EN27 (Design & Layout of Development) of the Wealden Local Plan 1998. The proposal also complies with Policy EA5 (High Weald Area of Outstanding Natural Beauty); Policy BED1 (Design); Policy HE1 (Historic Environment); Policy HE3 (Sites of Archaeological Interest); Policy NE4 (Flood Risk); NE5 (Development Affecting Water Quality) and Policy WE1 (Waste) of the Submission Wealden Local Plan 2019 and also with the provisions in the National Planning Policy Framework 2019.

3.3 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.

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

#### **4. Recommendation**

4.1 To recommend the Planning 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 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. Prior to the commencement of the development hereby permitted a Programme of Works shall be submitted to and approved by the Director of Communities, Economy and Transport and shall include full details of the proposed operations including:
  - Method for silt removal and deposit;
  - Any ground and surface preparation necessary to accommodate the operations;
  - Timescale of works;
  - Access arrangements and provisions for the management of construction traffic;
  - Type and location of proposed equipment; and
  - Location of underground services.

The development shall be carried out in accordance with the approved Programme of Works, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To safeguard the amenity of the locality in accordance with Policies WMP23b and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

4. No works to the trees and vegetation shall take place until an arboricultural report has been submitted to, and approved in writing by, the Director of Communities, Economy and Transport to confirm the precise nature and scope of works to the trees and vegetation, together with arrangements for the protection of trees and the management of any waste arising from these works. This shall ensure that the mature trees and those identified as supporting bat roosts or having bat roost potential should be retained and protected in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. The approved works shall be implemented in full and the tree protection arrangements remain in place for the duration of the works, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure the appropriate management of the site in the interests of safeguarding wildlife and visual amenity and to comply with Policies WMP25 and WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN6, EN23, EN12 and EN13 of the Wealden Local Plan 1998.

5. The deposit of the lake silt hereby permitted shall not commence until a scheme of management for the trees to be retained as identified in the

arboricultural report subject of Condition 4, has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The scheme shall include how the trees and vegetation will be managed on completion of the deposition works and a timetable for implementation. The approved scheme shall be implemented in full unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To secure the appropriate landscaping at the site and to integrate the development effectively into the surrounding environment, to comply with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN6, EN23, EN12 and EN13 of the Wealden Local Plan 1998.

6. No development shall take place within the application site 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 Communities, Economy and Transport. The development shall be carried out in accordance with the approved scheme which shall be implemented in full, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Saved Policies EN24, EN25 and EN26 of the Wealden Local Plan 1998.

7. Within 3 months of completion of the archaeological investigation as identified in the Written Scheme of Investigation under Condition 6, a written record of all archaeological works undertaken shall be submitted to and approved in writing by the Director of Communities, Economy & Transport.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Saved Policies EN24, EN25 and EN26 of the Wealden Local Plan 1998.

8. No removal of hedgerows, trees or habitats shall take place between 01 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed survey of vegetation for active birds' nests. The survey shall be carried out immediately before the vegetation is cleared and written evidence shall be provided to confirm that no birds shall be harmed or that there are appropriate measures in place to protect nesting bird interest on the site. Any such written evidence shall be submitted to and approved in writing by the Director of Communities, Economy and Transport prior to any removal of vegetation.

Reason: To ensure that breeding birds are protected from harm during construction period in accordance with Section 1 of the Wildlife and Countryside Act 1981 as amended.

9. All ecological works and measures shall be carried out in full in accordance with the details contained in the approved Ecological Update and Enhancement Plan (dated 9 April 2019).

Reason: In the interests of protecting the biodiversity of the development site in accordance with the provisions in the NPPF.

### **INFORMATIVES**

1. All reasonable steps shall be taken to ensure that any vehicles associated with the development leaving the site are in such condition as to not emit dust or deposit mud, or other debris on the highway.

Reason: In the interests of highway safety and the amenity of the locality, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

2. The Applicant's attention is drawn to the provisions of The Wildlife and Countryside Act 1981 (as amended) particularly with regard to the protection of bats and nesting birds, which may be affected during the proposed operations.

### Schedule of Approved Plans

Ecological Statement 09 December 2015, Proposed De-silting Activities Plan - 2656 55 revD 02/16, Site Plan - 14/00/249 May 2015 Dwg No. 4, Heritage Statement Feb 15, Supporting Statement, Ecological Update & Enhancement Plan 09 April 2019

RUPERT CLUBB

Director of Communities, Economy and Transport  
3 May 2019

### **BACKGROUND DOCUMENTS**

Application file WD/816/CM  
Planning Permission WD/772/CM  
The Development Plan

**Agenda Item No.**

Committee: **Regulatory  
Planning Committee**

Date: **18 May 2016**

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

Proposal: **Depositing of lake silt on land previously used as lagoons**

Site Address: **Bayham Lake Estate, Lamberhurst, Tunbridge Wells, Kent, TN3 8BG**

Applicant: **Bayham Lake Management Ltd**

Application No. **WD/772/CM**

Key Issues: **(i) Purpose of the Development  
(ii) Effect on AONB & Landscape Character  
(iii) Effect on Residential Amenity  
(iv) Ecology and Nature Conservation  
(v) Archaeological Matters**

Contact Officer: **Katie Rayner, Tel No: 01273 481833**

Local Member: **Councillor Bob Standley**

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**SUMMARY OF RECOMMENDATIONS**

**1. To grant planning permission subject to conditions as indicated in paragraph 8.1 of this report**

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**CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT:**

**1. The Site and Surroundings**

1.1 The application site is 1.6ha in area and is set within the curtilage of the Grade II Listed Bayham Abbey Estate, near Lamberhurst in Kent. The site is located over 1 kilometre from the Bayham Abbey Estate House and the medieval Bayham Abbey ruins. The application site comprises a rectangular area of land that has on a previous occasion been used for the deposition of sediment from the Bayham Lake, and has now regenerated with self-sown secondary woodland. The site also falls within the High Weald Area of Outstanding Natural Beauty (AONB) and forms part of the English Heritage registered Historic Parks and Gardens for the Bayham Abbey Estate.

1.2 The River Teise runs through the Estate immediately to the north of the application site area and forms the administrative boundary between East Sussex and Kent. The Lake itself, which is to be dredged, lies within Kent, but the application site for the deposition of the dredged silt lies wholly within East Sussex. The application site is bounded to the east by Bayham Lake and to the south-west lies an area of Ancient Woodland known as 'Great Coppice Wood' which is separated from the proposed areas of deposition by an unmade private track. Dense coppice woodland is present to the west and to the north is farmed grassland. The Bayham Lake was constructed in the first decade of the 19th Century as part of Humphrey Repton's original design for the Estate, and is largely tree fringed except towards the western end where previous dredging, reforming of the Lake shore and the construction of the Lake House, have contributed to leaving the north and eastern shore open. The historic earth banked enclosures and some pipes constructed during the last deposition activities (in the 1960s) remain visible within the application area and provide a number of connected raised boundaries, which separate the proposed deposition areas.

1.3 A private road off the B2169 Bayham Road, the main road running east-west to the south of the application site, provides vehicular access to the site. This private road is shared by a number of other large detached dwellings, which are also located within the curtilage of the Bayham Abbey Estate, in an area referred to as Little Bayham. There are no public footpaths within the vicinity of the application site and the unmade track to the south of the Lake, which extends beyond the proposed deposition areas, is in private ownership. The nearest residential property, apart from the applicant's Lake House, which is located to the east of the site, is over 200 metres to the north-west of the western boundary of the application site.

## **2. The Proposal**

2.1 The applicant is seeking planning permission to deposit approximately 3,900 cubic metres of lake silt, which will result from the dredging of the western end of the Bayham Lake, on to the area of land approximately 50 metres to the west of the Lake. The removal of the excess silt, which does not require planning permission, is to allow for the maintenance and restoration of the Lake to ensure that it maintains its open water character which will subsequently enhance the ecology and biodiversity of the area.

2.2 The Bayham Lake was last dredged to remove the excess silt deposited from the River Teise in the 1960s. As part of this operation, four earth banked bowls, referred to as lagoons, were constructed to the west of the Lake to retain the silt and water. The applicant intends to utilise these historic lagoons and anticipates that silt will be pumped separately into each of the four proposed deposition areas at a level of about 260mm once settled. As part of this process, the existing earth bunds will be made good and re-profiled in areas where they have degraded over time to avoid any seepage into the surrounding area. The interconnecting pipes, which allow the excess water to flow back into the watercourse, will be reinstated.

2.3 As the lagoon areas have naturally self-sown since the last sediment deposition some vegetation management is required prior to the deposit of sediment. These works will include the coppicing and clearance of some trees and invasive scrub and will be carried out using hand tools only (e.g. bush cutters and chainsaws). Due to the nutrient level of the sediment it would not be suitable to clear the entire area of vegetation to allow a meadow restoration. It is therefore proposed that the restoration of the site will involve rotation coppice management of trees and vegetation. The proposed on-going management of the lagoon areas will aid in the drying rate of the silt and maintain a biodiversity benefit to the area.

2.4 The vehicle movements associated with this development are limited to the delivery and removal of pumping equipment and site staff movements, which will utilise the private access track off the B2169 to enter the Estate. No material resulting from the dredging of the Lake is proposed to be taken off the site.

### **3. Site History**

3.1 There is currently no County planning history for the application site or the Bayham Abbey Estate which is relevant to this proposal. However, the area to the west of the Lake, that forms the application site, has previously been used for the deposit of silt from the Lake which took place in the 1960s.

3.2 The delivery of the proposed scheme is dependant on the outcome of another planning application, for the construction of a new spillway to the eastern end of the Lake, which will allow the lowering of the water level of the Lake for the appropriate machinery to enter and remove the excess silt. This application is being considered by Tunbridge Wells Borough Council.

### **4. Consultations and Representations**

4.1 Wealden District Council has not submitted any observations.

4.2 Frant Parish Council supports the application.

4.3 Highway Authority raises no objection, as the proposed works are internal to the site and the only effect that is related to the highway would be the arrival and departure of pump/machinery which will be at the commencement and completion stages of the proposed work.

4.4 Environment Agency has not submitted any observations.

4.5 Flood Risk Management ESCC raises no objection and considers the development to be low risk in terms of flooding.

4.6 Historic England has not submitted any observations.

4.7 The Gardens Trust has not submitted any observations.

4.8 Kent County Council as the adjoining Waste Planning Authority, raises no objection to the proposed scheme.

4.9 Local Representations:- Four letters of objection have been received. One is from the occupier of Tollsye House, approximately 250 metres to the north west of the proposed deposition areas and the other three are from the occupier of Forest Lodge, approximately 1 kilometre to the south west of the deposition areas. It appears that the latter is the owner of the access track to the south of the Lake, the woodlands on the southern side of the Lake and the farm below the dam at the eastern end of the Lake. Both objectors refer to concerns over the depth of the silt within the lagoon areas and therefore the impact on the safety of local residents and wildlife that use the area. Concerns are also raised with regard to the potential smell of the deposited material that could be hazardous to health and attract flies and the potential impact on servicing, repairs and renewals to the communication cables that run through the operational area of the proposed development.

The occupier of Forest Lodge is also objecting to the proposal on the following grounds: (i) The applicant has right of access to the track but this does not benefit the land which forms the lagoons; (ii) The burning of any waste timber from the felling of trees within the lagoon area could cause smoke pollution and create a fire risk to the adjoining woodland areas; (iii) As the lagoons have not been used for 30 years the land has reverted back to mature woodland and it is therefore considered that this proposal would change the use from woodland to a landfill site for hazardous waste which would be considered inappropriate within an Area of Outstanding Natural Beauty; (iv) As no method statement has been submitted with the application the proposed 3900 cubic metres to be deposited can only be a guesstimate; (v) As a works programme has not been submitted it is assumed that desilting will be carried out during the peak summer months, which coincides with the breeding seasons; and (vi) The submitted ecology report is limited as there is no acknowledgement of dormice or the impact on ground nesting birds with heavy industrial machinery making frequent trips in and around the Lake and lagoon area.

## **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: WMP8b (Deposit of Inert Waste on Land for Beneficial Uses); WMP17 (Restoration); WMP23b (Operation of Sites); WMP25 (General Amenity); WMP26 (Traffic Impacts); WMP27(a,b) (Environment and Environmental Enhancement); WMP28a (Flood Risk).

5.2 Wealden District Local Plan 1998: Saved Policies: EN6 (High Weald AONB); EN12 (Trees, Woodland & Landscaping); EN13 (Ancient Woodland); EN16 (Nature Conservation); EN22 (Buildings of special and Architectural or Historic Interest); EN23 (Historic Parks and Gardens); EN24, EN25, EN26 (Archaeology); EN27 (Design & Layout of Development).

Wealden District Council has not formally determined whether its Saved Policies in the Wealden Local Plan are in general conformity with the NPPF. However, the Saved Policies are considered by the Waste Planning Authority to be in general conformity with the overarching principles of the NPPF.

### 5.3 Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan 2013:

The Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan was adopted on the 19 February 2013. The Core Strategy Local Plan is the key policy document setting out a strategic vision, objectives and spatial strategy for the area up to 2027. Currently saved development management policies contained in the Wealden Local Plan 1998 remain part of the Development Plan for the area.

### 5.4 National Planning Policy Framework (NPPF) 2012:

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. It does not contain specific waste policies but regard should be had to NPPF policies so far as relevant. Parts 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) are relevant in this case.

### 5.5 National Planning Policy for Waste (NPPW) 2014:

The NPPW sets out detailed waste planning policies and regard should be had to them when planning authorities seek to discharge their responsibilities to the extent that they are appropriate to waste management.

## **6. Considerations**

### **Purpose of the Development**

6.1 Policy WMP8b of the Waste and Minerals Plan permits proposals for the deposit of inert waste on land where it is demonstrated that it would result, inter alia, in appropriate measureable improvement to the use or operation of agricultural and/or forestry land and the resulting landform and after use enhances the environment and is sympathetic to the land uses, landscape, visual amenity and nature conservation interest of the site. Policy WMP17 also requires that proposals for land disposal activities should be accompanied by a scheme of progressive restoration and aftercare which, inter alia, will maximise benefits, enhancements and opportunities for landscape and biodiversity and should be sensitive to and in keeping with local landscape character and distinctiveness.

6.2 It is proposed to undertake the periodic maintenance and restoration of Bayham Lake, through the removal and deposit of approximately 3,900 cubic metres of excess silt, which has been deposited within the Lake over time by the River Teise. The removal of silt will contribute to enhancing the ecology

and biodiversity of the Lake and aid in achieving a 'good' status objective by 2027 for the Upper Teise, as detailed within the Thames River Basin Management Plan.

6.3 The application site for the deposit of the excess silt has on a previous occasion been used for the deposition of sediment from the Bayham Lake and this application intends to re-utilise this area and the landforms, which were created at the time. Following this historic use of the land, the application area has been left to naturally recolonise, without any active management, which has resulted in the poor growth of trees, with evidence of trees growing too close together and lacking sufficient light and space to adequately develop.

6.4 The proposed operations will involve the direct pumping or tank storage and pumping of silt in to each of the pre-constructed lagoon areas. It is anticipated that the proposed operation will require the management of vegetation within the application site. Some of this management is proposed to take place prior to the deposit of material and will include the clearance of approximately 25% of the secondary woodland cover and invasive undergrowth species to facilitate the works and allow the earth banks to be made good and re-profiled.

6.5 In addition, on completion of the deposition works it is proposed that the application area will be subject to on-going management. The applicant anticipates utilising rotation coppicing to ensure a beneficial restoration, including the prevention of the re-growth of invasive species, the details of which are to be secured by condition.

6.6 Consequently, the proposed works would benefit the use of the Lake and the area of woodland, subject to this application, and will ensure the suitable regeneration, conservation and enhancement of the area for beneficial use. It is therefore considered, that the proposed operations are in accordance with Policy WMP8b and Policy WMP17 of the East Sussex, South Downs and Brighton & Hove Minerals and Waste Plan.

### **Effect on AONB & Landscape Character**

6.7 The application site is located within the High Weald AONB and the registered Bayham Abbey Estate Historic Parks and Gardens. Policy WMP27a of the Waste and Minerals Plan and Saved Policies EN6 and EN23 of the Wealden Local Plan, seek to conserve and enhance the local character and environment of the Plan Area and permission will not be granted where development would have a significant adverse impact on landscape designations. In addition, Saved Policy EN22 indicates, inter alia, that proposals that would adversely affect the setting of a listed building will be resisted.

6.8 Saved Policies EN12 and EN13 of the Wealden Local Plan also indicate that development will be restricted where it would result in the loss of trees which make a valuable contribution to the character of the landscape and settlement or its setting and would otherwise prejudice the ecology of

Ancient Semi-Natural woodland. Regard should also be given to Part 11 of the NPPF, which affords great weight to conserving the landscape and scenic beauty of the AONBs.

6.9 The site occupies a rectangular area of land that comprises of secondary broadleaf woodland with few large or mature trees. The surrounding landscape is characterised by heavily rolling wooded and farmed slopes, with the Bayham Abbey Estate occupying the steep north and south facing slopes of the River Teise. The application site lies within the valley of the River Teise and is bounded to the south-west by an unmade track beyond which is a raised area of Ancient Woodland which extends into the dense surrounding woodland to the west, with steep grassland slopes to the north. As a consequence of this the site is in a remote, well screened location and any potential public views from the nearest residential properties or the wider Bayham Abbey Estate are largely restricted.

6.10 The main concerns regarding this proposal is the potential impact on the High Weald AONB and the Historic Parks and Gardens. One representation from a local resident raises concerns with regard to the impact on the AONB designation and suggests that the proposed deposition of silt will change the use of the land from woodland to a landfill site for hazardous waste.

6.11 The final landform of the proposed development will result from the settlement of silt within each of the proposed deposition areas, following the draining of the excess water back into the River Teise. It is considered that the average depth of silt to be deposited would not exceed the height of the existing banks around the lagoons and would therefore not conflict with the natural contours of the area. Moreover, the application site is currently characterised by the historic earth banked bowls, which were constructed during the last deposition activities. Whilst these have naturally regenerated, the clearance of some vegetation and the re-profiling of the earth banks would not conflict with the local landscape character of the area.

6.12 The existing self-sown broadleaf woodland that occupies the proposed deposition areas is considered to be of poor quality and out of character with the dense surrounding woodland. Furthermore, the existing soil within the lagoons is shallow with tree roots penetrating poorly and a significant number of trees have fallen. The applicant therefore anticipates the need to clear some of the tree cover to facilitate the proposed operations. Specific trees have not been identified at this stage; however, the more mature boundary trees and those of significant nature conservation interest will be retained. On completion of the deposition works, the area will be appropriately managed to ensure a beneficial restoration, providing enhanced integration of the woodland with the surrounding area, which was not undertaken when the silt was deposited previously. Prior to any works commencing on the site the applicant will be required to provide a detailed survey of tree works including measures to protect those that will remain, which will be secured by condition.

6.13 The applicant has outlined two potential methods of extraction and deposition, which involve the direct pumping and deposit of silt into the lagoons, or the use of a storage tank on the bank of Bayham Lake, from which the silt will be pumped. Although from a landscape perspective, the use of pumps would be preferable, the applicant has not confirmed the method. Despite this, the operation would be for a temporary period only and have no significant adverse effect on the landscape.

6.14 Consequently, the proposed deposition activities would not have an adverse impact on the landscape designation or the setting of the Grade II Listed Bayham Abbey Estate. Moreover, the proposal will result in better management of the woodland, which will enhance and conserve the natural environment. It is therefore considered that subject to securing the necessary details through the provision of conditions, the proposed development raises no conflict with Policy WMP27a of the Waste and Minerals Plan and Saved Policies EN6, EN13, EN22 and EN23 of the Wealden Local Plan.

### **Effect on Residential Amenity**

6.15 Policy WMP25 of the Waste and Minerals Plan requires that proposed should, inter alia, have no unacceptable effect on the standard of amenity appropriate to the established permitted or allocated land uses of the local and host communities likely to be affected by the development, including transport links. Saved Policy EN27 of the Wealden Local Plan requires, inter alia, that the scale, form and design of development should not create an unacceptable adverse impact on the privacy and amenities of adjoining development and the neighbourhood by reason of scale, height, form, noise and traffic movements.

6.16 Local residents have raised concerns regarding the lack of information on the proposed method of operations and the therefore potential depth of silt within the lagoon areas, which could have an impact on the safety of local residents and wildlife that use the area, particularly if all the material is to be deposited within the furthestmost lagoon from the west and is then allowed to drain into the other lagoon areas over time through the reinstated interconnecting pipes. Concerns were also raised with regard to the potential smell of the deposited materials during the drying process, the accessibility of underground services and how the waste timber from the clearance operations will be disposed.

6.17 The application site, with the exception of the access track, is in the private ownership of the applicant and there are no rights of way that allow public access within the application area or on the surrounding land. The applicant has outlined that each of the lagoon areas will be individually filled and it is proposed that the sediment will be deposited into the furthestmost lagoon area first. This will allow the excess water to filter through the other lagoons through the interconnected pipes and back into the River Teise through the final set of pipes from the south-east corner of lagoon area four. Each lagoon area will then be filled separately until the last lagoon, closest to the Lake, is filled. The specific details of the proposed operations, including

the location of any underground services and removal of waste timber will be secured by conditions in accordance with Policy WMP23b of the Waste and Minerals Plan and attached to any grant of planning permission.

6.18 It is anticipated that it will take up to six weeks for the deposition of the materials from the Lake, after which the area will need to settle and dry. During this process the area will be appropriately managed and it is considered that the coppice management of the vegetation will aid in speeding up the drying rate of the silt, alongside maintaining a biodiversity interest for the area. Whilst concerns have been raised with regard to the potential smell arising from the drying process, there are no residential properties within the prevailing wind of the deposition areas. Furthermore, the context of the application site within a remote, rural location bounded by dense woodland and farmed open grassland, needs to be taken into consideration and any potential odours arising from the development are likely to be similar to the rural odours already naturally occurring within this type of location.

6.19 The proposed access to the site is along the private road from the B2169, which extends into the Bayham Abbey Estate and is shared by other dwellings within Little Bayham. The potential effects of vehicle movements on this private road would be temporary during the delivery and removal of pumping equipment and the arrival and departure of the on site staff. Therefore, it is considered that given the temporary nature of the proposed operations and the limited number of vehicle movements, restrictions to the operational hours for the movement of equipment would be unnecessary and could cause delays to the proposed operations, thereby prolonging the operations.

6.20 As the western end of the Bayham Lake is not accessible via the main private road through the Estate, the applicant has outlined two anticipated methods of transport to allow for the positioning of the pumping equipment. This will involve either the use of the private unmade track to the south of the Lake, which extends beyond the proposed deposition areas, or equipment will be moved across the Lake by boat from the spillway on the north-eastern corner, which has been utilised for other management activities. Whilst it is anticipated that the most appropriate method of access will be utilised at the time of the proposed works, the specific access arrangements are required to be set out within the programme of works to be secured by condition.

6.21 Consequently, it is considered that the proposed operations would not adversely affect residential amenity. They are for a temporary period only, following which the application area will be subject to on-going management to ensure a beneficial restoration to conserve the local landscape character. It is therefore considered, subject to details being secured by condition that the proposed development is in accordance with Policy WMP25 of the Waste and Minerals Plan and Saved Policy EN27 of the Wealden Local Plan.

## **Ecology and Nature Conservation**

6.22 Policy WMP27b of the Waste and Minerals Plan seeks to conserve and enhance the local natural environment and maximise opportunities for increasing biodiversity and habitat creation. Permission will not be granted where the development would have a significant adverse impact on sites of national and local importance for nature conservation including Ancient Woodland. Similarly, Saved Policy EN16 of the Wealden Local Plan states that regard should be had to the need to safeguard the active residence of protected species and appropriate opportunities for encouraging habitat protection, enhancement and management.

6.23 One representation raises concerns with regard to the desilting works taking place during the peak summer months, which would coincide with the breeding seasons. In addition, it is considered that the ecology report is limited as there is no acknowledgement of dormouse or the potential impact on ground nesting birds, with heavy industrial machinery making frequent trips in and around the Lake and lagoon area.

6.24 The application is supported by an Ecological Statement and individual species assessments. These reports propose a number of mitigation measures which include the control of working area, limits to operational times in accordance with breeding seasons, retention and protection of mature trees and trees supporting bats, and an ecological watching brief.

6.25 Following these surveys the working area has been reduced to avoid areas with potential for protected species namely Reptiles and Bats. Furthermore, it is recommended that to avoid disturbance to nesting birds, any removal of scrub and trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check would be carried out prior to any clearance works by an appropriately qualified ecologist. An individual dormouse assessment was also carried out as part of the survey works, which concluded that there is a low potential for the application site to support this species due to a lack of suitable food, combined with a poor habitat structure.

6.26 The Ancient Woodland to the immediate south of the proposed deposition works covers an area of 63.36ha. The ground level of the Ancient Woodland is higher than the proposed deposition areas and is separated from the application site by a 7 metres wide, unmade track and ditches. Neither the construction nor operational phase of the project will require vehicles, plant or machinery to enter the Ancient Woodland. Any potential impact from particulate emissions and vibrations resulting from the proposed operations is not considered to be significant, as the development is for a temporary period only and a programme of works will be secured by condition to ensure that there is no impact from the positioning of the pumping equipment on the Ancient Woodland.

6.27 Consequently, it is considered that the proposed operations would not adversely impact the ecology and biodiversity of the site or the nearby Ancient Woodland subject to the implementation of the proposed mitigation measures. Furthermore, the long-term management of the application area will allow for a beneficial restoration of the site and the suitable regeneration of the woodland for biodiversity conservation and enhancement and is therefore in accordance with Policy WMP27b of the Waste and Minerals Plan and Saved Policy EN16 of the Wealden Local Plan.

### **Archaeological Matters**

6.28 Policy WMP27a of the Waste and Minerals Plans seeks to conserve and enhance the local character and environment, and permission will not be granted where, inter alia, the development would have a significant adverse impact on sites recognised for their cultural and historic significance. Saved Policies EN24, EN25 and EN26 of the Wealden Local Plan provide for the protection, investigation and preservation in-situ or by record of archaeological sites and areas of interest, and there is a clear presumption against development proposals which would adversely affect scheduled Ancient Monuments and other sites of national archaeological importance and their settings. Regard should also be given to Part 12 of the NPPF, which requires development to conserve and enhance the historic environment.

6.29 There are no designated heritage assets within the application site, however the area is of archaeological interest due its location within the curtilage of the Bayham Abbey Estate and being approximately 1.5 kilometres from the Bayham Abbey medieval ruins and a number of medieval furnace and iron production sites. In addition, the application site is located within the River Teise floodplain, which raises the potential for undisturbed pre-historic remains which have been buried overtime by alluvium deposits. Whilst past arable cultivation, water management and landscaping activities at the site are likely to have had the most significant impact on any remains; there is some potential for the presence of yet unknown archaeological remains at the site.

6.30 The application is supported by an archaeological desk based assessment, which proposes targeted archaeological monitoring and recording to be carried out as part of the development. It is also recommended that given the potential loss of heritage assets on the site, resulting from the need for some tree clearance, removal of topsoil and re-profiling of the earth banks, that the area affected by the proposed development should be subject to a programme of archaeological works in accordance with a written scheme of investigation, the details of which will be secured by condition. The provision of these elements will ensure that any archaeological deposits and features potentially disturbed during the proposed works are adequately recorded.

6.31 It is therefore considered that the proposed operations would not have a detrimental adverse impact on any sites of potential national archaeological importance and their setting, subject to the provision of appropriate

conditions, and the proposal therefore does not conflict with Policy WMP27a of the Waste and Minerals Plan and Saved Policies EN24, EN25 and EN26 of the Wealden Local Plan.

## **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 deposit of 3,900 cubic metres of excess lake silt, resulting from the dredging of the western end of the Bayham Lake, on to an area of adjacent land. The removal of the silt deposited over time by the River Teise is part of the periodic maintenance and restoration of the Bayham Lake and will contribute to enhancements in the ecology and biodiversity of the area. The proposed deposition site is within a remote, well screened area of the Bayham Abbey Estate, with restricted public views and access. It is considered that there will be no adverse long term impact on the amenity of nearby properties nor on the AONB and local landscape character of the area, provided that the proposed management of the site is carried out to ensure the conservation and enhancement of the area.

7.3 The proposed development therefore complies with Policies WMP8b, WMP17, WMP23b, WMP25, WMP26, WMP27 (a,b), WMP28 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Saved Policies EN6, EN12, EN13, EN16, EN22, EN23, EN24, EN25, EN26, EN27 of the Wealden Local Plan 1998.

7.4 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.

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

## **8. Recommendation**

8.1 To recommend the Planning 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 and Country Planning Act 1990.

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

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

3. Prior to the commencement of the development hereby permitted a Programme of Works shall be submitted to and approved by the Director of Communities, Economy and Transport and shall include full details of the proposed operations including:
  - Method for silt removal and deposit
  - Any ground and surface preparation necessary to accommodate the operations
  - Timescale of works
  - Access arrangements and provisions for the management of construction traffic
  - Type and location of proposed equipment
  - Location of underground services

The development shall be carried out in accordance with the approved Programme of Works, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To safeguard the amenity of the locality in accordance with Policies WMP23b and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and Saved Policy EN27 of the Wealden Local Plan 1998.

4. No development shall take place until an arboricultural report has been submitted to, and approved in writing by, the Director of Communities, Economy and Transport to confirm the precise nature and scope of works to the trees and vegetation, together with arrangements for the protection of trees and the management of any waste arising from these works. This shall ensure that the mature trees and those identified as supporting bat roosts or having bat roost potential should be retained and protected in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. The works shall be implemented in full and the tree protection arrangements remain in place for the duration of the works, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure the appropriate landscaping of the site in the interests of visual amenity and the environment and to comply with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN6, EN23, EN12 and EN13 of the Wealden Local Plan 1998.

5. No development shall take place until a scheme of landscape management has been submitted to and approved in writing by the Director of Communities, Economy and Transport, which shall include

how the trees and vegetation will be managed on completion of the deposition works and a timetable for implementation. The approved scheme shall be implemented in full unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To secure the appropriate landscaping at the site and to integrate the development effectively into the surrounding environment, to comply with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN6, EN23, EN12 and EN13 of the Wealden Local Plan 1998.

6. No development shall take place within the application area 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 Communities, Economy and Transport. The development shall be carried out in accordance with the approved scheme which shall be implemented in full, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Saved Policies EN24, EN25 and EN26 of the Wealden Local Plan 1998.

7. The deposit of the lake silt hereby permitted shall not commence until the archaeological site investigation and post investigation assessment has been completed following the preparation of the deposition areas in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is submitted and approved in writing by the Director of Communities, Economy & Transport.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Saved Policies EN24, EN25 and EN26 of the Wealden Local Plan 1998.

8. No vehicles associated with the development hereby permitted shall leave the site carrying mud, dust or other debris on their wheels.

Reason: In the interests of highway safety and the amenity of the locality, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

### INFORMATIVES

1. The Applicant's attention is drawn to the provisions of The Wildlife and Countryside Act 1981 (as amended) particularly with regard to the

protection of bats and nesting birds, which may be affected during the proposed operations.

#### Schedule of Approved Plans

Site Plan 1:1250 Dwg No. 4 - Site Plan, Ecological Statement, Site Plan - Proposed De-silting Activities 2656 55 D , Site Plan - Topographical levels of lagoons, Site Plan - Area of lake used for silt volume calculation, Site Volume Plan 1:1250 Dwg No. 1, Supporting Statement, ASE Heritage Statement

RUPERT CLUBB

Director of Communities, Economy and Transport

1 May 2019

#### **BACKGROUND DOCUMENTS**

Application file WD/772/CM

The Development Plan

National Planning Policy Framework

National Planning Policy for Waste

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**Rupert Clubb**  
BEng(Hons) CEng MICE  
Director

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Kelvin Williams  
Head of Planning & Building Control  
Wealden District Council  
Council Offices, Vicarage Lane  
HAILSHAM  
BN27 2AX FAO MRS J BOLTON

Date: 20 May 2016

please contact  
Amanda Parks  
Lewes (01273) 481846  
Direct Fax (01273) 479040

our ref  
WD/772/CM  
AP

your ref  
WD/2016/0555/CC

Dear Mr Williams

**TOWN AND COUNTRY PLANNING ACT 1990**

**WD/772/CM - DEPOSITING OF LAKE SILT ON LAND PREVIOUSLY USED AS LAGOONS BAYHAM LAKE ESTATE, LAMBERHURST, TUNBRIDGE WELLS, KENT, TN3 8BG (WITHIN LAND EDGED RED ON APPLICANTS PLAN NO. 4 )**

At their meeting on 18 May 2016 the Planning Committee of the Regulatory Committee on behalf of the County Council resolved, to authorise the carrying out of the above development. Planning Permission is now granted. A copy of the Decision Notice is attached hereto.

Therefore, in accordance with the above Act would you please accept this letter in conjunction with the plans shown as formal notification of the development for the purpose of your Register of Planning Applications and Decisions.

Approved Plan(s) numbered: Site Plan 1:1250 Dwg No. 4 - Site Plan, Ecological Statement, Site Plan - Proposed De-silting Activities 2656 55 D , Site Plan - Topographical levels of lagoons, Site Plan - Area of lake used for silt volume calculation, Site Volume Plan 1:1250 Dwg No. 1, Supporting Statement, ASE Heritage Statement

Yours sincerely

*Sarah Iles*

Sarah Iles  
Team Manager, Planning Policy & Development Management

Copies to: Planning Liaison Officer - Environment Agency – for Information  
Madgwick & Dottridge - Agent

## **EAST SUSSEX COUNTY COUNCIL**

### **TOWN AND COUNTRY PLANNING ACT, 1990**

### **TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010**

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To :- Bayham Lake Management Ltd  
c/o Madgwick & Dottridge  
16 - 18 Mount Ephraim  
Tunbridge Wells  
Kent, TN4 8AS

County Ref. No. WD/772/CM  
District Ref. No.:-WD/2016/0555/CC

In pursuance of their powers under the above mentioned Act, Order and Regulations, the Council as the local planning authority hereby GRANT PLANNING PERMISSION for depositing of lake silt on land previously used as lagoons Bayham Lake Estate, Lamberhurst, Tunbridge Wells, Kent, TN3 8BG (Within land edged red on applicants plan no. 4) in accordance with your application validated by the East Sussex County Council on 18.2.2016 and the plans and particulars submitted in connection therewith and subject also to due compliance with the condition(s) specified hereunder:-

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 plans listed in the Schedule of Approved Plans.

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

3. Prior to the commencement of the development hereby permitted a Programme of Works shall be submitted to and approved by the Director of Communities, Economy and Transport and shall include full details of the proposed operations including:

- Method for silt removal and deposit
- Any ground and surface preparation necessary to accommodate the operations
- Timescale of works
- Access arrangements and provisions for the management of construction traffic
- Type and location of proposed equipment
- Location of underground services

The development shall be carried out in accordance with the approved Programme of Works, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To safeguard the amenity of the locality in accordance with Policies WMP23b and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and Saved Policy EN27 of the Wealden Local Plan 1998.

4. No development shall take place until an arboricultural report has been submitted to, and approved in writing by, the Director of Communities, Economy and Transport to confirm the precise nature and scope of works to the trees and vegetation, together with arrangements for the protection of trees and the management of any waste arising from these works. This shall ensure that the mature trees and those identified as supporting bat roosts or having bat roost potential should be retained and protected in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. The works shall be implemented in full and the tree protection arrangements remain in place for the duration of the works, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure the appropriate landscaping of the site in the interests of visual amenity and the environment and to comply with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN6, EN23, EN12 and EN13 of the Wealden Local Plan 1998.

5. No development shall take place until a scheme of landscape management has been submitted to and approved in writing by the Director of Communities, Economy and Transport, which shall include how the trees and vegetation will be managed on completion of the deposition works and a timetable for implementation. The approved scheme shall be implemented in full unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To secure the appropriate landscaping at the site and to integrate the development effectively into the surrounding environment, to comply with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN6, EN23, EN12 and EN13 of the Wealden Local Plan 1998.

6. No development shall take place within the application area 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 Communities, Economy and Transport. The development shall be carried out in accordance with the approved scheme which shall be implemented in full, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Saved Policies EN24, EN25 and EN26 of the Wealden Local Plan 1998.

7. The deposit of the lake silt hereby permitted shall not commence until the archaeological site investigation and post investigation assessment has been completed following the preparation of the deposition areas in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is submitted and approved in writing by the Director of Communities, Economy & Transport.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Saved Policies EN24, EN25 and EN26 of the Wealden Local Plan 1998.

8. No vehicles associated with the development hereby permitted shall leave the site carrying mud, dust or other debris on their wheels.

Reason: In the interests of highway safety and the amenity of the locality, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

### Schedule Of Approved Plans

Site Plan 1:1250 Dwg No. 4 - Site Plan, Ecological Statement, Site Plan - Proposed De-silting Activities 2656 55 D , Site Plan - Topographical levels of lagoons, Site Plan - Area of lake used for silt volume calculation, Site Volume Plan 1:1250 Dwg No. 1, Supporting Statement, ASE Heritage Statement

### INFORMATIVE

1. The Applicant's attention is drawn to the provisions of The Wildlife and Countryside Act 1981 (as amended) particularly with regard to the protection of bats and nesting birds, which may be affected during the proposed operations.

The policies relevant to this decision are:

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP8b (Deposit of Inert Waste on Land for Beneficial Uses); WMP17 (Restoration); WMP23b (Operation of Sites); WMP25 (General Amenity); WMP26 (Traffic Impacts); WMP27(a,b) (Environment and Environmental Enhancement); WMP28a (Flood Risk).

Wealden District Local Plan 1998: Saved Policies: EN6 (High Weald AONB); EN12 (Trees, Woodland & Landscaping); EN13 (Ancient Woodland); EN16 (Nature Conservation); EN22 (Buildings of special and Architectural or Historic Interest); EN23 (Historic Parks and Gardens); EN24,EN25,EN26 (Archaeology); EN27 (Design & Layout of Development).

Wealden District Council has not formally determined whether its Saved Policies in the Wealden Local Plan are in general conformity with the NPPF. However, the Saved Policies are considered by the Waste Planning Authority to be in general conformity with the overarching principles of the NPPF.

Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan 2013:

The Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan was adopted on the 19 February 2013. The Core Strategy Local Plan is the key policy document setting out a strategic vision, objectives and spatial strategy for the area up to 2027. Currently saved development management policies contained in the Wealden Local Plan 1998 remain part of the Development Plan for the area.

National Planning Policy Framework (NPPF) 2012:

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. It does not contain specific waste policies but regard should be had to NPPF policies so far as relevant. Parts 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) are relevant in this case.

National Planning Policy for Waste (NPPW) 2014:

The NPPW sets out detailed waste planning policies and regard should be had to them when planning authorities seek to discharge their responsibilities to the extent that they are appropriate to waste management.

For Note

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.

Signed *Sarah Iles*  
Date 20 May 2016  
Sarah Iles, Team Manager  
Planning Policy & Development Management

**All enquiries should be addressed to:**

Director of Communities Economy and Transport,  
Communities Economy and Transport Department,  
County Hall, St Anne's Crescent,  
Lewes, East Sussex, BN7 1UE.

**IMPORTANT** - Please read notes attached.

Copies to: Planning Liaison Officer - Environment Agency - for information  
Mrs J Bolton, Wealden District Council for Statutory Planning Register  
dncmgrac.doc

## **NOTIFICATION AS REQUIRED BY THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010**

### **Appeals to the Secretary of State**

- o If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- o If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.planningportal.gov.uk.pcs](http://www.planningportal.gov.uk.pcs).
- o The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- o The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- o In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

### **Purchase Notices**

- o If either the local planning authority or the Secretary of State refuses planning permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor can the owner render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- o In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## NOTES

- (1) This permission does not purport to convey any approval or consent which may be required under the Town and Country Planning Act, 1990, otherwise than under Section 70-76 or which may be required under any other Acts, including any Byelaws, Orders or Regulations made under such other Acts: e.g. Building Regulations approval may be required from the relevant District/Borough Council for the construction of a building granted planning permission by East Sussex County Council.
- (2) Developers are reminded that the grant of this permission does not permit the obstruction of a right of way and that, if it is necessary to stop up or divert a public right of way to enable the development to be carried out, they should apply without delay:-
  - (a) in the case of a footpath or bridleway, to the County Council for an order under Section 257 of the Town and Country Planning Act, 1990;
  - (b) in any other case to the Secretary of State for an Order under Section 247 of the Town and Country Planning Act, 1990.
- (3) The applicant is recommended to retain this form with the title deeds of the property.
- (4) The grant of planning permission under Section 73 of the Town & Country Planning Act does not prevent the implementation of the previous planning permission, subject to the previous conditions.

### **IMPORTANT**

Any failure to adhere to the details of the plans hereby approved or to comply with any conditions detailed in this notice constitutes a contravention of the provisions of the Town and Country Planning Act, 1990, in respect of which enforcement action may be taken.

If it is desired to depart in any way from the approved proposals, you should consult the Planning Policy & Development Management Team, Communities Economy and Transport Department, County Hall, St Anne's Crescent, Lewes, East Sussex BN7 1UE before carrying out the development.

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Committee	<b>Regulatory Planning Committee</b>
Date	<b>15 May 2019</b>
Report by	<b>Director of Communities, Economy and Transport</b>
Subject	<b>Development Management Update</b>
Purpose	<b>To inform Members about matters relating to enforcement and site monitoring, undertaken under delegated powers for the three months period between 1 January and 31 March 2019; and development management performance for the period 1 April 2018 to 31 March 2019.</b>
Contact Officer:	<b>Sarah Iles – 01273 481631</b>
Local Members:	<b>All</b>

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## **SUMMARY OF RECOMMENDATIONS**

**The Committee is recommended to note the report.**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

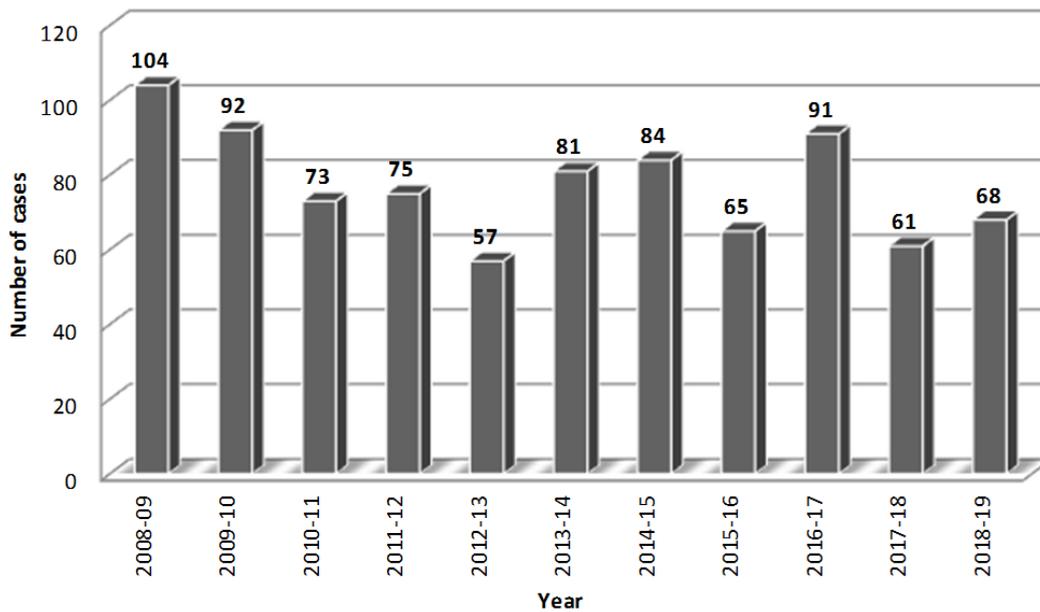
### **1. Enforcement**

1.1 In the period between 1 January and 31 March 2019, inclusive, there were twenty two new complaints about alleged breaches of planning control. Of the new cases, seventeen were resolved within the reporting period and three older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2019 was eleven. This represents an increase of two in the number of cases that were outstanding at the end of the previously reported quarter. Despite this small increase in cases, the overall number of outstanding cases remains comparatively low.

1.2 The continuing trend of maintaining a low number of outstanding cases is encouraging, particularly given the ongoing pressure on resources. One element of the enforcement service that is considered to be positive is the number of cases which are resolved without the need to resort to formal enforcement action. This occurs in the majority of cases and negotiating successful outcomes forms a major part of the work undertaken. This can often result in a better, enhanced outcome compared to what can be achieved by pursuing formal enforcement action. In some instances, a development which has been carried out in breach of planning control is considered acceptable and, in these circumstances, the development can be regularised by the submission of a planning application.

1.3 During the last financial year, we have seen a slight increase in the number of new enforcement cases received compared to the previous year, although this still remains lower than in other previous years. The chart below shows the number of new cases that have been received each year since 2008-09. Whilst the resources available to deal with enforcement cases are currently considered to be adequate, this will need continual monitoring to ensure that outstanding cases do not reach excessively high numbers, as has happened in previous years.

## New enforcement cases received, by year



1.4 Appendix 1 of this Report provides details of cases resolved and received within the period 1 January and 31 March 2019, together with details of the status of all current cases. Additional details and information on these cases can be obtained from the relevant officers listed at the end of this Report.

## 2. Site Monitoring

2.1 Site monitoring of all minerals and waste sites has continued, but has to be accommodated within limited resources and alongside the enforcement service. During the last quarter twenty two non-chargeable site monitoring visits were carried out. No substantive breaches of planning control were found to be occurring, and those minor breaches identified during the course of the monitoring visits have either been rectified, or further action is required before they are considered resolved. No chargeable site monitoring visits were undertaken during the last quarter.

2.2 In addition to updating the site monitoring software currently used, work is also being undertaken to review how site monitoring is undertaken in general. This will involve two distinct elements. Firstly, a review of all sites to be monitored, whether chargeable or non-chargeable, and categorising them into type of site. Initially the focus will be on "County Matter" sites (waste and minerals), but, in time, it will also focus on the Council's own developments. Secondly, the Site Monitoring Policy will be fully reviewed, with a view to the potential introduction of a new, composite Site Monitoring and Enforcement Policy. This work is ongoing and Members will be updated at future meetings.

## 3. Development Management

3.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. Where authorities are not adequately performing their planning function of determining relevant planning applications within prescribed timescales, they can be designated as being in "special measures". Under this provision, the power for determining planning applications can be taken away from local authorities, and applicants can choose to have their application determined by the Planning Inspectorate. We are required to submit quarterly statistical returns and there are penalties for failing to submit two or more quarters of data and, once applied, the penalties will be reflected in the performance statistics published. Additionally, if an application is not determined within 26 weeks and extensions of time have not been agreed with the applicant, planning authorities have to return the planning application fee to the applicant.

3.2 The Government publishes criteria for determining whether or not to place local planning authorities in “special measures”. One measure is the average percentage figure for the timely determination of major development applications over two years. The threshold for designation is currently at 60% of applications being determined within a 13 week period, or within a timeframe agreed with the applicant. The Government also introduced monitoring performance on non-major planning applications, the threshold for which is 70%. However, the monitoring of performance on non-major applications relates to District/Borough/Unitary authorities and not County Councils. Therefore, the performance on the determination of the non-major County Council developments (Regulation 3) will not be included in the performance figures measured by the Government, although we continue to monitor and report on our own performance.

3.3 In terms of performance, for the period April 2018 to March 2019 (inclusive) a total of thirty applications were determined (14 County Matters, 11 County Council, 2 Non-Material Amendment, 2 Lawful Development Certificates and 1 Prior Notification. 4 planning applications were withdrawn). Of the relevant applications, 100% of County Matter applications were determined within 13 weeks or within an agreed extension of time, and 100% of County Council applications were also determined within 8 weeks or within an agreed extension of time, both of which clearly exceed the targets set by Government and locally.

3.4 In terms of the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 24 months ending December 2018 was 96.6% of major applications determined within the relevant timescale, which is well above the current 60% threshold.

3.5 In addition to dealing with planning applications, the Planning Policy and Development Management Team have continued to provide a pre-application advice service to applicants, for both County Matters and County Council development. Requests for pre-application advice on County Matters incur a fee, whereas pre-application advice requests for County Council developments do not. However, in all instances, new procedures that were introduced in July 2017 now require each submission, whether chargeable or not, to be via a formal form and accompanied by specific details/documents. Additionally, enquiries relating to whether a development requires planning permission also have to be submitted on a prescribed form. This ensures that all requests are being submitted with the correct information and also enables accurate recording of the number of requests being dealt with.

3.6 During 2018/19, twenty proposals received formal pre-application advice. In addition, forty three enquiries as to whether planning permission was required were also dealt with.

#### **4. Contact Officers**

4.1 Members with any queries about site monitoring or enforcement matters should contact either Sarah Iles (01273 481631) or Robert Shapter (01273 335218). Members with queries relating to County Matter and Regulation 3 applications should contact either Jeremy Patterson (01273 481626) or David Vickers (01273 481629).

RUPERT CLUBB  
Director of Communities, Economy and Transport  
01 May 2019

Local Members: All

#### **BACKGROUND DOCUMENTS**

Current Enforcement, Monitoring, Planning Application and Appeal Files.  
MasterGov Database.

**TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE JANUARY 2019**

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
May 2018	Skilton Skips, AS Farm, Crowborough	Unauthorised Waste Transfer Station	<p>A site monitoring visit was undertaken on an adjacent site and it was noticed that the operator was depositing waste on this site and processing it by sorting.</p> <p>Following numerous meetings and further monitoring visits, with a view to regularising the situation, the operator decided to cease the sorting and processing of waste at the site. The operator stated that the site would be totally cleared within an agreed timescale.</p> <p>A further site visit was undertaken at the end of the agreed period and it was noted that all of the waste which had been imported into the site had been removed. The breach of planning control has therefore been resolved and no further enforcement action is required.</p>
July 2018	H Ripley & Co, Apex Way, Hailsham, BN27 3WA	Breach of Condition (hours, noise and dust)	<p>A complaint was received that the site was working outside its permitted hours, was too noisy and was creating too much dust. Numerous site monitoring visits were undertaken, which noted some breaches of the permitted hours. During the monitoring visits, no dust was seen emanating from the site.</p> <p>Noise monitoring of the site was undertaken and further noise monitoring subsequently agreed with the operator. The operator undertook the additional noise monitoring and submitted the results to the County Council.</p> <p>The results of the noise survey have now been assessed, which appeared to show that a very minor, marginal breach of the noise condition had occurred. The result, however, was so minor that formal enforcement action could not be justified or considered expedient based on that survey result. Notwithstanding this, the operator is in the process of rearranging the site, involving the relocation of the major sources of noise, further away from residential properties which should reduce the noise levels experienced by the occupiers of those properties.</p> <p>No substantive breach of planning control identified and no further enforcement action required. However, the site will be continue to be monitored and should the noise levels continue to exceed permitted levels then further discussions concerning remedial works will be held with the operator.</p>
October 2018	Allsworthy, Hailsham Road, Stone Cross	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into the site and being burnt. Site monitoring was undertaken and no bonfires were observed, nor did there appear to be any importation of waste.</p> <p>The site continued to be monitored on numerous occasions by officers, and no importation, deposit or burning of waste has been noted. No breach of planning control identified and no further action required.</p>

**TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2019 AND RESOLVED**

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
January 2019	Greenacres, Mill Lane, South Chailey	Breach of Condition (Construction Traffic Management Plan)	<p>A complaint was received that vehicles attending this site (and another housing development granted planning permission by Lewes District Council) were parking and waiting in the road outside the site whilst waiting to enter it. It was also alleged that vehicles were leaving mud and other debris on the road surface, which was contrary to the approved Construction Traffic Management Plan.</p> <p>A joint site visit was undertaken with an officer from Lewes District Council, and during the course of the visit both sites were visited and discussions held with staff working on the sites.</p> <p>In relation to the Greenacres site, the site manager explained that works had not yet started on the site. They'd had one vehicle attend the site in order to deliver the containerised sites offices and staff welfare station. This was delivered outside of the nearby school's arrival and pick up times in order that the vehicle did not have to wait on the road. This accords with the requirements of the approved Construction Traffic Management Plan.</p> <p>No breach of planning control and therefore no further action is required by this Authority.</p>
January 2019	Limekiln Forest Road, Crowborough	Importation and deposit of waste	<p>A complaint was received that hardcore was being excavated at the site and that manure had been deposited on the land, which was blocking a public byway.</p> <p>An initial site visit was undertaken and it was found that the hardcore excavation was in fact drainage ditch repair works, which was considered to be permitted development. There was however, a pile of manure at the location as specified by the complainant.</p> <p>A subsequent site visit was undertaken with officers from the County Council's Highway Land Information Team (HLIT), which confirmed that the manure had been deposited on the public highway. Arrangements were made for the Highways Enforcement Team to investigate and to liaise with Wealden District Council regarding the removal of the manure on the public highway.</p> <p>No breach of planning control and no further action is required by this Authority as Waste Planning Authority.</p>
January 2019	Land opposite Brummels, Bassetts Lane, Mayfield	Importation and deposit of waste	<p>Officers in the area in connection with another matter noticed that there appeared to be several deposits of waste in the field and at least 6 Roll-on/Roll-off (RO/RO) skip containers stored in front of the stables on the site.</p> <p>Contact was made with the landowner, and a joint site meeting held with the landowner and an officer from Wealden District Council. During the site meeting the landowner explained that the RO/RO skips had been temporarily located at the site whilst engineering works had been undertaken at his work site in Crowborough. However, these skips had been removed from the site by the time of the site meeting.</p> <p>The soil piles observed at the site were confirmed to have originated from within the site, and had not been imported.</p>

			<p>The landowner advised that the soil was going to be used to re-establish the hedge line along the public footpath that runs adjacent to the site boundary.</p> <p>No breach of planning control and no further action required.</p>
January 2019	Milwards Estate, Lewes Road, Laughton	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken, during the course of which waste soils were observed being imported into the site and deposited onto a field close to the farm buildings.</p> <p>A meeting was also held with the landowner, who stated that the reason for the importation of soils was in an attempt to improve the drainage of the field. The landowner advised that several hundred loads of soil had been imported.</p> <p>It was evident from the site visit and meeting with the landowner that a substantial engineering operation was taking place. A subsequent site meeting was held with the landowner and an officer from Wealden District Council where it was agreed that the unauthorised engineering works required planning permission and the landowner agreed to submit a planning application, seeking to regularise these works, to Wealden District Council.</p> <p>A planning application has now been submitted to Wealden District Council and therefore there is no further action required by this Authority as Waste Planning Authority.</p>
January 2019	H & H Builders, Willow Cottage, Hailsham Road, Polegate	Importation, deposit and burning of waste	<p>A complaint was received that waste materials, comprising building and construction waste, were being imported into the site and burnt.</p> <p>Officers undertook an initial site visit and, subsequent to that, a site meeting was arranged with the landowner, who categorically denied that any waste was being brought back to the site and burnt. This was borne out by what the attending officers observed during the site visit and meeting.</p> <p>No breach of planning control identified and no further action required.</p>
January 2019	Land at Springlands Farm, London Road, Mountfield	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising waste wood and hardcore, had been imported into and deposited on the site, and that these materials were blocking a public footpath. A site visit was undertaken which confirmed the substance of the complaint.</p> <p>Contact was made with the landowner who stated that the hardcore had originated from within the site and had not been imported. The landowner agreed to remove the waste wood and hardcore and a timescale for these works was agreed. Following the expiration of the agreed timescale a further site visit was undertaken, which noted that the waste materials had been removed from the site and the public footpath cleared.</p> <p>The breach of planning control has therefore been resolved and no further action is required.</p>
January 2019	Hoadleys Stable, Hoadleys Lane, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site and deposited.</p> <p>A site visit was undertaken and during the course of this site visit a meeting was held with the landowner. The landowner stated that there had been no importation of waste into the site. The landowner advised that he had recently purchased the site and all the waste materials on the site had already been there. The soils had been dug</p>

			<p>out from a bank to create an area of hardstanding for his horsebox, and these materials were being stored in a field at the rear of the stable block. The storage of these materials was temporary, pending the weather improving and them being removed from the site by a suitably authorised contractor. All the other waste materials on the site were in situ when the property was purchased, and the landowner advised that these materials would also be removed from the site.</p> <p>Officers advised the landowner that the engineering works may require planning permission from Wealden District Council. A planning application has since been submitted to Wealden District Council in order to regularise the engineering works.</p> <p>No breach of planning control for this Authority, as Waste Planning Authority, and no further action is required.</p>
February 2019	Grassington Farm, Warren Lane, North Chailey	Importation, deposit and burying of waste	<p>A complaint was received by Lewes District Council (LDC) that asbestos had been buried on the site. A joint site visit was undertaken with an officer from LDC, during the course of which a meeting was held with the landowner.</p> <p>The landowner explained that he had previously applied for planning permission to LDC to demolish an old chicken shed on the site and erect a new, smaller agricultural building in its place. The application had been approved and the works substantially completed some time ago, in 2015. The operator that had handled the demolition at that time had supplied the landowner with waste transfer notes for the correct disposal of the asbestos material that had been removed the site. These documents have since been provided to officers following the recent site visit.</p> <p>During the recent site visit there was no evidence to support the allegation that asbestos had been buried within the site, and the complaint could not be substantiated.</p> <p>No breach of planning control identified and no further action required.</p>
February 2019	Eco Skip Waste and Recycling, Oak Ferrars Farm, Piltown	Importation, deposit and bulking up of waste in skips	<p>Officers attending the site in connection with another matter noticed that waste materials were being stored in skips on the site, which did not have the benefit of planning permission.</p> <p>A site meeting was arranged with the operator, who admitted that the waste had been imported into the site and added that he mistakenly believed that he was permitted to undertake this activity, in planning terms, by holding an Exemption from the Environment Agency (S2 - storing waste in a secure place). The planning requirements were explained to the operator and a short timescale was allowed for him to clear the site of the imported waste.</p> <p>A further site visit was undertaken, after the expiry of the specified timescale, and the imported waste was noted to have been cleared from the site and the site restored. The breach of planning control has therefore been resolved and no further action is required.</p>
February 2019	Newhaven Port Access Road, Newhaven	Unauthorised development – ground clearance, fencing and construction of a new road.	<p>A complaint was received that unauthorised works, including ground clearance, fencing and construction of a new road were being undertaken at the site.</p> <p>A site visit was carried out and discussions held with the site manager. The works carried out comprised the erection of site fencing, the establishment of a site compound/offices and the construction of a haul road. All works carried out were in association with the proposed Newhaven Port Access Road, which has the benefit of planning permission. The works had previously been discussed with officers and are considered to be permitted development.</p>

			No breach of planning control and no further enforcement action is required. The site will continue to be monitored as part of the Council's Site Monitoring Policy.
February 2019	Land to west of Bradfords Farm, Bradfords Lane, Little Horsted	Importation and deposit of waste	<p>A complaint was received that waste materials, consisting of soils and sub soils, were being imported into and deposited in a field adjacent to Bradford's Bridge. A joint site visit with an officer from the Environment Agency was undertaken, which confirmed the substance of the complaint.</p> <p>Contact was made with the tenant farmer, who explained that the waste soils were required on the land to infill a hollow, which, when infilled, would improve the land for agricultural purposes. However, the land is within a flood zone and the Environment Agency has subsequently issued a stop notice to the tenant farmer requiring him to immediately cease any further importation and also to remove the imported soils from the site.</p> <p>As the Environment Agency has required these remedial works, there is no separate action required by this Authority, in its capacity as Waste Planning Authority, at this time. However, officers will continue to liaise with the Environment Agency to ensure that the tenant farmer complies with the requirements stipulated by them.</p>
February 2019	Haulaway Ltd, Polegate Yard, Summerhill Lane, Polegate	Breach of Conditions (removal of hedge and routeing of vehicles)	<p>A complaint was received that works had commenced on the highway in breach of the planning conditions attached to the planning permission for the site (WD/796/CM) and that there was no Legal Agreement in place for the works on the highway. It was also alleged that vehicles accessing Polegate Yard were doing so via Coldthorn Lane/Summerhill Lane, which was not in accordance with the agreed lorry routeing.</p> <p>A site visit was undertaken and it was noted that two sections of hedge had been removed from the south side of Summerhill Lane, in line with the areas of the lane that were to be re-aligned under the planning permission for Polegate Yard. No works were observed to have been undertaken on the highway, which was confirmed by colleagues.</p> <p>Discussions were held with the operator with regard to the lorry routeing and it was confirmed that vehicles associated with the site had used Coldthorn Lane/Summerhill Lane, but that this was to facilitate doorstep recycling collections from properties in those lanes and was therefore not in breach of the lorry routeing requirements.</p> <p>No breach of planning control identified and no further enforcement action is required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
February 2019	Wicklands Farm, Lewes Road, Little Horsted	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken and during this visit a site meeting was also arranged with the tenant farmer.</p> <p>It was evident that there had been several lorry loads of chalk delivered to the site, and the tenant farmer explained that the materials were required to level out the very uneven floor in one of the hay barns. The floor had become so uneven as to allow stacked hay bales to fall out of the barn and into the open, presenting both a risk of injury and the possibility of the hay being spoilt by the elements.</p> <p>The chalk deposited at the site was clean, uncontaminated and appeared to be suitable and proportionate for the intended use, and was therefore considered to be permitted development.</p> <p>No breach of planning control and no further enforcement action required.</p>

March 2019	Old Wood Yard, Main Road, Icklesham,	Importation, deposit and burning of waste	<p>A complaint was received that waste materials, consisting of household waste, was being imported into the site and burnt. Prior to officers from this Authority being able to undertake a site visit, a joint visit was undertaken by officers from Rother District Council (Planning Enforcement and Environmental Health) and the Environment Agency, which confirmed the substance of the complaint.</p> <p>Rother District Council subsequently contacted the landowners and, using their powers contained within the Environmental Protection Act 1990, has required them to clear the imported waste and burnt waste residue from the land.</p> <p>Officers will continue to liaise with officers from Rother District Council to ensure that the site is cleared, however no separate enforcement action is required by this Authority at this time.</p>
March 2019	125 Eastbourne Road, Willingdon	Importation, deposit and storage of waste	<p>A complaint was received that waste materials and end of life vehicles were being imported into and deposited on the site, along with other issues taking place which fall outside of the remit of the County Council as Waste Planning Authority.</p> <p>A joint site visit was undertaken with an officer from Wealden District Council's Environmental Health Team and the site visit tended to confirm the information contained in the complaint.</p> <p>Contact was made with the landowner, who explained that he had recently evicted three of his tenants from the house and it was their property which had been left on the driveway after they had failed to remove it. A period of time had been given to the tenants to collect/remove this property and, as they had not done so, the landowner was going to dispose of it. In respect of the vehicles at the site, most of these belong to the landowner and cannot be considered as "end of life". However, the landowner undertook to remove some of the vehicles. As the main cause of the complaint was as a result of the tenants, the landowner believed that this would be resolved now they had gone.</p> <p>A further site visit has now been undertaken and all the actions agreed with the landowner have been undertaken and the breach of planning control has been resolved. No further action is required by this Authority.</p>
March 2019	Land opposite South Brockwells Farm, Little Horsted	Importation and deposit of waste	<p>A complaint was received that compost, containing plastics, was being imported into and stockpiled in two fields at the site.</p> <p>A site visit was undertaken which confirmed that the compost was on the site, and there was a small amount of plastic evident on the surface of the compost.</p> <p>A visit was made to the operator supplying the compost and a member of staff stated that the compost supplied to the tenant farmer had been tested to the industry standard (PAS100) and had passed the all the sections for permissible foreign materials, including a small content of plastic.</p> <p>As the compost met the approved industry standard and was reasonably required on the fields for the benefit of agriculture, there is no breach of planning control and no further action is required.</p>

March 2019	The Isles, Laundry Lane, Marle Green, Heathfield	Importation and deposit of waste	<p>A complaint was received that waste materials, consisting of soils and sub soils, were being imported into and deposited on the site. A site visit was undertaken and, during the course of the site visit, a meeting was held with the landowner, who explained that he had purchased the house and land recently.</p> <p>The area of land in question and the pond were heavily overgrown and, when the overgrowth had been cleared, it was found that the pond was dry, one of the sides had collapsed, and that the drainage ditches which feed the pond and drain the surrounding agricultural land were in a poor state of repair and were not working. It was also found by the landowner that there were three old vans and a significant quantity of scrap metal buried around the pond, which when removed, left a large hollow.</p> <p>The landowner has now repaired the ditches and pond sides and is in the process of making good the land around the pond back to the original levels, which necessitated the importation of some soils.</p> <p>The works are now nearly complete and are considered to be reasonable and necessary for the repair, improvement and reinstatement of the land. No breach of planning control identified and no further action is required.</p>

**TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2019 AND AS YET UNRESOLVED.**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
January 2019	Uckfield Community Technical College, Downsview Crescent, Uckfield	Breach of Conditions (Usage, floodlighting and landscaping)	<p>A complaint was received that (1) the all weather pitch was not being operated in accordance with the agreed Operational Management Policy; (2) the floodlights were spilling over into the neighbouring residential gardens; and (3) the planting scheme had not been implemented, which were all requirements of the planning permission (WD/3095/CC) that relates to this development.</p> <p>Numerous site visits were undertaken, including during evenings when the floodlights were being used, and it was found that the use of the pitch was in accordance with the Operational Management Policy, and the flood lights were not spilling into residential gardens. However, further visits are being undertaken to monitor the use of the facility to identify if there are any breaches of the conditions attached to the planning permission.</p> <p>With regard to the planting scheme, contact was made with personnel at the College, who advised that the landscaping scheme had been implemented, but that some maintenance was required and which was in the process of being arranged.</p> <p>At this stage, it has not been established whether there is a breach of planning control and a further site visit will be undertaken and the works assessed once they have been completed.</p>
March 2019	Smartwaste Recycling Ltd,	Breach of Conditions (Site layout and height of	Officers undertaking a monitoring visit to the site noticed that the site was not laid out in accordance with the approved plans, and that waste was being stored on the site above the permitted levels.

	Endeavour Works, Beach Road, Newhaven	stockpiles)	<p>A meeting was held with the operator, who admitted that the site was in breach of the conditions and requested a short period of time in which to be allowed to restore the site back to compliance with the planning conditions. A timescale until 31<sup>st</sup> May 2019 was agreed.</p> <p>During this time period officers are continuing to monitor the site to ensure that regular progress is being made in returning the site to compliance with the planning conditions.</p>
March 2019	Three Oaks Waste Water Treatment Works, Three Oaks	Unauthorised development/Breach of Conditions (site layout)	<p>An officer undertaking a meeting at the site with the operators noted that the development was not in accordance with the approved plans.</p> <p>A further meeting has been arranged and a letter has also been sent to the operator, to which a full response is currently awaited.</p>
March 2019	Sweethayes Farm, London Road, Hurst Green	Importation and deposit of waste	<p>A complaint was received that waste soils were being imported into the site and deposited. A site visit was undertaken which confirmed the substance of the complaint.</p> <p>A meeting was held the landowner, who stated that she believed that all the relevant permissions were in place. Unfortunately the operator who had undertaken the works was on holiday and could not be contacted. However, the landowner agreed to cease any further importation until the planning situation has been resolved. Further enquiries are currently ongoing.</p>
March 2019	Sunnyside, Hackhurst Lane, Lower Dicker	Importation and deposit of waste	<p>A complaint was received that waste soils were being imported into and deposited at this site. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint</p> <p>Contact has been made with the landowner and a site meeting has been arranged between him and all the regulatory authorities that have an interest in the site.</p>

**TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
July 2015	Holleys Yard, Squires Farm Industrial Estate, Easons Green	Importation, deposit and storage of waste wood	<p>This matter originally came to the Council's attention in 2012 when an operator imported a significant quantity of waste wood into this site and then vacated the site without clearing the waste wood. The Environment Agency undertook a prosecution against a director of the company, and the County Council supported this prosecution and gave evidence in court. One of the Directors of the company was convicted of the offence and was sentenced to a Community Service Order of 200 Hours of unpaid work. There was no requirement for the Director to pay for the costs of clearing the land. Consequently, the waste wood remained on the site.</p> <p>In order to protect the County Council's position, it was considered appropriate to serve an Enforcement Notice on the landowners, and interested parties, requiring the removal of the waste wood. An Enforcement Notice was</p>

			<p>therefore served on 2 February 2016. No appeal was made against the Enforcement Notice and it took effect on 4 March 2016. Following the service of the Enforcement Notice, the Environment Agency made further progress in their case against the company that was responsible for importing the waste wood into this site. The outstanding company Director was arrested on a warrant and appeared at Lewes Crown Court on 22 August 2016 for sentence, after he had entered a guilty plea at an earlier hearing. He was sentenced to one year's imprisonment.</p> <p>The site has been regularly monitored and the landowners have been in contact with officers concerning a proposal for an operation at the site which would provide the finance to help with the disposal of the waste wood.</p> <p>A planning application (WD/820/CM) which seeks to address the waste wood stockpile on the site has now been submitted and is currently under consideration.</p>
April 2018	Skip It Containers, North Quay Road, Newhaven	Breach of Conditions (height of stockpiles)	<p>A site monitoring visit was undertaken, during which it was noticed that the height of the waste stockpiled on the site exceeded the structures that were containing it and, where there were no retaining structures, the height of stockpiled waste exceeded 4 metres. Conditions attached to the planning permission for the site (LW/539/CM) limit the height of stockpiled waste and the levels of waste noted on the site were found to be in breach of these conditions.</p> <p>Meetings were held with the operator, but the situation did not improve. The Environment Agency has been involved with the site in connection with this issue and officers have provided evidence to support their case. The operator has now vacated the site and it has been taken over by another operator who is in the process of clearing the accumulated waste.</p> <p>Progress is continuing to be made in reducing the level of stockpiled waste on the site and monitoring is continuing to ensure the reduction in stockpile heights continues to enable operations to be in compliance with the conditions attached to the planning permission for the site.</p>
June 2018	D.R.S. Pattenden, Little Exceat Farm, South Chailey	Breach of Condition (buffer zone and hours of operation)	<p>A site monitoring visit was undertaken, during the course of which it was noted that the scheme to maintain a buffer zone on the western and northern boundaries of the site had not been maintained and had failed. A meeting was held with the operator and a timescale for re-establishing these buffer zones was agreed. A further site visit was carried out, which confirmed the buffer zone had been re-established and the site bought back into compliance with the planning permission (LW/492/CM).</p> <p>However, further complaints were received that the site was operating outside the permitted hours of operation. Additional site monitoring, including at weekends, was undertaken to establish whether there were further breaches of planning control.</p> <p>Initially, no breaches were identified but site monitoring outside the permitted hours continued and some breaches were observed. Consequently, a Breach of Condition Notice was served on the operator for failing to comply with the permitted hours of operation of the site. The Notice is now effective and further site monitoring is in the process of being undertaken.</p>
July 2018	Born Again Plastics, Oak Ferrars Farm, Batts Bridge Road, Piltown, Uckfield,	Breach of Condition (storage and processing of waste)	<p>A monitoring visit to the site noted that waste was being stored outside the permitted waste storage area, and also that waste was being processed outside the building. A meeting was held with the operator who stated that this has been in part caused by the collapsing market for agricultural plastics and that he is trying to source other outlets for the waste.</p>

	TN22 3XR		<p>Site monitoring has continued and contact maintained with the operator. The reason for the build up of waste plastics on the site is because the main outlet for this waste, China, has closed its borders to the importation of waste materials and the “knock on” effect of this is to totally depress market prices to such an extent that it is not profitable, at the moment, to collect and bale this waste. In order to attempt to rectify the breaches of planning control the operator has severely curtailed the importation of waste to this site and is paying for loads to be removed.</p> <p>Further site visits have noted that the level of waste stored on the site is continuing to reduce; however the recycling market for these plastics remains very poor with the operator still having to pay a “gate fee” to dispose of this waste properly. The operator is continuing to monitor the level of waste imported into the site in order to try and maintain an overall reduction in the levels of waste at the site and thereby resolve the breach of planning control. Officers will continue to monitor the site.</p>
August 2018	Court Lodge Farm, Etchingam Road, Burwash, Etchingam	Unauthorised animal incinerator	<p>A complaint was received that an animal incinerator had been installed on the boundary of the property. A site visit was carried out, which confirmed the substance of the complaint, and discussions were held with the landowner. The purpose of the incinerator is for disposing of fallen stock from the farm.</p> <p>Planning permission is required for the installation of the incinerator and contact was made with the landowner’s planning consultant. A planning application (RR/823/CM) has subsequently been submitted for the retention of the incinerator, but is not yet valid for consideration.</p>
November 2018	Upper Lodge Farm, The Broyle, Ringmer	Importation and deposit of baled waste	<p>A complaint was received that a significant quantity of baled waste had been deposited on the farm. A site visit was undertaken, which confirmed the substance of the complaint. Contact was made with the landowner who stated that he had been paid a small amount of money in order to have the waste stored on site for a short period of time.</p> <p>This matter is now subject of a wider criminal investigation by the Environment Agency and further enquiries are continuing. In the meantime, officers are continuing to monitor the site to ensure further waste is not imported to the site.</p>

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