



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 10.30 am WEDNESDAY, 10 MARCH 2021

++Please note that this meeting is taking place remotely++

COUNCIL CHAMBER, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Richard Stogdon (Chair)
Councillors Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel,
Kathryn Field, Tom Liddiard and Pat Rodohan

AGENDA

- 1 Minutes of the meeting held on 16 December 2020 (*Pages 3 - 8*)
- 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 Waste transfer and recycling station, and extension of hardstanding (retrospective).
Dunly Wood, Mayfield Road, Cross in Hand, Heathfield, TN21 0GF - WD/847/CM
(*Pages 9 - 22*)
Report by the Director of Communities, Economy and Transport
- 6 Any other items previously notified under agenda item 4

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

2 March 2021

NOTES:

- (1) *Members are reminded that copies of all representations received are available for inspection in the Members' Room*
- (2) *NOTE: 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. The live broadcast is accessible at: www.eastsussex.gov.uk/yourcouncil/webcasts/default.htm*

Contact Simon Bailey, Democratic Services Officer,
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PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 16 December 2020.

PRESENT Councillors Richard Stogdon (Chair), Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel, Kathryn Field, Tom Liddiard and Pat Rodohan

14 MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2020

14.1 The Committee approved as a correct record the minutes of the meeting held on 18 November 2020.

15 DISCLOSURES OF INTERESTS

15.1 Councillor Barry Taylor declared a prejudicial interest in Item 5, in that his family own a business near the application site and had objected to the application. Councillor Taylor left the meeting during consideration of the item.

16 REPORTS

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

17 RECONFIGURATION OF SITE LAYOUT INCLUDING EXTENSION TO YARD; INSTALLATION OF VERTICAL SILO; INSTALLATION OF WEIGHBRIDGE; ERECTION OF STORAGE BUILDING; OPERATION OF CONCRETE CRUSHER; NEW LIGHTING SCHEME; NEW DRAINAGE INFRASTRUCTURE; FULL CONVERSION OF BROWNING'S TO OFFICE AND HMO ACCOMMODATION. WOODSIDE DEPOT, HAILSHAM ROAD, POLEGATE, BN27 3PG - WD/843/CM

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

17.2 Mrs Heather Rajaratnam and Mr Peter Mills spoke against the proposal.

17.3 Mr Stuart Austin, the applicant's agent, and Mr James Bailey, the applicant, spoke in support of the proposal.

17.4 Councillor Stephen Shing spoke to highlight concerns regarding noise and hours of operation and the impacts on residents. Councillor Gerard Fox spoke to request the Committee refuse the application.

17.5 A motion to defer consideration of the application, to allow time for the hours of operation to be changed, in the light of objections received, between officers and the applicant was proposed, seconded, voted on and lost.

17.6 A motion to amend the proposed condition relating to the operation of the crusher was proposed and seconded, and that officers will agree the change to the wording of the condition with the Chair of the Committee.

17.7 Members have considered the officer's report, comments of the four public speakers and two Local Members, together with the proposed amendment to the

conditions and agree with the conclusion and reasons for recommendation set out in paragraph 7 of the report.

17.8 The Committee RESOLVED to grant planning permission, subject to the provisions of paragraph 17.6 above, and the following conditions including Condition 3 which was agreed by officers and the Chair of the Committee:

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, drawings and documents listed in the Schedule of Approved Plans.

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

3. During the daytime there shall be no screening or batching activities at the site except between the hours of 07.00 – 18.00 on Mondays to Fridays inclusive and 07.30 – 12.30 on Saturdays and no crushing activities except between the hours of 08.00 – 18.00 on Mondays to Fridays inclusive and 08.00 – 12.30 on Saturdays and there shall be no screening, batching or crushing activities at any time on Sundays, Bank and Public Holidays.

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

4. The operational noise rating level determined at the noise sensitive receptors identified in the 24 Acoustics report, dated 27 August 2020 (ref. R7412-2 Rev 2), shall not exceed +5 dBA above the background noise level at any time during the day (i.e. between the hours of 07.00 - 18.00), as determined in accordance with BS 4142:2014 +A1:2019.

Reason: In the interests of safeguarding the amenities of persons living within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. The operational noise rating level determined at the noise sensitive receptors identified in the 24 Acoustics report, dated 27 August 2020 (ref. R7412-2 Rev 2), shall not exceed the background level at any time during the night (i.e. between the hours of 18.00 - 07.00), as measured in accordance with BS 4142:2014 +A1:2019 except for up to 36 times per calendar year when the operational noise rating level determined at the identified noise sensitive receptors shall not exceed +5 dBA above the background noise level at any time during the night (i.e. between the hours of 18:00 – 07:00), as measured in accordance with BS 4142:2014 +A1:2019.

Reason: In the interests of safeguarding the amenities of persons living within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. Within 3 months of the site becoming fully operational following the implementation of the development an assessment of the operational noise at the noise sensitive receptors identified in the 24 Acoustics report, dated 27 August 2020 (ref. R7412-2 Rev 2), shall be undertaken in accordance with BS 4142:2014 +A1:2019 to determine compliance with the noise rating level conditions and be submitted to the Director of Communities, Economy and Transport for consideration and approval. The noise assessment must include a scheme of additional noise mitigation measures if there is evidence that the noise conditions are not being met. All additional noise mitigation measures must be implemented within 3 months of the measures being agreed with the Director and maintained for the duration of the development.

Reason: In the interests of safeguarding the amenities of persons living within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. The access from the Brownings property onto Summerhill Lane shall not be used except by persons living as residents in the Brownings HMO accommodation.

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

8. Prior to the commencement of development involving the HMO accommodation at Brownings, the following details on changes to the access arrangements at the Brownings property shall be submitted to the Director of Communities, Economy and Transport for approval in writing:

- (1) The extent of the removal of vegetation either side of the Brownings' entrance onto Summerhill Lane to secure an increase in visibility (to accommodate splays of 2.4m x 30m) for drivers exiting the site;

- (2) The proposals for planting to the rear of the visibility splays in point (1) to mitigate for the loss of the hedgerows; and

- (3) The measures to modify the access of Brownings with Summerhill Lane to accommodate a width of 5 metres for a distance of at least 5 metres back from the edge of the carriageway.

The approved details to the access arrangements shall be implemented in full prior to the completion of the HMO accommodation, unless otherwise agreed in writing with the Director.

Reason: In the interests of highway safety, local landscape character, protection of trees and biodiversity, in accordance with Policies WMP26 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy WCS12 of the Wealden Core Strategy Local Plan and the provisions of Part 15 of the National Planning Policy Framework 2019.

9. Prior to the construction of any new hardstanding, a detailed scheme for a surface water drainage system at the site shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The scheme shall include the following:

1. Detailed drawings and hydraulic calculations, which shall take into account the connectivity of the different surface water drainage features and be able to demonstrate that surface water flows can be limited to the greenfield rate for the respective rainfall event, including those with a 1 in 100 (plus allowing for climate change) annual probability of occurrence;
2. Details of the outfall of the proposed drainage system and how it connects into the watercourse, including cross sections and invert levels;
3. Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely; and
4. The detailed design of the surface water drainage features which shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed attenuation features. The design should leave at least a one metre unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.

The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. Prior to the construction of any new hardstanding, a maintenance and management plan for the entire drainage system at the site shall be submitted in writing to the Director of Communities, Economy and Transport for written approval, thereby ensuring that the designed system takes into account the design standards of those responsible for maintenance. The plan shall include the following:
 1. A clear statement of who will be responsible for managing all aspects of the surface water drainage system, including piped drains; and
 2. Evidence of how the arrangements in point 1 above will remain in place throughout the lifetime of the development.

The plan shall be implemented in accordance with the approved details for the duration of the development.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. Prior to the construction of any new hardstanding, details for the management of flood risk, both on and off site, during the construction phase shall be submitted to the Director of Communities, Economy and Transport for written approval. The approved details shall be carried out in full.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

12. Prior to the occupation of the development evidence, including photographs, which shall demonstrate that the drainage system has been constructed in accordance with the final agreed detailed drainage design, shall be submitted to the Director of Communities, Economy and Transport for consideration and approval.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

13. Prior to the commencement of any works to trees or hedgerows at the site the following details shall be submitted to the Director of Communities, Economy and Transport for approval in writing. The details shall include:
 1. Planting proposals on the northern boundary of the site and within identified gaps in other boundaries of the site, including species, numbers and spacings of plants;
 2. Measures for the withdrawal of material stockpiles from the boundaries of the site and their containment thereafter;
 3. Proposals for planting between the new containment lines for the material stockpiles and the existing hedgerows;
 4. A long term landscape management strategy for newly planted areas and enhanced management for existing scrub and tree habitats; and
 5. Locations for the installation of 4 bat boxes on trees identified as having roost potential for bats.

The approved details shall be carried out in full.

Reason: In the interests of visual amenity and the protection and enhancement of habitats and biodiversity, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Policy WCS12 of the Wealden Core Strategy Local Plan 2013.

14. The provisions for the protection and management of retained trees set out within the Arboricultural Assessment and Method Statement, Barrell Tree Consultancy, dated 28 February 2020, shall be carried out in full, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To secure the appropriate management of retained trees, in accordance with Saved Policies EN12 and EN14 of the Wealden District Local Plan 1998.

15. No pile or stockpile of material shall exceed six metres in height.

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

INFORMATIVE

1. The Applicant's attention is drawn to the provisions and requirements of the following in the undertaking of the development:

The Wildlife and Countryside Act 1981 (as amended).

Tree Preservation Order, Hailsham, No. 25, 1990.

The Pevensey and Cuckmere Water Level Management Board's discharge consenting process.

Wealden District Council licence application for HMO accommodation.

Schedule of Approved Plans

BA1652.09 - Proposed Site Layout, BA1652.01A - Site Location, ELE/01 - Storage Barn Indicative Elevations, SUR/01 - Draft Topographic Survey as at July 17, PL 1429 - Arrangement of 809 Weigh Hopper & Support Structure Sheet 1 of 1, BA17110.10 - Brownings HMO Layout and Elevations, Planning Statement April 2020, Lighting Assessment, Arboricultural Assessment & Method Statement, Tree Protection Plan, Surface Water Drainage Design, Bat Activity Survey Report, R7412-2 Updated Noise Impact Assessment, Updated Dust Impact Assessment & Management Plan, R7412 5 Rev 1 Hailsham Roadways Noise Management Plan

The meeting ended at 11.00 am.

Committee: **Regulatory
Planning Committee**
Date: **10 March 2021**

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

Proposal: **Waste transfer and recycling station (retrospective)**

Site Address: **Dunly Wood, Mayfield Road, Cross-In-Hand, Heathfield**

Applicant: **Mr Matt Rideout, Rideout Agricultural Limited**

Application No. **WD/847/CM**

Key Issues: (i) **Managing waste**
 (ii) **High Weald AONB**
 (iii) **Ecological effects**
 (iv) **Effects of traffic**
 (v) **Drainage**
 (vi) **Effect on amenity**

Contact Officer: **Jeremy Patterson – Tel: 01273 481626**

Local Member: **Councillor Chris Dowling**

SUMMARY OF RECOMMENDATIONS

1. **The Committee is recommended to refuse planning permission and authorise the Director of Communities, Economy and Transport to undertake appropriate enforcement action to require the cessation of the use of the site as a waste transfer and recycling station and the removal of all plant, equipment and materials associated with that use.**

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. The Site And Surroundings

1.1 The application site is approximately 0.75ha in area and comprises part of a clearing within Dunly Wood, together with an existing access road, which tracks eastwards through the woodland from the A267 Mayfield Road, about 0.7km to the west of Heathfield.

1.2 The application site area within the clearing is currently used as a waste transfer and recycling facility, the subject of this application, and includes a building at its western side which has a permitted forestry/agricultural use. Agricultural plant, equipment and vehicles are also accommodated at the site

for use in contract work, together with street sweepers. The remaining part of the clearing outside of the application site to the east is largely open but is used to store some agricultural plant and hay bales. There is an open rising slope to the south of the site within the clearing, although the land generally slopes down to the north. The entire clearing is surrounded by woodland associated with Dunly Wood, which is designated as semi-natural ancient woodland and the locality forms part of the High Weald Area of Outstanding Natural Beauty (AONB).

1.3 The A267 Mayfield Road is about 220 metres to the south-west of the recycling facility and the junction with the Cross-in-Hand Road (also A267), the High Street (B2102) and Back Lane is 140 metres to the south-east of the site's access. On the north side of this junction is a filling station (some 140 metres to the south-west of the recycling facility) and a health/fitness club (130 metres to the south of the facility). The nearest residential properties to the site are Forge Cottage, 220 metres to the south-west and Sunnyside, some 180 metres to the south. A television transmitting station is 300 metres to the north-east off Herring Lane and a building materials supplier about 290 metres to the north-west of the site.

2. The Proposal

2.1 The proposal is seeking retrospective planning permission for a waste transfer and recycling station, which commenced operations in June 2020. Construction and demolition waste is brought to the site for processing by crushing and screening to separate hardcore from finer materials, including soils. A recycled aggregate (for general construction purposes) is produced and topsoil removed. Waste materials, such as plastics, are removed and sorted separately. The site is also used for the importation of clean chalk and limestone, which can be processed for construction purposes. As a result of these activities, unprocessed and processed materials are stored in piles within the site, together with the processing plant. To the east of the existing building, there is a fenced compound for the storage of plant, materials and vehicles. An average of 280 tonnes of material is imported daily, resulting in an average of 14 lorry loads, or 28 movements. The site is anticipated to manage a throughput of up to 80,000 tonnes of material per annum (tpa). The proposed hours for waste processing are 07.00 – 18.00 Mondays to Saturdays, with 70% of materials being imported within a radius of 5 miles, 90% within a 10 miles radius and all materials within a radius of 40 miles. The applicant has noted that 18 staff are employed, although it is unclear how many are involved directly with the waste use compared to the agricultural use.

2.2 Although the existing building is within the application site, a change to its use is currently being considered by Wealden District Council (refer to paragraph 3.2).

3. Site History

3.1 Records indicate that the area of the clearing in Dunly Wood was used in the 1950s and early 1960s as a caravan site and again later in the 1970s. In the mid/late 1960s, it was used for motorised sport and a concrete racing circuit was installed in 1969. A planning application for the use of land for motor racing (ref. K/1970/1377K/F) was refused permission in 1970 and the site was last used for racing in 1972. Since that time, the site was left to naturally regenerate. More recently, the site has been cleared and the concrete circuit removed.

3.2 A steel framed agricultural/forestry building was the subject of a prior notification application to the District Council (ref. WD/2013/7053/AD), although prior approval was not required. An application (ref. WD/2017/0100/F) for an extension to the existing access track to Dunly Wood and the re-siting of the previously approved agricultural/forestry building was approved by the District Council in 2017. The District Council is also currently considering an application for retrospective permission for a change of use of the existing forestry/agricultural building to a *sui generis* mixed use of forestry, agriculture and contractors yard, the retention and finishing of the existing hardstanding apron for the same proposed use, construction of a new parking area and retention of a mobile site office (ref. WD/2019/0774/FR).

4. Consultations and Representations

4.1 Wealden District Council objects on the grounds that: (i) The proposal has significant potential to adversely affect the habitat of the ancient semi-natural woodland and adversely affect the landscape character of the AONB; (ii) The racing circuit was unauthorised and subject to enforcement and the remains have grown over and blended into the landscape; and (iii) The application does not properly assess the potential effects on the woodland from noise, dust and fumes arising from the waste processing activity and additional vehicular activity, especially regarding the transfer of materials. Such activities would be inimical to the woodland setting and more invasive than permitted development. It is visually discordant in the woodland setting and erodes the character of the AONB.

4.2 Heathfield & Waldron Parish Council objects on the following grounds: (i) There would be an unacceptable change from an agricultural use, which could lead to future processing of hazardous waste; (ii) The impact on the environment; (iii) Unacceptable development in the AONB; (iv) The adverse effect on residents; (v) Access to and from the A267 creates additional safety risks for other road users at a part of the road which is hazardous and is outside the speed limit area, especially regarding an increase in activity and size of vehicles used; and (vi) Environmental pollution caused by industrial runoff into agricultural/recreational land. The Council is also concerned regarding the retrospective nature of the application and lack of consultation with the local community.

4.3 The Environment Agency raises no objections and notes that an Environmental Permit may be required.

4.4 The Lead Local Flood Authority (LLFA) notes that the proposed means of discharging surface water runoff to the nearby open drainage ditch at the mean annual runoff rate is acceptable, in principle, although raises an objection due to the submission of insufficient information on the overall scheme. If permission is granted, however, such information should be required by conditions covering, for example, drainage calculations, management of flows, the outfall and a maintenance plan.

4.5 The Highway Authority raises no objections and recommends the inclusion of conditions regarding the retention of visibility splays at the junction of the access with the A267 and the provision of parking and turning areas within the site.

4.6 The High Weald AONB Unit objects on the grounds that: (i) The proposal is considered to be major development in the AONB and no evidence has been provided that there are exceptional circumstances that justify its location; (ii) The development is located within Ancient Woodland and is likely to result in harm to this irreplaceable habitat contrary to Objectives W1 and W2 of the High Weald Management Plan; and (iii) The noise, dust and lighting from the development and associated heavy goods vehicle movements is harmful to the tranquillity and sense of naturalness of the AONB contrary to Objective OQ4 of the Management Plan.

4.7 Local representations: None received.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013: Policies: WMP3b (Turning waste into a resource); WMP5 (Provision of built waste facilities to ensure net self-sufficiency); WMP7a (Areas of focus); WMP7b (More detailed criteria for waste development); WMP23b (Operation of sites); WMP25 (General amenity); WMP26 (Traffic impacts); WMP27 (Environment and environmental enhancement); WMP28a (Flood risk).

5.2 Wealden District Local Plan 1998: Saved Policies: EN6 (Landscape conservation in the High Weald AONB); EN13 (Ancient semi-natural woodland); EN27 (Design); TR3 (Traffic impact of new development).

5.3 Wealden District Core Strategy Local Plan 2013: Policy WCS12 (Biodiversity).

5.4 National Planning Policy Framework (NPPF) 2019

The NPPF sets out the Government's planning policies for England and how they should be applied. Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material

consideration in planning decisions. Parts 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment) are relevant in this case.

5.5 High Weald Management Plan 2019

The primary purpose of AONB designation is to conserve and enhance natural beauty. In pursuing this purpose, account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. The key components of character which are relevant to this case are (i) geology, landform and water systems, and (ii) woodland.

6. Considerations

Managing waste

6.1 The proposal is for the retention of a waste transfer and recycling station, which treats imported construction and demolition waste, which is then transferred to the market. As such, it accords with the principle of turning waste into a resource under Policy WMP3b of the Waste and Minerals Plan.

6.2 While the site is not within an Area of Focus, as set out in the provisions of Policy WMP7a of the Waste and Minerals Plan, it is near to Heathfield, which is an Area of Focus, and is accessed from the A267, a key 'A' road identified outside such Areas. Policy WMP7a only considers proposals outside Areas of Focus if it can be demonstrated that, *inter alia*, there are no suitable sites available within such Areas to meet identified needs or they are small-scale facilities predominantly to meet local needs. Moreover, under this Policy, small-scale facilities are not precluded from the AONB where the development is for local needs and where it would not compromise the objectives of the AONB designation. Furthermore, Policy WMP7b identifies locations that would be given preference for waste facilities, including previously developed land, which the applicant considers is relevant in this case.

6.3 The site is within the AONB and while small-scale facilities should not be precluded, large scale facilities should be avoided, as they are more likely to adversely affect the purposes of the designation. The applicant considers that the proposal is a small-scale facility, which serves a local need. However, while much of the imported material might be sourced from a relatively local area, the facility is not small-scale, and it has not been demonstrated that there are no available sites within Areas of Focus. The proposal seeks to manage up to 80,000tpa, which is significant when compared to the Waste and Minerals Plan, where the indicative capacity of a large strategic recycling facility is 50,000tpa (under Policy WMP5).

6.4 Furthermore, the applicant considers the site to be located on previously developed land. However, the development of the circuit and the use of the site

for racing was unauthorised and an attempt to regularise it was refused planning permission by the District Council. Moreover, the existing building at the site has an agricultural/forestry use, which is excluded from the definition of previously developed land in the NPPF and therefore, the site is not included within this definition.

6.5 While there is 'in principle' policy support for the treatment of waste for further use, the proposal cannot be supported overall in waste management terms, as its scale is not compatible with its location outside of an Area of Focus (and specifically both within and adjoining ancient woodland in the High Weald AONB). Moreover, it has not been demonstrated that there are no suitable available sites within Areas of Focus to accommodate the development.

High Weald AONB

6.6 Policy WMP27 of the Waste and Minerals Plan seeks to conserve and enhance the local character and environment of the Plan Area and permission will not be granted where the development would have a significant adverse impact on the High Weald AONB. Saved Policy EN6 of the Wealden Local Plan states that development in the AONB will only be permitted if it conserves or enhances the natural beauty and character of the landscape. The primary purpose of AONB designation is to conserve and enhance natural beauty and the High Weald AONB Management Plan sets out five defining components of character which comprise the natural beauty of this area. Woodland is one of these components and Objective W1 of the Plan seeks to maintain the existing extent of woodland, particularly ancient woodland, with Objective W2 aiming to enhance the ecological functioning of woodland at a landscape scale.

6.7 Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect them. The NPPF, at Part 15, gives great weight to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife is also an important consideration in AONBs. Planning permission should be refused for 'major development', other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. The NPPF states that it is for the decision maker to determine whether a proposal is major development, taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated.

6.8 The proposal can be considered to be major development, as there are cogent reasons to indicate this. AONBs are designated to conserve and enhance their natural beauty, and woodland is a key component of natural beauty within the High Weald, as identified in the High Weald AONB Management Plan. The unauthorised use of the site as a recycling facility has introduced an industrial use into a previously tranquil rural location within the AONB. This has not only resulted in the accumulation of various plant, equipment, materials and vehicles, but has also generated all the attendant

noise, dust and lighting associated with the use of the site, as well as vehicle movements, including regular visits by heavy goods vehicles. These activities have eroded the area's landscape character and beauty, damaged the ancient woodland and very likely adversely affected wildlife. No evidence has been provided which demonstrates that there are exceptional circumstances for the development to be in Dunly Wood, or that it is in the public interest. Moreover, no evidence has been provided which demonstrates that the development cannot be carried out in an Area of Focus (under Policy WMP7a of the Waste and Minerals Plan) or outside the AONB.

6.9 Ancient woodland surrounds the clearing within which the recycling facility is located, although the designated area also includes part of the clearing. The only part of the clearing which is not identified as ancient woodland is the demarcated area of the racing circuit. Following the cessation of unauthorised racing, the clearing was left to naturally regenerate and aerial photographs for 1999 and 2005 show that the site had regenerated to the extent that it blended well with the adjoining mature woodland. However, by 2012, the site had again been cleared of trees and more recently, a building erected to support works to manage the woodland.

6.10 The development conflicts with the purposes of the High Weald AONB designation, which is to conserve and enhance natural beauty. It is also at variance with the conservation and enhancement of wildlife and has resulted in the deterioration of ancient woodland. No exceptional reasons have been given for the development in this location. Both the District and Parish Councils, as well as the High Weald AONB Unit, have objected to the proposal due to its adverse effect on the AONB. The proposal does not accord with policies to safeguard the AONB, as set out in the Development Plan, the NPPF and the High Weald AONB Management Plan and should be refused planning permission.

Ecological effects

6.11 Dunly Wood is designated as semi-natural ancient woodland and as such, is a valuable and irreplaceable habitat, which is important for wildlife and undisturbed soils. Policy WMP27 of the Waste and Minerals Plan requires permission to be refused for proposals which would have a significant adverse impact on sites of local importance for nature conservation, including ancient woodland. Policy WCS12 of the Wealden Local Plan Core Strategy seeks to prevent a net loss of biodiversity and ensure a comprehensive network of habitats. Saved Policy EN13 of the Wealden Local Plan resists development that involves prejudicing the ecology of ancient semi-natural woodlands. The NPPF states that development resulting in the loss or deterioration of irreplaceable habitats, such as an ancient woodland, should be refused, unless there are wholly exceptional reasons. More generally, the NPPF requires the planning system to contribute to and enhance the natural environment by protecting and enhancing sites of biodiversity value, minimising impacts, and providing net gains for biodiversity. The Natural Environment and Rural Communities (NERC) Act 2006 places a responsibility on public authorities to have regard to the purpose of conserving biodiversity.

6.12 Despite the sensitive location of the site, the submitted ecological report does not meet best practice, as it does not include appropriate data or contextual information in relation to protected species, and excludes measures both for mitigation, which could arise as a result of the development, and for biodiversity net gain.

6.13 The existing access road has been constructed through the woodland and a large part of the area of the recycling facility, including the existing building, is within the area of ancient woodland, as identified in Natural England's (NE) Ancient Woodland Inventory. The only part of the recycling facility which is excluded from being within ancient woodland is the area marked by the former racing circuit. However, even within that area, much of the development is within 15 metres of the ancient woodland boundary, which is the minimal distance recommended by NE as a buffer to ancient woodland from development. Works to the site have encroached into the woodland and caused damage to it but the submitted ecological report assumes that as the proposal is within an existing clearing, the development will not impact on the woodland. The report does not consider the potential impacts of the development, including the increased activities and associated disturbance, noise and dust pollution.

6.14 Furthermore, insufficient information has been provided to assess the potential impacts of the proposal on protected species, including Great Crested Newts (GCN), bats and badgers, all of which are protected under legislation. According to the submitted report, no evidence of GCN or badgers was found on the site, but as the site is already developed, this is not unexpected. However, the report does not take account of waterbodies within the surrounding area, including a pond a short distance to the south of the site, which could support GCN, or the mature woodland adjoining the site, which offers suitable sett building habitat for badgers. No assessment has been made of the potential of these habitats to support these species and so it is not possible to assess whether the development will have an impact. For bats, although the report notes that the adjoining woodland offers foraging and commuting potential, no surveys have been undertaken to determine which species may be present and no subsequent assessment of the potential impacts. Without effective assessments of the impact on species, no proposals for mitigation, compensation or enhancement can be made.

6.15 Although the applicant has contributed to removing invasive species from the woodland as part of his agreement with the landowner, and this is highlighted in the planning application as a reason to support the development, the improved management of the woodland does not require the operation of a waste recycling facility. NE advise that the existing condition of woodland is not a reason to give permission for development. Indeed, the earlier construction of the building (in 2017/2018) with an agricultural/forestry use signifies that the management of the woodland had been the intention of the landowner well before the applicant moved onto the site.

6.16 The development is likely to have significant impacts on ancient woodland and on protected species, which have not been properly assessed. This conflicts with the NPPF and Development Plan policies to protect ancient woodland and biodiversity. Both the District Council and High Weald AONB Unit also note the potential for adverse effects from the development to habitats and wildlife. In this context and having regard to the duty of public authorities under the NERC Act, the proposal is considered to be unacceptable and should be refused planning permission.

Effects of traffic

6.17 Policy WMP26 of the Waste and Minerals Plan requires proposals to have appropriate access arrangements, that no unacceptable safety hazards for other road users would be generated, the level of traffic generated would not exceed the capacity of the local road network, no unacceptable adverse impact on existing highway conditions in terms of traffic congestion and parking would arise and there are suitable arrangements for on-site manoeuvring, parking and loading/unloading areas. Saved Policy TR3 of the Wealden Local Plan also requires proposals not to create or perpetuate unacceptable traffic conditions and that a satisfactory means of access is provided.

6.18 The proposal benefits from an existing access road, which tracks eastwards from the A267 Mayfield Road directly to the recycling site. Its junction with the A267 accommodates appropriate visibility splays following its construction to provide an upgraded means of access to the existing agricultural/forestry building in the clearing. Although the Parish Council have raised concerns regarding the location of the access, the Highway Authority have considered the application and concluded that as the access is established and there have been no recorded crashes over the last 5 years, the width of the access and the visibility splays are acceptable. The Highway Authority is also satisfied that there is sufficient capacity within the highway network to absorb the proposal. The applicant anticipates an average of 14 daily lorry loads, or 28 movements using the access, with additional traffic from cars used by workers and visitors. The application shows a parking and turning area to the west of the building, although this does not appear to be adequate, as the area is relatively small and confined between the building, a portacabin used as an office and a raised bank. Parking in this area would be likely to negate its use for turning by large vehicles, particularly articulated lorries. Consequently, the parking of cars appears to be taking place along the woodland tracks leading south-west and south from the entrance to the recycling facility, which are outside of the application site, and the latter within the designated area of the ancient woodland.

6.19 Although the existing access arrangements appear to be suitable in highway terms, there appears to be a lack of space within the recycling facility to accommodate the parking and turning of vehicles, with parking for cars being in the woodland and outside of the application site. Consequently, there is a lack of suitable parking arrangements within the site and the potential for harm to the woodland through pollution and the compaction of soils, which conflicts with Policy WMP26(e) of the Waste and Minerals Plan in relation to adequate

parking and relevant policies in the Development Plan, NPPF and High Weald Management Plan regarding the effects of development on the ancient woodland.

Drainage

6.20 Policy WMP28a of the Waste and Minerals Plan requires proposals to have appropriate measures in place to reduce surface water runoff, including the provision of a sustainable drainage system. Part 14 of the NPPF requires the provision of appropriate drainage systems to reduce the risks of flooding.

6.21 There is no formal drainage system on site with runoff flowing northwards towards the water course along the north-western boundary of the site. According to the applicant, runoff from the site is predominantly absorbed by the relatively large surface area of the processed materials.

6.22 As the existing impermeable areas fall uniformly to the north-west, it is proposed to construct a swale along this site boundary. This would convey the surface water runoff towards an outfall, and to mirror the predevelopment discharge rates, various measures are proposed, including: water storage capability of 450 cubic metres, the provision of straw bales to prevent sediments from entering the surface water drainage system, and the provision of a barrier to prevent overland flows from reaching the watercourse.

6.23 The LLFA has considered the proposals and while the intention to discharge surface water runoff to the nearby open drainage ditch at a mean annual runoff rate is acceptable in principle, additional information is required to demonstrate that the proposed system can adequately manage flows. Therefore, if planning permission is granted, it is recommended that conditions should be included which require the submission of further details relating to the drainage scheme, which should also address the concerns of the Parish Council on this matter.

Effect on amenity

6.24 Policy WMP25 of the Waste and Minerals Plan requires that proposals should have no unacceptable effect on the standard of amenity appropriate to the land uses of the local and host communities likely to be affected by the development, including from noise and dust and from traffic generated. Saved Policy EN27(2) of the Wealden Local Plan requires development not to create unacceptable adverse impacts on the privacy and amenities of adjoining developments and the neighbourhood by reason of, *inter alia*, scale, form, noise and traffic movements.

6.25 The Parish Council has noted that the development would result in adverse effects on residents. However, this is unlikely given the location of the development, being set within woodland and at a lower level compared to surrounding land, and with direct access to the site being from the north side of the A267. Moreover, there are no public rights of way in the vicinity of the site and no complaints have been received from members of the public since the

use started in June 2020. As such, the proposal is not considered to conflict with Development Plan policies, which seek to safeguard amenity.

7. Conclusion and reasons for refusal

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 retention of a waste transfer and recycling station located in a clearing within the ancient woodland of Dunly Wood in the High Weald AONB. The development has been operating on an unauthorised basis since June 2020 and manages construction and demolition waste for transfer; the site also accommodates plant and equipment connected to agricultural works.

7.3 Although there is merit in recycling waste for further use, the location of this development is unacceptable, as it is within an area of ancient woodland in the High Weald AONB. The development does not conserve and enhance the natural beauty of the AONB and has adversely affected the ancient woodland. Moreover, the application does not include adequate assessments of the potential effects of the development on protected species. There is also insufficient provision for parking within the site. For these reasons the proposed development conflicts with Policies WMP7a, WMP7b, WMP26(e) and WMP27(a) and (b) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policies EN6 and EN13 of the Wealden District Local Plan 1998, Policy WCS12 of the Wealden District Core Strategy Local Plan 2013, paragraphs 172 and 175 (c) of the National Planning Policy Framework 2019 and Objectives W1 and W2 of the High Weald Management Plan 2019. The development cannot be supported, and it is recommended that planning permission be refused, and enforcement action undertaken to require the cessation of the use and the removal of plant, equipment and materials.

7.4 In considering this planning application, the County Council has worked with the agent in a positive 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 refuse planning permission and authorise the Director of Communities, Economy and Transport to take appropriate enforcement action in consultation with the Assistant Chief

Executive to require the cessation of the use of the site as a waste transfer and recycling station and for the removal of all plant, equipment and materials associated with the waste use for the following reasons:

1. The development is a large scale waste recycling facility located outside of an Area of Focus within the High Weald AONB and not on previously developed land. The site of the development is not within a sustainable location and conflicts with Policies WMP7a and WMP7b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 which seek to identify sustainable locations for waste recycling facilities.
2. The development is located in the High Weald AONB and set within ancient woodland. The development is industrial in nature and does not conserve and enhance the natural beauty of the AONB, thereby conflicting with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policy EN6 of the Wealden District Local Plan 1998, paragraph 172 of the National Planning Policy Framework 2019 and Objectives W1 and W2 of the High Weald AONB Management Plan 2019.
3. The development occupies part of an area of ancient woodland and has caused damage to it and there have been no adequate assessments of the potential effects of the development on this habitat or on protected species, thereby conflicting with Policy WMP27b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy WCS12 of the Wealden District Core Strategy Local Plan 2013, Saved Policy EN13 of the Wealden District Local Plan 1998 and paragraph 175(c) of the National Planning Policy Framework 2019.
4. The development does not provide enough space for the parking of vehicles, as the parking of cars takes place outside the application site boundary and within the ancient woodland, thereby conflicting with Policies WMP26(e) and WMP27b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy WCS12 of the Wealden District Core Strategy Local Plan 2013, Saved Policy EN13 of the Wealden District Local Plan 1998 and paragraph 175(c) of the National Planning Policy Framework 2019.

RUPERT CLUBB

Director of Communities, Economy and Transport

26 February 2021

BACKGROUND DOCUMENTS

File WD/847/CM

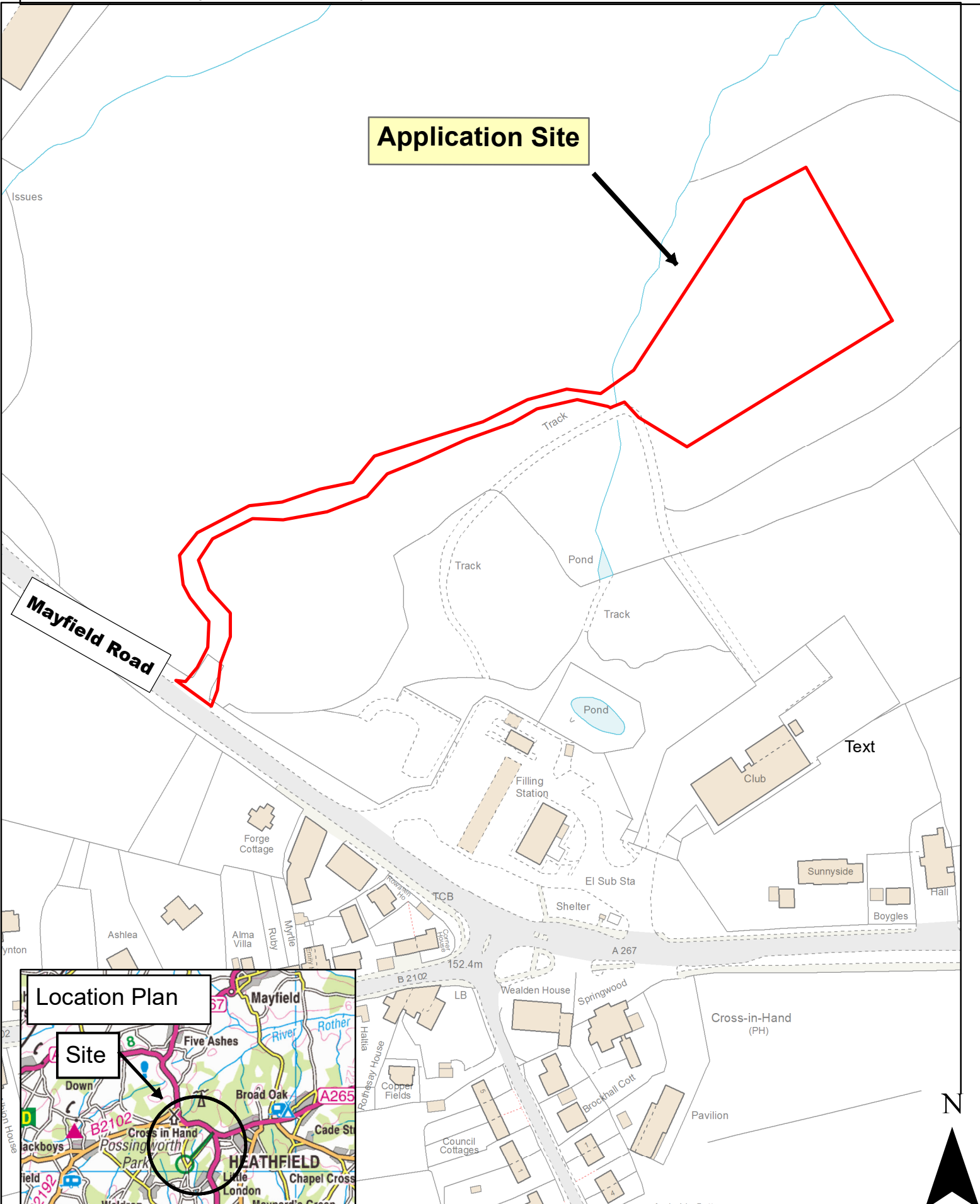
Wealden District Council planning permissions/consents

Wealden District Council undetermined application WD/2019/0774/FR

The Development Plan

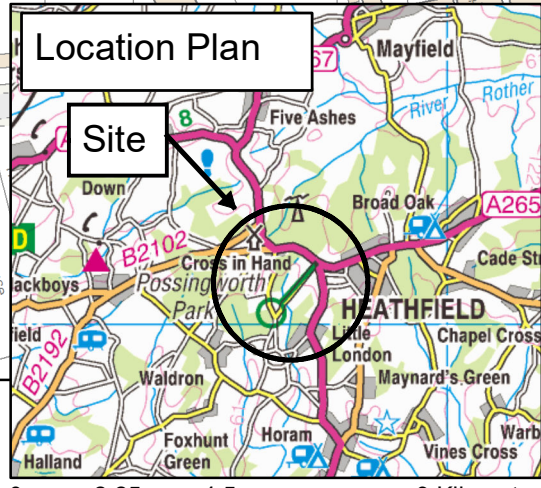
National Planning Policy Framework 2019

High Weald Management Plan 2019



Application Site

Mayfield Road



Location Plan

Site



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