

**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