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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

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.
- 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.