

Committee: **Regulatory  
Planning Committee**

Date: **15 June 2022**

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

Proposal: **Temporary widening of the access junction between Shrub Lane and the access track leading to Burwash Wastewater Treatment Works and temporary use of land adjacent to the Works as a compound for a period of 12 months to enable essential upgrade works to be carried out at the Treatment Works (retrospective).**

Site Address: **Burwash Water Treatment Works Shrub Lane, Burwash**

Applicant: **Mr Lawrence Blyth, Southern Water Services Ltd.**

Application No. **RR/864/CM**

Key Issues: **(i) Purpose of the development  
(ii) Effects of the development**

Contact Officer: **Jeremy Patterson**

Local Member: **Councillor Eleanor Kirby-Green**

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## **SUMMARY OF RECOMMENDATIONS**

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

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

### **1. The Site and Surroundings**

1.1 The application site is approximately 1.3 kilometres to the north-east of the junction of Shrub Lane, a classified road, with the A265 in Burwash village and consists of the private access track leading about 130 metres eastwards from Shrub Lane towards the Burwash Wastewater Treatment Works (WTW) and an area used as a construction compound on the south side of the track. The WTW adjoins the application site at a lower level to the east with a substantial area of woodland, Park Wood, beyond. Park Wood includes areas of ancient and semi-natural woodland and is a Local Wildlife Site. Grassed fields border the access track on either side and a small block of coniferous woodland stands to the rear of the compound. Two residential properties are located off Shrub Lane opposite the WTW access and other properties are

present to the north and south of the access along the Lane. The whole area is within the High Weald Area of Outstanding Natural Beauty (AONB).

## **2. The Proposal**

2.1 The applicant is currently upgrading the WTW, which involves development that does not require express planning permission. However, to facilitate this development, works are required that do require planning permission, for which the applicant is seeking retrospective approval, namely: (i) the temporary widening of the junction of the site access with Shrub Lane for a further period of 12 months to allow construction vehicles to enter and leave the site safely, and (ii) the temporary change of use of part of a grassed field on the south side of the access track to a temporary construction compound (approximately 600sqm in area), incorporating offices and plant, car parking and a turning space for large vehicles, also for a further period of 12 months. The applicant has indicated that the affected areas would be reinstated to their previous use and appearance when works to upgrade the WTW have been completed.

## **3. Site History**

3.1 A planning application (ref. RR/861/CM) was submitted in December 2021 seeking retrospective planning permission for similar temporary development to the current proposal but limited to a period of 6 months. However, it was withdrawn in March 2022, as the applicant identified that the temporary development was needed for a longer period due to additional works being required to be undertaken at the WTW.

## **4. Consultations and Representations**

- 4.1 Rother District Council raises no objections.
- 4.2 Burwash Parish Council has not submitted any observations.
- 4.3 Flood Risk Management ESCC raises no objections.
- 4.4 High Weald AONB Officer has not submitted any observations.
- 4.5 The Highway Authority raises no objections.
- 4.6 NatureSpace has not submitted any observations.
- 4.7 Other representations: Three residents have raised concerns, primarily on the grounds that the submitted Landscape Plan only allows for 12 replacement plants, which are a lot smaller than those which were removed, the proposed restored access alignment is not representative of the original, the reinstated bank should be properly retained, and the existing access gate should be set further back to accommodate large vehicles more easily off Shrub Lane.

## **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: WMP10 (Management of wastewater and sewage sludge), WMP25 (General amenity), WMP26 (Traffic impacts) and WMP27 (Environment).

5.2 Rother District Local Plan Core Strategy 2014: Policy EN1 (Landscape stewardship).

5.3 Rother District Development and Site Allocations Local Plan 2019: Policy DEN2 (High Weald AONB).

5.4 The High Weald AONB Management Plan 2019-2024: Objective FH2 (Field and heath – hedgerows).

5.5 National Planning Policy Framework 2021: Part 15 (Conserving and enhancing the natural environment) is relevant.

## **6. Considerations**

### **Purpose of the development**

6.1 Under its Environmental Permit, the applicant has been required by the Environment Agency to upgrade the WTW to meet revised requirements for the control of iron and phosphorous levels in the final discharge effluent. Although these works now appear to have been carried out, the applicant has recently identified that additional works to better manage incoming flows during storm conditions are necessary to further minimise the risk of breaching the new iron and phosphorus limits. These works do not require express planning permission, as they benefit from being 'permitted development' under Part 13 (water and sewerage) of The Town and Country Planning (General Permitted Development) (England) Order 2015. However, the changes to widen the access and the works to construct the compound do require planning permission. The applicant considers these works are necessary to facilitate the upgrade of the WTW and in that respect, they are supported by Policy WMP10 of the Waste and Minerals Plan for development which contributes to meeting relevant environmental standards for wastewater treatment.

### **Effects of the development**

6.2 As the applicant is seeking retrospective planning permission for the development, the works have therefore already taken place. The widening of the access to allow for less constrained movement of large vehicles and for greater visibility has resulted in the removal of part of the verge on the southern side of the access. As well as creating more space for vehicles, this development has also assisted in minimising mud deposition on Shrub Lane, which would have occurred if the verge had not been altered. However, the alterations have also resulted in the removal of part of a hedgerow.

Consequently, the applicant proposes to reinstate the verge to its original profile and re-plant it with trees/shrubs on completion of the works to the WTW, the details of which are set out in the submitted Landscape Plan. However, nearby residents have raised concerns on the proposed reinstatement of the access and the planting of the verge, noting that the proposed restored realignment would not be the same as the original and that only 12 trees/shrubs would be planted. Despite that, the proposed realignment of the access appears to accord with the original alignment and is considered to be acceptable. Similarly, although the proposed number of trees/shrubs may appear to be small, it is likely to be adequate for this site. However, no details have been provided on how the reinstated verge would be secured to avoid erosion and the submission of such details is recommended by condition. In terms of the compound, this is proposed to be reinstated to grassland in keeping with the rest of the field and is considered to be acceptable.

6.3 The widening of the access has also resulted in the need for temporary hard surfacing and its reconstruction will include part of the public highway. In order that these works are undertaken in accordance with the requirements of any licence, details of the reconstruction, including for drainage and surfacing, should be submitted for approval. Nearby residents have also noted that large vehicles overhang the access onto Shrub Lane if the site access gate is closed, thereby resulting in a potential hazard for other users of the Lane. It is uncertain whether this is a situation that has only occurred during the upgrade works or if it also occurs at other times. Although the applicant has indicated that a banksman will be present to manage vehicles at timed deliveries, this appears not to be current practice. Therefore, for safety and amenity reasons, a condition is recommended which requires that no stationary vehicles are permitted to overhang the access.

## **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 applicant is undertaking works to upgrade the Burwash WTW. To facilitate this, retrospective planning permission is sought for works to widen the junction of the access to the WTW with Shrub Lane and for a change of use to a small area of land for use as a construction compound for a further 12 months. The works to upgrade the WTW are permitted development, but the works to the access and construction compound require planning permission and as such, accord with Policy WMP10 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013. However, the widening of the access has resulted in the removal of part of a verge and hedgerow on the southern side of the access, although the proposed restoration indicates that the verge will be reinstated, and replacement planting will be carried out. This is considered to be acceptable, although it is recommended that additional details should be required to secure a more robust restoration, including measures to secure the verge bank and works relating to the public highway.

Subject to these requirements, the development can be considered to be acceptable and not to conflict with policies which seek to protect the AONB, safeguard general amenity and provide for appropriate access arrangements, namely Policy EN1 of the Rother District Local Plan Core Strategy 2014, Policy DEN2 of the Rother District Development and Site Allocations Local Plan 2019, Policies WMP25, WMP26 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Objective FH2 of the High Weald AONB Management Plan 2019-2024 and the provisions in Part 15 of the National Planning Policy Framework 2021.

7.3 In considering this planning application, the County Council has worked with the applicant 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.

7.4 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 carried out in accordance with the drawings and document listed in the Schedule of Approved Plans.

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

2. No later than 30 June 2023 details of the following matters shall be submitted to the Director of Communities, Economy and Transport for approval in writing:

(i) Measures to secure the reconstruction of the verge bank on the southern side of the access to avoid erosion;

(ii) Measures for the reconstruction of the affected part of the public highway and its interface with the Treatment Works' access track, including surfacing and retention of existing gully drains;

(iii) Provision of a timetable for the reconstruction works in (i) and (ii) above and the planting of the verge bank, together with the restoration of the area of the temporary compound; and

(iv) A brief report for each year of the 5-years maintenance plan, as set out in the Landscape Plan, to be submitted before the end of each calendar year, outlining the progress of the planting carried out.

The approved details shall be carried out in full and shall be undertaken jointly with the approved Landscape Plan.

Reason: To secure an appropriate restoration of the access in the High Weald AONB in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy EN1 of the Rother District Core Strategy Local Plan 2014, Policy DEN2 of the Rother District Development and Site Allocations Local Plan 2019, Part 15 of the National Planning Policy Framework 2021 and Objective FH2 of the High Weald AONB Management Plan 2019-2024.

3. No stationary vehicles are permitted to overhang the site access onto the public highway.

Reason: To secure safe access for vehicles entering and leaving the site, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

## INFORMATIVES

1. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts (GCN); damage or destroy a breeding or resting place of GCN; and deliberately obstruct access to a resting or sheltering place of GCN. Planning approval for a development does not provide a defence against prosecution under the legislation. Should GCN be found at any stages of the development, then all works shall cease, and Natural England should be contacted for advice.
2. The applicant's attention is drawn to the need to obtain advice from the Highway Authority (contact Transport Development Control Team on 01273 482254) on whether a licence will be required for works to the public highway.

## Schedule of Approved Plans

751149-JTX-XX-XX-DR-T-00003 P02.1 - Site Location Plan, 751149-JTX-XX-XX-DR-T-00004 P02.1 - Existing and Proposed Site Layout Plans, 751149-JTX-XX-XX-DR-T-00005 P02.1 - Vehicle Tracking, 751149-STA-Z0-XX-DR-Z-00001 P01 - Landscape Plan, Supporting Statement

RUPERT CLUBB

Director of Communities, Economy and Transport  
7 June 2022

## **BACKGROUND DOCUMENTS**

Application RR/864/CM  
Withdrawn application RR/861/CM  
The Development Plan  
National Planning Policy Framework 2021