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12th October 2023

Dear Sirs

Sweethayes Farm, Hurst Green, TN39 7PS,

Further to the receipt of the recent email train I am writing to confirm my understanding of the current position, both from the Permit Application point of view and more importantly the position in relation to the Planning on the site.

Briefly, regarding the Permit, this application was made on or soon after the receipt of the Planning Approval and therefore current guidance of June 2023 is not relevant to the application, only that in force at the time of the application can be used. Comments relating to the commencement of works are also partly irrelevant as if commencement had been delayed until the receipt of the permit

- a) The permission would have lapsed (commencement was required by 7th November 2022)
- b) The client would have been in breach of conditions

With regard to the Planning permission which due to agreed commencement is now held and is under RR/2019/724 for the building and for the access track to it and subsequent removal. The material from the temporary track will be used as the hard sub-base under the building floor itself and this is entirely within the spirit and requirements of waste recovery for use in construction.

The improvements of the land, gradients and safety of working would be considered engineering works on an agricultural holding in excess of 5ha and therefore Permitted Development under the GDPO Part 6 A.

This can be borne out following meetings and discussions with Rother District Council Planning Department and their Enforcement Officer, Mark Bright, who has visited the site following a request from, we believe, the EA or ESCC. These meetings were on 25th August 2022 and 26th September 2022 (the latter on site I was in attendance).

Those meetings have not resulted in any request or requirement for further applications to be made for planning approval.

In the current climate I have concerns that those implementing permits for Waste deposit or re-use are delaying the very progress that all other agencies are demanding to both develop in a safe manner and improve the quality of our remaining agricultural land. The constant delays are counterproductive and have severe repercussions throughout the industry, slowing down development and housebuilding as well as hindering the improvements to the safety for farming and livestock.

One paragraph concerns us more than any in the email of 27th September from Anthony Watts where it asks if the project could be undertaken using non-waste which suggests that the EA would prefer new excavation for chalk, gravel or top-soil leaving pits requiring filling, rather than utilise excavated soils from foundation dig on housing sites (waste) to improve the agricultural land necessary for producing food. These soils should not be going to waste but should be re-used where needed.

I trust that this matter will finally be given the necessary permit.

Yours faithfully

MPPollington

Michael P. Pollington
for Larkins & Pollington Design