

WADHURST PARISH COUNCIL

Minutes of the Planning Committee meeting held on 13th May 2023 at the Pavilion, Sparrows Green Recreation Ground, Wadhurst.

Present: Cllr Gadd (Chair), Cllr Anderson, Cllr C Moore, Cllr Shairp and Cllr Smith

Member of public present: one

Minutes

It was proposed by Cllr C Moore that Cllr Gadd Chair this Planning Committee meeting, seconded by Cllr Anderson and unanimously agreed

1. To receive apologies for absence

Cllr P Moore

2. To receive declarations of interest and updates to members' register of interests

None

3. To approve the minutes of the meeting held 29th April 2023

Proposed by Cllr C Moore to approve, seconded by Cllr Smith and unanimously agreed

4. To discuss matters arising from the minutes of the meeting of 29th April 2023

None

5. Public forum – time limit 15 minute

A member of the public spoke with reference to the community's grave concerns regarding the appeal due to take place, in respect of the planning application at Primmers field.

A member spoke with regard to the planning application at Marling House and wished to point out the discrepancy in the plans with regard to ownership of land and severe concerns with road congestion, steepness of access and access in general

6. Pre- application briefings

7. To consider licence and planning applications received and make recommendations

8. To consider live planning applications for further consideration and recommendations

9. To consider planning appeals received and make recommendations

10. To consider any footpaths modification orders and make recommendations

11. Planning Control (& High Street Planning Enforcement)

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12. To discuss Tree Preservation Orders
13. Conservation areas
14. CIL
15. Policy/Correspondence/Consultations
16. Items for noting
17. Urgent issues at the discretion of the Chair for noting or inclusion on future agenda.
6. Pre-application briefings
7. Licence and planning applications
- 7.2 Planning:
 - 7.2.1 Application No. WD/2023/1010/FA (full - non compliance of condition)

Date of notification: 26th April 2023

Parish Council Consultee expiry date:

Location: 1 STONEBRIDGE COTTAGES, THREE OAKS LANE, WADHURST, TN5 6PY

Description: variation of condition 4 of WD/2020/1235/F (removal and replacement of existing single storey outbuilding with

new single storey outbuilding) to allow retention of low intensity new single storey outbuilding) to allow retention of low intensity downward facing external lights at the front and rear.

No objection - subject to, true 'dark skies' compliance. Please see below

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NIGHT SKY BLOTTED OUT BY LIGHT POLLUTION **VISIBLE NIGHT SKY**

UNACCEPTABLE **VERY BAD** **BAD** **BETTER** **BEST**
Fully shielded Timer / motion sensor

Bad, better, best

Use outdoor lighting responsibly by only using it where it's needed, when it's needed, and in the amount required. Use the lowest light level required, limit blue-violet light, utilize timers or motion sensors, and use shielding.

4 PRINCIPLES OF DARK SKY FRIENDLY LIGHTING

ONE

MINIMIZE THE AMOUNT OF ILLUMINATION

- Don't use more lighting fixtures around your home than necessary
- Use lower lamp wattage



TWO

MINIMIZE THE AREA OF ILLUMINATION

- Shine light only where it's needed
- Aim fixtures downward so no light is directed up or to the sides
- Ensure that little or no unwanted light falls onto adjacent properties



THREE

MINIMIZE THE DURATION OF ILLUMINATION

- Install switches, timers and dimmers to turn off (or down) lights when not in use



FOUR

USE LONG-WAVELENGTH LIGHTS

- Use bulbs with "warm" color temperatures below 3000K



How will you help follow the principles of dark sky friendly lighting?

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7.2.2 Application No. WD/2023/1062/F and WD/2023/1063/LB

Date of notification: 26th April 2023

Parish Council Consultee expiry date: 17th May 2023

Location: GREAT PELL OAST HOUSE, PELL HILL, WADHURST, TN5 6EF

Description: replacement of existing timber windows with new timber slimline double glazed windows, replacement and reduction in size of 1no. rooflight and replacement of existing doors with new timber doors.

No objection

7.2.3 Application No. WD/2023/1020/F

Date of notification: 26th April 2023

Parish Council Consultee expiry date: 17th May 2023

Location: BRAMDENE FARM, PARTRIDGES LANE, TN5 6JY

Description: conversion of an existing agricultural building into a low embodied carbon and low energy in-use, off-grid dwelling.

No objection - subject to a condition being imposed, that no further agricultural building is permitted, to mitigate against concerns of residential encroachment into the HWAONB. In addition, roof lights should be dark skies compliant,(to mitigate against concerns of harm to the exceptionally dark skies in this rural HWAONB area.

WPC wish to note the vertical wood panelling and metal roofing and confirm that this is felt to be appropriate in this location.

7.2.4 Application No. WD/2023/1110/F

Date of notification: 3rd May 2023

Parish Council Consultee expiry date: 24th May 2023

Location: BROADWELL COTTAGE, SLEEPERS STILE ROAD, COUSLEY WOOD,
WADHURST

TN5 6QX

Description: ground and part first floor extension to the eastern elevation; relocation of an existing dormer, a new secondary property entrance and a small extension of the residential curtilage to allow for safe vehicle turning.

No objection

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7.2.5 Application No. WD/2021/2924/F

Date of notification: 4th May 2023

Parish Council Consultee expiry date: 18th May 2023

Location: THE BOAT HOUSE BISTRO, BEWL WATER, BEWLBRIDGE LANE, COUSLEY WOOD, WADHURST, TN3 8JH

Description: extensions and alterations to the Boat House Bistro, replacement of the adjacent fishing facility building and change of use to form 6 x 1 bed and 5 x 2 bed tourist units, creation of a cafe with terrace, with some sailing club facilities retained.

APPLICATION WD/2021/2924/F

Extensions and alterations to the Boat House Bistro, Bewl Water, Bewlbridge Lane, Lamberhurst, TN3 8JH

Description: Extensions and alterations to the Boat House Bistro, Replacement of the Adjacent Fishing Facility Building and Change of Use to form 6 X 1 bed and 5 X 2 bed tourist units, Creation of a café with terrace, with some sailing club facilities retained.

UPDATE OF APPLICANT'S PROPOSALS

COMMENT: Strong objection on the following grounds.



The applicant has put in an eleventh hour change of proposal, designed to reduce the amount of glazing on the building. These include reduction in glazing facing the water, removal of second floor balconies and dormers, angled louvre balustrade, lighting sensors and non-reflective glass. In the wake of these changes, WPC notes that Wealden's Biodiversity and Arboricultural officer has withdrawn his previous objection to this scheme, preferring instead to recommend conditions to be attached to his 'no objection'.

After careful examination of the amendments to the above application, WPC Planning Committee question:

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- the 16% reduction in glazing and wish to receive further details as to how this has been calculated, as we fail to reach this figure in our calculations. It should also be pointed out, that this is a tremendous increase from the original building and should be considered in the context of what is currently there.
- the withdrawal of concerns from Ben Rainbow (Environmental Services at WDC), laid out in his submission of 21 October 2022, as we fail to see how these concerns, have been alleviated.
- why the application mentions ‘redundant building’, when the applicant is looking to build a new clubhouse, due to the loss of the purpose built sailing club house building being discussed, thereby increasing the buildings in this wildlife AONB area.

Reduced glazing

Revised plans claim to reduce the level of glazing proposed by 16%, mainly across the south-eastern elevation of the building. While this may, technically, represent a reduction in glazing and light emission versus the previous plans, the correct way to ‘frame’ this is to recognise that compared to the existing premises, the applicant’s plans will increase glazing substantially.

Moreover, by offering overnight accommodation, light emission by definition will occur much later into the night compared with the situation now, which mainly operates in line with usual office hours thereby having minimal overlap into the hours of darkness.

The WDC Bio-diversity officer’s Damascene conversion

WPC refers to its revised objection of 12/03/23, where it noted the Wealden Biodiversity and Arboricultural Officer raised an objection on ecological grounds in his submission of 21 October 2022. In that document, the officer stated then that: *“the development has potential to disturb and disrupt local populations of bird and bat species, negatively impacting local wildlife site (LWS)”*.

To reiterate some key points in his statement:

*“I note the agent has provided reply to request for further information however **an ornithological assessment of the impact upon bird populations has not been provided with this application despite much qualitative species information being present in the public realm, held at the Sussex Biodiversity Records Centre and available on request**”*. [WPC emphasis]

*“**The development will result in increased levels of light, noise and human-based disturbance, notably during the winter at times where large quantities of roosting birds forming sometimes significant proportions of species populations are susceptible to disturbance. There are no barriers between development and bird populations and as such impacts would travel extremely well at distance in this situation where noise and light can bounce or reflect from the water surface.***

Increased outdoor public open space at elevation, permeable railing, significantly increased glazing fronting open water and addition of extra story/floor will significantly increase impacts. No impact assessment or analysis of bird populations and where they reside on the reservoir has been provided with this application. [WPC emphasis]

*“With the limited information provided, it is concluded **there is a likelihood the development would result in negative impact upon bird populations (with potential for impacts beyond local level) and degradation of local wildlife site**”*. [WPC emphasis]

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We are perplexed at the difference that a 16% reduction in glazing can apparently have. So much so that the Biodiversity officer now states:

*“It is deemed the revised scheme will significantly reduce noise and light impacts, **potentially reducing impacts to a comparative level to those from existing or previous use of the building, which includes periodic evening events such as weddings and related night time disturbance**”.* [WPC emphasis]

WPC would like to see records of the evening events that have been held at the Clubhouse/Bistro during 2022 (after the end of the Covid lockdown in December 2021) and for the years of 2018 and 2019, the last full years before the pandemic struck in March 2020.

The applicants are ‘framing’ this proposal as a *reduction* in glazing and a *reduction* in light and noise emissions. The correct way to ‘frame’ this scheme is to compare the revised proposals with the situation *prior* to these plans being launched to gauge the degree to which there will be an *increase* in light and noise emission. The net light and noise effect will be affected by two factors:

- the amount of glazing in terms of area, and
- the hours of light and noise emission

In this respect, WPC is yet to be convinced that these plans are as harmless to wildlife as they are painted by the applicant – and accepted by the Wealden Biodiversity officer.

WPC reiterates its conclusion made in its objection dated 14/03/23 that it is therefore amazed that WDC can still be considering this application, given the sizeable ecological concerns raised by one of its own officers and questions that remain to be fully and convincingly answered.

Bewl’s natural features are special, as clearly set out in the East Sussex Landscape Character Assessment vision for Bewl Water (see pages 6-7 of the submission dated 14/03/23). It therefore defies logic that a planning application could be decided without a full ecological impact assessment, carried out by an independent, qualified and expert third party.

WPC planning committee also wish to remind WDC of Jess Price’s response 20 July 2022 (Sussex Wildlife Trust), confirming that Bewl is home to such a significant number of gulls overwintering, that it meets the criteria for Bewl, to be SSSI and Ramsar designated.

In addition, we wish to advise WDC of WPC’s intent to make a request to the Secretary of State, that the applications at Bewl be ‘called in’. We attach the letter below for your information.

Conclusion

This outline application is an ‘eleventh- hour’ attempt to push the LPA into granting planning permission on the Clubhouse/Bistro at Bewl Water. The WPC has followed the relentless campaign to commercialise Bewl over several years, with attempts to establish the principle of overnight accommodation in what is essentially a wildlife reserve. To respond to this ecologically concerning behaviour, the parish council has had to issue four objection documents (which can be found in the Appendices to this document), prior to this one. The parish council looked carefully at this revised application and reiterates the findings in its previous submissions and respectfully requests that this application should be robustly refused, for the following reasons:

- (1) Change of use for all three buildings will prevent any meaningful revival of the sailing and other water sports at Bewl

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- (2) The tourism case is flawed
- (3) It is incorrect to state that there are limited facilities for overnight accommodation in the area.
- (4) Site lies within AONB
- (5) Southern Water needs to fulfil its responsibilities
- (6) These proposals amount to a change of character of the area
- (7) This application should be treated as part of a major development
- (8) The two projects in aggregate would create a Holiday village and should be refused
- (9) Light spillage from the holiday village would threaten Bewl's Dark skies
- (10) Noise impact would be far greater
- (11) There *will* be a Detrimental impact on Wildlife
- (12) Out of keeping design in an extremely prominent building on the landscape
- (13) Reflection and Glare from Extensive Glazing
- (14) Lack of Facilities for Overnight Visitors
- (15) Health and safety concerns are being overlooked
- (16) Applicants ignore conditions
- (17) This constitutes a loss of sports and recreational buildings contrary to NPPF para. 99 and DC8 of the Wealden Local Plan
- (18) Bewl should not be treated as a municipal reservoir
- (19) There has been no ecological impact assessment

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List of Appendices (dates are generally when they were published on WDC website):

A – WPC submission to WDC dated 19/07/22

B – WPC submission to WDC dated 15/08/22

C – WPC submission to WDC dated 05/12/22

D – WPC submission to WDC dated 14/03/23

E – WPC request to the Secretary of State

F – WPC email to enforcement officers at Wealden and Rother regarding the Aqua Park at Bewl dated 03/05/2023

APPENDIX A

A – WPC submission to WDC dated 19/07/22 (if you have any issues accessing the below two embedded documents please email clerk@wadhurst-pc.gov.uk)



respons3

Response_21.2924 PC



response 19 jul.pdf

APPENDIX B

B – WPC submission to WDC dated 15/08/22

15/8/22 comments

COMMENT: There are currently three “live” applications for the conversion of buildings to tourist accommodation Bewl Water – WD/2021/2925/F; WD/2021/2924/F and WD/2021/0638/F, which was WADHURST PARISH COUNCIL WPC Planning Committee Page 5 of 8 refused by WDC, but which is currently subject to appeal. Wadhurst Parish Council considers that all three applications taken together are creating a holiday village and should be refused on this basis. The applicant has previously stated publicly the desire to create a “Center Parcs” like offering at Bewl. This is effectively being created bit by bit, despite holiday villages being prohibited within the High Weald AONB. Wealden’s Local Plan, Policy TN4 states very clearly: “proposals for new holiday villages or chalet parks will be strongly resisted in the Sussex Downs and High Weald Area of Outstanding Natural Beauty.” As a result, these proposals should be assessed in their entirety and should all be refused.

APPENDIX C

C – WPC submission to WDC dated 05/12/22

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missedF_Consultee
Response_Bewl Water

APPENDIX D

D – WPC submission to WDC dated 14/03/23

APPENDIX E

E – WPC request to the Secretary of State

Dear Secretary of State,

Bewl Club House (or Bistro) Application (WD/2021/2924/F)
Bewl Water Fishing Lodge Appeal (APP/C1435/W/22/3294192)



Source: SuxxesPhoto.com

It is of national importance that development of overnight accommodation (which could be located elsewhere) at Bewl Water is not allowed to destroy a unique wildlife site that is both nationally and internationally important for wildlife within the High Weald AONB.

Wadhurst Parish Council (WPC) respectfully request that you call in – and refuse – the planning application on the Club House (also known as the Bistro) at Bewl Water. In addition, we urge you to recover (and reconsider) the planning appeal on the Fishing Lodge at Bewl Water where the Inspector found in favour of the appellants.

There are several strong reasons why this site should be considered by the Secretary of State and why Bewl is of national importance:

- 1) Loss of facilities for water-based recreational activities at the largest body of inland water in the SE, contrary to the Water Industry Act, East Sussex County Landscape Management Guidelines, the National Planning Framework and the Wealden Local Plan.

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- 2) There is no need (nor demand) for accommodation at this site and no benefit to tourism.
- 3) This creates a holiday village by stealth despite these being prohibited within the HW AONB.
- 4) Bewl is of national (and international) importance for wild birds and Natural England are considering a request for it to be upgraded to SSSI, RAMSAR and / or SPA status (please see the Appendix for the Proposal that Bewl Water (East Sussex) be designated as a RAMSAR, SSSI and SPA site). Wildlife charities have objected to the developments due to the risk to wildlife and internationally important gull roosts. The applicant's ecological report considers only the site of the building and ignores the adjacent gull roosts.
- 5) Bewl is a haven for wildlife with incredible biodiversity. It is classified as a Local Wildlife Site with 472 protected and designated species. Again, the applicant's ecological report ignores the development site being part of a local wildlife site and there is no evidence that the development will not harm the biodiversity of the area. These sites are within an AONB, which attracts the highest level of protection under the NPPF.
- 6) That Bewl is wholly within a nationally designated AONB is also of national importance.

The Reason for this Urgent Request

As precedent for this request, WPC notes the recent decision by the Secretary of State to overturn an Appeal decision and refuse planning permission on an application made by Berkeley Homes on land within the High Weald Area of Outstanding Natural Beauty at Turnden, Hartley Road, Cranbrook (Ref: 20/00815/FULL).

We believe that the circumstances in the case of Bewl Water are sufficiently important for a similarly unusual step to be taken in this instance. While the previous case emphasised the need for careful design, this request urges that greater consideration is given to the environment and the national (and international) importance of Bewl Water – which we feel has not been given sufficient attention.

In making our request, WPC provide in the sections below some context about Bewl Water and summarise the development plans that are being considered. It will then demonstrate the national (and international) significance of this stretch of water and finally provide detailed reasons why these projects should be resisted.

This paper draws on several responses made by the WPC to applications and appeals made on three main sites at Bewl Water¹. It seeks to be self-contained, but central government can find further detail on Wealden District Council's website, using the planning application references listed in the footnote.

Introduction to Bewl Water and the strategy being adopted.

Bewl Water is a reservoir in the valley of the River Bewl, straddling the boundary between Kent and East Sussex. Whilst Bewl is a man-made reservoir, it looks like a large attractive lake – because it has flooded interlocking streams, creating fingers of water between

¹ Bewl Water Fishing Lodge (APP/C1435/W/22/3294192), original application reference (WD/2021/0638/F); Bewl Water Sailing (or racing) Hut (WD/2021/2925/F); and Bewl Water Club House, or Bistro (WD/2021/2924/F)

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wooded spurs. Bewl Water is located between the villages of Wadhurst, Lamberhurst, Flimwell and Ticehurst.

It had its origins in 1968 when the late Queen Elizabeth II gave Royal Assent to what was known as the Medway Water (Bewl Bridge Reservoir) Act 1968, which approved the plan to dam and then flood a valley. The construction was completed in 1975 and – when full – the reservoir holds 31.3 billion litres of water. It is significant for being the largest body of inland water in South East England. Bewl Water covers more than 800 acres and attracts over 150,000 visitors each year. It lies within the High Weald Area of Outstanding Natural Beauty.

As the largest area of open fresh water in Southeast England, Bewl Water is an important habitat for migratory birds as well as resident birdlife, contains a nature reserve and is home to over 3,000 species of wildlife including a variety of birds of international importance, due to their internationally significant numbers, such as the common gull and black-headed gull. It is a Local Wildlife Site and a designated Site of Nature Conservation Interest (SNCI).

(1) Southern Water lease – the company’s responsibilities

The site was originally flooded by Southern Water – amidst enormous local opposition initially – and the contract with the local community and residents was to allow non-motorised watersports / water activities and quiet enjoyment of the site and respect for nature. In 2007 Southern Water decided to lease out the land and these protections are reflected in the conditions of the original 99-year lease between Southern Water (as freeholder) and their first lessee. Under the terms of this original 99-year lease, Southern Water’s consent is required, inter alia, for:

- Any changes in uses of the leased land from those at 30 April 2007 (definition of ‘permitted use’ for the purpose of clause 29.1)
- External or structural alterations or additions (clause 25.1)
- Any application for planning permission (clause 30.4)
- Any works to which the Construction (Design and Management) Regulations 1994 apply (clause 30.5)

Southern Water have a statutory duty under Section 3(5) Water Industry Act 1991 to ensure Bewl reservoir “***is made available for recreational purposes and is so made available in the best manner***”. [WPC emphasis]

From the late-1970s until 2015, Bewl Water was home to one of the largest sailing clubs in the country, which regularly hosted national race meetings – at weekends Bewl was a forest of sails.

Bewl is owned by Southern Water, who are restricted by statute and under the various byelaws made under the Countryside Act 1968 in relation to the recreational use of the site to activities such as sailing, fishing, walking. Under the lease, the lessee (Salomons UK Ltd, trading as Elite Leisure) may operate and manage recreational activities on Bewl Water; however, the lease has several restrictions and limitations on use broadly designed to follow the statutory restrictions. Specifically, the tenant must comply with:

(1) Clause 29.5 byelaws (included at Sched 5): Schedule 5 of the Lease lists a series of byelaws made pursuant to s. 22(6) of the Countryside Act 1968. The byelaws of relevance with which the Tenant must comply are:

- No 8 (wireless),*
- No 9 (playing of musical instruments),*

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No 10 “no person shall...shout or make or permit to be made any noise to the annoyance of other persons”

No 11 no camping without Southern Water consent

No 19 “no use of a boat in a manner that shall cause annoyance to other persons”

(2) Clause 29.2 allows only permitted uses (defined as Class D under the old GDPO) with ancillary uses or uses consented by Southern Water; and Permitted Activities (defined by a list in Schedule 2 and are mostly watersports – but not pedaloos, camping, events etc).

(3) Clause 29.7 states the tenant “shall not use the Property for any illegal purpose nor any purpose or in a manner that would cause loss, damage, injury, nuisance or inconvenience to the Landlord, its other tenants or any owner or occupier of neighbouring property”

(4) Clause 30.4 requires Southern Water’s consent to planning applications

(5) Sched 5 requires all recreation uses be coordinated through the Southern Water Services Recreation Office and “prior booking is required for all water-based activities. Prior booking for events aims to avoid overcrowding of both the water and the clubhouse and parking facilities”.

(6) Clause 30.1 provides:

“The Tenant shall comply with all laws relating to: (a) the Property and the occupation and use of the Property by the Tenant; (b) the use of all Service Media and machinery and equipment at or serving the Property; (c) any works carried out at the Property; (d) and all materials kept at or disposed from the Property” This is, in effect, a reinforcement of the duty to comply with byelaws in clause 29.5.

Whilst there is a duty under the Water Industry Act 1991 s3 to make the water and land available for public recreation (where reasonably practicable) this is subject to the DETR Code of Practice on Conservation, Access and Recreation (at Tab 26), which includes the following duties:

(1) 2.4 Implementation of all [recreation] plans should be monitored closely and they should be regularly reviewed.

(2) 2.6 The relevant bodies should consult fully, at an early stage, where proposals raise conservation, access or recreation issues. It may also be appropriate to consult local user groups, including those representing disabled users, landowners and bodies representing industry.

(3) 5.4 Promote access for everyone, particularly besides, to and on water, while encouraging safe and responsible behaviour among those taking part.

Southern Water is also subject to

(1) obligations imposed upon public (and quasi-public) authorities under s40 of the Natural Environment and Rural Communities Act 2006 to have regard to the purpose of conserving biodiversity and this includes restoring or enhancing a population or habitat; and

(2) s85(1) Countryside & Rights of Way Act 2000, namely:

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“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”, reiterated in s40 of the Natural Environment and Rural Communities Act 2006 which requires a statutory undertaker to fulfil its duty to conserve biodiversity.

Specific clauses in the lease are not being complied with; for example, during hot weather Bewl is increasingly used as a beach with unsupervised swimming and there is noise nuisance, including music from campers². Byelaw 10 (lease clause 29.5) requires *“no person shall...shout or make or permit to be made any noise to the annoyance of other persons”* and this is regularly breached by swimmers.

Since granting the 99-year lease in 2007, Southern Water have largely abdicated their statutory and lease obligations. For example, the lessee has not obtained SW consent for planning applications nor obtained planning for all developments i.e. the aqua park.

(2) Development schemes

The current lessees (since January 2016) at Bewl Water have long sought to establish the principle of allowing overnight accommodation close to the Bewl waterfront. An unsuccessful effort to establish a colony of 58 earth lodges (in 2017) was followed by a successful application for a temporary camp site for 80 pitches (planning permission has been granted for three years ending late-2023). Subsequent plans to redevelop three buildings on the waterfront have followed and the applicant has published a “Masterplan” for the site including:

- Bewl Water Fishing Lodge – 4 units of overnight holiday accommodation (Approved on Appeal);
- Bewl Water Sailing (or Racing) Hut – 1 unit of holiday accommodation (now withdrawn);
- Bewl Water Club House / Bistro – 11 units (application still open);
- A large inflatable waterpark, or Aqua Park, in respect of which local authorities have repeatedly asked the applicant to submit planning permission but to date none has been submitted (in fact it was enlarged this year). To put this in perspective this is the only Aqua Park in an AONB in the UK. In addition, an increasing number of aquaparks are being refused planning or closed following enforcement notices and requirements for retrospective planning applications; see Liquid Leisure, Caversham Lakes, Blue Water Aqua Parks (who pulled their application following 8,000 signatories looking to protect wildlife). These other aqua sites were refused permission or enforced upon despite not being within an AONB.;
- Plans to redevelop the café building;
- Plans to make the 3-year temporary campsite permanent and introduce 12 permanent yurt buildings (2 have already been built without planning permission);
- Plans to expand the education centre if the Kent County Council lease is not renewed.

This sits alongside unchecked commercialisation of this local wildlife site by the applicant including, laser challenge, advertising to hens and stags and sports car meets.

² There is even feedback on Trip Adviser about one occasion: "Despite the site being for families there appeared to be a large group of blokes all camping together making a lot of noise, throwing an axe around the place, and playing musing (sic) and being drunk until around 3am."

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The strategy can be characterised as an urban intensification of Bewl Water – effectively a Holiday Village site.

The close proximity of the three planning sites can be seen in the map below, which shows the potential redevelopments along the waterfront, as well as the relative closeness of the camp site and aqua park (not to mention the 'laser tag' wood). The thumbnail aerial photograph puts these plans into context – all this is intended for a beautiful, serene part of the countryside within the AONB.



Source: WDC planning portal, site names added by WPC

(3) Members' Club-based water sports have been a casualty of this strategy

As part of this strategy, the operators have made life intolerable for the water-sports (sailing, rowing, canoeing and fishing) clubs that have used Bewl for many years. For example, rentals for the clubhouse and for storing sailing boats around the water's edge were massively increased, effectively putting the club out of business. Following the demise of that sailing club and the operator's acquisition of the Bewl lease, use of the former clubhouse (Bistro) has been denied to any 'phoenix' sailing club and to the rowing, canoeing and fishing clubs.

From having one of the largest and most vibrant sailing clubs in the UK, with over 3000 members and housing over 1500 boats at its peak, the loss of its clubhouse to a members' club and sailing facilities has prevented the use of Bewl as a major sailing and water sports resource, as befits the largest area of inland water in the South East. The clubs boasted a clutch of international and Olympian sailors/rowers in their midst. The popularity of the clubs was probably one factor behind a massive petition to save Bewl, signed by nearly 80,000 people – approximately 7¼ times the *combined* resident populations of Wadhurst, Lamberhurst and Ticehurst (three adjoining villages to Bewl Water). The fact that nearly

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80,000 signed this petition, demonstrates the fact that Bewl attracts people from outside the area to partake in water sports, or enjoy the quiet enjoyment of the countryside.

The current development plans (mentioned above) will result in the irreversible loss of water-based sporting amenities run by members' clubs and their replacement with overnight accommodation (that could be located anywhere). As such:

- i) The plans do not comply with the Water Industry Act requirement to ensure the reservoir's water is made available in the best manner for recreational purposes.³
- ii) The plans contravene the East Sussex County Landscape Management Guidelines for Bewl to maximise opportunities for water-based recreational activities (where these would not conflict with wildlife).⁴

These proposals are the latest steps in what appears to be a long campaign to transform Bewl into a holiday village, at the expense of diminishing water sports and nationally and internationally important wild fowl at Bewl, despite it being the largest body of inland water in the South East.

While the annual membership of the sailing club has risen from 105 in 2016 to 294 currently, these numbers have been cited in the wrong context. Comparison should not be made with the low in 2016 but should be compared with the 3000-member situation before 2015⁵.

The Appellant trumpeted that rowing has '*never been so popular*', with the result that there is a waiting list for membership. But with limited facilities, there is no effective opportunity to expand membership, so that it has to be capped at 300.

It is crucial that current purpose-built buildings (some are said to have been funded with sports grant money) be used to support water sports, rather than converted to overnight accommodation that could be located elsewhere in the district (as this use does not require proximity to water). While the clubs are growing from a very low base, they will need (and have asked for) facilities to expand – or even just to sustain their recent modest revival. Being effectively starved of facilities for the sailing and rowing, canoeing and fishing clubs (including decent changing and shower facilities, as well as a clubhouse for club members to congregate), it is unlikely that a full revival of water sports at Bewl for the wider community can take place. This is hardly in the spirit of Section 3(5) of the 1991 Water Industry Act.

Sailing at Bewl can be claimed to have been of national interest:

- The pre-2015 sailing club was a nationally important sailing club,
- It hosted national race meetings at Bewl for various classes of racing dinghies as well as windsurfers,
- Bewl's proximity to, and easy access from, the large population of Southeast London made it an ideal location for recreational and race sailing.

This is in contravention of the planning framework

³ Section 3(5) of the Water Industry Act 1963 requires Southern Water to ensure the reservoir's '*water...is made available for recreational purposes and is so made available in the best manner.*' [WPC emphasis]

⁴ The Landscape Management Guidelines in The East Sussex County Landscape Assessment for Bewl Water include "*Maximise opportunities for and manage water based recreational activities where these would not conflict with wildlife*".

⁵ Source: Appeal Documentation appendices

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This constitutes a loss of sports and recreational buildings contrary to July 2021 National Planning Policy Framework (NPPF) para. 99 and DC8 of the Wealden Local Plan.

(4) Despite the renaming of the clubhouse building as “Bewl Water Bistro”, this building is a purpose-built sailing clubhouse.

The NPPF states

“99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

(a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

(b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

(c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

Wealden Local Plan saved policy DC8 states:

“Proposals for the conversion of agricultural or other rural buildings in the countryside (outside the development boundaries as defined on the Proposals Map) to residential use will not be permitted unless either:-

(a) the applicant has made every reasonable attempt to secure suitable business re-use, and the application is supported by a statement of the efforts which have been made; or

(b) residential conversion is a subordinate part of a scheme for business re-use.

In all cases, proposals should meet the following criteria:-

(1) the building’s form, bulk and general design are in keeping with its surroundings;

(2) the building is of sound construction and capable of conversion without significant rebuilding, modification or extension. The Council will normally require this to be demonstrated through the submission of a structural survey...”

Re DC8 (a) There is no evidence that the applicant has made any effort to secure re-use of this purpose-built clubhouse for its most suitable reuse as a clubhouse for a members’ sailing or rowing club.

Re DC8 (b) the residential conversion would leave only the most token of facilities for sailing use (with safe-guarding issues for children and vulnerable people due to having to share these with campers.)

There is clear evidence that club facilities are required at Bewl Water and in fact at a recent meeting with the applicant which included local MP’s, Councillors and the Freeholder, Southern Water, representatives of local sailing and rowing clubs reiterated their need and desire for clubhouse facilities at the Bewl Water site. Without use of the existing buildings, as covered by paragraph 99 of the NPPF, there is pressure for further development at this local wildlife site within an AONB.

Previous planning applications for additional recreation facilities, have had regard to this point and have even contained conditions to ensure that use is restricted to water-related activities.

Figure 2. Example of conditions applied to previous approved buildings on the site, restricting use to bona fide clubs associated with water-related activities:

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WD/2009/1677/F
SINGLE STOREY EXTENSION TO ESTATE WORKSHOP TO CREATE A NEW
ANGLING CLUB MEETING ROOM. CONVERSION OF ESTATE WORKSHOP TO
INCORPORATE WC FACILITIES, RECEPTION AREA AND ASSOCIATED EXTERNAL
ALTERATIONS
BEWL WATER, BEWLBRIDGE LANE, LAMBERHURST, TN3 8JH
Parish: Wadhurst LB ref:
Received Complete: 13 August 2009 Cons Area:

6. The use of the accommodation hereby permitted shall be restricted to that by bona fide clubs associated with water-related activities and based at Bewl Water.

REASON: To protect the rural and residential amenities of the locality having regard to Policies EN6 and EN27 of the adopted Wealden Local Plan and Policies NE5 and BE1 of the Non Statutory Wealden Local Plan.

EN6 and EN27 are saved policies.

In addition, the 2016 East Sussex County Council (ESCC) East Sussex Landscape Character Assessment's "*Landscape Management Guidelines*" require Bewl Water to "**....Maximise opportunities for and manage water based recreational activities where these would not conflict with wildlife....**" (WPC emphasis)

(5) The tourism case is flawed

These applications are being sold as a boost to tourism. This is flawed as there is no need for further tourist accommodation in Wealden and, in any case, overnight tourism accommodation is better placed around the outside of AONBs instead of within them. The increasing urbanisation of the site damages this unique site and the very things that attract visitors to it.

- 1) **Accommodation:** The Appeal Inspector states that: "*the proposed holiday lets would make a small but positive contribution to tourism accommodation in the area of which the Council indicate there is presently an identified shortage*" [WPC emphasis].

This is simply not true. WPC did an exhaustive analysis using the *Wealden Accommodation Audit Report, 2019* to show that there was plenty of overnight accommodation, amounting at an annual rate to 2.2 million bed spaces, dwarfing the annual 0.47 million overnight tourism trips to Wealden.

WPC then identified a sizeable list of accommodation within the immediate area that will not have made it into the official Wealden Accommodation data (including B&Bs and Airbnb offerings), that found there was accommodation for over 500 people per night (over and above Wealden's official data), dwarfing the proposition proposed by the Bewl holiday village (see pages 7-11 for full details in WPC objection to WD/2021/0638/F of 19/07/22).

The Inspector states that "*the [Fishing Lodge] proposal would facilitate year-round [WPC emphasis] occupancy which will encourage greater long-term spending both on site and within the surrounding area and would return an empty building to economic use*" (para 10 of Fishing Lodge Appeal).

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This is unlikely to be the case. This is a day time site focused on outdoor countryside pursuits and watersports. The combination of darkness falling at around 16.00 in the winter months and the associated drop in temperature will discourage demand for half the year. Non-deluxe accommodation effectively available for just half of the year does not sound like good business economics. Further, the applicant has not provided any evidence of demand for overnight accommodation at the site.

If this scheme were approved, there would follow pressure from the applicant to urbanise the site further as a result of overnight visitors, probably including demands for restaurants.

- 2) **Visitors make day trips rather than overnight journeys:** The tourism thinking is flawed. In *The Economic Impact of Tourism on Wealden District, 2019*, there are estimates of the numbers of tourists visiting Wealden (see section on page 3, Volume and Value of trips to Wealden District). The following summary facts make the point:

- It is estimated that around **0.47 million overnight** tourism trips were made to Wealden in 2019 (down by 14% compared to 2018). Of these trips, domestic visitors made 73% of trips (341,000) and overseas visitors made up 27% of trips. [WPC emphasis]
- It is estimated that around **5.5 million tourism day** trips were made to Wealden in 2019, a rise of 2%. [WPC emphasis]
- In total, around £301.8 million was spent on trips to Wealden in 2019 by overnight and day visitors, down by 3% compared to 2018. 14% of this expenditure was made by domestic staying visitor[s]; 15% by overseas staying visitors and **71% by day visitors**. [WPC emphasis]

The key point is that day trips vastly outnumber overnight stays, which are well catered for anyway in the area, and there is a much larger contribution to the Wealden economy from day visitors.

The irony is that provision of a relatively small amount of additional overnight accommodation (which is not needed) could easily have a negative impact on the attraction of Bewl thus reducing day-visitor numbers. The developments damage the very things that make Bewl unique and attractive to visitors: tranquillity, wildlife and pursuing peaceful watersports and countryside pursuits in the heart of the High Weald AONB.

It would be of considerable detriment to lose the watersports amenities, which of course require a body of water, in favour of a use (accommodation) which does not require the special characteristics of Bewl and could instead be placed pretty much anywhere else in the district.

(6) The projects in aggregate have created a Holiday Village and “major development”

Ultimately, WPC’s greatest concern is that Bewl’s piecemeal applications and development are creating a ‘holiday village’, an initiative that WDC strongly resist. Our concern has been shared by our colleagues at Lamberhurst Parish Council in their objection to the application on the Bistro, dated 31st March 2023 (Bewl Water Bistro, WD/2021/2924/F). Colleagues at Ticehurst Parish Council also objected to this proposal.

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Planning applications for new property developments at the site are being drip fed so that they are considered in isolation despite the applicant having a Masterplan for redevelopment (see above). The Appeal decision on the Fishing Lodge unfortunately assessed this application in isolation, without the benefit of context nor other developments at Bewl.

The Inspector acknowledged (paragraph 25) that since the Fishing Lodge scheme was submitted two other applications (the Bistro and the Racing Hut) have been submitted. However, the Inspector states that “*I am required to consider it [The Fishing Lodge] on its own individual merits*”. However, now that the Fishing Lodge has been decided on Appeal, this consideration no longer applies and the applications can and *should* be considered in aggregate.

The piecemeal developments highlighted above create a holiday village by stealth despite holiday villages being prohibited within the HWAONB.

In the Wealden Local Plan, 1998, paragraph 10.18 stated that:

“It is considered important for environmental reasons to resist new holiday village or chalet park proposals within Areas of Outstanding Natural Beauty and the Coastal Levels, and elsewhere such proposals will only be considered where both a specific holiday need can be demonstrated and an environmental planning gain can be achieved”. [WPC emphasis]

In Wealden’s Local Plan, Policy TM4 states very clearly: ‘***Proposals for new holiday villages or chalet parks will be strongly resisted in the Sussex Downs and High Weald Areas of Outstanding Natural Beauty and the Coastal Levels***’. [WPC emphasis]

These developments therefore run counter to the Wealden Local Plan. The fishing lodge and club house / bistro building should be seen as part of the applicant’s masterplan and each development listed above, not in isolation. These developments are all creating a holiday village and should therefore be refused under WDC Policy TM4. It is clear that the Bewl waterfront is being turned into a holiday village by stealth.

In addition NPPF para 177 does not allow “major developments” within an AONB except in particular circumstances. If each development application is taken individually, these considerations do not have to be engaged. Taken together as key elements of their overall masterplan, this should be engaged and more stringent policy tests are applied, in particular the requirement for an environmental impact assessment.

NPPF para 180 states that Local Planning Authorities in making planning decisions “*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*” Without a proper assessment of cumulative impact of these developments, it is impossible to carry out the evaluation under this paragraph.

As explained further below, there is a real risk that the development will cause significant harm upon bird populations at a national level and the Local Wildlife Site. Despite this, the applicant has failed to provide adequate ecological information.

Issues of national significance

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WPC believes there is a strong planning case against these proposals. However, the council also believes that there are issues of national significance concerning this site that were not taken into account in previous decisions.

(7) Bewl Water is the largest body of water in the South East

WPC considers that the Appeal Inspector misunderstood the importance of Bewl Water. It is, in fact, the largest body of inland water in the South East with a surface area of over 300 hectares.

The Inspector, in her Appeal decision, described Bewl as "*an established recreation, leisure and tourist attraction providing a range of recreational facilities that are open to the public throughout the year. The reservoir is used by anglers and a sailing club*". While technically accurate, this gives the impression that Bewl is effectively a municipal reservoir, which has the added benefit of some fishing for the locals.

WPC considers that Bewl has been significantly 'undersold' by the Inspector. Indeed, it is a nationally (and internationally) important wildlife site with incredible biodiversity and should be treated as a special and much-loved place for the wider community.

The East Sussex County Landscape Assessment describes Bewl as: "*An attractive large water feature as a tourist facility offering active recreation as well as tranquil enjoyment. A tranquil and remote area of the High Weald and in conjunction with the neighbouring areas a mysterious 'wilderness' with the extensive woodlands and Bewl Water as the core. Secluded valleys with ghyll woodlands and winding natural river channels. A landscape with a scattered settlement pattern of historic farmsteads and a strong pattern of woods, trees and hedges. The character of existing settlements and parklands retained and new development controlled with the highest quality vernacular design and spatial planning. The informal recreation value of the area maximised without detracting from the remoteness of the area*".

(8) Bewl is an important national (and international) site for wild birds

Well over 200 bird species have been recorded by bird watchers at Bewl. Bewl Water is recognised as the most important inland water in the Southeast for migrating and indigenous waterfowl, with many protected species including the Osprey.

Common and Black headed Gull numbers are so high that Bewl is recognised as a site of international importance for these species (see further below). **Furthermore, there are live applications made by the Sussex Ornithological Society to Natural England to have the site upgraded to SSSI, RAMSAR and SPA status as its bird numbers qualify it for protection under all three.**

As the developments are located on raised ground on the waterfront, noise and light pollution from overnight use will be detrimental to Bewl Water's wildfowl e.g. the clubhouse / bistro building has a new second floor, substantially increased glazing, balconies and terraces spread over 3 floors and it directly faces the gulls roost with no screening.

Revised plans, released at the eleventh hour, claim to reduce the level of glazing proposed by 16%, mainly across the south-eastern elevation of the building. While this may, technically, represent a reduction in glazing and light emission versus the previous plans, the correct way to 'frame' this is to recognise that *compared to the existing premises*, the applicant's plans will *increase glazing substantially*. Moreover, by offering *overnight accommodation*, by definition light emission will occur much later into the night compared

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with the situation now, which operates in line with usual office hours. Furthermore, the small changes will not have an impact on noise from the development.

Despite this the applicant has failed to provide an appraisal of impact on local wildlife (including birds and the nationally important winter bird roost). It's ecological report for the clubhouse / bistro building considers only the building itself and the immediate vicinity and ignores the wider local wildlife site and the water (including the bird roosting areas). To the contrary, their related initiatives such as testing of the Bluebird speedboat, sea plane landings and fireworks at the site, when enormous numbers of gulls are using Bewl as an overnight and overwintering roost, raise additional concerns on the impact of the change of use at this wildlife site and the lack of consideration of wildlife by the applicant.

(9) These plans are likely to harm biodiversity.

According to the submission by Sussex Ornithological Society (SOS): *'In the latest reported 5-year period - 2015/16 to 2019/20 - **the average peak number of Common Gull at Bewl Water was 46,340 birds a year. This was far and away the biggest site in the UK with the next highest (Hardendale Quarry in Cumbria) averaging only 5,708 Common Gull. For a site to be of international importance for Common Gull an average peak of 16,400 birds must be recorded over a 5-year period.** In the latest reported 5-year period - 2015/16 to 2019/20 - the average peak number of Black-headed Gull at Bewl Water was 35,160 birds a year. This was the highest number at any site in the UK with the next highest (Lower Derwent Ings in Yorkshire) averaging 26,600. **For a site to be of international importance for Black-headed Gull an average peak of 20,000 birds must be recorded over a 5-year period.*** [WPC emphasis]

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Bewl Water, 2015/16 to 2019/20 WeBS species counts

Species ▲ ▼	15/16 ▲ ▼	16/17 ▲ ▼	17/18 ▲ ▼	18/19 ▲ ▼	19/20 ▲ ▼	Mon	15/16-19/20 5yr avg ▲	Gull 5yr average
Common Gull	85,800	34,000	17,500	44,130	50,270	Feb	46,340	46,340
Black-headed Gull	33,600	45,000	29,000	25,200	43,000	Jan	35,160	35,160
Herring Gull	2,960	500	200	1,140	300	Jan	1,020	1,020
Canada Goose	788	411	445	961	500	Jan	621	
Mallard	364	340	483	458	369	Dec	403	
Coot	332	-199	140	267	213	Sep	238	
Great Crested Grebe	190	229	135	240	132	Sep	185	
Lapwing	119	180	-133	184	203	Feb	172	
Gadwall	148	-135	152	220	76	Nov	149	
Wigeon	126	62	181	117	128	Jan	123	
Greylag Goose (British/Irish)	12	-49	29	31	304	Sep	94	
Cormorant	84	78	56	52	84	Sep	71	
Tufted Duck	88	50	29	-55	82	Jan	62	
Teal	40	22	100	76	-27	Oct	60	
Moorhen	70	-18	4	32	11	Sep	29	
Little Grebe	67	50	4	13	8	Sep	28	
Mediterranean Gull	16	15	0	7	59	Feb	19	19
Pochard	10	15	14	20	4	Feb	13	
Grey Heron	15	7	13	14	15	Sep	13	
Egyptian Goose	3	8	7	16	15	Sep	10	
Lesser Black-backed Gull	5	17	1	8	15	Feb	9	9
Little Egret	20	1	14	3	3	Sep	8	
Common Sandpiper	8	5	5	1	1	Sep	4	
Great Black-backed Gull	3	-2	2	5	3	Sep	3	9
Mandarin Duck	3	0	0	0	1	Feb	1	
Shoveler	1	0	0	1	0		1	
Pintail	1	0	2	0	0		1	
Kingfisher	3	1	0	2	0		1	

The gull five-year average totals 82,557 gulls and there were 84,838 waterbirds overall.

The late Richard Cowser, Conservation Officer at Sussex Ornithological Society, concluded in his objection that: *'If human disturbance regularly affects the Bewl Water gull roost then many of these birds may decide to spend their winters elsewhere if they can – in other parts of Britain, but more likely in other countries. But this means they will have to find new locations where they can feed and roost, and such locations may not exist or may be inferior to Bewl Water and its surrounding areas – which could be very bad news for the gulls and could lead to a decline in their international numbers.'*

(10) Detrimental impact on other local wildlife

Any development, especially one generating light (from overnight accommodation) and noise, is likely to have a negative impact on the Local Wildlife Site.

As well as the impressive gull numbers highlighted above, the site sits on the edge of the bird 'superhighway' that may become the first UNESCO World Heritage Site of its kind).⁶

⁶ <https://www.rspb.org.uk/our-work/rspb-news/rspb-news-stories/east-coast-wetlands/>

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Source: RSPB

The site is also home to 472 protected and designated species. The Wealden Biodiversity Officer (WBO) has raised environmental concerns regarding outstanding planning applications on site (Bewl Water Bistro, WD/2021/2924/F), although revised plans to reduce light emissions by the developer (in an eleventh hour bid to obtain planning permission) encouraged the WBO to remove his objection. Please note that this is despite the applicant still failing to provide an appraisal of impact of the developments on local wildlife. However, WPC remains deeply concerned about these proposals and requests that the Secretary of State consider these plans closely.

Moreover, WPC notes the 2016 East Sussex County Council (ESCC) East Sussex Landscape Character Assessment's "Landscape Management Guidelines" require Bewl Water to

*"....Maximise opportunities for and manage water based recreational activities **where these would not conflict with wildlife...."** [WPC emphasis]*

There is a statutory duty on Rother and Wealden District Councils to conserve and enhance natural beauty of the AONB and biodiversity in every determination, including enforcement decisions and planning applications.

(11) Important to many local people – 80,000 people don't agree with these proposals

There is great public interest in the site following the 78,842 petition signatories (as at 8th May 2023) to the change.org petition, which specifically addressed the impact of the developments on the AONB and Local Wildlife Site, to discourage efforts to turn Bewl into a 'centre parcs' type facility (Save Bewl Water Local Wildlife Site from development, protect wildlife and natural beauty⁷).

⁷ <https://www.change.org/p/save-bewl-water-local-wildlife-site-from-development-protect-wildlife-and-natural->

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(12) Visual and noise impact

The visual and noise impact of the developments and the Aqua Park (a 2000 sq. ft yellow and green inflatable) have a negative effect on the AONB, Local Wildlife Site and locals' and tourists' quiet enjoyment of this unique part of the countryside. Residents can also hear the Aqua Park – not to mention the prospect of overnight revellers should the waterfront buildings be converted into overnight holiday accommodation – in their gardens and homes. Because of this the Aqua Park should be subject to formal planning where the public can comment. Local residents were aware since 2021 that planning would be required, as per correspondence from Wealden, and so haven't complained until now as they expected an application to comment on. We understand that local planning authorities have now decided not to bring enforcement action against the applicant.

East Sussex Council call Bewl “A tranquil and remote area of the High Weald”... “a mysterious ‘wilderness’”. All this would be at risk if the operators at Bewl are allowed to turn the site into an AONB ‘CenterParcs’.

Conclusion – Please Call in the Application and Recover this Appeal

Bewl Water is a unique piece of water in the heart of the High Weald AONB and is one of the treasures of our local area and indeed the Southeast. In line with the ‘Save our Wild Isles’ campaign⁸ it should be conserved for future generations and protected from exploitative development and short-term commercialisation.

Bewl is thus a special and rare example of natural England at its best. The drafters of the 1991 Water Industry Act had the vision of making Bewl, “**available for recreational purposes and ... so made available in the best manner**”.

It is not obvious that they had the intention of turning this wonderful wildlife site into an AONB ‘CenterParcs’, or even ‘Butlins on Bewl’. That act would constitute an egregious form of vandalism. As a result, WPC respectfully requests that the Secretary of State look closely at the planning documentation and refuse these schemes.

[beauty?utm_source=share_petition&utm_medium=custom_url&recruited_by_id=d8966400-5289-11e5-95ff-bb28adc173b7](https://www.saveourwildisles.org.uk/beauty?utm_source=share_petition&utm_medium=custom_url&recruited_by_id=d8966400-5289-11e5-95ff-bb28adc173b7)

⁸ <https://www.saveourwildisles.org.uk/>

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Appendix:

Proposal that Bewl Water (East Sussex) be designated as a RAMSAR, SSSI and SPA site **Sussex Ornithological Society**

This is a second, updated, evidence statement, following consultation with the Joint Nature Conservancy Committee

1. Bewl Water in East Sussex, central OS Grid Reference TQ6833, is a man-made fresh water storage area and reservoir which regularly supports more than 20,000 water birds each winter. Numbers are particularly high during stormy conditions when tens of thousands of Common Gulls *Larus canus* and Black-headed Gulls *Chroicocephalus ridibundus* come in to roost. Even in non-stormy conditions it usually has thousands of roosting Common and Black-headed Gulls in the winter months, although these are not regularly counted via the Wetland Bird Survey (WeBS) organised by the British Trust for Ornithology (BTO) unless the numbers become so high in stormy conditions that a formal supplementary count is undertaken.
2. Supplementary WeBS counts have been conducted at Bewl Water since 2001/02 as part of the national WeBS counts. The annual WeBS peak counts (including supplementary counts) for all species are shown in the appendix and are copied from the BTO WeBS site.
3. It can be seen that peak numbers of Common Gull and Black-headed Gull each on their own exceed Criterion 5 for a site to be designated as a RAMSAR site in that more than 20,000 of each species have been recorded at Bewl Water in every year since 2001/01, and when the annual peaks of these two species are combined with all the other waterbird species recorded at Bewl Water the 20,000 number is far exceeded each year.
4. The numbers of Common Gull and Black-headed Gull annually counted at Bewl Water regularly exceed the 1% international thresholds of 7,000 for Common Gulls and 21,600 for Black headed Gulls, making Bewl Water both nationally and internationally important for these two species^{9,10}.
5. The Sussex Ornithological Society (SOS) has permission to copy the BTO WeBS counts into our CoBRA database, which now contains over 7 million records of birds in Sussex (including WeBS counts). Using this database, we have extracted for Bewl Water the total number of birds for all the species shown in the appendix that are counted on each WeBS count during the months of December, January and February (the peak winter period) from 2001/02 to December 2022. The summary results are shown in Table 1 below. This shows that in the 61 winter months of December to February from 2002/03

⁹ <https://app.bto.org/webs-reporting/numbers.jsp> – species: Common Gull and Black-headed Gull - International threshold numbers.

¹⁰ www.bto.org/sites/default/files/shared_documents/publications/research-reports/2006/rr456.pdf Winter gulls in the UK: populations estimates from the 2003/04-2005/06 Winter Gull Roost Survey. Banks, A.N., Burton, N.H.K., Calladine, J.R. and Austin, G.E. BTO Research Report No. 456. BTO. 2007.

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to December 2022 more than 20,000 waterbirds were recorded in 44 of those months (shaded) with a peak count of 122,218 birds in February 2016.

December	2002	75140	December	2012	74148
January	2003	2036	January	2013	71838
February	2003	1949	February	2013	1511
December	2003	1858	December	2013	33862
January	2004	85472	January	2014	81328
February	2004	91774	February	2014	119348
December	2004	34428	December	2014	62594
January	2005	42681	January	2015	85869
February	2005	55716	February	2015	47085
December	2005	1673	December	2015	63803
January	2006	104772	January	2016	72526
February	2006	1488	February	2016	122218
December	2006	1727	December	2016	43276
January	2007	1716	January	2017	90616
February	2007	93787	February	2017	79995
December	2007	55160	December	2017	1187
January	2008	93310	January	2018	686
February	2008	44643	February	2018	1669
December	2008	33161	December	2018	38808
January	2009	78792	January	2019	48149
February	2009	19556	February	2019	65596
December	2009	42686	December	2019	29439
January	2010	67756	January	2020	34849
February	2010	71460	February	2020	77508
December	2010	3638	December	2020	1656
January	2011	65018	January	2021	88063
February	2011	72428	February	2021	1707
December	2011	35088	December	2021	75847
January	2012	106794	Jan & Feb	2022	n.c
February	2012	50228	December	2022	21497

Appendix Table 1:

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Total of waterbirds counted at Bewl Water by WeBS (including supplementary counts) during winter months December to February 2002/03 to December 2022 at Bewl Water

6. Comparing Table 1 with the peak annual webs counts per species shown on the table in the appendix it is clear that in some years the annual peak for some species occurs outside the December to February period.
7. We believe that the WeBS peak annual counts per species shown in the appendix and the monthly totals of waterbird WeBS counts for each winter period shown in Table 1 above provide the evidence needed for Bewl Water to be designated as a RAMSAR site under both Criterion 4 (refuge during adverse conditions) and Criterion 5 (regularly supports over 20,000 waterbirds). It is therefore requested again that Natural England formally consider it being designated as a RAMSAR site, in addition to a Site of Special Scientific Interest and Special Protection Area, as previously requested (Richard Cowser's email to James Seymour of 2 August 2022). The SOS would be ready to help provide any additional data required, either from our database or through future survey work at the site to ensure the scientific evidence for designation is sufficiently robust.
8. As Natural England is aware, there is an element of urgency to this, as the northern shoreline of Bewl Water is currently under development threat including all year-round tourist accommodation approved and with more all-year round tourist accommodation developments, including possibly an 80-bed hotel, contemplated. Indeed, their stated desire is to turn this part of the shoreline into a mini Center Parcs. The Bewl site is also being advertised as an ideal location for summer overnight stag and hen parties, raising the vision, should these developments go ahead, of noisy overnight parties, perhaps with fireworks, spilling over onto the shoreline during the winter months when so many gulls are roosting. Bewl is also being actively marketed as a fishing location and boats are available for hire for fishing. During the summer months this is of less concern, but were they to be hired by overnight tourists staying in the proposed new all-year round accommodation during late afternoon or early evening we fear this would also disturb the important gull roosts.

For all these reasons SOS has actively objected to planning applications, which have reached the following stages:

WD/2021/0638/F - 4 beds, refused by Wealden, approved by Planning Inspector.

Possible judicial review.

WD/2021/2925/F – 1 bed, withdrawn.

WD/2021/2924/F – 11 beds, submitted.

Mark Mallalieu CBE

Chair of Sussex Ornithological Society Scientific Committee

Mob: 07736 788 077

27 March 2023

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**Appendix Table 2: Bewl Water, 2015/16 to 2019/20 WeBS species counts
(including supplementary counts)**

Species ▲ ▼	15/16 ▲ ▼	16/17 ▲ ▼	17/18 ▲ ▼	18/19 ▲ ▼	19/20 ▲ ▼	Mon	15/16-19/20 5yr avg ▲
Common Gull	85,800	34,000	17,500	44,130	50,270	Feb	46,340
Black-headed Gull	33,600	45,000	29,000	25,200	43,000	Jan	35,160
Herring Gull	2,960	500	200	1,140	300	Jan	1,020
Canada Goose	788	411	445	961	500	Jan	621
Mallard	364	340	483	458	369	Dec	403
Coot	332	-199	140	267	213	Sep	238
Great Crested Grebe	190	229	135	240	132	Sep	185
Lapwing	119	180	-133	184	203	Feb	172
Gadwall	148	-135	152	220	76	Nov	149
Wigeon	126	62	181	117	128	Jan	123
Greylag Goose (British/Irish)	12	-49	29	31	304	Sep	94
Cormorant	84	78	56	52	84	Sep	71
Tufted Duck	88	50	29	-55	82	Jan	62
Teal	40	22	100	76	-27	Oct	60
Moorhen	70	-18	4	32	11	Sep	29
Little Grebe	67	50	4	13	8	Sep	28
Mediterranean Gull	16	15	0	7	59	Feb	19
Pochard	10	15	14	20	4	Feb	13
Grey Heron	15	7	13	14	15	Sep	13
Egyptian Goose	3	8	7	16	15	Sep	10
Lesser Black-backed Gull	5	17	1	8	15	Feb	9
Little Egret	20	1	14	3	3	Sep	8
Common Sandpiper	8	5	5	1	1	Sep	4
Great Black-backed Gull	3	-2	2	5	3	Sep	3
Mandarin Duck	3	0	0	0	1	Feb	1
Shoveler	1	0	0	1	0		1
Pintail	1	0	2	0	0		1
Kingfisher	3	1	0	2	0		1
Brent Goose	0	0	0	0	0		0

Wetland Bird Survey (WeBS) data from Waterbirds in the UK 2019/20 * © copyright and database right 2021.
WeBS is a partnership jointly funded by the BTO, RSPB and JNCC, in association with WWT, with fieldwork conducted by volunteers.

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APPENDIX F

F – WPC email to enforcement officers at Wealden and Rother regarding the Aqua Park at Bewl dated 03/05/2023

WPC notes that the Aqua Park was reassembled on 10 April 2023. This has been done, even though it does not have planning permission. Indeed, the operators at Bewl ('Bewl') were told to submit a planning application in April 2021, but have still not done so. Instead, they have increased the size of the park again this year.

WPC understands from neighbours that both Wealden and Rother District Councils agree that planning permission is required for the Aqua Park and that Bewl has had two years to submit an application, which they have failed to do.

WPC is concerned that this development, along with a suite of other 'initiatives' around Bewl Water is ruining the quiet enjoyment of this Local Wildlife Site, and represents further commercialisation of the site to its detriment. Turning a 'blind eye and deaf ear' to this increases the likelihood of other noisy/ugly schemes being pursued in the future e.g. water-skiing, zipwires and Jet skis. The operators at Bewl appear to have no intention of complying with planning requirements, nor adhering to the lease with Southern Water, in effect totally ignoring the local district councils and treating them with contempt.

WPC would remind WDC and RDC of the health and safety implications, which could be dire. We suspect that the Aqua Park is a major contributing factor in the large numbers of people, who are swimming in Bewl since its introduction, as it suggests swimming in the water is safe; whereas the National Water Safety Forum singles out reservoirs as locations to be particularly cautious about^[1]. We are mindful of the tragic death of a 12-year old girl who got into difficulties and drowned at Liquid Leisure Aqua Park in Datchet, Berkshire in 2022. We therefore urge both councils to demand a planning application, so that appropriate conditions can be stipulated, should approval be given.

WPC has other concerns about the Aqua Park at Bewl:

Only aqua park in an AONB in the UK

This is the only Aqua Park in an AONB in the UK. That observation alone should give planners and enforcement officers pause for serious thought. A proper planning process is needed to ensure there is no damage to the AONB. There is a statutory duty on Rother and Wealden District Councils to conserve and enhance the natural beauty of the AONB and biodiversity in every determination. This includes enforcement decisions as well as planning applications.

An increasing number of aquaparks are being refused planning, or closed, following enforcement notices and requirements for retrospective planning applications; see Liquid Leisure, Caversham Lakes, Blue Water Aqua Parks (who pulled their application following a relatively modest 8,000 signatories looking to protect wildlife – see below re the recent

^[1] <https://www.nationalwatersafety.org.uk/advice-and-information/open-water-swimming>

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petition^[2] to protect Bewl's wildlife and natural beauty which currently has just under **80,000** signatures). These other aqua sites were refused permission, or enforced upon, despite not being within an AONB. It should therefore not be a given that a planning application at Bewl would be approved.

Visual and noise impact

The visual and noise impact of the Aqua Park have a negative effect on the AONB, Local Wildlife Site and locals' and tourists' quiet enjoyment of this unique part of the countryside. Residents can also hear the Aqua Park in their gardens and homes. Because of this the Aqua Park should be subject to formal planning where the public can comment. Local residents were aware since 2021 that planning would be required, as per correspondence from Wealden, and so haven't complained until now as they expected an application to comment on.

East Sussex Council call Bewl "*A tranquil and remote area of the High Weald*"... "*a mysterious 'wilderness'*". All this would be at risk if the operators at Bewl are allowed to turn the site into 'Butlins on Bewl'.

Detrimental impact on local wildlife

Any development, especially one generating noise, is likely to have a negative impact on the Local Wildlife Site. Furthermore, there are live applications made by the Sussex Ornithological Society to Natural England to have the site upgraded to SSSI, RAMSAR and SPA (and it sits on the edge of the bird 'superhighway' that may become the first UNESCO World Heritage Site of its kind^[3]). The site qualifies for all classifications and is home to 472 protected and designated species. The Wealden Biodiversity Officer has raised environmental concerns regarding outstanding planning applications on site (Bewl Water Bistro, WD/2021/2924/F).

Moreover, WPC notes the 2016 East Sussex County Council (ESCC) East Sussex Landscape Character Assessment's "*Landscape Management Guidelines*" require Bewl Water to

*"....Maximise opportunities for and manage water based recreational activities **where these would not conflict with wildlife....**"* [WPC emphasis]

80,000 people don't agree

There is great public interest in the site following the 78,839 petition signatories (as at 1st May 2023) to the [change.org](https://www.change.org/p/save-bewl-water-local-wildlife-site-from-development-protect-wildlife-and-natural-beauty?utm_source=share_petition&utm_medium=custom_url&recruited_by_id=d8966400-5289-11e5-95ff-bb28adc173b7) petition, which specifically addressed the impact on the AONB and Local Wildlife Site from the Aqua Park (*Save Bewl Water Local Wildlife Site from development, protect wildlife and natural beauty*, https://www.change.org/p/save-bewl-water-local-wildlife-site-from-development-protect-wildlife-and-natural-beauty?utm_source=share_petition&utm_medium=custom_url&recruited_by_id=d8966400-5289-11e5-95ff-bb28adc173b7).

Not consistent with Southern Water lease

^[2] <https://www.change.org/p/save-bewl-water-local-wildlife-site-from-development-protect-wildlife-and-natural-beauty>

^[3] <https://www.rspb.org.uk/our-work/rspb-news/rspb-news-stories/east-coast-wetlands/>

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The site was originally flooded by Southern Water and the contract with the local community and residents was to allow non-motorised and quiet enjoyment of the site and respect for nature. This is reflected in the conditions of the original lease between Southern Water and the original tenant. The waterpark is at odds with this.

Thin end of the wedge

Bewl increased the aquapark size by 30% after the first season and it is larger still this season (despite outstanding requirements for planning permissions). A water park in Indonesia has used the same company to make one which is 29,000sqm – an area equivalent to five football pitches. Even if the Councils consider, on the determination of a planning application, that such activity is acceptable in planning terms (which we dispute), a planning permission and its conditions are the only way effectively to control and limit any future expansion.

Uncontrolled operation

The hours and season of operation are uncontrolled. The park was put up on 10th April this year. It will operate until October^[4].

Planning permission with specific conditions attached, coupled with rigorous enforcement, would be the only way the Councils could impose any clear controls on this development (assuming permission were to be granted). Without permission and adequate enforcement, Wealden and Rother are effectively handing over a blank cheque to Bewl to operate how they like, without reference to local residents or the planning framework.

Creating a holiday village

Ultimately, WPC's greatest concern is that Bewl is creating a 'holiday village', an initiative that WDC state they strongly resist. Our concern has been shared by our colleagues at Lamberhurst Parish Council in their objection to the application on the Bistro, dated 31st March 2023 (Bewl Water Bistro, WD/2021/2924/F).

In the Wealden Local Plan, 1998, paragraph 10.18 stated that:

*"It is **considered important for environmental reasons to resist new holiday village or chalet park proposals within Areas of Outstanding Natural Beauty and the Coastal Levels, and elsewhere such proposals will only be considered where both a specific holiday need can be demonstrated and an environmental planning gain can be achieved**". [WPC emphasis]*

In Wealden's Local Plan, Policy TM4 states very clearly: **'Proposals for new holiday villages or chalet parks will be strongly resisted in the Sussex Downs and High Weald Areas of Outstanding Natural Beauty and the Coastal Levels'**. [WPC emphasis]

This development therefore runs counter to the Wealden Local Plan. This initiative should be seen in conjunction with the camp site (which is operating on a three-year licence), the redevelopment of the Fishing Lodge (which was approved on appeal), potential redevelopment of the Sailing Club House, or Bistro (which is a live application). The aqua park – which has never sought planning permission – and these other 'initiatives' are all

^[4] <https://bewlwater.sports-booker.com/customer/calendar?date=2023-06-01>

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creating a holiday village and should therefore be refused under WDC Policy TM4. It is clear that the Bewl waterfront is being turned into a holiday village by stealth.

8. Live planning applications

8.1 WD/2022/0535/MAO

Land to the north of Marling House, Station Rd, Wadhurst TN5 6RT

(Action: Cllr Shaip to review additional information received)

(Action: Clerk to download Drainage Portal, to access drainage details)

Action: for members of the planning committee to approve the letter to go to the Secretary of State re agenda items 8.2 and 8.3

Letter agreed unanimously, with additions as discussed

8.2 WD/2021/2924/F

The Boat House Bistro, Bewl Water, Bewlbridge Lane, Cousley Wood, Wadhurst, TN3 8JH.
(Please see item 7.2.5) 8.3 WD/2021/2925/F

Bewl Water Sailing Hut, Bewlbridge Lane, Cousley Wood, Wadhurst, TN3 8JH

(Application withdrawn 22.2.23)

8.4 WD/2022/1610/MAO

Land to the south of Cousley Wood Road, Sparrows Green, Wadhurst TN5 6SX

· Refused by WDC 9.3.23

· Appeal lodged – reference APP/C1435/W/23/3321354

8.5 WD/2022/0391/MAJ

Land west of Styles Lane and south of High Street, Wadhurst, TN5 6DZ

(Action : Clerk to include within next agenda and until further notice, application at Tapsells Lane, due to appeal)

9. Appeals: None

10. To consider any footpaths modification orders and make recommendations:

Footpath: PUBLIC FOOTPATH WADHURST 79a, WADHURST 79b, WADHURST 79c, WADHURST 79d, WADHURST 80, WADHURST 81, WADHURST 82) DEFINITIVE MAP MODIFICATION ORDER 2022

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East Sussex County Council made the above-named Order on 2 September 2022.

During the objection period of Friday 9 September 2022 to Monday 24 October 2022 five people/organisations made objections/representations, which as they were not withdrawn meant that the Order is now opposed.

The Council referred the case to the Planning Inspectorate on 28 April 2023 who intend to inform us within 9 weeks of that date how they wish to proceed but sometimes this can be delayed.

Noted

11. Planning control and High Street Enforcement:

- Magic Fade, High Street, Wadhurst.
- Waters Reach, Lower High Street
- Aqua Park at Bewl

(Action: Clerk to contact WDC enforcement and advise that Aqua Park at Bewl ‘falls under’ Rother)

Breach of Conditions Notice: None

12. To discuss Tree Preservation Orders:

13. Conservation areas

14. Community Infrastructure Levy

15. Policy/Correspondence/Consultations

15.1 High Weald AONB Management Plan Consultation 2024-2029 & Biennial Review. Note: Meeting has been scheduled for 25th May 2023

15.2 Items to be bought up by the parish council at the WDC Parish Cluster Meeting. Note: Correspondence from WDC to advise Cluster Meetings will not be held until later in the year

15.3 Conflict between Wealden District Council approach to contemporary development in the High Weald AONB and the High Weald AONB Housing Design Guide.

15.4 CIL Consultation; request from NALC to answer a series of questions to inform their response. <https://www.nalc.gov.uk/members-updates/entry/2429-consultation-160>

(Action: Cllr C Moore to draft response)

15 Items for Noting:

To consider notices of decisions received: None

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Certificate of Lawful Development: None

Raise no Objections: None

Prior Approval Required: None

Not Issued/refused:

Application No. WD/2023/0485/F

Description: loft conversion with addition of dormers. internal alterations and changes to fenestration. conversion of front garden to hard landscaping and provision of dropped kerb.

Location: 34 WESTERN ROAD, WADHURST, TN5 6TX

Decision: refused

Enforcement notices:

Notified by WDC.

Location: The Old Vine, Cousley Wood Road, Wadhurst

Description: Without planning permission, the installation of two ascot canopies.

Enforcement: Removal of both canopies including all fixtures and fittings and removal of all such items from the site.

Committee note the removal of the canopies.

(Action: Clerk to remove the above from future agendas)

Timescale: by 22nd April 2023

Issued/approved:

Application No. WD/2023/0526/F

Description: proposed first floor rear extension.

Location: MASANGA, LOWER HIGH STREET, WADHURST, TN5 6LP

Decision: approved

Application No. WD/2023/0609/F

Description: new front porch, two-storey rear extension and first floor side extension with external alterations including changes to existing fenestration.

Location: MOSTYN HOUSE, 15 MAYFIELD PARK, WADHURST, TN5 6DH

Decision: approved

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WDC Officer response: The proposed windows have been amended to UPVC matching to those of the existing, the proposed garage conversion is on par with a precedent already set for garage conversion and or amendments in the street (13 Mayfield park WD/2021/2770/F,5 Mayfield WD/2017/2855/F) There is adequate space accommodate at least 2 cars within the curtilage of the property.

Application No. WD/2023/0598/F

Description: INSERTION OF 3No. DORMER WINDOWS TO THE NORTH-WEST ELEVATION

Location: 1 PELL BRIDGE COTTAGES, PRIMMERS GREEN LANE, WADHURST, TN5 6DT

Update: approved

Application No. WD/2023/0627/F

Description: part retrospective change of use at first floor from domestic accommodation to letting rooms ancillary to public house

Location: THE WHITE HART, HIGH STREET, WADHURST, TN5 6AP

Update: approved

Withdrawn:

16. Urgent Issues at the discretion of the Chair for noting or inclusion on future agenda

Meeting closed 10:55am