

## SEPTEMBER 2020 DDC UPDATE : PART 2

### Whitefriars Meadow

The clearance of the site on 1 September by the landowner without prior notification was shocking, not least given the site's sensitive location. That morning, Cllr Chandler and I engaged the District Council's Chief Executive and various Heads of Department to urgently attend the site to investigate.

Some Town Councillors and many residents continue to express concerns – these are understandable. I therefore asked the District Council's Chief Executive to make a statement to address these concerns, for inclusion in this DDC update to the Town Council :

Statement by Nadeem Aziz, Chief Executive, Dover District Council, of 24 September 2020 :

*“District Council Members and Officers were shocked and appalled by the inconsiderate and brutal manner in which Easton Builders cleared the scrub and vegetation on Whitefriars Meadow. Which is why on the day in question all appropriate Departments in the Council responded promptly and contacted all appropriate agencies as set out in the Council's previous position statement (dated 9 September and shared with Sandwich's Mayor and Town Clerk).*

### Planning

*Clearance of scrub and vegetation is not development as defined in Section 55 of the Town and Country Planning Act. The Local Planning Authority has no control over this, and the operation does not require planning permission.*

*The Planning Enforcement Team did not find any evidence of operational development or engineering operations on the site that required planning permission.*

### Trees

*The clearance did however involve the cutting down of some trees which were in the Conservation Area.*

*Therefore, as set out in S211 of the Town and Country Planning Act the landowner should have provided the Council with six weeks' notice to state that he intended to remove the trees. This notice gives the Council the opportunity to protect the trees by way of a Tree Preservation Order if they meet the threshold. In this instance the landowner failed to follow this process, therefore the Planning Enforcement Team carried out a site visit with the Tree Officer who's formal view was that the removal of the trees did not have any significantly harmful impact on the character and appearance of the Conservation Area and therefore he would have not objected to their*

removal. The felled trees were poor specimens in terms of form and health and as such had a limited lifespan and low amenity value. In light of this, the Tree Officer considered that their removal did not have any significantly harmful impact on the character and appearance of the Conservation Area and therefore he would have not objected to their removal had notice been served. On this basis, it was decided that it would not be expedient for the Planning Enforcement Team to take any further action in respect of the removal of trees from the site.

### Wildlife

As clearance of the site may have had an impact on any Wildlife Habitat the Planning Enforcement Team consulted the Council's Senior Natural Environment Officer and reported the matter to the Police who investigate any offences under the Wildlife and Countryside Act 1981. Following an inspection of the site the Senior Natural Environment Officer found that there was no evidence to support the claim that there were protected Wildlife Habitats on the site and clarified that there are not any statutory designations for this site and thus no infringement of wildlife law with respect to legally protected sites had occurred.

### Site Access

During the investigation other non-planning matters were raised which included use of the Public Right of Way, access to the site via the council owned car park and breaches of health and safety. These matters were all reported to the relevant council department and external agency to pursue. The Council did check the car park and public right of way for any damage that Mr Easton's heavy plant may have caused, as if any had occurred it would have looked to him to pay for any repairs etc.

### Conclusion

I appreciate that the overall impact on the site resulting from the clearance works is dramatic, however, this largely relates to the removal of scrub and vegetation that was present. Whilst the manner in which Mr Easton undertook the work (not serving notice or showing consideration for neighbours etc) was shocking, it must be recognised that as the landowner he was entitled to clear the scrub. Indeed some residents have welcomed the site being tidied up as the overgrown scrub was being used for some anti social activities.

The site is a very sensitive one and the fact that it is open space within the Conservation Area and adjacent to a scheduled ancient monument has resulted in the District Council refusing planning permission for development on the site numerous times.

The Council is currently encouraging Mr Easton to remove the temporary fencing and replace it with something more appropriate after having sought any necessary approvals. We understand that he has engaged consultants to work on this. The Council always suggests that developers who are

*considering carrying out works in sensitive locations, should liaise with the town council and community beforehand to avoid any potential misunderstanding. This point has been made to Mr Easton.*

*Given the very serious concerns that Mr Easton's action have generated, I feel sure that the local community will not forget and that any proposals he puts forward in the future will be vigorously scrutinised."*

Michael John Holloway

26 September 2020