

Email January 11th 2022
Alleged; Unauthorised Importation of waste material, Alleged Unauthorised Engineering
Operations.

Site Visit arranged on 9th February 2022 at 10.30am
Site Visited by Sam Grant and Neil Howard

The visit was attended by Sam Grant Planning and Enforcement Officer, Neil Howard, Lauren Mitchell and Steve Willcox. The Council Employees were taken on an extensive walk, not all of the land was viewed and the walk centred around the main parts of the 30-acre woodland.

Before the inspection of the woods the Officers were presented with a letter from the Planning Department dated 22nd June 2006 signed by Planning Officer Helen Short, (letter attached), they were also show the Environmental Agency Exemption permits relating to the use of waste material subject to its suitability for the use intended. (WEX258392)

The Officers were also shown The Environmental Agency Exemption for burning waste in the open (WEX263222)

The areas of concern centred around and along the main forestry track, the Officers were given all the necessary information regarding the activities over many years that this woodland has been owned and used for over the past 27years.

Following the Officers Site Visit an email was received thanking Lauren and myself and was assured that we would receive an officers report in one month or so. (dated 10/02/2023)

No report was received for 17 weeks (four months) from the date of the site visit instead the Officers sent a Planning Contention Notice (PCN Dated 14/06/2023) which stated that it had to be returned in 21 days, failure to do this then further action would follow.

These three maps and the accompanying explanation of these activities should show officers a detailed overview of the past 27 years at Fry's

Map One;

1A) 1995, Erection of gates and fence adjacent to Fry's Bottom lane investigated by Senior Planning Officer Davis Audsley as this was reported as a new entrance. New Entrance investigated and was resolved. (1A)

Woodland Grant scheme. This was to harvest 150 mature sweet chestnuts on the east of the stream off Fry's Bottom Lane, felling started in winter 95/96 and continued winter 96/97. Trees loading area ready for transport. (1B1)

1B) 1995, Woodland tracks were created by the tree extraction (winter 95-96 and 96-97), these tracks are identified in purple. (1B)

In 1997 the main track coloured purple from the double gate to the main stream crossing was investigated by the planning department officers, David Audsley planning, Peter Chritchall Planning Enforcement Officer and David Bailey of the Environment Agency, the material used was unacceptable and following six months of a tidy up the case was then closed. (1B)

1C) 1997, A track for the coppicing of the hazelnuts on the west of the stream was created, the stream crossing constructed to access this area is identified as 1C1 on the map. Coloured blue.

1D) 1997 Stream crossing was constructed by installing 8 drainage pipes and the valley to the south was allowed to fill with water creating the Main lake which exists to this day. This was investigated by planning officer Andy Peglar and planning flood team leader Jim Collins. No action was taken.

1D1) 1997, The woodland track (coloured red) was extended south to the former Fry's Bottom Colliery site. **This site is explained in detail later on.**

Map 1 other identified features.

Within the area of map1 there are numerous Bell pits and shafts, they predate the Fry's Bottom Colliery which was sunk in 1756 and identified in the Earl of Warwick's Survey dated 1756.

Over the past 27 years of my ownership of these woods and with the site being a Trial Bike Event and Practice Area over all of the 27 years, I have been aware of the possible danger that these bell pits and shafts could pose.

Over the years I have been vigilant and inspect them on a regular basis to see if they remain safe, any that seem to be sinking I have filled and levelled with suitable material.

1E and 1F These two stream banks were created to form **conservation ponds** for the wild life and 1E in 2020 and 1F in 2021.

1G, Storage area for track maintenance material and bell pits levelling materials.

1G1, 2022, Small track widened and a suitable surface to harvest and accommodate the storage of Ash Die Back felled trees.

Map Two.

1D1, 1997, Track continuation from Map 1 coloured red.

1H, Improvements to existing track constructed 1998 with the over filling of a sunken bell pit. It is planned further track improvements required to remove Ash Trees affected by ash die back. Improvements to assist the Coal Authority to fill and secure a recent Mine workings collapse (1st April 2023) 36 feet deep with a width of 8 feet.
Many Bell pits in this area along the stream side are still to be dealt with.

Map Three

Very little activity other than in 1998-2001 a selective felling of 42 Mature Sycamore trees and 15 Mature Poplar trees plus a number of Mature Ash trees. These were removed across the field called Coal Pits Ground and loaded onto timber lorries next to the Fry's Bottom Colliery Site main entrance.

Former Fry's Bottom Colliery Site.

This former Colliery Sites History was investigated in 1986 by the present owner who purchased it in 1995.

In 1995 a fence and gateway was erected where none has existed since the Colliery's closed on 31st August 1895, also a timber store was erected in the railway cutting for timber harvested to be sold as logs.

In 1995-96 the former Coal Yard east of the railway cutting had over many years been a dumping ground not only by locals but also by Clutton Rural District Council Highways department where they would regular dispose of their road waste clearance waste.

This area was cleared back to where the Colliery Building once stood and was cleared of about one meter of waste and the former yard surface exposed, bushes and general vegetation was remove over the following years to expose the foundations of the horse gin, shaft capping (1952), engine house, chimney base and two boiler bases.

In 1996 the colliery spoils tip to the west of the railway siding was cleared and levelled to provide a further storage area for harvested trees.

A prior notification application for a larger timber storage building on this area was applied for and refused because of Clutton Hill Airfield, I was the applicant for this airfields and its retention, this had been issued with an enforcement for its closure was in place, the timber storage building was approved with a mono pitch roof.

In 1997 the caravan in the front yard at fry's bottom colliery site was removed from Clutton Hill Airfield and positioned where it stands today, a lorry body adjacent to the caravan was also brought in.

Both were the subject of an enforcement investigation in 1997 by Peter Chritchall (Enforcement Officer) no action taken and case closed.

From 1997 to the present day I have been storing many items on this former colliery spoil heap, these include:

Builders equipment and materials.

Vehicle and vehicle parts.

Tyres.

Vehicle trailers.

Lorries and lorry trailers.

Caravans and boats.

Mobile containers.

Skip bins of various sizes.

Scaffolding equipment.

Horse Box Trailer(s)

Items that were fly tipped in the woods and on the track off fry's bottom land from 1995 to 2005, in many cases the padlock on the double gates were cut to gain access.

These items were transported to the storage yard at the colliery site.

This was investigated by The Environmental Agency by Chris Povey Environment officer. Lisa Osborn Environment Officer and Simon Rundle QC Prosecuting Officer for the Environmental Agency.

These items included

500 commercial van tyres.

Asbestos sheeting and bags of asbestos waste.

Household waste, including meat from freezers.

Eleven Fridge Freezers of various sizes.

Numerous items stored around this area were also noted by the EA.

Fry's Bottom Wood Visit 17th February 2006, Environmental Protection Act 1990.

The visit was attended by myself, Chris Povey EA, Lisa Osborn EA and Simon Rundle Q C, the meeting was to clarify the storage and use of certain materials that were on site and used for certain purposes.

The meeting concluded that I would remove certain items and it was suggested that until an application form was submitted for a paragraph 19a exemption was in place then I would not bring in any more track maintenance material.

There are a number of storage containers on site these I do not own; they are there to assist other in storage of their everyday materials and have been moved into several places of convenience.

My daughter has one secure storage container for her two horse's equipment, this following a break in and where most of the valuable items were taken.

There is also a horse box on site as well.

The former weighbridge House

This was built in 1756 at the time when coal was transported by horse and cart, later on it became a pit pony shed as was a stable built already built at the back of this building.

Over the years I have used it and have extended it to the side for log splitting and storage, equipment storage and made it a secure building for my personal property.

In 2003 I was Elected as District Councillor for the Clutton Ward (2003-2011) and selected by the Conservatives to be a Member on the Development Control, as I had extensive knowledge of the planning system have gone through three public enquiries in relationship to Clutton Hill Airfield and two other appeals on agricultural/forestry track (all of which resulted in approval). Before I accepted the position I spoke the Monitoring Officer for the Council Vernon Hitchman and invited Officer David Audsley to visit the Fry's Bottom Colliery site to obtain his advice as to the possibility implication that may arise from the activities at my property.

His response verbally and in a letter confirmed that there was no conflict of interest and I was to declare an interest if only if I was to submit an application on my land.

On 20th July 2006 Enforcement Officer Christine Mountfield visited Fry's ***regarding earthworks to rear of small stone cottage*** this investigation was closed on the 25/09/2008 (*see FIA notes attached*).

The spoil from here was impart deposited into part of the railway siding and not used as was alleged used in the woods.

The site was in 2005 acknowledged for None Domestic Rating which was altered on the new rating list to, as of 2018 included Off Road Coarse and premises.

On the 23/5/2017 Enforcement Officer Rob Warren undertook a site visit (*see FIA Notes attached*) case closed on 27/01/2018.

Enlargement of the area behind the rear of the small cottage was in 2018 and material placed into the railway cutting, top soil added to make the camp site area mentioned in the enforcement notice issued the closure of the Trial Bikes using Fry's Bottom Wood.

Over the past 5 years over 1,000 Christmas trees have been planted on the slopes of this former colliery site as Ash Die Back is devastating the whole woods and former colliery site.

Moving forward, Without Prejudice

It is my intension to work with Officers to resolve the issues that those opposed to the work I am doing in Fry's Bottom Wood and at the Former Fry's Bottom Colliery Site, I have in place a felling Licence which covers the felling of 1,200 Ash Die Back trees, this has been delayed by one year following the refusal of my first Forestry Building application.

The licence expires on the 7th June 2027 with further years to plant upwards of 10,000 new hard wood trees.

Future Plans

My intension is to apply for the limited return of the Trial Bikes and E-Bikes back to Fry's Bottom Wood, the submission of a dwelling at the former weighbridge house as described by officer that have visited the site ***Small Cottage***, and to apply for a certificate of lawful use on the area of the former colliery site having now used it for over 25 years.

Any Further questions that you please submit in a timely fashion I will be answered all question to the best of my ability.

Kind Regards

Steve Willcox



MAP 3.

MAP 2.

Fry's Bottom Wood

Bell Pits

Bell Pit

FORESTRY
BUILDING

Mine (dis)

WEIGH BRIDGE
HOUSE AND
STABLES

1H

101

Bell Pits

Pole Barn (WORK SHOP AND STORAGE)

Caravan and
Motor Container (STORAGE)



