



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 10.30 am WEDNESDAY, 19 APRIL 2017

COUNCIL CHAMBER, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Godfrey Daniel (Chair)
Councillors Ian Buchanan, Kathryn Field, Roy Galley, Richard Stogdon (Vice Chair), Barry Taylor and Steve Wallis

A G E N D A

- 1 Minutes of the meeting held on 8 March 2017 (*Pages 3 - 4*)
- 2 Apologies for absence
- 3 Disclosures of interests
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.

County Matter Proposals - report(s) by the Director of Communities, Economy and Transport

- 5 Retrospective application for the use of 2 No. bays in an agricultural general purpose building being used as a waste transfer station. Little Exceat Farm, South Road, South Chailey, BN8 4QH - LW/785/CM (*Pages 5 - 14*)
Report by the Director of Communities, Economy and Transport
- 6 Development Management Matters: Quarterly Report (*Pages 15 - 30*)
Report by the Director of Communities, Economy and Transport
- 7 Any other items previously notified under agenda item 4

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

11 April 2017

NOTES:

- (1) *Members are reminded that copies of all representations received are available for inspection in the Members' Room*
- (2) *As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website and the record archived for future viewing. The broadcast / record is accessible at: www.eastsussex.gov.uk/webcasts*

Contact Simon Bailey, Democratic Services Officer,
01273 481935
Email: simon.bailey@eastsussex.gov.uk

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 8 March 2017.

PRESENT Councillors Godfrey Daniel (Chair), Ian Buchanan, Kathryn Field, Jim Sheppard, Richard Stogdon (Vice Chair) and Barry Taylor

64 MINUTES OF THE MEETING HELD ON 8 FEBRUARY 2017

64.1 RESOLVED to approve the minutes of the meeting held on 8 February 2017.

65 APOLOGIES FOR ABSENCE

65.1 Apologies were received from Councillor Wallis. It was noted that Councillor Sheppard was acting as a substitute for Councillor Galley.

66 REPORTS

66.1 Reports referred to in the minutes below are contained in the minute book.

67 DEMOLITION AND REPLACEMENT OF EXISTING WASTE TRANSFER STATION BUILDING TO ENABLE CONTINUED USE OF SITE AS A WASTE TRANSFER STATION. UNIT 3 CRADLE HILL INDUSTRIAL ESTATE. CRADLE HILL ROAD, SEAFORD, BN25 3JE - LW/786/CM

67.1 The Committee considered a report by the Director of Communities, Economy and Transport. The Case Officer confirmed that Lewes District Council supported the recommendation of refusal, in a submission received after the publication of the report and circulated to Members.

67.2 Councillor Lambert, one of the Local Members, made a written representation expressing her concern.

67.3 Jack Spurway of Aardvark EM, agents for the applicant, spoke against the recommendation of refusal.

67.4 Members have considered the report and comments of the public speaker and agree with the conclusions and reasons for recommendation set out at paragraph 7 of the report.

67.5 RESOLVED unanimously to refuse planning permission for the following reasons:

1. The proposed building would be of an inappropriate scale and height that would result in a harmful visual effect to the occupiers and users of adjoining units on the Industrial Estate and to the occupiers and users of nearby residential properties and the Seaford Town Cemetery, which would result in a loss of amenity, thereby conflicting with Policy WMP25a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3(a), (c) & (d) of the Lewes District Local Plan 2003.

2. The proposal will be likely to result in an increase in the activities of heavy goods vehicles inside and outside the site, which would result in an unacceptable increase in noise, dust, parking on pavements and congestion of the road, which would be harmful to the occupiers and users of other units on the Industrial Estate and to the occupiers and users of nearby residential properties and the Seaford Town Cemetery, which would result in a loss of amenity, thereby conflicting with Policies WMP25a and WMP26d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3(a), (c) and (d) of the Lewes District Local Plan 2003.
3. The proposed building which cannot be readily screened and the increase in operational activities would be harmful to the setting and use of Seaford Town Cemetery as a non-designated heritage asset, thereby conflicting with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Core Policy 11 of the Lewes District Joint Core Strategy Document 2016.
4. The applicant has not demonstrated that an appropriate method for managing surface water drainage can be accommodated at the site, thereby conflicting with Policy WMP28a (e) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and the provisions of Part 10 of the National Planning Policy Framework 2012.
5. The proposal has not demonstrated that it would make a positive contribution to local character, or be of a design that improves the quality of the area and the way it functions, in accordance with Section 7 of the National Planning Policy Framework 2012.

The meeting ended at 12.00 pm.

Committee: **Regulatory
Planning Committee**

Date:

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

Proposal: **Retrospective application for the use of 2No bays within
an agricultural general purpose building as a waste
transfer station**

Site Address: **Little Exceat Farm, South Road, South Chailey, BN8 4QH**

Applicant: **Mr Luke Field, LFTO WASTE**

Application No. **LW/785/CM**

Key Issues: **(i) Waste management**
 (ii) Development in the countryside
 (iii) Effect on amenity

Contact Officer: **Jeremy Patterson – Tel: 01273 481626**

Local Member: **Councillor Jim Sheppard**

SUMMARY OF RECOMMENDATIONS

1. The Committee is recommended to refuse planning permission for the reasons set out at paragraph 8.1 of this report and to endorse the undertaking of appropriate enforcement action in consultation with the Assistant Chief Executive, Governance Services, to require the cessation of activities associated with the waste transfer station and the removal of any plant, equipment, waste materials and any other associated structures and materials from the site.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. The site and surroundings

1.1 Little Exceat Farm is about 0.2 of a kilometre from the southern edge of the development boundary of South Chailey on the east side of the A275. The nearest residential properties to the application site building are at Hunters End to the north (approximately 200 metres distant) and Woodbrook Cottage to the south-west (also about 200 metres distant). The Little Exceat Farmhouse stands about 120 metres to the south-east of the application site building.

1.2 The farm yard and buildings associated with Little Exceat Farm are located to the north and east of the farm access, which is gained directly from the A275. The area of the yard nearest to the western boundary of the Farm is used as an authorised plant hire and groundworks depot and for the storage and processing of inert materials. Buildings to the east of this part of the yard are used for workshop and storage purposes, as well as accommodating livestock. An additional building is present on the southern side of the yard, which is authorised for use as an office and mess room. Open fields surround the yard to the north and east. A pond and access to the Farmhouse is present to the south of the yard with the A275 to the west.

1.3 The application site building comprises one half of an existing open fronted agricultural barn at the north-east corner of the farm yard, opposite a larger barn used for sheltering and feeding cattle.

2. The Proposal

2.1 The proposal seeks retrospective planning permission for the continued change of use of one half of an existing, open-sided agricultural building (comprising two bays) as a waste transfer station (WTS). The site has been operating as a WTS since July 2016 and according to the applicant, it would involve a throughput of about 520 tonnes per annum. The operations involve the importation, storage and sorting of household waste materials. Those materials that can be recycled are transferred to local recycling plants, with the remainder taken to landfill. Operating vehicles involve two, long-wheel base transit-type caged pick up trucks and the use of 2 small scale dozers ('Bobcats') on the site. The part of the building used by the applicant includes 2 metres high push walls to the sides and rear. Access to the application site is directly from the A275 via the plant hire and groundworks depot yard. According to the applicant, operational vehicles are generally used 3 times in the morning to deliver materials and 2-3 times in the afternoon for collections. The proposed hours of working are between 08.00 – 18.00 Mondays to Saturdays and 10.00 – 16.00 Sundays, Bank and Public Holidays.

3. Site History

3.1 There is no relevant County Planning history for the application site building. However, the access to the site from the A275 is via the existing yard, which was granted retrospective planning permission in 2007 (ref. LW/492/CM). This was for a change of use from a plant hire and ground works depot to a mixed use of plant hire and ground works depot and use of land for the purposes of importing, storing and processing inert materials.

4. Consultations and Representations

4.1 Lewes District Council raises objections on the grounds that there is no evidence that the building is no longer required for agricultural purposes, which would undermine and compromise safe farming practices, as well as impact on the functionality of the farming enterprise on the site. The

intensified transfer use would also have a detrimental effect on the character of the countryside.

4.2 Chailey Parish Council raises objections, as it is considered that the use of the facilities for waste transfer would prevent their use for agricultural purposes and no evidence had been provided that their use for this purpose is no longer required. Concerns are also raised regarding fire hazards, due to the large quantities of waste materials and the concerns of neighbours about the way in which the site is operated. Moreover, the permission being sought includes extensive weekend working and would exacerbate what appears to be an already unsatisfactory situation.

4.3 The Highway Authority raises no objections and recommends that conditions should be included regarding the provision of car and cycle parking spaces and the construction of a turning space at the site.

4.4 The Environment Agency states that an Environmental Permit might be required and that any waste transported to and from the site must be carried by a registered waste carrier.

4.5 Flood Risk Management ESCC has no comments.

4.6 Representations: The occupiers of an adjoining residential property (Hunters End) to the north of the Farm object to the proposal. Although the comments appear to largely relate to the existing authorised plant hire and ground works operation within the yard, the neighbours note that any permission for the proposal will again be facilitating the use of the site in an agricultural location, which is not suitable and which has negative impacts.

5. The main Development Plan and other policies of relevance to this decision are:

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP3b (Turning Waste into a Resource); WMP7a (Sustainable Locations for Waste Development); WMP25 (a), (b) (General Amenity); WMP26 (Traffic Impacts).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan, February 2017. No relevant identified sites.

5.3 Lewes District Local Plan 2003: Saved Policies: CT1 (Planning Boundary and Key Countryside Policy); ST3 (a), (c), (d) (Design, Form & Setting of Development).

Lewes District Council undertook a review of its Saved Local Plan Policies (2007) to determine their consistency with the NPPF (2012) and produced a table indicating the extent to which the policies are fully consistent, partly consistent or not consistent. Saved Policy ST3 is considered to be fully consistent with the NPPF and Saved Policy CT1 is considered to be partly

consistent. To that extent, they remain part of the Development Plan post adoption of the Core Strategy.

5.4 Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030, adopted 2016: No relevant policies.

5.5 National Planning Policy Framework (NPPF) 2012

The NPPF does not change the status of the Development Plan as the starting point for decision making but it does constitute guidance as a material consideration in determining planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 17 within the Core planning principles section is relevant in this case.

5.6 National Planning Policy for Waste (NPPW) 2014

The NPPW sets out detailed waste planning policies and regard should be had to them when planning authorities seek to discharge their responsibilities to the extent that they are appropriate to waste management.

6. Considerations

Waste management

6.1 Policy WMP3b of the Waste and Minerals Plan requires development to manage waste as far as possible up the waste hierarchy so that an increasing amount is recovered and recycled and a decreasing amount is disposed of to land. Policy WMP7a of the same Plan directs new waste recycling and recovery facilities to within the broad Areas of Focus, which are indicated on the Key Diagram within the Plan. Under Policy WMP7a, proposals should demonstrate how they will balance the need to be located close to waste arisings, moving waste management up the waste hierarchy and minimising adverse impacts on communities and the environment.

6.2 The proposal seeks to manage household waste so that certain materials (e.g. metals and plastics) can be sorted prior to transfer to local recycling plants, which, in principle, accords with the thrust of Policy WMP3b. However, due to the rudimentary nature of the sorting operation, there appears to be a reliance on disposal to landfill to allow for the removal of materials from the site, thereby limiting the amount of waste that could be recycled or recovered. Therefore, in this context, the proposal attracts limited support from Policy WMP3b.

6.3 The site is accessed from the A275, a short distance to the south of South Chailey, which is identified as a road facilitating access to Areas of Focus, under Policy WMP7a of the Waste and Minerals Plan. These areas are considered to be sustainable, in principle, in terms of waste development due, inter alia, to their locations being generally close to waste arisings and good road access. While the applicant has not demonstrated, under Policy WMP7a, how the balance would be made between managing waste and

mitigating the effects of the operation on the environment, including amenity, the application site can nevertheless be considered to fall within an Area of Focus because of its proximity to the A275 as depicted in the Key Diagram, referred to above. However, one of the purposes of Policy WMP7a was to guide the preparation of the Waste and Minerals Sites Plan. This Plan has subsequently been prepared and adopted, and the application site has not been identified for a waste management use within it.

6.4 Although, in principle, the proposal is supported by Policy WMP7a of the Waste and Minerals Plan in relation to its location being within an Area of Focus, only limited support is derived from Policy WMP3b, due to the reliance placed by the applicant on disposal to landfill in the management of the waste.

Development in the countryside

6.5 The part of Saved Policy CT1 of the Lewes District Local Plan, which is considered to be consistent with the NPPF, states that development will be contained within the Planning Boundaries and planning permission will not be granted for development outside these Boundaries, other than for development which is specifically referred to. Specified development includes waste development but only in relation to proposals which feature in an adopted waste plan. Saved Policy ST3 of the same Plan requires development to respect, inter alia, the character of the local area. The NPPF, as one of its Core principles, requires that planning decisions should take account of the different roles and character of different areas, including recognising the intrinsic character of the countryside.

6.6 The proposal is for the continued change of use of one half of an existing agricultural building within an agricultural yard. The other half of the building is used for agricultural purposes, such as for the storage of hay. Opposite this building, across part of the yard used for access, a larger building is present, which is used for sheltering and feeding cattle. Due to the open sided nature of these buildings, cattle are able to move out of the barn and across the yard to the waste transfer station. Moreover, the waste within the transfer station building is not confined to distinct and secure areas. Instead, the waste is managed in an ad hoc manner and allowed to spill out of the building, thereby creating a potential hazard to livestock.

6.7 Moreover, the use of the building for waste management purposes negates its use for agriculture and therefore, undermines the agricultural use of the Farm and its safe operation, matters which have been referred to by the District and Parish Councils. It would also introduce an additional use into the Farm, which is not complementary to farming activities and therefore, has the effect of changing the character of the area and countryside more generally, thereby conflicting with Saved Policies CT1 and ST3 (a) and (d) of the Lewes District Local Plan and a Core principle of the NPPF.

6.8 There is an existing, authorised use at the Farm involving the operation of a plant hire and groundworks depot use and the use of land for the purposes of importing, storing and processing inert materials (refer to

paragraph 3.1). Although such uses might appear incongruous with agricultural activities, there were sound reasons why they were supported in planning terms. The plant hire and groundworks use had been carried out at the site for a period of about 20 years and it was evident that this business supported the agricultural business of the Farm. The waste related part of the use is directly linked to the groundworks use, without which the opportunity to recover materials would not be readily available. This relationship is controlled by condition and also includes the ability for agricultural activities at the Farm to benefit from the recovered materials. Compared to this, the current proposal is a completely separate activity, as it has only recently commenced and is not related to the agricultural activities at the Farm. It also manages household waste, which includes non-inert materials.

Effect on amenity

6.9 Policy WMP25 of the Waste and Minerals Plan and Saved Policy ST3 of the Lewes District Local Plan requires development to respect the amenities of adjoining properties in terms of, inter alia, noise, visual amenities, character of the area and other environmental considerations.

6.10 The adjoining neighbours to the north of the site have objected to the proposal. Although their comments appear to relate more to the existing plant hire and groundworks depot use, they nevertheless refer to the current proposal being unsuitable in this location, as they consider there would be resulting negative effects on neighbours. The Parish Council has also raised concerns regarding the proposed hours of operation. The use of the farm yard for an operation unrelated to agricultural activities would change the character of the locality and introduce additional noise and disturbance, which would be likely to have an adverse effect on the amenities of occupiers of nearby residential properties and the locality generally. As such, the development would conflict with Policy WMP25 (a) and (b) of the Waste and Minerals Plan and Saved Policy ST3 (c) of the Lewes District Local Plan, which seek to safeguard amenity from inappropriate development.

7. Conclusion and reasons for refusal

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The proposal is for the continued use of one half of an agricultural building as a WTS. The development involves a modest operation importing household waste and sorting it into materials for recycling and disposal to landfill. The site is located off the A275 and, as such, is considered to be within an Area of Focus. Despite the benefits of being in such a location, which is supported, in principle, by Policy WMP7a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, only limited support can be secured under Policy WMP3b of the same Plan in terms of how the waste is managed, due to the dependence of disposal to landfill.

Notwithstanding this, the WTS would introduce a new use into the Farm, which is unrelated to agricultural activities and which would be harmful to the character of the countryside. The use and operation presents a hazard to livestock, which are accommodated in very close proximity to the waste use. It would also be likely to be detrimental to the amenities of the locality. As such, the proposed development is considered to be unacceptable, which conflicts with Policies WMP3b and WMP25 (a) and (b) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policies CT1 and ST3 (a), (c) and (d) of the Lewes District Local Plan 2003 and the Core principles of the National Planning Policy Framework 2012.

7.3 In determining this planning application, the County Council has sought to work with the agent in an appropriate manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

8. Recommendation

8.1 To recommend the Planning Committee to refuse planning permission for the reasons set out below and to endorse the undertaking of appropriate enforcement action in consultation with the Assistant Chief Executive, Governance Services, to require the cessation of activities associated with the waste transfer station and the removal of any plant, equipment, waste materials and any other associated structures and materials from the site.

1. The proposal seeks to recycle a limited volume of household waste which is managed at the site and the applicant has not demonstrated that a larger volume could be reasonably managed by a process which is further up the waste hierarchy and which delivers the best overall environmental outcome, thereby conflicting with Policy WMP3b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.
2. The development is located within a small farm yard which is used for agricultural purposes including the husbandry of livestock. Consequently, the development compromises the effectiveness of the Farm to function as an agricultural unit, due to the change of use of an agricultural building and to the introduction of activities which represent potential hazards to animals within the Farm. As such, the development conflicts with Saved Policies CT1 and ST3 (a) and (d) of the Lewes District Local Plan 2003 and the Core principles of the National Planning Policy Framework 2012.

3. The use of the application site as a waste transfer station is out of character with the countryside locality and results in activities which are likely to result in an adverse effect on the amenity of occupiers of nearby residential properties and in the locality generally, thereby conflicting with Policy WMP25 (a) and (b) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3 (a), (c) and (d) of the Lewes District Local Plan 2003.

RUPERT CLUBB

Director of Communities, Economy and Transport

7 April 2017

BACKGROUND DOCUMENTS

Application file LW/785/CM

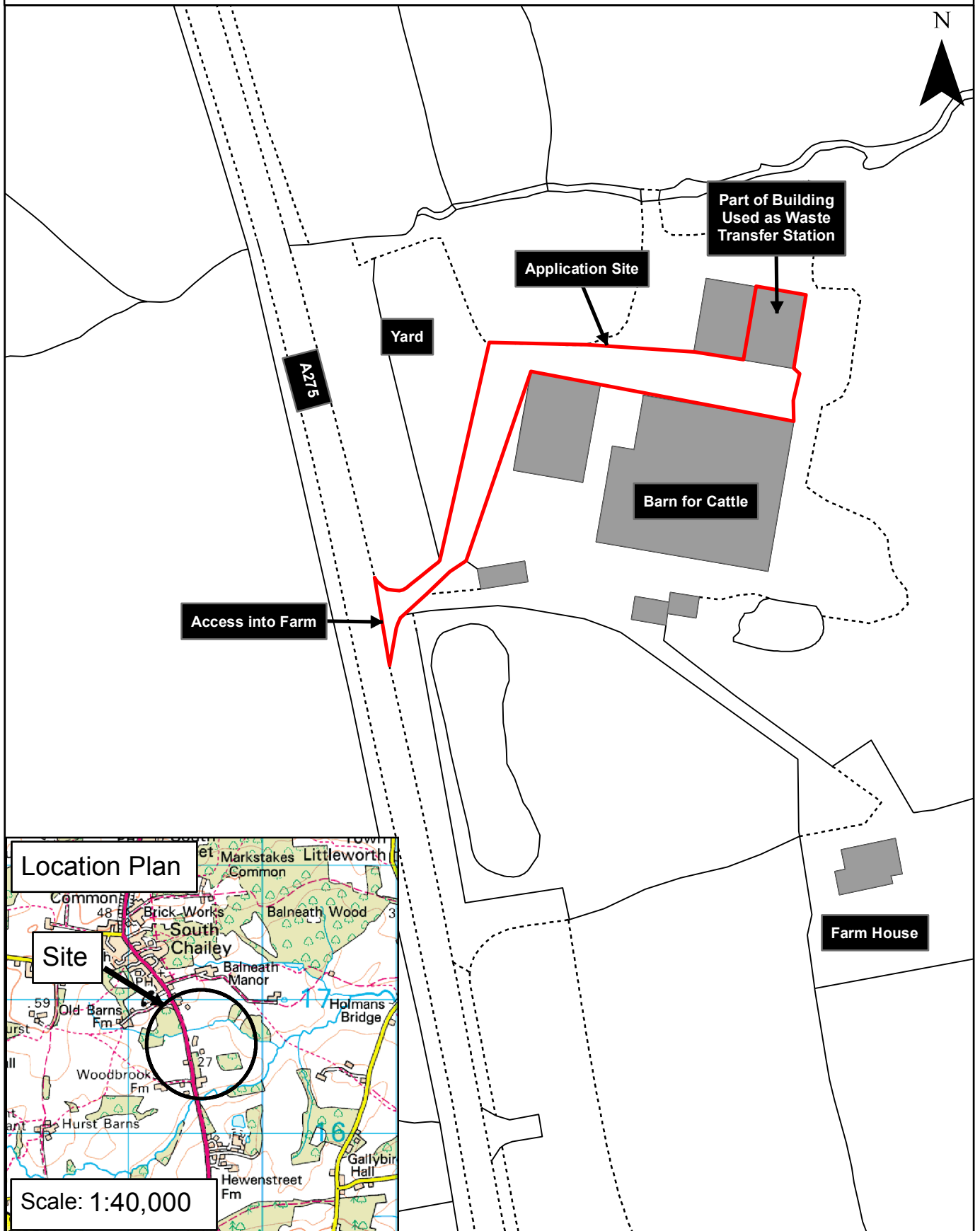
Planning permission LW/492/CM

The Development Plan

National Planning Policy Framework 2012

LW/785/CM

Little Exceat Farm, South Road, South Common, South Chailey



Scale: 1:1,300

Rupert Clubb BEng (Hons) CEng MICE
Director of Communities,
Economy and Transport
East Sussex County Council

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. East Sussex County Council, 100019601, 2016

This page is intentionally left blank

Committee	Regulatory Planning Committee
Date	19 April 2017
Report by	Director of Communities, Economy and Transport
Subject	Development Management Quarterly Update
Purpose	To inform Members about matters relating to enforcement and site monitoring, undertaken under delegated powers for the three months period between 1 January and 31 March 2017; and development management performance for the period 1 April 2016 to 31 March 2017.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 January and 31 March 2017, there were 24 new alleged breaches of planning control. Of the new cases, 17 were resolved within the last period and eight older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2017 was 16. This represents a decrease of one in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 Members may recall from the last quarterly report that a successful prosecution was brought against the landowners of 187 London Road, Hailsham. This was in relation to the ongoing breach of an Enforcement Notice by allowing scrap metal and other waste materials to be stored at the rear of the property. Since the prosecution in December 2016, the site has continued to be monitored and the landowners reminded on numerous occasions of the need to remove the scrap vehicle and waste. Unfortunately, despite these further attempts to achieve compliance with the Enforcement Notice, this was not successful. Further consideration was given to the matter and how to resolve the breach. One option would have been to undertake a further prosecution although, even if successful, this still was unlikely to achieve the removal of the waste. Consequently, it was decided appropriate to exercise default powers under Section 178 of the Town and Country Planning Act 1990, and take direct action.

1.3 On 29 March 2017, officers oversaw the collection of the scrap vehicle and waste by an appointed contractor. These items were then retained for a period of time to allow the landowners the opportunity to claim them. Since then, the waste has been disposed of and the vehicle crushed. The Council will now seek to recover the cost of this action from the landowners. Further details regarding the background to this case can be found in the tables at Appendix 1 of this Report.

1.4 Appendix 1 of this Report provides details of cases resolved and received within the period 1 January to 31 March 2017, together with details of the status of all current cases.

Additional details and information on these cases can be obtained from the relevant officers listed at the end of this Report.

2. Site Monitoring

2.1 Site monitoring of all minerals and waste sites is continuing, but has to be accommodated within limited resources and alongside the enforcement service. During the last quarter, 25 non-chargeable site monitoring visits were carried out. No chargeable monitoring visits were undertaken during the last quarter.

2.2 Members will note from the entries in the tables at Appendix 1 of this Report that some of the breaches of planning control dealt with are identified during site monitoring visits. This emphasises and highlights the importance of monitoring sites which the Council has granted planning permissions for, particularly with regard to waste sites and other large scale developments.

3. Development Management

3.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. Where authorities are not adequately performing their planning function of determining relevant planning applications within prescribed timescales, they can be designated as being in “special measures”. Under this provision, the power for determining planning applications can be taken away from local authorities, and applicants can choose to have their application determined by the Planning Inspectorate. We are required to submit quarterly statistical returns and there are penalties for failing to submit two or more quarters of data and, once applied, the penalties will be reflected in the performance statistics published. Additionally, if an application is not determined within 26 weeks and extensions of time have not been agreed with the applicant, planning authorities have to return the planning application fee to the applicant.

3.2 The Government publishes criteria for determining whether or not to place local planning authorities in “special measures”. One measure is the average percentage figure for the timely determination of major development applications over two years. The threshold for designation is currently at 50% of applications being determined within a 13 week period, or within a timeframe agreed with the applicant. The Government has announced that it will be introducing monitoring performance on non-major planning applications. The threshold will be 65%, rising to 70% in 2018. However, the monitoring of performance on non-major applications relates to District/Borough/Unitary authorities and not County Councils. Therefore, the performance on the determination of the County Council developments (Regulation 3) will not be included in the performance figures measured by the Government.

3.3 In terms of performance, for the period January to March 2017 (inclusive) a total of nine applications were determined (2 County Matters, 5 County Council, 1 Listed Building Consent and 1 Non-Material Amendment. 3 planning applications were withdrawn). Of the relevant applications, 100% of County Matter applications were determined within 13 weeks or within an agreed extension of time, and 100% of County Council applications were also determined within 8 weeks or within an agreed extension of time. Cumulatively for the year, 92.3% of County Matters and 46.4% of County Council applications were determined within the relevant timeframes (although where extensions of time for the County Council applications have been agreed, the figure of 46.4% will be significantly higher).

3.4 In terms of the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 24 months ending December 2016 was 83.9% of major applications determined within the relevant timescale, which is well above the current 50% threshold.

3.5 In addition to dealing with planning applications, the Planning Policy and Development Management Team has continued to provide a pre-application advice service to applicants, for both County Matters and County Council development. During 2016/17, 51 separate

proposals received formal pre-application advice from officers. Going forward, it is proposed to introduce charges for pre-application advice.

4. Contact Officers

4.1 Members with any queries about site monitoring or enforcement matters should contact either Sarah Iles (01273 – 481631) or Robert Shapter (01273 – 335218). Members with queries on development management matters (County Matter and Council Development applications) should contact Jeremy Patterson (01273 481626) or David Vickers (01273 481629).

RUPERT CLUBB
Director of Communities, Economy and Transport
07 April 2017

Local Members: All

BACKGROUND DOCUMENTS

Current Enforcement, Monitoring and Planning Application Files.
MasterGov Database.

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED BETWEEN JANUARY 2017 AND MARCH 2017

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
April 2015	Sussex Waste Services, Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	<p>Officers were visiting the site in connection with another matter and noticed that a significant quantity of waste materials comprising builders' waste, electrical and electronic waste, scrap metal and end of life vehicles had been deposited on the site. Given the history of this site it was decided that formal enforcement action should be taken.</p> <p>Consequently, an Enforcement Notice was served on the landowner of the site, and other interested parties, on 2 February 2016. No appeals were made against the Notice and it took effect on 4 March 2016. The landowner had until 4 June 2016 to clear the site of the imported waste materials in order to comply with the requirements of the Enforcement Notice.</p> <p>A site visit was undertaken shortly after the expiry of the period of time for compliance with the requirements of the Enforcement Notice. Although the majority of the imported waste has been removed from the site, some still remained. Contact was made with the landowner who explained that he was having difficulty with his tenant, who was refusing access to the site. The landowner therefore placed the matter in the hands of his solicitor and the dispute between the landowner and his tenant was heard at Lewes County Court on 13 September 2016.</p> <p>A further site visit was undertaken and it was noted that the tenant had vacated the site having removed the majority of the imported waste. However, the landowner was advised that further waste needed to be removed in order to comply with the requirements of the Enforcement Notice. A short period of time in which to achieve this final clearance was given.</p> <p>Prior to the expiry of the timescale for final clearance the landowner contacted officers and stated that the site had been cleared of all the imported waste. A site visit was undertaken which confirmed this and the requirements of the Enforcement Notice have therefore been complied with. The Enforcement Notice will not be withdrawn, in order to protect the land from any future importations of waste, and the site will be monitored periodically. However, the current breach of planning control has been resolved and no further action is required.</p>
February 2016	187 London Road, Hailsham	Breach of requirements of Enforcement Notice	<p>An Enforcement Notice was served on the joint landowners of the site in December 2014, which required all scrap metal and other waste, including end of life vehicles to be removed from the site. The Enforcement Notice became effective in January 2015 and officers have undertaken regular monitoring visits to ensure that the site was in compliance with the requirements of the Enforcement Notice. A site visit was undertaken in February 2016 which showed that an end of life vehicle had been parked within the area covered by the Enforcement Notice and filled with waste. A letter was sent to the landowners advising them of the breach of the Enforcement Notice and giving a timescale for the removal of the end of life vehicle and waste. A site visit confirmed that this had not been done and there continued to be a breach of the requirements of the Enforcement Notice, which is an offence.</p> <p>Despite the landowners being given another timescale for the removal of the vehicle, a further site visit noted that it had not been removed and that the Enforcement Notice was still being breached. Consequently, the landowners</p>

			<p>were summonsed to appear at Hastings Magistrates' Court on 28 October 2016.</p> <p>The landowners appeared at Hastings Magistrates' Court on 28 October 2016 and entered a plea of "Not Guilty" to the summons of failing to comply with the requirements of the Enforcement Notice. The case was remanded to Eastbourne Magistrates' Court on 9 December 2016 and officers gave evidence in support of the prosecution. The defendants were both found guilty of failing to comply with the requirements of the Enforcement Notice and were each sentenced to £1000 Fine, £1125 costs and £100 victim surcharge (a total of £4,450).</p> <p>Following the court case in December 2016, the landowners failed to remove the end of life vehicle filled with waste. Despite further letters being sent to the landowners reminding them that the Enforcement Notice was extant and therefore the offence of failing to comply with its requirements was still being committed and they risked further action being taken against them, the vehicle and waste remained on site.</p> <p>Whilst a further prosecution could be undertaken, given the lack of cooperation of the landowners, it was not considered that this would resolve the breach of the Enforcement Notice. It was therefore deemed appropriate to take direct action to remove the vehicle and the waste. Consequently, this action was taken on 29 March 2017 and the vehicle and waste subsequently disposed of. The Council will now seek to recover from the landowners the costs of taking this action.</p> <p>The breach of the Enforcement Notice has therefore been resolved and no further enforcement action is required. However the Enforcement Notice remains extant, in order to protect the land, and officers will continue to monitor the site on an ad hoc basis.</p>
May 2016	Greenacre Recycling, Titan Marine, Newhaven	Breach of Condition (Roller shutter doors)	<p>A complaint was received that the roller shutter doors of the building were open during the permitted hours of operation, which is a breach of Condition 5 of the planning permission for the site (LW/767/CM). A site visit was undertaken and during this site visit it was noted that the doors referred to were open during operations. Discussions were held with the operator, who stated that the doors are open very frequently in order to allow vehicles to access the building, to deposit waste and then remove it to the yard once it has been sorted within the building.</p> <p>Regular monitoring of the site was undertaken to identify if a substantive breach of planning control was occurring.</p> <p>Further liaison has taken place with the Environment Agency and extensive monitoring of the site has continued to be undertaken. Despite this, none of the breaches alleged by the complainants have been confirmed or identified. There is currently no breach of planning control at this site and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
June 2016	JM Skip Hire, Birch Close, Eastbourne	Breach of Conditions (noise and dust)	<p>A complaint was received alleging that noise and dust were emanating from this site. A joint site visit was undertaken with an officer from Eastbourne Borough Council and during the course of this site visit several breaches of the planning conditions relating to the site were identified. An initial letter was sent to the operator detailing the breaches that were found during the site visit and requesting the operator's comments and details of how he was going to address and resolve these issues. A response was received and a further letter sent to the operator. However, no response to this further letter was received from the operator.</p> <p>A further site visit was therefore undertaken and it was noted that most of the breaches have been satisfactorily resolved. There had been some structural damage to the sleeper wall caused by high winds, which in turn delayed the completion of this planning requirement. The operator requested a small period of time in order to undertake repairs and complete the sleeper wall.</p>

			<p>A further site visit has been undertaken, which confirmed that the breaches of planning control have been resolved. No further enforcement action required and the site will be monitored in accordance with the Council's Site Monitoring Policy.</p>
October 2016	Woollards Yard, Broad Farm, Hellingly	Importation and deposit of waste	<p>Officers noticed that there appeared to be a stockpile of waste materials, comprising hardcore, on the southern edge of the site. The quantity of waste material involved was clearly in excess of what could be considered as ancillary to the main use of the yard. The operator agreed to clear the imported hardcore from the site and a timescale for this to take place was agreed.</p> <p>A further site visit has now been undertaken, which noted that the excess hardcore has been cleared from the yard. Breach of planning control has therefore been resolved and no further action is required.</p>
October 2016	Broad Farm, North Street Hellingly	Breach of Condition (site layout)	<p>The site has planning permission (WD/694/CM) for the storage, crushing and transfer of waste concrete and officers attending the Farm in connection with another matter noticed that the site layout of this area of the Farm was not in accordance with the approved plans.</p> <p>Discussions were held with the operator who stated that he intended to cease the use of the site as a hardcore processing area and instead apply for a change of use on the site in order to move his ready mixed concrete operation into this area. The operator stated that if planning permission for a change of use were to be granted, he would clear the site of the imported waste material and cease the use for waste processing and storage.</p> <p>A further site visit has been undertaken and the yard is now in accordance with the approved plans. Whilst there hasn't been a formal change of use of the site, the breach of planning control has been resolved and no further enforcement action is required. The site will be monitored in accordance with the Council's Site Monitoring Policy.</p>
October 2016	Skip It Containers, North Quay Road, Newhaven	Breach of Conditions (height of waste stockpiles)	<p>A complaint was received that waste on the site was being stored above the permitted levels of four metres. A site visit was undertaken which confirmed the substance of the complaint. A meeting was held with the operator who accepted that they were breaching the conditions relating to the height of waste stockpiles. A time period was agreed for them to return the site to compliance.</p> <p>Shortly before the agreed time period expired the operator contacted officers to state that the site was back in compliance with the permitted stockpile height of four metres and this was confirmed by a subsequent site visit. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
November 2016	Bexhill Hastings Link Road, (Combe Valley Way)	Breach of condition (unauthorised closure of part of the Greenway)	<p>During a site monitoring visit it was noticed that part of the equestrian route of the Greenway, between Glovers Farm and the ford at the Combe Haven, was closed and a diversion put in place along Buckholt Lane.</p> <p>Meetings were held with the site operator, who is currently constructing the North Bexhill Access Road, and who explained that as the Greenway crosses the construction area it is necessary for it to be closed to the public. However, it was agreed that subject to appropriate measures being in place, the Greenway can be made available outside construction hours. Consequently, a scheme was agreed whereby the Greenway can be closed using barriers and signage during construction hours and then reopened to the public over weekends.</p>

			A further weekend site visit has been undertaken and the Greenway is now available outside construction hours, as agreed. Breach of planning control resolved and no further action required. The site will be monitored to ensure continued compliance.
--	--	--	--

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN JANUARY 2017 AND MARCH 2017 AND RESOLVED

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
January 2017	Unit 8, Knights Business Park, Easons Green	Breach of Conditions (Outside loading of waste)	<p>A complaint was received that the occupiers were not operating the site in accordance with the planning permission that relates to the site, and were loading waste outside the waste transfer building.</p> <p>A site visit was undertaken and a meeting held with the operator, who confirmed that waste had been loaded into containers outside the building due to the larger containers being unable to be placed in the building. The requirements of the conditions attached to the planning permission were explained and a short timescale given to resolve the matter.</p> <p>The operator subsequently contacted officers to confirm that arrangements within the building had been reconfigured to allow for the larger skips to be contained within the building. A further site visit was undertaken which confirmed this.</p> <p>Breach of planning control resolved and no further enforcement action required. The site will be monitored in accordance with the Council's Site Monitoring Policy.</p>
January 2017	Unit 1, Knights Business Park, Easons Green	Unauthorised Waste Transfer Station	<p>A complaint was received that the occupiers of the site were not operating the site in accordance with the planning permissions that relate to the site and were in fact operating an unauthorised waste transfer station.</p> <p>A site visit was undertaken and discussions held with the operator. Although the company occupying the site is a waste management company, they are purely using the site for the overnight parking and storage of vehicles, and the storage of empty skips. No waste is brought back, treated or stored at the site. It was evident from the site visit that no waste uses were occurring at the site.</p> <p>No breach of planning control and no further action required.</p>
January 2017	Badgers Mead Farm, Heathfield Road, Five Ashes	Importation and deposit of waste	<p>Officers in the area in connection with other matters noticed that waste materials, comprising soils, were being imported into and deposited at this site.</p> <p>Contact was made with the landowner who explained that the purpose for importing this soil was to repair a potholed area of land and, once repaired, the land was going to be incorporated into chicken pens.</p> <p>This is not considered to be the disposal of waste, but an engineering operation. Therefore, the matter has been referred to Wealden District Council. No further action required by this Authority as Waste Planning Authority.</p>

January 2017	Witherenden Farm, Station Road, Stonegate	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising hardcore, were being imported into and deposited at the site.</p> <p>A site visit was undertaken and during the course of this visit a meeting was held with the landowner, who explained that the hardcore was intended for use in the maintenance and repair of the tracks and gateways on the farm.</p> <p>This use is considered to be within agricultural permitted development rights enjoyed by the landowner. Therefore, no breach of planning control and no further enforcement action required.</p>
January 2017	St Mary Magdalene R.C. School, Bexhill- on-Sea	Unauthorised development	<p>A complaint was received that a fence had been erected within the school site which the complainant believed required planning permission.</p> <p>A site visit was undertaken and the fence inspected. It was found that the fence in question did not require planning permission as it was within the school's permitted development rights.</p> <p>No breach of planning control and no further action required.</p>
January 2017	Land to the North East of Hourne Lane, Crowborough	Importation and deposit of waste	<p>Officers in the area in connection with other matters noticed that a significant quantity of hardcore had been imported into and deposited at this site.</p> <p>Contact was made with the landowners who stated that the hardcore was required to maintain/repair the extensive track on their forestry land which is adjacent to the site. This is considered to be permitted development and not a breach of planning control.</p> <p>The requirements that are needed to be satisfied by this permitted development were explained to the landowners and no further enforcement action is required.</p>
January 2017	Land to the west of Wildways, High Broom Lane, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, had been imported into the site and deposited</p> <p>A site visit was undertaken and discussions held with the contractor. The contractor admitted that soils had been imported into the site in order to infill a pond which was apparently a health and safety risk.</p> <p>The requirement for planning permission was explained to the contractor who stated that he would pass it onto the landowner. This is considered to be an engineering operation, as opposed to solely waste disposal, and the matter has been referred to Wealden District Council.</p> <p>No further action required by this Authority.</p>
February 2017	Kenwood Brook, Mill Lane, Hellingly	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, had been imported into the site and deposited from an adjacent housing development. A joint site visit and meeting with the landowner was undertaken with officers from Wealden District Council and the Environment Agency.</p> <p>The landowner explained that the purpose of the importation of these materials was to assist the developer and also to re-lay the track that runs around the site.</p> <p>The unsuitability of the materials for their intended use was discussed, as well as the requirement for planning</p>

			<p>permission. Given the unsuitability of these materials it was extremely unlikely that a planning application to regularise this intended activity could be supported.</p> <p>This is considered to be an engineering operation and therefore a matter for Wealden District Council. However, the landowner is in the process of removing these waste materials from the site. No further action is required by this Authority.</p>
February 2017	156 Elphinstone Road, Hastings	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the front garden of this house and deposited.</p> <p>Site visits were undertaken and a meeting subsequently held with the landowner. The landowner operates a house clearance company and categorically denied that any waste is ever returned to the address, stating that all waste is sorted when collected and taken directly to the relevant authorised facilities. The information supplied by the landowner was confirmed by what had been seen during the site visits.</p> <p>No breach of planning control identified and no further action required.</p>
February 2017	Holders Farm, Royal Oak Lane, High Hurstwood	Importation, deposit and burying of waste	<p>A complaint was received that the landowner was importing waste materials from his waste transfer business and disposing of it by burying it on the land. The information contained in the complaint was very vague and unclear as to whether the disposal of waste was taking place at the business address or at this site.</p> <p>Both sites were checked and no evidence was found to confirm the details of the complaint. No breach of planning control identified and therefore no further action required.</p>
March 2017	Ripleys Scrapyard, Hole Farm, Westfield	Breach of Condition (Noise)	<p>A complaint was received that the site was noisy and in breach of the planning conditions that are attached to various planning permissions relating to the site.</p> <p>A review of all the permissions for the site was undertaken and it was found that there are no conditions relating to the site which limit the noise levels emitted from the site.</p> <p>A site meeting was arranged with the operator and the complainant. During the course of this meeting a specific noise from a particular machine was identified as causing the issue for the complainant. The operator undertook to look into fitting more noise attenuation to this machine, which the complainant agreed was the best and most suitable course of action. The operator agreed to keep the complainant informed.</p> <p>As there is no breach of planning control, there is no further enforcement action required by this Authority. The site will continue to be monitored as part of the Council's Site Monitoring Policy.</p>
March 2017	Clearview Farm, Chiddingly Road, Horam	Importation, deposit and burning of waste	<p>A complaint was received that waste was being imported into the site, deposited and burnt. A site visit was undertaken and contact made with the landowner.</p> <p>The landowner stated that they very occasionally have a small bonfire in order to dispose of material generated from within the site and this was confirmed by the site visit.</p> <p>This small bonfire is considered to be ancillary to the enjoyment of the site and not a breach of planning control. No further action required.</p>

March 2017	Sprattsbrook Farm, Eridge Road, Eridge Green	Importation and deposit of waste	<p>A complaint was received that waste was being imported into and deposited at the site. A site visit was undertaken and the waste proved to be compost which was imported into the site to be spread on the land for agricultural benefit.</p> <p>There is no breach of planning control insofar as this Authority, as Waste Planning Authority, is concerned and no further action required.</p>
March 2017	Unit 10, Granary Business Centre, Broad Farm, Hellingly	Importation, deposit and breaking up of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site and broken up for scrap. Several site visits were undertaken and the site was always secured and unattended.</p> <p>A further site visit found the site open and someone on the premise. This site visit confirmed that the site was being used for the preparation and maintenance of stock cars and not the breaking of end of life vehicles for scrap. The findings of the site visit were confirmed by discussions with other tenants of the business units.</p> <p>No breach of planning control and no further action required.</p>
March 2017	Land at Western Road, Newick	Importation and deposit of waste	<p>An officer passing the site noticed that there had been a significant quantity of waste, comprising soils and sub- soils, deposited on this site.</p> <p>Enquiries revealed that these deposits of soil were in connection with a development which has the benefit of planning permission from Lewes District Council. No breach of planning control and no further action required by this Authority.</p>
March 2017	Limekiln Wood, Limekiln Forest Road, Crowborough	Importation and Deposit of waste	<p>A complaint was received that waste materials were being imported into and deposited at this site.</p> <p>A joint site visit was undertaken with an officer from the Environment Agency and the site visit confirmed the substance of the complaint. Discussions were held with the landowner, who explained that he had planning permission from Wealden District Council to create tracks on the land. Subsequent enquiries confirmed the information supplied by the landowner.</p> <p>The details of the complaint have been passed to Wealden District Council for their information/action as they deem appropriate. No further action required by this Authority.</p>
March 2017	Springfield Farm, Cowbeech Lane, Rushlake Green	Importation and deposit of waste	<p>A complaint was received that waste materials were being exported from a site in Heathfield and taken to a nearby site and deposited. A site visit to the originating site for the materials was undertaken and discussions held with the operator, who was removing the materials.</p> <p>The operator explained that the waste materials were being taken to his farm and being used for the maintenance and repair of the farmyard and to extend the sand school on the site.</p> <p>The maintenance and repair of the farmyard is considered to be permitted development and the extension to the sand school is considered to be a matter for Wealden District Council. The details of this case have been passed to that authority for their information/action as they deem appropriate and no further action is required by this Authority.</p>

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN JANUARY 2017 AND MARCH 2017 AND AS YET UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
January 2017	Disused railway line, Anchor Lane Barcombe	Importation, deposit and burning of waste	Officers attending the area in connection with another matter noticed that waste materials were being imported into the site and burnt. Contact was made with the landowner who explained that he used the site to store wood for his tree house construction company, but that the site was not secured and therefore people were able to access it and the importation, deposit and burning of waste was undertaken by trespassers (fly tipping). The landowner has agreed to clear the site of the imported waste and a site meeting is in the process of being arranged to discuss timescales and future security of the site.
January 2017	Robsack Wood Primary School, St Leonards-on-Sea	Unauthorised development – Lighting	A complaint was received that exterior lighting has been erected at the school, which did not have the necessary planning approval. A site visit confirmed the details contained within the complaint and the school have submitted a planning application (HS/3318/CC/1) to seek to regularise these works. This application is currently under consideration.
January 2017	Troy Recycling, Croft Works, Hailsham	Breach of Conditions (Materials)	<p>This site, a waste transfer station which has planning approval for the collection, storage and processing of scrap metal, was visited by officers undertaking a site monitoring visit. It was found that the operator had changed their working practices and were now importing, storing and bulking up cardboard, plastics and paper. The operator was also looking to move to a new site as the current site was clearly too small to handle the bulkier waste streams.</p> <p>The operator has found a potential new site and is in the process of submitting a planning application for the new waste use of the site. The site in Hailsham will continue to be monitored during the time that the application process is running. Should the application for the new site be successful then the operator intends to clear and vacate this site and move to the new premises very quickly. Should it be unsuccessful then the officers will consider the most appropriate action for the current site.</p>
February 2017	Paul's Mini Skips, Chaucer Business Park, Polegate	Breach of Condition (Site layout and height of skips)	<p>A complaint was received that the site was not being operated in accordance with the conditions that are attached to the planning permission which relates to the site. A site visit was undertaken which confirmed that end of life vehicles were being dismantled at the site, empty skips were being stored above the approved height and vehicles were being stored in an area that was exclusively reserved for baled waste.</p> <p>A meeting was held with the operator who agreed a timescale for the site to be returned to compliance with the conditions attached to the planning permission.</p> <p>Unfortunately, very recently, the operator has fallen seriously ill and has spent a period of time in hospital. Therefore, there will be a delay in resolving this matter whilst he recuperates, but officers will continue to monitor the situation.</p>
February 2017	Freedom Powerchairs Ltd, Upper Lodge Farm, The Broyle, Ringmer	Importation and deposit of waste	<p>A complaint was received that old UPVC window frames were being imported into this site and processed. A site visit was undertaken which confirmed the details contained within the complaint.</p> <p>A meeting was held with the landowner where the requirement for planning permission for this type of operation was</p>

			<p>explained. A further site meeting was also held with the operator and discussions were undertaken concerning the planning requirements for activities at the site.</p> <p>The operator has been given a timescale in which to either submit a planning application to regularise the unauthorised development, or to cease the use of the site for waste processing and clear the site of the imported waste. The site will be monitored to ensure compliance.</p>
March 2017	JM Waste Management, Brett Drive, Bexhill-on-Sea	Breach of Condition (Outside storage of waste)	<p>A monitoring visit was undertaken to the site and during the course of which a breach of one of the conditions that are attached to the planning permission was noted, in that waste was being stored outside the waste transfer building.</p> <p>A meeting with the operator is in the process of being arranged in order to discuss and resolve this matter.</p>
March 2017	Wealden Joinery, Lews Farm, Rotherfield	Importation and deposit of waste	<p>A complaint was received that sawdust was being imported to the site and deposited. A joint site visit was undertaken with an officer from Wealden District Council, during the course of which discussions were held with the operator. The operator explained that he was in the process of installing plant at the site to dispose of this sawdust, which is generated from his joinery company. However, due to the winter weather there had been some delay in getting this project completed, hence the reason that the sawdust had been stockpiled.</p> <p>The operator stated that he would need a short time period in order to arrange for the removal of this stockpile from the site. A time period has been agreed and the operator will keep officers fully informed of progress.</p>

TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
April 2013	St Mary's School, Maynards Green	Unauthorised development	<p>A complaint was received that the school had carried out unauthorised development by creating a new car park at the site. A site visit confirmed the nature of the works and that the development required planning permission. After receiving pre-application advice from officers, a planning application (WD/3180/CC) was submitted in respect of this matter and this was due to be considered by the Planning Committee on 11 December 2013. However, due to ongoing negotiations with the adjoining property owner regarding a proposed land-swap, the application was withdrawn by the school pending the outcome of those negotiations.</p> <p>Following these negotiations, a planning application (WD/3227/CC) for a change of use (from agricultural to educational use) relating to area subject to the land swap was submitted and subsequently approved under delegated powers.</p> <p>The submission of a planning application to regularise the works to the car park and other development was then delayed due to the need for the land swap to be completed. The land swap has been finalised and the neighbour's new access has been constructed. A planning application is currently awaited to regularise this matter.</p>

October 2013	Diplocks Farm, Chalvington	Importation and deposit of waste	<p>Officers noticed that a significant quantity of waste materials comprising chalk, end of life vehicles and household and builders' waste had been stockpiled on the site. Evidence of burning of green waste was also present. A joint site meeting with the Environment Agency and the landowner was held. The landowner was advised that the activity required planning permission, but would be unlikely to be supported and that the importation of waste should cease and the site be cleared. The landowner stated that it was his intention to clear the site of the imported waste.</p> <p>Officers, in conjunction with officers from the Environment Agency, have continued to undertake regular site visits and meetings with the landowner to ensure that the phased clearance of this site is carried out. In order to protect the Council's position, a Planning Contravention Notice was served on the landowner, to which a response was received. The landowner commenced the phased removal of the waste from the site. Some waste was removed and there was initially no indication that further waste materials had been imported to the site. Clearance of the waste materials had been continuing. However, the landowner suffered a period of ill health and was unable to work.</p> <p>Further site visits were subsequently carried out, including with officers from the Environment Agency. It was noted that further waste appeared to have been imported to the site and there was also evidence of further burning taking place. Consequently, an Enforcement Notice was served on the landowners on 28 November 2016. No appeal was made against the Enforcement Notice and it became effective on 29 December 2016. The Enforcement Notice requires: (i) the immediate cessation of the importation, deposit, and disposal (including burning) of waste; and (ii) various areas to be cleared of waste and waste residue within twelve months of the Enforcement Notice taking effect.</p> <p>Officers are continuing to regularly monitor the site to ensure compliance with the requirements of the Enforcement Notice.</p>
January 2015	KPS Composting, Boathouse Farm, Isfield	Breach of conditions (site layout and volume of waste)	<p>A complaint was received that waste wood processing was not taking place in the area approved and that the site was exceeding the total quantity of waste that was permitted to be imported into the site (the permitted volume of waste is limited to 50,000 tonnes/annum). Discussions were held with the manager of the site, who stated that the area for the waste wood processing had been moved to a different part of the site for health and safety reasons. Figures provided for the volume of imported material showed that in the last year, nearly 54,000 tonnes of waste material had been imported to the site, some 4,000 tonnes above the permitted level.</p> <p>A planning application was submitted relating to altering the location of the wood waste processing and amending the limitation on the quantity of waste materials, but was not valid due to further information being required. A meeting with local residents was held to discuss their concerns regarding activities at the site, and there have been further discussions with the operator.</p> <p>A revised planning application (WD/782/CM) has been submitted and is currently under consideration, although further details relating to noise and surface water are currently awaited.</p>
July 2015	Holleys Yard, Squires Farm Industrial Estate, Easons Green	Importation, deposit and storage of waste wood	<p>This matter originally came to the Council's attention in 2012 when an operator imported a significant quantity of waste wood into this site and then vacated the site without clearing the waste wood. The Environment Agency undertook a prosecution against a director of the company, and the County Council supported this prosecution and gave evidence in court. The director of the company was convicted of the offence and was sentenced to a Community Service Order of 200 Hours of unpaid work. There was no requirement for the Director to pay for the costs of clearing the land. Consequently, the waste wood has remained on the site and, in order to protect the</p>

			<p>County Council's position, it was considered appropriate to serve an Enforcement Notice on the landowners, and interested parties, requiring the removal of the waste wood.</p> <p>An Enforcement Notice was served on the landowners and interested parties on 2 February 2016. No appeal was made against the Enforcement Notice and it took effect on 4 March 2016. Given the circumstances of this particular case, a suitable period of time for the clearance of the site was given (until 4 March 2018) and officers are maintaining contact with the landowners to facilitate the removal/clearance of the waste wood from the site.</p> <p>Since the service of the Enforcement Notice, the Environment Agency made progress in their case against the company that was responsible for importing the waste wood into this site. The outstanding company director was arrested on a warrant and appeared at Lewes Crown Court on 22 August 2016 for sentence, after he had entered a guilty plea at an earlier hearing. He was sentenced to one year's imprisonment.</p> <p>The landowners have been researching methods of removal/disposal of this waste wood and have approached officers for advice regarding a possible planning proposal to achieve this. A planning application to allow for the burning of the waste was submitted, but this has now been withdrawn due to doubts as to whether an Environmental Permit could be obtained alongside any planning permission.</p> <p>Officers from this Authority and the Environment Agency are exploring other methods of resolving this matter.</p>
January 2016	Bexhill to Hastings Link Road (Combe Valley Way) - Decoy Overbridge	Breach of Condition (Noise)	<p>A complaint was received that excessive noise is being generated from the Link Road now that it is open to traffic. The complainant also raised concerns that vehicles using the Link Road were visible from distant views. The location of the relevant acoustic barriers has been checked and it is considered that they have been constructed in accordance with the approved drawings.</p> <p>Noise monitoring over a period of two weeks was carried out and the results analysed. A report was prepared and has been reviewed to ascertain whether the noise levels at this location are in accordance with the predicted levels.</p> <p>Given that the Link Road has now been open for over twelve months, it was considered appropriate that a further period of noise monitoring should be undertaken for comparison purposes. This has been carried out and the results are currently awaited.</p>
May 2016	Land to the North of Leeds Lane, Five Ashes	Importation and deposit of waste materials	<p>A complaint was received that waste materials were being imported into and deposited at the site. A site visit was undertaken which confirmed the substance of the complaint. Contact was made with the occupier who stated that the purpose of the importation was to improve the track through the wood for his animals in order to be able to move them across the land and not across roads, which would incur expensive veterinary costs for tuberculosis testing.</p> <p>The position regarding the requirement for planning permission was explained to the tenant farmer, and he was requested to cease any further activity until a joint site meeting with all the regulatory authorities concerned had been arranged. A further joint site meeting took place, and it was noted that the tenant farmer had completed the works to the track. The imported waste appears not to have any stability and was noted to have already started to slip. It was considered that the works to the track were excessive and unnecessary, and amounted to a waste disposal operation.</p> <p>The tenant farmer was requested to remove the imported waste from the site. A further site visit noted that some</p>

			<p>waste may have been removed, but that there remained a quantity of waste on the site which still needs to be removed.</p> <p>Officers have continued to liaise with all the regulatory authorities in order to provide the landowner with cohesive view of what is required in order to resolve this matter.</p> <p>Subsequently, the landowner and agent have been contacted with a timescale for removal of the imported waste materials and the site will continue to be monitored.</p>
June 2016	Penfold Driveways, The Warren, Crowborough	Unauthorised development	<p>A complaint was received by the Environment Agency that waste was being imported into and deposited at the site. A joint site meeting was arranged with all the various regulatory authorities and the operators to discuss the various issues at the site. It was clear during the course of the site meeting that the importation, deposit and processing of waste was taking place at the site.</p> <p>A pre-application site meeting with the operators took place and the operator's agent has recently contacted officers to confirm that a planning application is due to be submitted in the near future.</p>
July 2016	LF to Waste, Little Exceat Farm, South Chailey	Unauthorised waste transfer Station	<p>This breach of planning control was found by officers during the course of a visit to another part of the site. The operator had moved from Upper Lodge Farm in Ringmer and originally intended to use this site purely for the storage of vehicles and equipment, with all waste materials being taken directly to an authorised waste transfer station. However, officers attending the farm in connection with another matter noted that the operator had imported waste into the site. The operator was contacted who stated that it was his intention to submit a planning application in order to attempt to regularise the planning situation at this site.</p> <p>A planning application (LW/785/CM) has been submitted and is being considered by the Planning Committee at Agenda Item 5.</p>
November 2016	Allsworthy, Hailsham Road, Stone Cross	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the site and deposited. A joint site visit with an officer from the Environment Agency was carried out and this confirmed the substance of the complaint. A letter was sent to the landowner, who has now contacted officers and a site meeting has been held. A time period for removal of the waste imported into the site has been agreed. Clearance of the site has begun and the site will continue to be monitored to ensure compliance.</p>

This page is intentionally left blank