



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 11.00 am WEDNESDAY, 10 OCTOBER 2018

COUNCIL CHAMBER - COUNTY HALL, LEWES

MEMBERSHIP - Councillor Claire Dowling (Chair)
Councillors Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel,
Kathryn Field, Tom Liddiard and Pat Rodohan

A G E N D A

- 1 Minutes of the meeting held on 12 September 2018 *(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 Head of Planning and Environment

- 5A Variation of Conditions 9, 10 & 11 of planning permission WD/582/CM to extend the operational hours of the site including the loading and unloading of waste containers and the use of the mobile compactor. Crowborough Household Waste Recycling Site, Wealden Industrial Estate, Farningham Road, Crowborough - WD/582/CM1 *(Pages 5 - 16)*
Report by the Head of Planning and Environment
- 5B Variation of conditions 5 & 6 of planning permission EB/677/CM to extend the operational hours of the site. Eastbourne Household Waste Recycling Site, St Philip's Avenue, Eastbourne, BN22 8NB - EB/812/CM *(Pages 17 - 26)*
Report by the Head of Planning and Environment
- 6 Development Management Matters: Quarterly Report *(Pages 27 - 38)*
Report by the Director of Communities, Economy and Transport
- 7 Any other items previously notified under agenda item 4

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*

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
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2 October 2018

Contact Simon Bailey, Democratic Services Officer,
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PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 12 September 2018.

PRESENT Councillors Claire Dowling (Chair), Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel, Kathryn Field, Tom Liddiard and Pat Rodohan

15 MINUTES OF THE MEETING HELD ON 25 JULY 2018

15.1 The Committee approved as a correct record the minutes of the meeting held on 25 July 2018.

16 DISCLOSURES OF INTERESTS

16.1 Councillors Bob Bowdler and Claire Dowling declared personal interests in Item 5A as Members of Wealden District Council, which requested one of the proposed amendments (Site A). They did not consider this to be prejudicial.

17 REPORTS

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

18 TRAFFIC REGULATION ORDER - POLEGATE PARKING REVIEW

18.1 The Committee considered a report by the Director of Communities, Economy and Transport, together with the written comments of Councillor Daniel Shing, the Local Member, which were read out by the Chair. A copy is in the Minute Book.

18.2 Members have considered the report and comments of the Local Member and agree with the conclusions and reasons for recommendation as set out in paragraph 3 of the report.

18.3 RESOLVED unanimously to (1) not uphold the objections set out in Appendix 2 to the report, concerning the draft Traffic Regulation Order for various sites in Polegate; and

(2) recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order be made as advertised.

19 TRAFFIC REGULATION ORDER - HASTINGS PARKING REVIEW 2017/18

19.1 The Committee considered a report by the Director of Communities, Economy and Transport.

19.2 Councillor Godfrey Daniel, the Local Member for Site 4 - Linton Road, spoke in support of the recommendation.

19.3 The Committee considered the written comments of Councillor Tania Charman, the Local Member for Site 8 – All Saints Street, which were circulated before the meeting. A copy is in the Minute Book.

19.4 Members have considered the report and comments of the Local Members and agree with the conclusions and reasons for recommendation as set out in paragraph 3 of the report.

19.5 RESOLVED unanimously to (1) uphold the objections to the draft Order as set out in Appendix 1 to the report;

(2) uphold in part the objections to the draft Order as set out in Appendix 2 to the report;

(3) not uphold the objections set out in Appendix 3 to the report; and

(4) recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order be made in part.

20 TRAFFIC REGULATION ORDER - LEWES TOWN AND DISTRICT PARKING REVIEW 2017/18

20.1 The Committee considered a report by the Director of Communities, Economy and Transport.

20.2 Councillor Philip Daniel, the Local Member, spoke about: Site 2 – High Street, Lewes; Site 4 – South Street, Lewes and Site 7 – Friars Walk and Lansdown Place, Lewes.

20.3 Members have considered the report and comments of the Local Member and agree with the conclusions and reasons for recommendation as set out in paragraph 3 of the report.

20.4 RESOLVED unanimously to (1) uphold the objections to the draft Order as set out in Appendix 1 to the report;

(2) uphold in part the objections to the draft Order as set out in Appendix 2 to the report;

(3) not uphold the objections set out in Appendix 3 to the report; and

(4) recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order be made in part.

The meeting ended at 11.05 am.

Committee: **Regulatory
Planning Committee**

Date: **10 October 2018**

Report by: **Head of Planning and Environment**

Proposal: **Variation of Conditions 9, 10 & 11 of planning
permission WD/582/CM to extend the operational hours
of the site including the loading and unloading of waste
containers and the use of the mobile compactor.**

Site Address: **Crowborough Household Waste Recycling Site,
Wealden Industrial Estate, Farningham Road,
Crowborough, Jarvis Brook.**

Applicant: **Veolia ES (South Downs) Ltd.**

Application No. **WD/582/CM1**

Key Issues: (i) **Purpose of the proposal**
 (ii) **Effect on amenity**

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

Local Member: **Councillor Sylvia Tidy**

SUMMARY OF RECOMMENDATIONS

1. The Committee is recommended to refuse planning permission for the reason set out at paragraph 8.1 of the report.

CONSIDERATION BY HEAD OF PLANNING AND ENVIRONMENT

1. The Site And Surroundings

1.1 Crowborough Household Waste Recycling Site (HWRS) is located within the Jarvis Brook area of Crowborough and is sited at the south-western end of the Wealden Industrial Estate with access via Farningham Road from Crowborough Hill to the east. The land rises from the HWRS to the west and north and there are wooded areas forming tree belts along the north-western, south-western and south-eastern boundaries of the site, the first two being covered by a Tree Preservation Order. Acoustic fencing is also present on the north-western and south-western boundaries of the site. Commercial units are adjacent to the north-east of the site.

1.2 The rail line connecting Crowborough with London is present to the south-east of the HWRS, running parallel with Farningham Road, and the Western Road Industrial Estate lies beyond. A narrow residential road, Mount Pleasant, runs to the west of the HWRS and a spur leading east from this road, just to the north of the HWRS, also provides access to several residential properties.

2. The Proposal

2.1 This site is one of 12 HWRSs that the applicant currently operates as part of the Integrated Waste Management Service with the County Council and Brighton & Hove City Council. The existing network of HWRSs in East Sussex enables residents to dispose of their waste materials, which are transferred for onward recycling, composting or recovery.

2.2 The applicant is seeking to vary the operational hours at the HWRS, which would affect three conditions (9, 10 and 11) of planning permission WD/582/CM. As well as an extension in the morning on Saturdays and Sundays for certain activities, the proposal would also be seeking to extend the operational hours to include Saturday and Sunday afternoons and all day on most Bank and Public Holidays. The existing and proposed wording of the relevant conditions are as follows:

2.3 The existing Condition 9 reads:

The site shall not open and no work shall be carried on the site other than between the hours of 0900-1700 Mondays to Fridays inclusive, 0900-1300 Saturdays and Sundays and at no times on Public and Bank Holidays unless the prior written approval of the Head of Planning has been obtained.

Reason: To protect the amenity of the locality in accordance with Policy WMP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2.4 The proposed variation to Condition 9 reads:

The site shall not open and no work shall be carried on the site other than between the hours of 0900-1700 Mondays to Fridays, Saturdays, Sundays and Public & Bank Holidays and at no times on Christmas Day, Boxing Day and New Years Day unless the prior written approval of the Head of Planning has been obtained.

2.5 The existing Condition 10 reads:

The loading and unloading of waste containers shall only take place between the hours of 0900-1700 Mondays to Fridays inclusive, 1000-1200 Saturdays and at no time on Sundays and Public & Bank Holidays unless the prior written approval of the Head of Planning has been obtained.

Reason: In the interests of the amenity of the locality, in accordance with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2.6 The proposed variation to Condition 10 reads:

The loading and unloading of waste containers shall only take place between the hours of 0900-1700 Mondays to Fridays, Saturdays, Sundays and Public & Bank Holidays and at no times on Christmas Day, Boxing Day and New Years Day unless the prior written approval of the Head of Planning has been obtained.

2.7 The existing Condition 11 reads:

The use of a mobile compactor, a 'Minimyza Plus', or equivalent, at the site shall only take place between the hours of 0900-1700 Mondays to Fridays inclusive, 1000-1200 Saturdays and at no time on Sundays and Bank & Public Holidays unless the prior written approval of the Head of Planning has been obtained.

Reason: In the interests of the amenity of the locality, in accordance with Policy WLP35 (b) and (c) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2.8 The proposed variation to Condition 11 reads:

The use of a mobile compactor at the site shall only take place between the hours of 0900-1700 Mondays to Fridays, Saturdays, Sundays and Public & Bank Holidays and at no times on Christmas Day, Boxing Day and New Years Day unless the prior written approval of the Head of Planning has been obtained.

2.9 According to the applicant, the purpose of the proposal is to enable members of the public to use the site during the weekends and on Bank and Public Holidays (referred to subsequently as 'Bank Holidays') and to align the operational hours with those at other existing HWRs.

3. Site History

3.1 Planning permission (reference WD/247/CM) was granted in 1999 for the construction of a household waste site and recycling facilities, subject to conditions. The original proposal included the provision of a permanent compactor on site, although this was withdrawn from the proposed development.

3.2 Condition 17 of planning permission WD/247/CM states that 'No additional motorised plant, equipment or machinery shall be used on the site once it is operational, other than those items specifically identified in the planning applications, unless with the specific written approval of the Director of Transport and Environment or as a result of necessary urgent repairs or

maintenance works.' In June 2007 and in pursuance of Condition 17, the applicant sought the written approval of the Director of Transport and Environment for the use of a mobile compactor at the site. A detailed noise assessment report accompanied the correspondence seeking this approval.

3.3 Given the previous concerns over noise issues at the site, the County Council consulted local residents and the District Council Environmental Health Officer (EHO) on the noise assessment report. Three representations were received raising concerns on the use of a compactor at the site due to the potential for noise and a solicitor was also instructed by several residents to voice concerns on noise issues. The EHO raised no objection.

3.4 In the light of the concerns raised and the need for controls on noise emissions, particularly as there were no controls on noise under permission WD/247/CM, the County Council considered that a planning application would be necessary on three accounts: (i) To enable the operator and County Council to monitor the noise levels; (ii) To enable the County Council to take appropriate action to secure acceptable noise levels; and (iii) To protect residential amenity and give an assurance to local residents that noise levels have been set to acceptable levels and are being monitored accordingly.

3.5 Consequently, the applicant submitted a planning application (reference WD/520/CM) to seek a variation of Condition 17 of permission WD/247/CM to allow the use of a mobile waste compactor. The application was granted planning permission in December 2007, subject to conditions, including a condition to restrict the use of the compactor to a 12 months period (Condition 1).

3.6 In 2009, the applicant received planning permission (ref. WD/582/CM) for the removal of Condition 1 of permission WD/520/CM so that a mobile waste compactor could continue to be used on an occasional basis without a time period restriction.

4. Consultations and Representations

4.1 Wealden District Council has not submitted any observations.

4.2 Crowborough Town Council has noted that it would like the waste not to be loaded and unloaded on Bank Holidays.

4.3 ESCC Waste Disposal Authority supports the proposal. It notes that weekends are the busiest time for HWRs and while most HWRs are open at this time, the Crowborough site is only open in the mornings; opening for a longer period would improve the service to residents. Offering longer working hours at the weekend would spread the currently concentrated morning use across the day. This would alleviate traffic congestion and create an environment that allows residents time and space to separate their waste properly, thereby increasing recycling levels.

4.4 The Highway Authority notes that the proposed variation to hours is unlikely to result in a significant increase in vehicle movements generated from visits to the site. However, it is anticipated that visits will be spread out over Saturdays, Sundays and bank / public holidays, thereby helping to reduce the traffic and congestion in the local area on Saturday and Sunday mornings.

4.5 Representations: Seven local residents have raised objections to the proposal and have also instructed solicitors to make a representation of objection on their behalf. While there is no objection to recycling generally, it is noted that there had been objections to the original application and that a different site should be found rather than increase operating hours at this site. However, the main objection relates to the potential for noise at times which are not currently used by the facility and which are considered to be the most sensitive for amenity.

It is noted by the residents that on Saturday and Sunday mornings when the site is very active, the noise can be invasive, although it is accepted that this will be until 1pm only. It is also noted that the acoustic fencing to the rear of the site offers no barrier to sound and the centre has got busier over the past 10 years causing more frequent container movements and more noise. If the facility is considered to be able to cope with a larger service, it should be partly enclosed to protect neighbours from nuisance.

One letter of support has been received from a resident in Crowborough, which notes that the proposal would introduce more convenient hours at the weekend and reduce travel to other recycling centres on weekend afternoons.

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); WMP6 (Safeguarding waste sites); WMP22 (Increased operational capacity at existing sites); WMP25 (General amenity); WMP26 (Traffic impacts).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017: Crowborough HWRS Map 29.

5.3 Wealden Local Plan 1998: Saved Policy EN27(2) (Design).

It should be noted that Wealden District Council has published their Local Plan – Proposed Submission Document for its formal representation period. Given that this plan has yet to be formally submitted to the Secretary of State and the policies have not been scrutinised at Examination, the content of this emerging plan can be afforded very little weight in the determination of this application.

5.4 National Planning Policy Framework (NPPF) 2018:

The NPPF does change the status of the Development Plan as the starting point for decision making and constitutes national policy as a material consideration in determining planning applications. Part 12 (Achieving well-designed places) is relevant in this case.

6. Considerations

Purpose of the proposal

6.1 Policy WMP6 of the Waste and Minerals Plan safeguards existing waste sites, including the Crowborough HWRS, and the Sites Plan identifies the site at Map 29. Support is given by Policy WMP22 for proposals which increase operational capacity at existing sites and Policy WMP3b requires proposals to adhere to the provisions of the waste hierarchy. Policy WMP26 requires that proposals should have, *inter alia*, adequate access arrangements and have no unacceptable impact on existing highway conditions.

6.2 The applicant is seeking to extend the operational hours at the site in order to align them more closely with those at other HWRSs so that members of the public are able to use the site at weekends and on Bank Holidays. According to the applicant, weekend use at other HWRSs is more popular than during the week and so longer opening hours would create the potential to encourage more recycling at weekends by making it easier for the public to visit. In principle, this is supported by Policies WMP3b and WMP22 of the Waste and Minerals Plan. The applicant also considers that longer operating times would result in a reduction in traffic congestion on the surrounding roads at the weekends, as visits could be spread out over each day rather than be confined to the mornings, a situation which is supported, in principle, by Policy WMP26. According to the applicant, the overall focus and purpose of the proposal is to enable the site to be open during periods of the week and weekend that are more suitable for members of the public to dispose of their waste materials.

Effect on amenity

6.3 Policy WMP25 of the Waste and Minerals Plan seeks to protect the amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development. It also requires that there should be no significant adverse impact on air quality or the local acoustic environment and that adequate means of controlling noise, dust, litter, odours and other emissions, including those arising from traffic generated. Saved Policy EN27 also seeks to protect amenity and the NPPF requires developments to create places in which, *inter alia*, there is a high standard of amenity.

6.4 Although the site is not located within a predominantly residential area, it is sited in close proximity to four residential properties to the north (20 metres from the HWRS boundary to the residential boundary and just over 40

metres to the property) with several other properties located nearby to the north and south-west.

6.5 According to the applicant, no complaints have been received regarding noise since 2011. However, residents have indicated that, despite the presence of acoustic barriers, noise is invasive during Saturday and Sunday mornings but it is tolerated in the knowledge that the site will cease operating at 1pm on both days. The cessation of operations at this time provides some respite to neighbours for the remainder of the day. This is a matter specifically referred to in representations, as it is the reason why the Council imposed restrictions on operating times and the use of a waste compactor.

6.6 While it might be advantageous to standardise operating times at HWRSs, the circumstances of different sites are not the same and the merits of extending operational hours at each site have to be considered on an individual basis. The Council has been aware of the sensitivity of the Crowborough HWRS location since the original application was determined due to the proximity of residential properties, which other HWRS sites do not encounter, for example, at Newhaven, Heathfield and Hastings. The material circumstances of the Crowborough site have not changed and it is considered that if the proposal to extend the hours was approved, it would conflict with the reason why the condition to control the hours was included in the first place. The need to control the use of the site in the interests of amenity should be maintained, despite any benefits which might occur if the proposal was approved. Therefore, the extension of hours cannot be supported due to the likely adverse effect on amenity.

Other matters

6.7 The site is within relative close proximity of the Ashdown Forest, a distance within which development and other activities may affect the nature conservation interests of Ashdown Forest (designated as a Site of Special Scientific Interest, Special Protection Area and Special Area of Conservation), particularly with regard to nitrogen emissions. However, the HWRS is located at the south-eastern side of Crowborough and principally serves the residents of the town. It is unlikely that many persons to the west of Ashdown Forest would travel across it to access the facility when other HWRS facilities are available to use further west. Hence, taking this into account, along with the proposal itself, there is considered to be no resulting significant adverse effect on the interests of the designated area. Therefore, it is not considered that the proposal would conflict with Development Plan policies to safeguard the Ashdown Forest 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 to vary Conditions 9, 10 and 11 of planning permission WD/582/CM to more closely align operating hours with other HWRSs and to enable members of the public to benefit from extended hours at weekends and Bank Holidays to dispose of their waste.

7.3 While the County Council, as Waste Planning Authority supports, in principle, the use of HWRSs to more effectively manage waste, this has to be balanced against other material considerations. At the Crowborough HWRS, the material circumstances have not changed since the conditions to control operating hours were imposed. Consequently, it is considered that further operational activity during weekends and on Bank Holidays would be likely to result in an unacceptable effect on amenity. As such, the proposal would conflict with the reasons for the conditions controlling operating hours and specifically Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998 and the relevant provisions under Part 12 of the National Planning Policy Framework 2018. Therefore, the proposal is recommended for refusal.

7.4 In determining this planning application, the County Council has worked in a positive and proactive 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.

7.5 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 following reason

1. The proposal to extend operating hours on Saturdays, Sundays and Bank & Public Holidays would be likely to result in a significant adverse effect on the amenity of persons living in close proximity to the site by reason of noise and other disturbance. This would be unacceptable and conflicts with Policy WMP25 (a), (b) & (c) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policy EN27 (2) of the Wealden Local Plan 1998 and the relevant provisions of Part 12 of the National Planning Policy Framework 2018.

EDWARD SHEATH
Head of Planning and Environment
CET Department
1 October 2018

BACKGROUND DOCUMENTS

Application file WD/582/CM1

Planning permissions WD/582/CM, WD/520/CM & WD/247/CM

The Development Plan

National Planning Policy Framework 2018

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Site

~~Application Site~~

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of Communities, Economy and Transport, East
Sussex County Council

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Committee: **Regulatory Planning Committee**

Date: **10 October 2018**

Report by: **Head of Planning and Environment**

Proposal: **Variation of Conditions 5 & 6 of planning permission EB/677/CM to extend the operational hours of the site**

Site Address: **Eastbourne Household Waste Recycling Site, St Philip's Avenue, Eastbourne, BN22 8NB**

Applicant: **Veolia ES (South Downs) Ltd.**

Application No. **EB/812/CM**

Key Issues: (i) **Purpose of the proposal**
 (ii) **Effect on amenity**

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

Local Member: **Councillor David Tutt**

SUMMARY OF RECOMMENDATIONS

1. The Committee is recommended to refuse planning permission for the reason set out at paragraph 8.1.

CONSIDERATION BY HEAD OF PLANNING AND ENVIRONMENT

1. The Site And Surroundings

1.1 The Eastbourne Household Waste Recycling Site (HWRS) is located in a predominantly residential area in the north-eastern part of Eastbourne and is bounded between Churchdale Road, St Philip's Avenue, Roselands Avenue and Brydges Close. A large electricity sub-station is present opposite the north-eastern side of the HWRS' frontage onto St Philip's Avenue. Car access into the site is from St Philip's Avenue and an internal road used for queuing leads from the south-western part of the site into the north-eastern part, which contains the operational HWRS. Visitors then exit the site onto Churchdale Road. The western part of the site is used as a small transfer station for clinical waste.

2. The Proposal

2.1 This site is one of 12 existing HWRSs that the applicant currently operates as part of the Integrated Waste Management Contract with the

County Council and Brighton & Hove City Council. The existing network of HWRs in the County enables residents to dispose of their different waste materials, which are transferred for onward recycling, composting or recovery.

2.2 The applicant is seeking to vary Conditions 5 and 6 of planning permission EB/677/CM, which refer to the site's operational hours. The main change would be to allow the facility to operate on Saturday and Sunday afternoons and on most Bank and Public Holidays. The existing and proposed conditions are as follows:

2.3 The existing Condition 5 reads:

Unless prior agreement in writing has been obtained from the Head of Planning, the opening hours to members of the public shall not exceed 08.30 to 16.00 hours on Mondays to Thursdays, 08.30 hours to 15.30 hours on Fridays, 07.30 to 12.00 hours on Saturdays and Sundays and closed on Bank/Public Holidays and no trade waste shall be accepted during Saturdays and Sundays.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site, in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2.4 The proposed variation to Condition 5 reads:

Unless prior agreement in writing has been obtained from the Head of Planning, the opening hours to members of the public shall not exceed 08.30 hours to 16.00 hours on Mondays to Fridays, 08.00 to 17.00 on Saturdays, Sundays and Public & Bank Holidays and no trade waste shall be accepted during Saturdays and Sundays and Public & Bank Holidays.

2.5 The existing Condition 6 reads:

No activity shall take place on the site before the hours of 07.00 hours and after 18.30 hours on Mondays to Thursdays, before 07.00 hours and after 19.00 hours on Fridays or before 07.15 hours and after 12.15 hours on Saturdays and Sundays. No activity shall take place on Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site, in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2.6 The proposed variation to Condition 6 reads:

No activity shall take place on the site before the hours of 07.00 and after 18.30 hours on Mondays to Fridays, before 07.15 hours and after 17.00 hours on Saturdays and Sundays or before the hours of 08.00 and after the hours of 17.00 on Public and Bank Holidays. No activity shall take place on Christmas Day, Boxing Day and New Years Day.

2.7 According to the applicant, the reason for the proposal is to more closely align the operational hours with other HWRSs so that members of the public are able to use the site during the more popular weekends and Bank and Public Holidays (subsequently referred to as 'Bank Holidays').

3. Site History

3.1 The site was first granted planning permission for the development of a household waste site in 1989 (ref. EB/1140/CC) and has continued to operate within the eastern part of the current site area under planning permission EB/1382/CC (which was granted in 1992). The HWRS was extended to include the western part of the site under planning permission EB/137/CM (granted in 1996). The opening times to the public as restricted in Condition 1 of permission EB/1382/CC and Condition 2 of permission EB/137/CM on Saturdays and Sundays were varied from 07.30-11.30 hours to 07.30-12.00 hours in 2004.

3.2 More recently, the site was granted permission in 2012 for the 'provision of an off-road queuing lane for vehicles used by visiting members of the public from St Philip's Avenue (approximately 50 metres from the junction of St Philip's Avenue with Roselands Avenue) leading into the adjoining household waste recycling site with the continued use of the exit point on to Churchdale Road' (ref. EB/677/CM).

4. Consultations and Representations

4.1 Eastbourne Borough Council does not wish to make any observations.

4.2 ESCC Waste Disposal Authority supports the proposal. It notes that weekends are the busiest time for HWRSs and while most HWRSs are open at this time, the Eastbourne site is only open in the mornings; opening for a longer period would improve the service to residents. Offering longer working hours at the weekend would spread the currently concentrated morning use across the day. This would alleviate traffic congestion and create an environment that allows residents time and space to separate their waste properly, thereby increasing recycling levels.

4.3 The Highway Authority considers that the proposal is unlikely to result in a significant increase in vehicle movements. It is anticipated that visits will be spread out over the weekend and Bank Holidays, thereby potentially helping to reduce the traffic and congestion.

4.4 Councillor David Tutt, Local Member, objects to the proposal and asks that the Council should give serious consideration to moving the facility to a more appropriate location away from houses. Local residents have noted the traffic chaos in St Philip's Avenue and the difficulty in using their properties when the site is open at weekends. Drivers passing the queue to the site could cause a serious accident. Noise is experienced by residents in Brydges Close after the site is closed, which makes enjoyment of their gardens

difficult. If the opening hours are extended, they are unlikely to enjoy their gardens at all during the weekends.

4.5 Representations: 15 representations have been received from local residents, of whom 10 object for reasons which can be summarised as follows: (i) The proposal will not solve the traffic congestion problems, as the use has outgrown the site; (ii) Another site needs to be found to be able to accommodate the traffic; (iii) Noise from site activities and from people (including verbal abuse to residents) and pollution (including from queuing cars) will continue due to the overuse of the site; (iv) Vibration into homes from containers being dragged will continue; (v) The use of the site results in dangerous driving and hazards to people through drivers overtaking queuing traffic, mounting of pavements, reversing into driveways, blocking residents' driveways, ignoring double yellow lines and signage, and dangers to children walking home from school; (vi) Any enjoyment of gardens will be lost in the afternoons at weekends which is the reason why the restriction on operating times was imposed; (vii) Litter will increase in residents' gardens; (viii) A trial period should be considered; (ix) Plans have to be made when to leave and return home due to the congestion – the proposal will only make this worse; and (x) It will become more difficult for carers to access the property due to traffic problems.

One resident summarises the situation as follows: The site has become increasingly busier and demand has increased naturally since 1989. The air and noise pollution and other disruptions at the site should be reduced and not potentially increased. There will be no break from the noise if the hours are extended.

Five representations do not object to the proposed extended hours but do request that the site opens later due to noise, vibration from dragging containers and vehicle lights in the winter being intrusive particularly in the mornings.

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 Local Plan 2013: Policies: WMP3b (Turning waste into a resource); WMP6 (Safeguarding waste sites); WMP22 (Increased operational capacity at existing sites); WMP25 (General amenity); WMP26 (Traffic impacts).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017: Eastbourne HWRS Map 31.

5.3 National Planning Policy Framework (NPPF) 2018

The NPPF does not change the status of the Development Plan as the starting point for decision making and constitutes national policy as a material consideration in determining planning applications. Part 12 (Achieving well-designed places) is relevant in this case.

6. Considerations

Purpose of proposal

6.1 Policy WMP6 of the Waste and Minerals Plan safeguards existing waste sites, including the Eastbourne HWRs and the Sites Plan identifies the site at Map 31. Support is given by Policy WMP22 for proposals which increase operational capacity at existing sites and Policy WMP3b requires proposals to adhere to the provisions of the waste hierarchy. Policy WMP26 requires that proposals should have, *inter alia*, adequate access arrangements and have no unacceptable impact on existing highway conditions.

6.2 The applicant is seeking to extend the operating hours at the site in order to align them more closely with those at other HWRs so that members of the public are able to use the site for the whole weekend and on Bank Holidays. According to the applicant, weekend use at other HWRs is more popular than during the week and so longer opening hours would create the potential to encourage more recycling at weekends by making it easier for the public to visit. In principle, this is supported by Policies WMP3b and WMP22 of the Waste and Minerals Plan.

6.3 The applicant anticipates that visitor numbers would remain similar to the existing number of visits per week, as they would be spread out over longer periods at the weekend, and would result in a reduction in traffic congestion on the surrounding roads. Furthermore, the applicant considers that there are unlikely to be any additional vehicle movements associated with loading or unloading of waste containers. The potential improvements in alleviating traffic congestion are supported, in principle, by Policy WMP26 and highlighted as a benefit by the Highway Authority.

6.4 According to the applicant, the overall focus and purpose of the proposal is to enable the site to be open during periods of the week and weekend that are more suitable for members of the public to dispose of their waste materials, as opposed to seeking to increase the site's activities or the input and output of waste.

Effect on amenity

6.5 Policy WMP25 of the Waste and Minerals Plan seeks to protect the amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development. It also requires that there should be no significant adverse impact on air quality or the local acoustic environment and that adequate means of controlling noise, dust, litter, odours and other emissions, including those arising from traffic generated. Part 12 of the NPPF requires developments to create places in which, *inter alia*, there is a high standard of amenity.

6.6 Unlike other HWRs, such as at Newhaven, Heathfield and Hastings, the HWRs is located in a predominantly residential area, with properties in

close proximity to the site on all sides. Consequently, there is the potential for neighbours to be adversely affected by noise and other nuisance from the site, both through the movement of vehicles and the disposal and subsequent transfer of waste materials. Following consultation, local residents have raised concerns regarding noise from the site, together with reference to nuisance and hazards relating to the volume of traffic associated with its use.

6.7 The applicant notes that the nature of most complaints it has received relate to congestion of cars trying to access and egress the site and considers that the potential for noise would be likely to be minimal, if the site is able to operate for longer periods of time during the weekend and on Bank Holidays. It is possible that by allowing the HWRS to operate in the afternoons on Saturdays and Sundays and on Bank Holidays, intensified periods of use would be lessened. However, it is also possible that the afternoons would be very busy, as well as in the mornings, thereby resulting in a continuous period of concentrated activity throughout the whole day. This is pertinent, as the applicant refers to longer operating hours helping to maximise the potential for recycling in the Eastbourne area, which implies that an increase in visits by the public would be anticipated.

6.8 The applicant has indicated that on-site activities would remain the same throughout the proposed extended operational period and so the noise generating activities in the mornings would continue into the afternoons, as well as on Bank Holidays. Despite this, the applicant asserts that any likely impact on residents would be minimal but I do not agree. It is more likely that the impact from noise and disturbance would be significant, as there would be no respite for neighbours at the weekends and on Bank Holidays. This is particularly important in the assessment of this application, as the reasons for the existing controls on operating times under Conditions 5 and 6 of planning permission EB/677/CM are to safeguard the amenities of neighbours; this is a point also referred to in submitted representations. The circumstances of the site have not changed and therefore the reasons for the conditions remain relevant. It is considered that the proposed extension to operating times would not safeguard the amenities of neighbours and would therefore conflict with the Development Plan. As such, the proposal cannot be supported.

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 to vary Conditions 5 and 6 of planning permission EB/677/CM to more closely align operating hours with other HWRSs and to enable members of the public to benefit from extended hours at weekends and Bank Holidays to dispose of their waste.

7.3 While the Waste Planning Authority supports, in principle, the use of HWRSs to more effectively manage waste, this has to be balanced against

other material considerations. At the Eastbourne HWRS, the material circumstances have not changed since the conditions to control operating hours were imposed. Consequently, it is considered that further operational activity during weekends and on Bank Holidays would be likely to result in an unacceptable adverse effect on amenity. As such, the proposal would conflict with the reasons for the conditions controlling operating hours and specifically Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and the relevant provisions under Part 12 of the National Planning Policy Framework 2018. Therefore, the proposal is recommended for refusal.

7.4 In determining this planning application, the County Council has worked in a positive and proactive 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.

7.5 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 following reason:

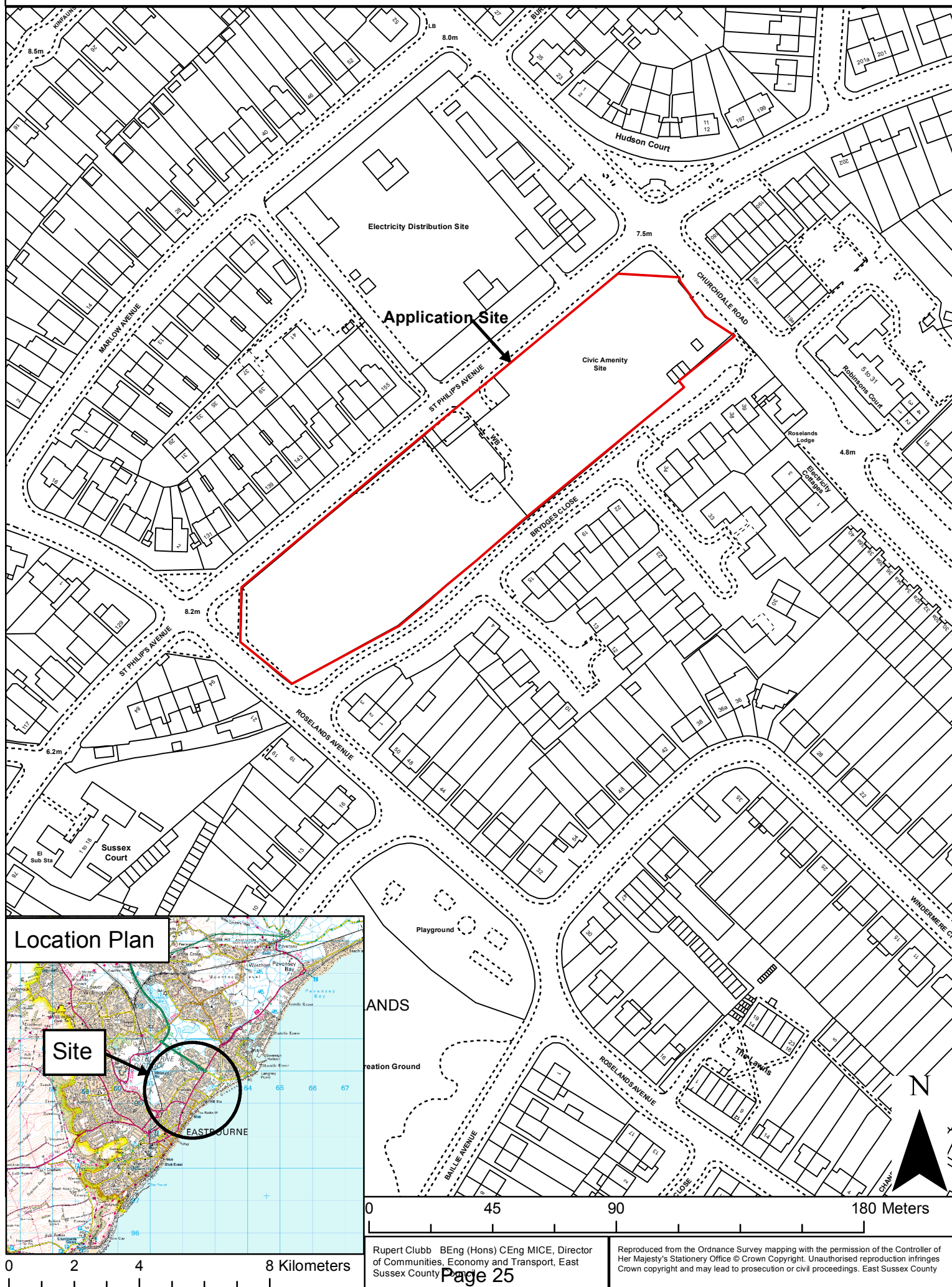
1. The proposal to extend operating hours on Saturdays, Sundays and Bank & Public Holidays would be likely to result in a significant adverse effect on the amenity of persons living in close proximity to the site by reason of noise and other disturbance. This would be unacceptable and conflicts with Policy WMP25 (a), (b) & (c) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and the relevant provisions of Part 12 of the National Planning Policy Framework 2018.

EDWARD SHEATH
Head of Planning and Environment
CET Department
1 October 2018

BACKGROUND DOCUMENTS

Application file EB/812/CM
Site planning permissions, including EB/677/CM
The Development Plan
National Planning Policy Framework 2018

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Committee	Regulatory Planning Committee
Date	10 October 2018
Report by	Director of Communities, Economy and Transport
Subject	Development Management Quarterly Update
Purpose	To inform Members about development management matters relating to enforcement and site monitoring, undertaken under delegated powers for the three month period between 1 July and 30 September 2018.
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 July and 30 September 2018, there were fifteen new alleged breaches of planning control. Of the new cases, nine were resolved within the reporting period and five older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of September 2018 was twelve. This represents an increase of only one in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 Appendix 1 of this Report provides details of cases resolved and received within the period 1 July and 30 September 2018, 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 has continued, but has to be accommodated within limited resources and alongside the enforcement service. During the last quarter twenty nine non-chargeable site monitoring visits were carried out. No substantive breaches of planning control were found to be occurring.

3. Appeals

3.1 There is one appeal currently being dealt with. As previously reported, this appeal relates to an Enforcement Notice that was served regarding the unauthorised importation, deposit and processing of waste materials (UPVC window frames) at Upper Lodge Farm, The Broyle, Ringmer. The Notice required the cessation of the activity and the clearance of the site. The appellant appealed on "Ground (a)": that planning permission should be granted for the activity. All statements and documents have been submitted by the Council, appellant and interested parties and the matter will be heard at a Hearing, which has been set for 9 October 2018. Members will be advised of the outcome of the appeal in future reports.

4. East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan: National Planning Policy Framework (July 2018) - Statement of Conformity

4.1 As Members will be aware, in July 2018 the Government published the Revised National Planning Policy Framework (NPPF). The changes to the NPPF focused on housing provision, local plan preparation, including the Duty to Co-operate, and clarifications in a number of other areas. Other changes were also made to reflect a number of legal decisions that had been made since the NPPF's first publication in 2012. In respect of minerals and waste planning, minerals only received minor changes while the National Planning Policy for Waste (2014) was not the subject of review and remains unchanged. The paragraph relating to enforcement also remains unchanged, although due to a reordering of the NPPF this and other paragraph numbers have changed.

4.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise. Of particular relevance to applications determined by this Authority is the Minerals and Waste Local Plan, which consists of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) (WMP) and the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017) (WMSP). Other Local Plans and the NPPF are also a material consideration in the determination of planning applications.

4.3 It is necessary for Local Plans to be consistent with the NPPF. Therefore, following the publication of revised national policy it is good practice to undertake a review of consistency between any Local Plans that a planning authority is responsible for and the revised national policy. This review is intended to check whether or not each policy is, in planning terminology, 'broadly in conformity' and not in 'conflict' with the revised national policy. Local plan policies that are considered to be broadly in conformity may continue to be used as normal in the determination of planning applications. However, if any policies are identified as not being in broad conformity or in conflict, consideration has to be given to undertaking a review of the Local Plan.

4.4 In light of this, a review of the policies of the Waste and Minerals Local Plan and conformity with the revised NPPF has been undertaken. The review found that, with the exception of Policy WMP11 (Provision of Aggregates), all policies were broadly in conformity with the revised National Planning Policy Framework. Policy WMP11 (Provision of Aggregates) is only partially in conformity with the revised NPPF owing to a conflict in the first sentence of the Policy. The first sentence of Policy WMP11 states that the Authorities will maintain provision for the production of land won aggregates at a rate of 0.10mtpa through the Plan period. Historically, this was based on the regional apportionment within the South East Plan (2009) and does not now conform with paragraph 207 a) of the NPPF, which indicates that future demand forecast should be based on a rolling average of 10 years' sales data and other relevant local information, together with an assessment of all supply options - including marine dredged, secondary and recycled sources. The second sentence of the existing Policy WMP11, which states that the Mineral Planning Authorities will maintain a landbank of at least 7 years of permitted resources for the extraction of sand and gravel, is broadly in conformity with the revised National Planning Policy Framework.

4.5 A review of the East Sussex, South Downs and Brighton & Hove Waste and Mineral Local Plan is currently being undertaken and the issue identified with Policy WMP11 will be addressed through that review.

4.6 A statement reflecting the finding of this review of conformity has been published on the Council's website; a copy of which is attached as Appendix 2 to this report.

5. Contact Officers

5.1 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 relating to County Matter and Regulation 3 applications should contact either Jeremy Patterson (01273 481626) or David Vickers (01273 481629).

RUPERT CLUBB
Director of Communities, Economy and Transport
01 October 2018

Local Members: All

BACKGROUND DOCUMENTS

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

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE JULY 2018

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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 and discussions were held with the operator and the landowner's agent. The purpose of the importation was allegedly to improve the track for the animals running through the wood 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>Numerous meetings with the operator, Environment Agency and the Flood Risk Management Team were undertaken, which concluded that the works undertaken were not acceptable. The removal of the materials and other remedial works were specified in order to resolve the matter.</p> <p>A further site visit was carried out which confirmed that the remedial works had been carried out satisfactorily. Breach of planning control resolved and no further enforcement action required.</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 contacted officers to confirm that a planning application would be submitted. However, no application was forthcoming and the operator appointed a new agent, who contacted officers with a view to expediting the submission of the planning application. Officers continued discussions with the operator's new agent, who stated that they were proposing works on the site that had not previously been discussed, and which could possibly be unsupportable.</p> <p>The Environment Agency subsequently served warning letters on all the operators of the site and required them to remove the imported waste materials. Officers have monitored the site and noted that a significant quantity of the imported waste materials had been removed.</p> <p>Since then, there have been ongoing discussions and pre-application advice sought with regard to the activities at the site and whether it can be regulated. The operator has now cleared the site of waste pending further investigations as to the future use of the site. Breach of planning control resolved and no further enforcement action required.</p>
May 2018	Sussex Skips, North Quay Road, Newhaven	Breach of Conditions (outside storage and processing of waste)	<p>Officers undertaking a monitoring visit to the site noted that baled waste was being stored in the yard to the north of the waste transfer building, and that hardcore was being processed in the south east corner of the site, both of which were in breach of conditions attached to the planning permission for the site (LW/680/CM).</p> <p>Following discussions and negotiations with the site operator, the stored waste in the yard to the north of the building was cleared. The operator has also now ceased the crushing operation in the south east corner of the site.</p>

			Breach of planning control resolved and the site will continue to be monitored as part of the Council's Site Monitoring Policy.
June 2018	Bexhill to Hastings Link Road (Combe Valley Way)	Breach of Conditions (fencing/animal protection)	<p>During a site monitoring visit, it was noticed that several sections of the badger fencing alongside the carriageway had been knocked down and not replaced. Following formal contact with the applicant, the repairs were undertaken and the breach of planning control resolved.</p> <p>The site will continue to be monitored on a regular basis to ensure the conditions attached to the planning permission are met.</p>
June 2018	AM Skips, London Road, Maresfield	Breach of Condition (boundary treatment)	<p>A complaint was received that a fence on the northern side of the site had collapsed and had not been replaced/repared, which was a breach of a condition attached to the planning permission for the site (WD/327/CM).</p> <p>A site visit was carried out which confirmed the substance of the complaint and also noted that some waste had slipped into the adjoining woodland. A meeting was held with the operator who stated that the Environment Agency had recently carried out a monitoring visit and identified the same issue and had given him a timescale in which to carry out the required repairs and remove the waste.</p> <p>A further site visit has been carried out which confirmed that the waste had been removed from the woodland and the fence fully repaired. 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>

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JULY 2018 AND RESOLVED

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
July 2018	GardenScape, The Wharf, Rye Road, Newenden	Importation, deposit and processing of waste (manure and waste bricks)	A complaint was received that waste was being processed at the site. A joint site visit was carried out with an officer from Rother District Council and a meeting held with the operator. The works carried out were clearly in relation to the operator's main business of the supply of garden/landscaping products, including sand, soils and aggregates. Rother District Council is currently pursuing this matter and no further action is required by this Authority.
July 2018	Great Meade, Pump Lane, Framfield	Importation and deposit of waste	A complaint was received that waste materials, comprising wheels, tyres and electrical goods, had been imported and deposited at the site. A site visit was carried out, which noted that there were a number of tyres, wheels and other items at the site. However, it was evident that works were being carried out on the site in order to clear ditches and the items had clearly been removed from ditches during the course of that work. No breach of planning control and no further action required.
July 2018	25 Abbey Road, Eastbourne,	Importation and storage of waste	A complaint was received that a skip was being used to bulk up construction and demolition waste from the occupier's business. Discussions were held with the operator, who agreed to cease the importation of waste and remove the skip. Breach of planning control resolved and no further action required.

July 2018	125 Eastbourne Road, Willingdon	Importation and storage of waste	<p>A complaint was received that waste materials were being imported and stored at the property. A joint site visit with an officer from Wealden District Council was carried out. Some imported waste household items were found to be at the site. Discussions were held with the landowner and the items have subsequently been removed.</p> <p>Breach of planning control resolved and no further action required.</p>
July 2018	Eco Skip Waste and Recycling Ltd, Oak Ferrars Farm, Batts Bridge Road, Piltown	Importation and deposit of waste	<p>Officers undertaking a site monitoring visit to a nearby (authorised) site noticed that waste materials were being imported and deposited at this site in skips and one tonne bags. Contact was made with the operator and the planning requirements explained to him, along with an informal view that should a planning application be submitted seeking to regularise the breach of planning control, then it would be unlikely to be supported. The operator has subsequently removed all the waste from the land. Breach of planning control resolved and no further action required.</p>
August 2018	Wivelsden Farm, North Common Road, Wivelsfield Green	Importation and deposit of waste.	<p>A complaint was received that waste was being imported and deposited at the site. A joint site visit was undertaken with officers from Lewes District Council. The works were found to be in accordance with an Agricultural Determination granted by Lewes District Council. No breach of planning control and no further enforcement action required.</p>
August 2018	Spillane Plant Hire, Honey Pot Farm Depot, A22 Polegate	Processing and burning of waste	<p>A complaint was received that waste (hardcore) was being crushed at the site and that waste was also being burnt. A site visit was undertaken and discussions held with the site manager. The manager advised that no hardcore was being crushed on the site, and that they are currently in the process of having their hardstanding re-surfaced. The team laying the road planings had allowed some tarmac to "set" on their truck which they needed to heat to soften in order to remove it. This apparently caused a ball of black smoke, which may explain the allegation of burning at the site. There was no evidence of waste being burnt at the site and no breach of planning control identified. No further enforcement action required.</p>
August 2018	Glebe Farm, Brookhouse Lane, Framfield, Uckfield	Importation and deposit of waste (soils)	<p>A complaint was received that waste material, comprising soil, was being imported into and deposited on the site. A joint site visit was carried out with the landowner and other regulatory bodies.</p> <p>The landowner advised that he intends to have mares and foals on the land, coupled with a continued agricultural use for grazing cattle. The landowner stated that the horses are for the purposes of show jumping and the paddocks needed to be evened out to avoid the young horses developing a back complaint called "roached back".</p> <p>This is considered to be a change of use from agriculture to a mixed use of agriculture/horsericulture, which is currently unauthorised. The landowner intends to submit a planning application to Wealden District Council seeking to regularise this. No further action required by this Authority.</p>
September 2018	Bexhill & Hastings Waste Water Treatment Works	Breach of Conditions (odour)	<p>A complaint was received that there were excessive odours emanating from the treatment works. Several site visits were carried out, which did not identify any odours, and discussions held with the operator and other local interested parties. No breach of planning control and no further action required.</p>

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JULY 2018 AND AS YET UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
September 2018	Meadow Farm, Rosehill, Isfield	Importation of waste (soils and hardcore)	<p>A complaint was received that waste materials had been imported into a field at this site and deposited. An initial site visit has been undertaken and it was found that a significant quantity of waste, comprising soils and hardcore, has been deposited on the boundaries of two fields at the site, creating two bunds. The bunds are approximately 6 feet tall and one extends for approximately 100 metres, and the other is longer.</p> <p>Discussions were held with the occupiers who stated that the bunds were being created in order to provide a means of enclosure for their livestock. The occupiers indicated that fencing around the site adjacent to a public right of way is regularly damaged, hence the construction of a bund.</p> <p>Further enquiries are being made and the case is ongoing.</p>
September 2018	Land at Wellbrook Hill, Mayfield	Importation and burning of waste	<p>A complaint was received by the Environment Agency that waste was being imported into the site and burnt. A site visit was undertaken, which confirmed the substance of the complaint. Contact has been made with the landowner, who has agreed to cease the activity and remove the waste.</p> <p>The site will be monitored to ensure compliance.</p>
July 2018	Born Again Plastics, Oak Ferrars Farm, Batts Bridge Rd, Piltdown, Uckfield, TN22 3XR	Breach of Condition (storage and processing of waste)	<p>A site monitoring visit to the site noted that waste was being stored outside the permitted waste storage area, and also that waste was being processed outside the building. A meeting was held with the operator who stated that this has been in part caused by the collapsing market for agricultural plastics and that he is trying to source other outlets for the waste.</p> <p>The site will continue to be monitored and timescales agreed with the operator to bring the site back in to compliance with the planning permission for the site.</p>
July 2018	H Ripley & Co, Apex Way, Hailsham, BN27 3WA	Breach of Condition (hours, noise and dust)	<p>A complaint was received that the site was working outside its permitted hours, was too noisy and was creating too much dust. Numerous site monitoring visits have been undertaken, which noted some breaches of the permitted hours. Further noise monitoring is in the process of being arranged in order to ascertain whether there is a breach of planning control in this respect. During the monitoring visits, no dust was seen emanating from the site.</p>
August 2018	Court Lodge Farm, Etchingham Road, Burwash, Etchingham	Unauthorised animal incinerator	<p>A complaint was received that an animal incinerator had been installed on the boundary of the property. A site visit was carried out, which confirmed the substance of the complaint, and discussions were subsequently held with the landowner. The purpose of the incinerator is for disposing of fallen stock from the farm.</p> <p>It is considered that planning permission is required for the installation and discussions are ongoing.</p>
August 2018	Eastbourne HWRS, St Philips Avenue,	Breach of Condition (hours of operation)	<p>Complaints have been received that the site is being operated outside the hours permitted and is too noisy. The site has been monitored. There is noise condition in relation to the site and, following monitoring, no breach of the</p>

	Eastbourne		permitted hours has been noted. However, further monitoring will be undertaken.
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TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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. One of the Directors 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 remained on the site.</p> <p>In order to protect the 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. An Enforcement Notice was therefore served on 2 February 2016. No appeal was made against the Enforcement Notice and it took effect on 4 March 2016. Following the service of the Enforcement Notice, the Environment Agency made further 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 site has been regularly monitored and the landowners have been in contact with officers concerning a proposal for an operation at the site which would provide the finance to help with the disposal of the waste wood. They engaged in seeking pre-application advice and a formal response was provided, which was that their proposal was considered to have some merit.</p> <p>A further site meeting was held with the landowners, which noted that some of the chipped waste had been removed from the site. The landowners have appointed a planning consultant, who has been in contact with Officers, and a planning application regarding their proposals is due to be submitted in the near future. In the meantime, officers are regularly monitoring the site to ensure activities at the site do not resume.</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. A meeting was held with the landowner where the requirement for planning permission for this type of operation was explained. A further site meeting was also held with the operator and discussions were undertaken concerning the planning requirements for activities at the site. The operator was 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.</p> <p>The operator failed to submit a planning application within the agreed timescale, or clear the site of the imported waste. Formal enforcement proceedings were therefore instigated against the landowner and operator and an Enforcement Notice was served on 10 July 2017. An appeal was made against the Enforcement Notice.</p>

			<p>However, it was then noted that there was a technical error in the explanatory note which accompanied the Enforcement Notice. Whilst this did not materially affect the Notice itself, it was decided by the Council that the Enforcement Notice should be withdrawn and then immediately re-issued with an amended explanatory note. The first Enforcement Notice was withdrawn on 22 August 2017 and the second Enforcement Notice was served on 29 August 2017.</p> <p>An appeal against the Enforcement Notice was made to the Planning Inspectorate, which put the Notice in abeyance. Confirmation that the appeal could proceed was received from the Planning Inspectorate, who originally indicated that the appeal will be dealt with at a Public Inquiry. However, further correspondence was received notifying the Council of the “start” date for the appeal and that it will be dealt with by way of a Hearing. All parties have submitted their representations/statement of case and a Hearing with an Inspector from the Planning Inspectorate is scheduled to take place on 9 October 2018.</p> <p>Members will be updated of progress in future reports.</p>
April 2018	Skip It Containers, North Quay Road, Newhaven	Breach of Conditions (height of stockpiles)	<p>A site monitoring visit was undertaken, during which it was noticed that the height of the waste stockpiled on the site exceeded the structures that were containing it and, where there were no retaining structures, the height of stockpiled waste exceeded 4 metres. Conditions attached to the planning permission for the site (LW/539/CM) limit the height of stockpiled waste and the levels of waste noted on the site were found to be in breach of these conditions.</p> <p>Meetings have been held with the operator, but the situation has not improved. The Environment Agency is involved with the site in connection with this issue and officers have provided evidence to support their case. Notwithstanding this, further monitoring of the site is being undertaken and consideration given to taking formal enforcement action.</p>
May 2018	Skilton Skips, AS Farm, Crowborough	Unauthorised Waste Transfer Station	<p>A site monitoring visit was undertaken on an adjacent site and it was noticed that the operator was depositing waste on this site and processing it by sorting. Discussions were held with the operator, who admitted that he knew planning permission was required, but due to the small nature of the operation was unsure whether it would be commercially viable to seek authorisation in planning and Environmental Permitting terms. The operator was given a short period of time to consider his options, and subsequently confirmed that he will pursue a planning application seeking to regularise this unauthorised use.</p> <p>The operator has appointed a planning consultant, who has been in contact with Officers, and a planning application is due to be submitted imminently. In the meantime, officers are continuing to monitor the site.</p>
June 2018	R.T. Salvage, Horselunges Industrial Estate, Hailsham	Unauthorised importation and processing of End of Life Vehicles	<p>A complaint was received that end of life vehicles were being imported into the site, and the engines removed with the bodies of the vehicles then being scrapped.</p> <p>A joint site visit was undertaken with the Environment Agency, which confirmed the substance of the complaint. A meeting was subsequently held with the operator and the planning and environmental permitting regulations explained. The operator is intending to seek formal pre-application advice in order to assess whether a planning application to regularise the unauthorised operation has merit and can be supported.</p> <p>There have been some delays due to negotiations between the operator and the existing tenant/landlord. However, officers are continuing to monitor the site and maintain regular contact with the operator.</p>

June 2018	D.R.S. Pattenden, Little Exceat Farm, South Chailey	Breach of Condition (buffer zone)	<p>A site monitoring visit was undertaken, during the course of which it was noted that the scheme to maintain a buffer zone on the western and northern boundaries of the site had not been maintained and had failed. A meeting was held with the operator and a timescale for re-establishing these buffer zones was agreed. A further site visit was carried out, which confirmed the buffer zone had been re-established and the site brought back into compliance with the planning permission (LW/492/CM).</p> <p>However, further complaints have been received that the site is operating outside the permitted hours of operation. Additional site monitoring is therefore currently being undertaken to establish whether there are further breaches of planning control.</p>
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EAST SUSSEX, SOUTH DOWNS AND BRIGHTON & HOVE WASTE AND MINERALS LOCAL PLAN NATIONAL PLANNING POLICY FRAMEWORK (JULY 2018) STATEMENT OF CONFORMITY

The following plans form the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan:

1. East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013)
2. East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (Adopted February 2017)

Having reviewed the revised National Planning Policy Framework (July 2018) and the policies of the Waste and Minerals Local Plan, **I can confirm that all policies, with the exception of WMP11 Provision of Aggregates, are broadly in conformity with the revised National Policy Framework.**

Policy WMP11 Provision of Aggregates is partially in conformity with the revised National Policy Framework. The first sentence of Policy WMP11 states that the Authorities will maintain provision for the production of land won aggregates at a rate of 0.10mtpa through the Plan period. This was based on the regional apportionment within the South East Plan (2009) and does not conform with paragraph 207 a) of the NPPF which indicates that future demand forecast should be based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options including marine dredged, secondary and recycled sources. The second sentence of WMP11 which states that the Minerals Planning Authorities will maintain a landbank of at least 7 years of planning permission for the extraction of sand and gravel is broadly in conformity with the revised National Planning Policy Framework.

A review of the East Sussex, South Downs and Brighton & Hove Waste and Mineral Local Plan is currently being undertaken.

Edward Sheath
Head of Planning and Environment
12 September 2018

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