



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 10.00 am WEDNESDAY, 16 OCTOBER 2024

COUNCIL CHAMBER, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Tom Liddiard (Chair)
Councillors Philip Lunn (Deputy Chair), Abul Azad, Godfrey Daniel,
Kathryn Field, Eleanor Kirby-Green and Pat Rodohan

AGENDA

1. Minutes of the meeting held on 18 September 2024 (*Pages 3 - 8*)
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. Variation of Condition 2 of planning approval LW/786/CM to include a side roller shutter door for emergency use only on the southern elevation of the building. Unit 3, Cradle Hill Industrial Estate, Cradle Hill Road, Seaford, East Sussex, BN25 3JE - LW/892/CM (*Pages 9 - 22*)
Report by the Director of Communities, Economy and Transport
6. Development Management Update (*Pages 23 - 50*)
Report by the Director of Communities, Economy and Transport
7. Any other items previously notified under agenda item 4

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

8 October 2024

Contact Sophie Webb, Interim Senior Governance and Democracy Officer,

01273 337495

Email: sophie.webb@eastsussex.gov.uk

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. The live broadcast is accessible at: www.eastsussex.gov.uk/yourcouncil/webcasts/default**

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at Council Chamber, County Hall, Lewes on 18 September 2024.

PRESENT Councillors Tom Liddiard (Chair), Philip Lunn (Deputy Chair), Abul Azad, Godfrey Daniel, Kathryn Field, Eleanor Kirby-Green and Pat Rodohan

ALSO PRESENT Councillors Anne Cross and Phil Scott

15. MINUTES OF THE MEETING HELD ON 14 AUGUST 2024

15.1 The Committee approved as a correct record the minutes of the meeting held on 14 August 2024.

16. APOLOGIES FOR ABSENCE

16.1 There were no apologies for absence.

17. DISCLOSURES OF INTERESTS

17.1 There were none.

18. URGENT ITEMS

18.1 There were none.

19. REPORTS

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

20. CHANGE OF USE OF AN INDUSTRIAL UNIT INCLUDING EXTERNAL YARD TO A SKIP WASTE RECYCLING FACILITY AND OPERATING DEPOT. THE SKIP WASTE RECYCLING OPERATION WILL INCLUDE SKIP HIRE, WITH DEPOSIT AND MANUAL SORTING OF WASTE FOR ONWARD RECYCLING - UNIT 4 GHYLL ROAD INDUSTRIAL ESTATE, GHYLL ROAD, HEATHFIELD, EAST SUSSEX, TN21 8AW

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

20.2 Mr Alan Potter (agent for the applicant) spoke in support of the recommendation for granting planning permission.

20.3 Councillor Anne Cross, the Local Member spoke in support of the recommendation for granting planning permission.

20.4 Members have considered the report, together with the comments of the public speaker and Local Member and agree with the conclusions and reasons for the recommendation set out in paragraph 8 of the report.

20.4 The Committee unanimously RESOLVED to grant planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in full accordance with the plans listed in the Schedule of Approved Plans and Documents.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Notwithstanding the provisions of Part 7, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings, structures, plant or machinery shall be extended, altered or installed at the site (other than as expressly authorised by this permission), unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To enable the Waste Planning Authority to control the future use of the site in order to protect the amenity of the area in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

3. No activity or operation associated with the permitted use of the site including vehicle movements to and from the site, shall be carried out other than between the hours of 08.00-17.00 on Monday to Friday inclusive and the hours of 08.00-13.00 on Saturdays, and at no time on Sundays, Public and Bank Holidays except for works of essential maintenance or which are to respond to an emergency. No later than one week after the carrying out of such essential/emergency works full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Communities, Economy and Transport.

Reason: To protect the amenity of the locality, in accordance with Policy WMP25a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

4. The site shall only be used for the purposes identified in the planning application, namely the unloading, transfer, sorting, processing and reloading of inert and non-putrescible waste. No hazardous waste shall be permitted at the site.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

5. There shall be no sorting, processing, screening or grading of waste outside the footprint of the waste transfer building unless otherwise agreed in writing in advance by the Director of Communities, Economy and Transport.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

6. There shall be no storage of waste outside the footprint of the waste transfer building other than within the designated bays and containers specified within the Site Layout Plan (v0.5 Submission 02.09.2024), unless otherwise agreed in writing in advance by the Director of Communities, Economy and Transport.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

7. The external storage of materials shall only take place within the bays in the 'Inert/Specified Waste' area indicated on the Site Layout Plan (v0.5 Submission 02.09.2024). Unless otherwise agreed in writing in advance by the Director of Communities, Economy and Transport, the bays shall not exceed 1.5m(h) x 5m(w) x 3m(d) and netting at the rear of the bays shall be maintained as new at all times.

Reason: To prevent the overspill of materials into the adjoining woodland and the uncontrolled spread of stored material on-site outside of the areas specified on the Site Layout Play (v0.5

Submission 02.09.2024) and to protect the amenity of the locality, in accordance with Policy WMP25 and Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

8. Waste stored in the 'Inert/ Specified Waste' bays shown on the Site Layout Plan (v0.5 Submission 02.09.2024) shall not exceed the height of the walls of the bays.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

9. Empty skips and containers shall be limited to a maximum height of 3 metres at all times, unless otherwise agreed in writing by the Director of Communities, Economy and Transport. Skips or containers which contain waste shall not be stacked upon one another.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

10. All works and operations shall be carried out in full accordance with the details contained in the Site Dust Emissions Management Plan/SDEMP (Beyond Waste, May 2024) as already submitted with the planning application and agreed in principle with the Waste Planning Authority prior to determination.
All measures within the SDEMP shall be kept in place for the lifetime of the development.

Reason: To ensure that the measures considered necessary to ensure the minimisation of impacts on surrounding biodiversity and air quality impacts on local residents are carried out as specified and to ensure the continued protection of the environment and amenity of the area as required under Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Revised Policies Document 2021 and also included in Part 15 of the NPPF.

11. No more than 50 HGV movements (25 in and 25 out) shall take place to and from the site per day without the prior written agreement of the Director of Communities, Economy and Transport.

Reason: In the interests of road safety and protecting amenity, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

12. A record of all daily vehicle movements to and from the site, identifying vehicle type, operator and load, shall be maintained and be made available for inspection on the request of the County Planning Authority.

Reason: In order to allow the County Planning Authority to monitor and control the number of vehicle movements associated with the development.

13. Artificial illumination of the site shall only take place during the hours permitted by Condition 3 of this planning permission. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development within the approved site boundary unless details have been submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: In the interests of amenity and the protection of the adjacent Site of Nature Conservation Importance, and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

14. The level of operational noise emitted from the site shall, at all times, not exceed 5dB above background noise levels at the nearest noise sensitive receptor. All noise levels need to be determined in accordance with BS 4142:2014+A1:2019.

Reason: To protect the amenity of the locality, especially for people living nearby having regard to Policy NE4 of the Non Statutory Wealden Local Plan, Saved Policy EN27 of the adopted Wealden Local Plan 1998 and the requirements of Section 15 of the National Planning Policy Framework 2023.

15. Within one month of the date of this permission, the applicant shall submit for approval by the Director of Communities, Economy and Transport, a method statement detailing measures to be taken on the western boundary, including any boundary treatment, to prevent the spilling of materials into the adjacent woodland. Following approval, the measures shall be implemented within one month of their approval and maintained for the lifetime of the development.

Reason: To protect the biodiversity and local landscape character of the adjoining Ancient Woodland and to prevent the overspill of materials into the woodland, in accordance with Policy WMP25 and Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Saved Policy EN13 of the Wealden District Local Plan (1998).

16. Within one month of the date of this permission, the kerbing on the western boundary, shown on the Site Layout Plan (v0.5 Submission 02.09.2024), shall be fully installed and repaired. The kerbing shall be maintained in good order to provide a barrier capable of preventing run-off from the site to the Ancient Woodland for the duration of the development.

Any subsequent damage to the kerbing shall be repaired within ten working days of the matter being brought to the attention of the applicant.

Reason: To protect the biodiversity and character of the adjoining Ancient Woodland and ghyll woodland, in accordance with Policy WMP25 and Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Saved Policy EN13 of the Wealden District Local Plan (1998).

17. Within one month of the date of this permission, parking areas shall be provided in accordance with the Site Layout Plan (v0.5 Submission 02.09.2024). The areas shall thereafter be retained for that use.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013).

18. Within six weeks of the date of this permission, the soakaway beneath the Inert/Specified Waste bays, shown on the Site Layout Plan (v0.5 Submission 02.09.2024) shall be fully installed and then maintained for the duration of the development.

Reason: To protect the biodiversity and character of the adjoining Ancient Woodland and ghyll woodland, in accordance with Policy WMP25 and Draft Policy RD1 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Saved Policy EN13 of the Wealden District Local Plan (1998).

19. Within 2 months of the date of this permission, the applicant shall seek advice from their consultant ecologist on the type and location of bat or bird boxes and any other measures to enhance the biodiversity value of the site, and details submitted for approval to the Director of

Communities, Economy and Transport Any such measures must be implemented no later than 2 months following receipt of such advice.

Reason: To help minimise the potential impact of the proposed development on ancient and HPI woodland and to help provide appropriate mitigation and enhancement.

INFORMATIVES

1. Site Monitoring

The applicant is reminded that the site will be monitored as part of the County Council's Site Monitoring Policy, to ensure operations at the site remain in compliance with the conditions attached to the planning permission hereby approved.

2. Environmental permit

The applicant's attention is drawn to the following comments/requirement from the Environment Agency:

Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from us.

Further information can be found on the gov.uk website – <https://www.gov.uk/topic/environmental-management/environmental-permits>.

The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk to obtain advice about environmental permitting matters.

Under the Environmental Permitting (England and Wales) Regulations 2016, the operator of a waste site will require an environmental permit for the importation, storage, and treatment of waste.

The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.

3. Surface Water Run-Off

The applicant's attention is drawn to the following comments/requirement from the Pevensy and Cuckmere Water Level Management Board:

The application site drains surface water runoff to the Pevensy and Cuckmere Water Level Management Board drainage district. Therefore the applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area as required by the Board's Byelaw 3, which is the process by which the Board agrees the proposed discharge rates.

Should consent be given it will be subject to the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. This policy is available using the following link: https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf

4. High Pressure Gas Pipeline

The applicant's attention is drawn to the attached guidance from SGN and the comment below:

Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our assets will not be affected by the proposal.

However, should your proposal change please contact immediately and we will re-assess.

Schedule of Approved Plans and Documents

Site Location Plan Version 1.3, Planning Supporting Statement, Ghyll Industrial Estate PEA Technical Note. Issue1, Site Dust Emissions Management Plan (Beyond Waste, May 2024), Site Layout Plan (V0.5 Submission 02.09.2024).

(The meeting ended at 10.57 am)

CHAIRMAN

Committee: **Regulatory
Planning Committee**

Date: **16 October 2024**

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

Proposal: **Variation of Condition 2 of planning approval LW/786/CM to include a side roller shutter door for emergency use only on the southern elevation of the building.**

Site Address: **Unit 3, Cradle Hill Industrial Estate, Cradle Hill Road, Seaford, East Sussex, BN25 3JE.**

Applicant: **James Waste Ltd**

Application No. **LW/892/CM**

Key Issues: **1) Purpose of the development
2) Effect on Amenity**

Contact Officer: **Miss Kiran Sajjan Tel no.01273 481846**

Local Member: **Councillor Sam Adeniji**

SUMMARY OF RECOMMENDATIONS

To grant planning permission subject to conditions as indicated in paragraph 8.1 of this report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. The Site and Surroundings

1.1 The application site is located in the southern part of the Cradle Hill Industrial Estate, an established industrial area on the north-eastern outskirts of Seaford and within the development boundary. The boundary of the South Downs National Park (SDNP) is about 220 metres to the north and east of the site. The application site itself includes an existing waste transfer station (WTS), which operates from an industrial unit (Unit 3) with associated vehicular parking and access space. The WTS is not currently operational as construction works for a new transfer station are underway.

1.2 Further industrial units are located to the north and north-east of the application site and across the relatively narrow estate road to the west and north-west. The adjacent Unit 4 is to the north of the application site and is

occupied by an electrical company. Unit 2 to the south-west of the application site is occupied by a firm of Funeral Directors, which includes a chapel of rest, and a Fire Station is located further to the south-west. Seaford Town Cemetery is situated to the south and east and residential properties are to the south-east and south-west. The closest residential property is 17 Kammond Avenue, which is about 30 metres east of the application site, although the distance from the western corner of its garden to the site is about 8 metres.

2. The Proposal

2.1 Planning permission is sought to install a secondary electronically operated roller shutter door on the southern elevation of the waste transfer building. The roller shutter door would be used in emergencies or in specific situations where the main roller shutter door on the western elevation is obstructed. The applicant states that circumstances in which the proposed roller shutter door would be used include failure of the main roller shutter, firefighting, breakdown of machinery, servicing/breakdown of weighbridge and as an emergency exit.

2.2 The door opening would be 4 metres wide and 5 metres in height. The applicant has confirmed that the colour of the door would be grey to match the exterior of the building.

2.3 The plans submitted in support of the planning application also include a 1.5 metre increase in the width of the main roller shutter door on the front (western) elevation of the building.

3. Relevant Site History

3.1 Planning permission was granted in 2009 (ref. LW/581/CM) for a change of use from a disused storage unit to a waste transfer station. Later in the same year, permission was granted (ref. LW/602/CM) for a variation to Condition 4 of permission LW/581/CM to allow the storage of empty skips outside the building on its northern side. In 2011, permission was also granted (ref. LW/652/CM) for a change of use of an adjoining building to the WTS, which forms part of Unit 3, from a disused storage area to an extension of the existing WTS.

3.2 Planning permission was sought in 2016 for the demolition and replacement of the existing waste transfer station building. In March 2017, the Planning Committee resolved to refuse the application for various reasons including the scale of the building, proximity to the neighbouring cemetery and amenity concerns. Subsequently, an appeal was made to the Secretary of State. The appeal was allowed and planning permission was granted in February 2018 (Ref. LW/786/CM).

3.3 In July 2024, a non-material amendment (ref. LW/786/CMNM/2) was sought to add a roller shutter door on the southern elevation of the building and amend the parking layout and approved landscaping scheme. This application was refused as the amendments sought were not considered non-material in their effect, hence the current planning application.

4. Consultations and Representations

4.1 Lewes District Council – No response received.

4.2 Seaford Town Council – No response received.

4.3 East Sussex Fire & Rescue Service – No response received.

4.4 Local Representations – Two letters of representation have been received which raise objections to the proposal. The following concerns are raised:

- Residents of Kammond Avenue have already had to experience prolonged noise disturbance during the construction phase of the new transfer station. The additional roller shutter door would add potential for more adverse impacts.
- Concerns that the new door would be used for general work vehicles operating at the site.
- The proposal would increase noise emitted from the building.

Both representations raise points about the importance of the approved landscaping scheme to screen the building from neighbouring properties.

5. The 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 WMP23a (Design Principles for Built Waste Facilities) and WMP25 (General Amenity).

5.2 Lewes District Joint Core Strategy 2016: Core Policy 11 (Built & Historic Environment and High Quality Design).

5.3 Lewes District Local Plan Part 2: Site allocations and development management policies 2020: Policies DM23 (Noise) and DM25 (Design).

5.4 National Planning Policy Framework (NPPF) 2023: The NPPF does not change the status of the Development Plan as the starting point for decision making and constitutes guidance as a material consideration in determining planning applications. It does not contain specific waste policies but regard should be had to NPPF policies so far as relevant. Part 12 (Achieving well-designed and beautiful places) is relevant in this case.

6. Considerations

Purpose of the development

6.1 The roller shutter door for which permission is sought would not be used for day-to-day use. The main roller shutter door on the western elevation of the

permitted waste transfer building will be the primary point for entrance/egress. The purpose of this door is in case there is an obstruction or blockage to the main entrance/exit. From a health and safety perspective, the purpose of the development is considered acceptable. As noted earlier in this report, the applicant applies for the door to be used in the following circumstances: failure of the main roller shutter, firefighting, breakdown of machinery, servicing/breakdown of weighbridge and as an emergency exit. It is not considered necessary for the proposed door to be used for the purposes of breakdown or servicing of machinery. The main door on the south-western elevation is considered to be sufficient for this purpose, particularly with a wider access. A condition is recommended to restrict the use of the door for emergencies only.

Effect on amenity

6.2 Policy WMP25 of the Waste and Minerals Plan requires, *inter alia*, that proposals should have no unacceptable effects on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development; that there is no significant adverse impact on air quality or the local acoustic environment; and that there is adequate means of controlling noise, dust, litter and odours, including those arising from traffic generated by the development. Moreover, Policy DM25 of the Lewes Local Plan Part 2 requires development to contribute to the local character and distinctiveness by, *inter alia*, ensuring its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site and ensuring there will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.

6.3 Policy WMP23a of the Waste and Minerals Plan requires buildings associated with waste development to be, *inter alia*, of a scale, form and character appropriate to its location. In urban fringe locations, design should complement the existing scale and built form of the local area and take account of local landscape character and distinctiveness.

6.4 Policy DM23 of the Lewes Local Plan Part 2 states that noise-generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses (existing or planned) will not be exposed to noise impact that will adversely affect the amenity of existing or future users. Where appropriate, proposals will be required to mitigate noise impacts through careful planning, layout and design. In assessing mitigation proposals, account will be taken of; the location, layout and design of the proposed development; existing levels of background noise; measures to reduce or contain generated noise and hours of operation and servicing.

6.5 The proposed roller shutter door would be on the southern elevation, which is the elevation closest to residential properties in Kammond Avenue. The mechanical element of the door would have a noise impact, however this would not be excessive as the door would only be used occasionally. There is

an existing condition included on the main consent for the site which requires operational noise levels emitted from the site to be at least 5dB below the LA90 value when measured at the northern or western boundaries of the garden of 17 Kammond Avenue. Additionally, a condition is recommended to ensure the operator notifies the authority within one working day of the use of the roller shutter door to allow the Waste Planning Authority to monitor and control the use and impact of the roller shutter door.

6.6 The letters of representation raise concerns regarding noise from daily operations as a result of the proposed door being open. The applicant has confirmed that when the door is open, all operations within the building would cease. Therefore, any impact on the amenity of occupiers for neighbouring properties from the day-to-day operations within the building would be minimal. As such it is considered that the proposal complies with WMP25 of the Waste and Minerals Plan, Policies DM23 and DM25 of the Lewes Local Plan Part 2.

6.7 The increase in width of the main roller shutter is unlikely to have an adverse effect on the amenity of the locality as it fronts onto the industrial estate and would not significantly differ from the approved scheme.

6.8 In terms of its design, the additional roller shutter door would not be out of keeping with the immediate surroundings within an industrial estate. Whilst the building appears prominent in its setting when viewed from the neighbouring cemetery, the principle for the development has already been established. The proposed additional roller shutter door would not significantly alter the appearance of the southern elevation from what was originally approved.

7. Conclusion and reasons for approval

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 Planning permission is sought for a secondary roller shutter door on the southern elevation of the permitted waste transfer building. The proposal complies with Policies WMP23a and WMP25 of the Waste and Minerals Plan and Core Policy 11 of the Lewes Local Plan Part 1 as well as policies DM23 and DM25 of the Lewes Local Plan Part 2.

7.3 In determining this planning application, the County Council has worked with the applicant and agent 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.

7.4 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 grant planning permission subject to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans and Documents.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The applicant shall provide formal notification to the County Planning Authority of the date they intend to commence the development hereby permitted.

Where development is not commenced on the date provided in the notice, the applicant must serve a new notice with an updated anticipated commencement date.

Reason: To comply with Section 93G of the Town and Country Planning Act 1990.

4. In the event that the roller shutter door hereby approved is required to be open, all operations within the building shall cease until the door is fully closed.

Reason: In the interests of protecting the amenity of occupiers of properties in Kammond Avenue in line with Policy WMP25 of the Waste and Minerals Plan and Policies DM23 and DM25 of the Lewes Local Plan Part 2.

5. The roller shutter door hereby permitted shall remain closed at all times and shall not be used other than for the purposes of firefighting, access for emergency services and as a means of escape in an emergency. Notice of the date and reason for the use of the door shall be given in writing to the waste planning authority no later than one working day after the use of the door.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

6. The colour of the door hereby permitted shall match the colour of the cladding on the exterior of the southern elevation of the building.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

7. The roller shutter door hereby permitted shall measure 4 metres wide and 5 metres in height.

Reason: For the purposes of clarity.

8. Demolition and construction works associated with the development shall accord with the details approved in East Sussex County Council's letter dated 20th November 2020, namely:

- Proposed site arrangement dwg. GRE07A rev A Jun 2020. Received 17/09/2020.
- Construction Management Plan Ref GRE 20 D. Received 20/11/2020.

The approved plan shall be implemented in full throughout the demolition and construction works.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

9. Measures to manage surface water drainage at the site shall accord with details approved in East Sussex County Council's letter dated 20th November 2020, namely:

- Expert Skips, Cradle Hill Rd, Seaford, As Built Drainage Drawing, Casey Construction Yeovil Ltd. Dated 28th May 2024. Received on 31st May 2024.

- Tanks Direct invoice for Klargester Full Retention Separator -NSFP006 - 335M² drainage area. Dated 23/01/2024. Received on 14th June 2024.

The development shall be implemented in accordance with the approved details, and thereafter retained for the life of the development.

Reason: To ensure satisfactory drainage of the site and to prevent water pollution and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

10. Before the occupation of the building hereby permitted a dust mitigation scheme for the operational use of the site, including dust arising from the use of vehicles, shall be submitted to the Waste Planning Authority for approval in writing. The development shall thereafter be implemented and

operated in accordance with the approved scheme for the life of the development.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

11. The landscaping scheme shall accord with the details approved in East Sussex County Council's letter dated 19th March 2020, namely:

- Landscape Proposal Report Rev 2.3.2020. Received on 05.03.2020.

The shared wall with the cemetery will be protected from damage during any works and sufficient space shall be available to undertake planting and its subsequent management. The scheme shall thereafter be implemented and retained in accordance with the approved details.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

12. The landscape management plan shall accord with the details approved in East Sussex County Council's letter dated 19 March 2020, namely:

- Landscape Proposal Report Rev 2.3.2020. Received on 05.03.2020.

The development shall thereafter be implemented and maintained in accordance with the approved management plan.

Reason: To ensure the approved landscape scheme is effective and maintained for the lifetime of the development.

13. The building hereby permitted shall not be occupied until the parking area for employees has been provided in accordance with the details approved in East Sussex County Council's letter dated 19th March 2020, namely:

- Proposed site layout plan 1589/D003 revised and received on 25.07.2019.

The development shall be implemented in accordance with the approved details before the building is first occupied and the parking area shall thereafter be used for no purposes other than the parking of vehicles.

Reason: To ensure adequate parking is provided on site to avoid overspill onto the surrounding road network.

14. The external materials used for the construction of the building shall accord with the details approved in East Sussex County Council's letter dated 19th March 2020, namely:

- Steel powder coated goose wing grey profile single skin for roof and all walls with 15% rooflights. Steel roller shutter also in goose wing grey.

Development shall be carried out and thereafter retained in accordance with the approved details.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and to ensure the buildings appearance is sympathetic to the surroundings in accordance with Policy DM25 of the Lewes Local Plan Part 2.

15. The use of the waste transfer station shall not be carried on outside the hours of 0730 - 1800 on Mondays to Fridays inclusive and the hours of 0800 and 1600 on Saturdays, and at no time on Sundays, Public Holidays and Bank Holidays except for works of essential maintenance or which are in response to an emergency. Notice of the date, reason for and nature of the works shall be given in writing to the waste planning authority no later than one week after the carrying out such works.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

16. Except for the two containers shown on Drawing Number 1589/D003 Rev v.a, dated 9 November 2016 (Proposed Site Plan), no container, skip, sorted or unsorted waste materials including recycled materials shall be stored outside the building.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2 and the allow the Waste Planning Authority to appropriately control and regulate the site.

17. There shall be no sorting, treatment, loading or unloading of waste, recyclable materials or any other materials other than within the building.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2 and the allow the Waste Planning Authority to appropriately control and regulate the site.

18. The operational noise levels emitted from the site, measured as LAeq 1 hour (freefield) at the northern or western boundaries of the garden of 17 Kammond Avenue and in accordance with British Standard 4142:2014 shall be at least 5dB below the background LA90 value.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

19. The use of the waste transfer station shall not commence until an external lighting plan showing the location and specification of the lights and any associated structures, together with the extent of light spillage from each light, has been submitted to the Waste Planning Authority for approval in writing. The development shall be implemented and thereafter retained in accordance with the approved details.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

20. The development shall accord with the remediation strategy approved in East Sussex County Council's letter dated 20th November 2020, namely:
- Contamination Assessment: Intrusive Investigation August 2020. Received 17/09/2020.
 - Contamination assay 1-4
 - The Environmental Laboratory Report and spreadsheet 20-29008. Received 17/09/2020.

Any changes to these components require the written consent of the waste planning authority. The scheme shall be implemented as approved.

Reason: To ensure an appropriate method of remediation is in place in case contamination is found during the construction phase.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the waste planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure an appropriate method of remediation is in place in case contamination is found during the construction phase.

22. Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the waste planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure an appropriate method of remediation is in place in case contamination is found during the construction phase.

23. Prior to the commencement of any work on site details of any proposed works of piling or other penetrative foundation works and measures to

avoid the creation of preferential pathways to groundwater shall be submitted to the waste planning authority for approval in writing. The development shall thereafter be implemented in accordance with the approved details.

Reason: To protect the quality of the groundwater in the area in accordance with Policy WMP28b of the Waste and Minerals Plan 2013.

INFORMATIVES

1. The applicant is reminded that the site will be monitored as part of the County Council's Site Monitoring Policy, to ensure operations at the site remain in compliance with the conditions attached to the planning permission hereby approved.
2. The permitted site operations will enable the production of recycled aggregate to be sold from the site. As such the site operator will be required to make annual returns (detailing sales production and capacity) to the minerals planning authority in respect of the Aggregate Monitoring survey. This information will then be collated and sent to the South East Aggregate Working Party on behalf of the Government.

Schedule of Approved Plans and Documents

GRE01A Rev A Jun 2020 - Location Plan, GRE07G Rev G July 2024 - Proposed Site Plan, GRE08A Rev A Jul 2024 - Proposed elevations - amendments

RUPERT CLUBB

Director of Communities, Economy and Transport

Date:

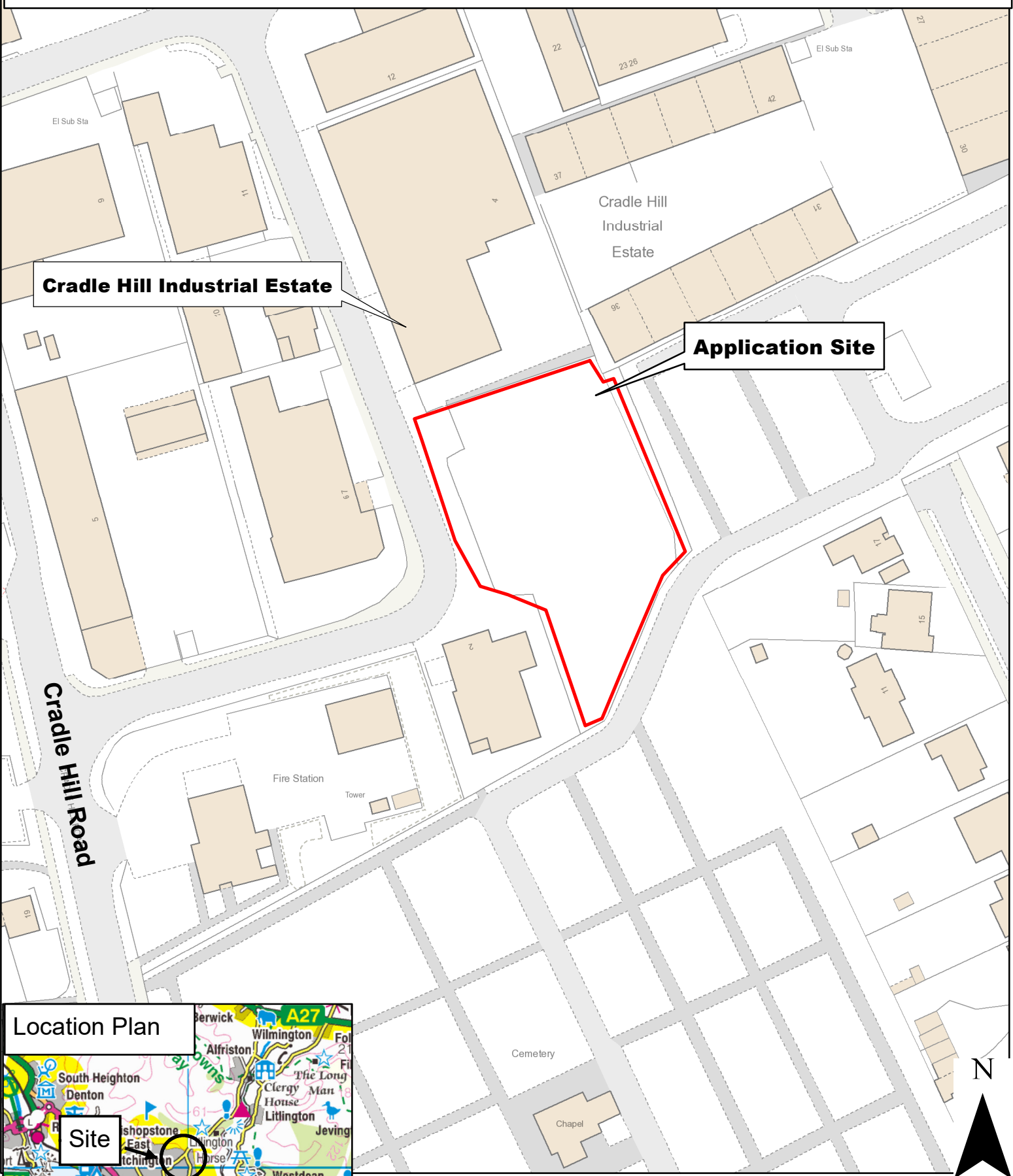
BACKGROUND DOCUMENTS

Application File LW/892/CM

The Development Plan

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LW/892/CM - Unit 3, Cradle Hill Industrial Estate, Cradle Hill Road, Seaford, East Sussex, BN25 3JE



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| Committee | Regulatory Planning Committee |
| Date | 16 October 2024 |
| Report by | Director of Communities, Economy and Transport |
| Subject | Development Management Update |
| Purpose | To inform Members about matters relating to enforcement and site monitoring, undertaken under delegated powers for the period between 1 April 2024 and 30 September 2024. |
| Contact Officer: | Sarah Iles – 01273 481631 |
| Local Members: | All |

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 April and 30 September 2024, inclusive, there were 24 new complaints about alleged breaches of planning control. All of the new cases relate to “County Matter” sites. Of the new cases, 16 were dealt with and completed within the reporting period and 9 older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of September 2024 was 37. This represents a decrease of one in the number of cases that were outstanding at the end of the previously reported period (1 October 2023 – 31 March 2024).

1.2 It is encouraging that there hasn’t been an increase in the number of outstanding cases, particularly as resources available to deal with enforcement matters are currently limited, which is compounded by some unfilled vacancies within the Planning Policy and Development Management Team. Despite resources being stretched, an effective and proactive enforcement service continues to be provided and cases are prioritised as necessary. There are some older cases which need a final site visit to be carried out before they can be closed, but these have not been prioritised due to the need to use resources on more serious and complex cases. It is hoped to clear these older cases during the next few months.

1.3 When dealing with enforcement cases, it is sometimes possible to resolve cases and achieve satisfactory outcomes through negotiation and working with landowners and operators, without the need to resort to formal enforcement action. However, there are, of course, occasions where it is necessary to use some of the enforcement tools available and during the current reporting period, one Enforcement Notice and three Planning Contravention Notices have been served.

1.4 In respect of specific cases, officers have been dealing with a case at Giffords Farm in Dallington. Following complaints regarding the importation and deposit of waste, as well as burning, a joint site visit was carried out with the Environment Agency. From the site visit, it was evident that there was potentially a significant breach of planning control. The landowner was advised that a letter would be sent to him regarding the works and activities taking place. A letter was duly sent, but no response was received. Despite letters chasing a response from the

landowner, no response was received. Consequently, it was considered necessary and appropriate to serve a Planning Contravention Notice (PCN), which is a formal request for information and must be responded to within 21 days. It also acts as a formal warning of further enforcement proceedings to come. The landowner failed to respond to the PCN, despite being given several opportunities to do so. As a result of the lack of response, the landowner was prosecuted for the offence of failing to respond to the PCN and ordered to pay a total of £1,291.50 (£700 fine; £311.50 costs and £280 Victim Surcharge). Following the successful prosecution, the landowner was given a further opportunity to respond to the PCN. Regrettably he has chosen not to do so and has, therefore, been summonsed once again to appear before Hastings Magistrates' Court. Notwithstanding this and aside from the further prosecution, officers are actively considering what steps need to be taken to resolve the breach of planning control. Members will be updated on progress in future reports.

1.5 Joint working with other regulatory bodies and organisations continues to feature heavily in the enforcement work carried out and remains very important. In addition to joint working on specific cases, officers also attend multi-agency meetings, such as the East Sussex Waste Crime Practitioners' Group. During the current reporting period, officers have also participated in two roadside "stop check" operations. These are coordinated by the Police and include attendees from the Sussex Police Rural Crime Team, Sussex Police Commercial Vehicle Unit, His Majesty's Revenue and Customs, the Driver and Vehicle Standards Agency, District or Borough Council officers and the Environment Agency. From the County Council's perspective, it is an opportunity to identify where waste that is being transported is being taken to, and whether the destination site is an authorised waste disposal or transfer site.

1.6 Appendix 1 of this report provides details of cases resolved and received within the period 1 April 2024 and 30 September 2024, 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 Following the resumption of the site monitoring regime last year, which progressed well and was positively received by the industry, it is unfortunate that only a very limited amount of formal site monitoring has been undertaken during the current reporting period. This is due to the limited resources available and the need to prioritise enforcement cases. Notwithstanding this, the importance and value of regular, formal site monitoring is recognised, and it is hoped that a more thorough programme of site monitoring can be achieved during the next period.

3. Contact Officers

3.1 Members with any queries about enforcement or site monitoring matters should contact either Sarah Iles (01273 481631) or Marcus Berrisford (01273 335218).

RUPERT CLUBB

Director of Communities, Economy and Transport

Local Members: All

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED BETWEEN 1 APRIL 2024 AND 30 SEPTEMBER 2024

| | DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
|-----|--|---|---|---|
| 1/1 | September 2022 | Sussex Waste Management, Whitworth Road, St Leonards-on-Sea | Breach of conditions (numerous) | <p>During a site monitoring visit, a number of breaches of the planning permission for the site (HS/817/CM) were noted. Discussions were held with the operator and the breaches pointed out. A further site meeting was held with the operator and his agent in order to agree how to resolve the breaches.</p> <p>A planning application to vary conditions attached to the planning permission and attempt to regularise matters was submitted but could not be validated. A revised planning application (HS/869/CM) to vary conditions was submitted and subsequently approved under delegated powers. However, that planning approval did not resolve all the breaches of planning control at the site.</p> <p>A further planning application (HS/884/CM) was then submitted and subsequently approved under delegated powers (April 2024).</p> <p>Following the grant of planning permission, the breach of planning control has been remedied and the site will be monitored as part of the Council's Site Monitoring Programme. No further enforcement action is required.</p> |
| 1/2 | November 2022 | Sussex Timber Products Limited, Owlsbury Depot, Hadlow Down Road, Crowborough | Importation, processing and storage of waste. | <p>A complaint was received that waste materials were being imported to the site, processed and stored. It was also alleged that waste was being stored in a manner to cause structural concerns and risk of slippage onto the adjoining highway. An initial site visit was carried out, which confirmed the existence of a significant quantity of waste at the site and also potentially unsafe/dangerous structures.</p> <p>A further site visit was carried out and a meeting held with the operator and an officer from Wealden District Council's Building Control. A programme of remedial works was agreed in order to make safe the unstable retaining structure. A subsequent site visit confirmed that the remedial works had been carried out.</p> |

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| | | | | <p>In respect of the waste materials at the site, these have been generated from the operator's business and are used in groundworks. However, a planning application was submitted to Wealden District Council for a new building and use on the site, which would result in the current operations and use of the site ceasing. The planning application has subsequently been approved and no further action is required by this Authority, as Waste Planning Authority.</p> |
| 1/3 | April 2023 | Land off Norlington Lane, Ringmer | Importation and deposit of waste. | <p>A complaint was received regarding waste materials (hardcore) being imported to the site. A site visit was carried out which noted a significant quantity of hardcore on the site. The land is unregistered and there is no recent planning history for the site.</p> <p>Following numerous site visits, the site has now been cleared of the deposited materials and the breach of planning control resolved. No further enforcement action is required.</p> |
| 1/4 | May 2023 | Ghyll Road Industrial Estate, Heathfield | Use of land and associated buildings by skip business. | <p>Officers visited this site having become aware of the operator's interest in the site. On visiting it was apparent that the site was being used for a skip hire business and the building contained a significant quantity of waste.</p> <p>Discussions were held with the operator and a request for formal pre-application advice was submitted. A detailed pre-application advice response was provided.</p> <p>A planning application (WD/888/CM) was submitted and subsequently approved by the Planning Committee at its meeting on 18 September 2024.</p> <p>The breach of planning control has been resolved and no further enforcement action is required. The site will be monitored as part of the Council's Site Monitoring Policy.</p> |
| 1/5 | December 2023 | Land adjacent to Upper Crabb Cottage, Wellbrook Hill, Five Ashes, Mayfield | Importation and deposit of waste. | <p>A complaint was received that a significant quantity of waste materials (soils) had been imported to the site and also that burning takes place.</p> <p>A joint site visit was carried out with an officer from Wealden District Council, which confirmed that materials had been imported, as well as other uses going on at the site.</p> <p>A site meeting was held with the landowner who stated that the soil had been imported for landscaping purposes and for alterations to an existing pond. He also indicated</p> |

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| | | | | <p>that he would be applying to Wealden District Council for a business yard at the site. During discussions it was suggested that the landscaping works could be incorporated into one planning application for the proposed business yard use.</p> <p>Further discussions have taken place and it is considered that the development that has taken place is not a waste disposal operation and will be dealt with by Wealden District Council, along with other matters pertaining to the site.</p> |
| 1/6 | February 2024 | Land off Tower Street, Heathfield | Importation and processing of waste timber. | <p>A complaint was received that waste timber was being imported and processed at the site. Significant tree works had been authorised at the site recently and it was unclear if that was what the complaint related to.</p> <p>Following investigations, it transpired that the timber was all site derived and no waste timber had been imported or processed. No further action is required by this Authority in its capacity as Waste Planning Authority.</p> |
| 1/7 | March 2024 | Old Coghurst Farm, Rock Lane, Guestling | Importation and deposit of waste (Related PP - RR/2024/200/P) | <p>A complaint was received that waste materials had been imported to create a crossover and track, associated with a permission granted by Rother District Council. A site visit was carried out and discussions held with officers at Rother District Council.</p> <p>Enforcement Notices have been served by Rother District Council in relation to the works and no further action required by this Authority in its capacity as Waste Planning Authority at this stage.</p> |
| 1/8 | March 2024 | Land at Westfield Down, Main Road, Westfield | Raising levels of the land with waste materials. | <p>Concerns were raised that an area of land to the north of a new housing development had been raised with waste materials. Following extensive discussions with the Parish Council and officers from Rother District Council, it transpired the works were in connection with a development approved by Rother District Council and subject to the provision of facilities via a S106 Agreement.</p> <p>This is a matter for Rother District Council to resolve and no further action is required by this Authority, as Waste Planning Authority.</p> |
| 1/9 | March 2024 | Hundred Acre Lane, Streat | Waste accumulation. | <p>A complaint was received that quantities of waste were accumulating at the site, although no specific details of the location were provided. Despite investigations, no evidence has been found to identify a waste related breach of planning control. No further complaints have been received and no further action is required.</p> |

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TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED AND RESOLVED BETWEEN 1 APRIL AND 30 SEPTEMBER 2024

| | DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
|-----|---------------------------------|---|---|---|
| 2/1 | April 2024 | KPS Composting, Boathouse Farm, Isfield Road, Isfield | Complaints regarding odour emanating from the site. | <p>A complaint was received regarding excessive odours emanating from the site. A site inspection was carried out and discussions held with the Site Manager.</p> <p>The Site Manager confirmed that quantities of material, inappropriate for composting, had unfortunately entered the site and were temporarily stockpiled pending removal. The materials were mainly organic but mixed with levels/types of other materials (largely paper) inconsistent with composting. The operator indicated that the material was not going to be passed on or sold and that no more would be taken in.</p> <p>The materials are being removed and the operator has been reminded of their obligations under the terms of the Planning Permissions pertaining to the site. No further enforcement action is required and the site will be monitored in accordance with the Council's Site Monitoring Policy.</p> |
| 2/2 | April 2024 | Milwards Estate, Lewes Road, Laughton | Importation of waste materials (soils) | <p>Whilst attending a nearby site, officers observed a significant number of fully loaded lorries running into this site. Contact was made with the landowner, Wealden District Council and the Environment Agency. Following discussions and further investigations, it was identified that the importation of materials was pertaining to a consent granted by Wealden District Council.</p> <p>There is no breach of planning control for this Authority, as Waste Planning Authority, and no further enforcement action is required. However, the matter has been referred to Wealden District Council in terms of the works in relation to the consent granted by them and whether any action is deemed necessary.</p> |
| 2/3 | April 2024 | Park Farm, New Road, Hellingly | Importation and burning of trade waste. | <p>A complaint was received that commercial waste was being burnt at the site. A site visit was carried out and discussions held with the landowner. The site consists of light industrial units and the landowner confirmed that some burning did take place by</p> |

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| | | | | <p>its occupiers.</p> <p>Advice was given and the landowner confirmed that the burning would cease. The breach of planning control has been resolved and no further action is required.</p> |
| 2/4 | April 2024 | Willetts Farm, Willetts Lane, Blackham, Tunbridge Well | Importation of soils and infilling of a lagoon. | <p>A complaint was received that significant quantities of waste materials were being imported to the site. A site visit was carried out which confirmed the substance of the complaint. Contact was then made with the landowner and operator, who stated that the works were in connection with a planning permission granted by Wealden District Council for the infilling of a redundant slurry lagoon and pond.</p> <p>A joint site meeting with an officer from Wealden District Council (WDC) was undertaken and further discussions held with the landowner. From the site inspection, it was clear that imported materials had been spread across an area far in excess of what was permitted under the permission granted by WDC.</p> <p>Due to the scale of the works, it was considered appropriate to serve a Planning Contravention Notice (PCN) on both the landowner and operator. Following the service of the PCNs, the landowner and operator attended separate "Time and Place" meetings in order to present their case as to the activities taking place. Both parties also responded to the PCNs as required.</p> <p>During the course of the meetings, it was explained by the operator that the materials had been tipped and spread outside the area covered by the planning permission granted by WDC in order to provide a more blended and natural landscape appearance, rather than the very steep banks that would have been created.</p> <p>A further meeting was held with WDC and it was agreed that a new planning application should be submitted to WDC to regularise the works that have gone beyond the scope of the original planning permission.</p> <p>The matter is therefore being dealt with by WDC and no further action is required by this Authority in its capacity as Waste Planning Authority.</p> |
| 2/5 | April 2024 | Hurst Barn Farm, Chiltington Lane, East Chiltington | Importation and deposit of waste. | <p>A complaint was received that waste soils were being imported to the site. Officers previously dealt with a complaint of a similar nature, which found that the materials were being imported in connection with a planning permission granted by Lewes</p> |

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| | | | | <p>District Council. Following investigations into the current complaint, it was confirmed that the works associated with the earlier planning permission were still ongoing and the imported materials were for the purpose of that development.</p> <p>No breach of planning control and no further action is required by this Authority in its capacity as Waste Planning Authority.</p> |
| 2/6 | May 2024 | Tewitts Farm, Palehouse Common, Framfield, Uckfield | Importation and deposit of waste (soils) | <p>A complaint was received that waste soils from a nearby development were being imported and deposited at the site. Prior to a site visit being carried out, it was found that planning permission for a new building at the site had been granted by Wealden District Council (WDC), which allowed for materials to be imported to “top up” an existing bund at the site, which would lie next to the new building.</p> <p>An inspection was then carried out and discussions held with the contractor on site, who stated that the materials were required to raise the levels of the land in association with the permission granted by WDC. The inspection revealed that the imported materials had been spread across the land raising it, in places, by at least a metre, none of which appeared to be part of the plans accompanying the planning permission. Following the site visit, a letter was sent to the landowner, who also confirmed that the raising of the levels of the land was to accommodate the new building.</p> <p>Discussion were held with WDC, who then invited the landowner to submit revised plans showing the change in levels to the land. These amendments were subsequently approved by WDC.</p> <p>There is no breach of planning control for this Authority, as Waste Planning Authority, and no further enforcement action is required.</p> |
| 2/7 | May 2024 | 152 London Road, Hailsham | Importation and storage of scrap metal, as well as disused vehicles. | <p>A complaint was received that scrap metal and disused vehicles were being stored at the site. An initial inspection was carried out but no evidence to support the complaint was found. A further site visit was carried out and a meeting held with the landowner. No evidence was found of a breach of planning control and no further action is required.</p> |
| 2/8 | May 2024 | Woods Corner Garage, Battle Road, | Storage of end of life vehicles, | <p>A complaint was received that the site was being used as a scrap yard. A site visit was carried out and discussions held with the owner. A number of vehicles were</p> |

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| | | Woods Corner, Dallington | dismantling of vehicles and use as a scrapyard. | <p>stored at the site, some of which appear in working order. The owner confirmed that some vehicles were stored for clients and others were used for parts in the course of his garage business. The site was not being used as a scrap yard.</p> <p>No breach of planning control and no further action is required.</p> |
| 2/9 | June 2024 | Bourne Farm, Coldharbour Road, Upper Dicker, Hailsham | Importation, deposit and burning of commercial waste. | <p>A complaint was received that commercial waste was being imported to the site and burnt. A site visit was carried out with an Environment Health Officer from Wealden District Council and discussions held with the landowner. There was no evidence of commercial waste being burnt, but the landowner did confirm that they occasionally burned items from within their holding. Advice was given as to what can and cannot be burned.</p> <p>No breach of planning control and no further action is required. However, the site will be periodically monitored.</p> |
| 2/10 | July 2024 | 73 Summerheath Road, Hailsham | Importation, deposit and storage of trade waste at a residential property. | <p>A complaint was received that the occupier of the property was bringing back waste from his fencing business and storing it in the front and rear garden. A site visit was carried out which confirmed the substance of the complaint. No one was present at the property and a further site visit was carried out and a meeting held with the occupier, who stated that due to a vehicle breakdown he had needed to temporarily store the waste at his property. He was advised of the planning requirements and that this use would not be supported.</p> <p>The site has now been cleared of waste and the breach of planning control resolved. No further enforcement action is required.</p> |
| 2/11 | July 2024 | Gotwick Wood Farm, Holtye Road, East Grinstead | Importation and deposit of waste. | <p>A complaint was received that waste materials (soils and hardcore) were being imported to the site. A site visit was carried out and discussions held with the landowner, who stated that the imported materials were in connection with landscaping proposals pursuant to a planning permission granted by Wealden District Council (WDC).</p> <p>There is no evidence to suggest this is a waste disposal operation and the matter has been referred to WDC to check compliance with the planning permission granted by them.</p> |

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| | | | | No further action is required by this Authority in its capacity as Waste Planning Authority. |
| 2/12 | July 2024 | 42 The Belfry. Hailsham | Alleged scrap/waste business from a residential property. | <p>A complaint was received that a scrap/waste operation was taking place at the property. A site visit was carried out which identified a small amount of scrap metal on the front driveway. No one was present. Subsequently the landowner contacted officers and a further site inspection was carried out and a meeting held. The planning situation was explained to the landowner and advice given regarding removing the items.</p> <p>Further unannounced inspections have not identified a breach of planning control and no further action is required.</p> |
| 2/13 | July 2024 | New Lodge Farm, Nettleworth Lane, Vines Cross, Horam | Importation, deposit, burning and burying of waste. | <p>A complaint was received that, amongst other things, waste was being imported to the site and burning was taking place. A site visit was carried out and a meeting held with the landowner, who confirmed that he imported old timber products to the site for his own use. There was no commercial element to it.</p> <p>No waste related breaches of planning control were identified and no further is required by this Authority in its capacity as Waste Planning Authority. Other alleged breaches of planning control at the site are a matter for Wealden District Council.</p> |
| 2/14 | July 2024 | Pyrite, The Coal Yard, Swan Barn Road, Hailsham | Burning of tyres. | <p>A complaint was received that tyres were being burnt at the site. Site inspections were carried out and with burning being witnessed by Officers Strong words of advice were given to the operator, stressing that burning was not permitted at the site. Several further unannounced visits were carried out, but no burning witnessed.</p> <p>Breach of planning control resolved and no further enforcement action is required at this stage. However, the site is being monitored going forward</p> |
| 2/15 | August 2024 | Morgans Farm, Cowbeech Road, Rushlake Green, Heathfield | Importation and deposit of waste. | <p>A complaint was received that waste materials were being imported to and deposited at the site. A site visit was carried out and discussions held with the landowner. Materials have been imported to the site and are being used in connection with repairs to tracks and permissions granted by Wealden District Council (WDC), which include the erection of various agricultural buildings. Tree felling has taken place which is being dealt with by the Forestry Commissions and it is also believed there has been a pollution incident relating to a slurry lagoon.</p> |

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| | | | | Officers have liaised with the Environment Agency in terms of the waste materials imported. A breach in terms of waste related matters has not been detected and no further action is required by this Authority in its capacity as Waste Planning Authority at this stage. However, officers will continue to liaise with other agencies and keep a watching brief in case matters change. |
| 2/16 | September 2024 | Land at East Quay adjacent to Brett Aggregates Limited, Fishers Wharf, East Quay, Newhaven Port, Newhaven | Dust arising from aggregate storage and processing on land outside area approved by Planning Permission LW/799/CM/EIA. | <p>A complaint was received that dust from stockpiles was escaping from the site impacting on local residents and also that processing of materials was taking place. A site visit was carried out and a meeting held with the Site Manager and Regional Manager. Processing has been taking place but this is for a temporary period and being done under permitted development rights.</p> <p>During discussions, concerns were raised regarding fugitive dust and emissions. Words of advice were given and the operator has agreed to put in additional measures to minimise dust.</p> <p>No breach of planning control identified and no further enforcement action is required. The site will be monitored in accordance with the Council's Site Monitoring Policy and any other ad hoc inspections as considered necessary.</p> |

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN 1 APRIL 2024 AND 30 SEPTEMBER 2024 AND AS YET UNRESOLVED.

| | DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
|-----|--|------------------------|--|---|
| 3/1 | April 2024 | 8 Grovelands, Hailsham | Importation, storage, bulking up and sorting of waste. | <p>Following previous alleged breaches of planning control at this property, periodic monitoring had been taking place, although no breaches of planning control identified. However, a further complaint has now been received that the owner of the property is again bringing waste back to the site, sorting and storing it, before disposing of it elsewhere.</p> <p>Monitoring of the site and activities has been undertaken, as well as investigations of</p> |

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| | | | | <p>various sources of information pertaining to activities at the site. Several other lines of inquiry are also being followed, as well as close liaison with other regulatory bodies.</p> <p>Discussions have been held with the landowner and the planning situation set out to him. It has been made clear that waste should not be brought back, sorted and stored at the property.</p> <p>Officers are continuing to monitor the site and activities of the owner to identify whether there is sufficient evidence to demonstrate a breach of planning control and that enforcement action can be taken.</p> |
| 3/2 | April 2024 | Messens Farm, Potmans Lane, Bexhill on Sea | Importation and deposit of waste. | <p>A complaint was received that waste materials (soil and hardcore) were being imported and deposited at the site. A site visit was carried out and discussions held with the landowner, who stated that the materials had been imported to level some undulating land.</p> <p>Discussions have taken place with officers from Wealden District Council as to whether the works were in connection with a planning permission granted by them for an equestrian sand school. Their view is that the works are outside that permission.</p> <p>The landowner has been advised to undertake some immediate remedial works and also that planning permission is likely to be required if the materials are to be retained. The matter is ongoing and officers will be pursuing the landowner further.</p> |
| 3/3 | May 2024 | The Old Barn, Rye Harbour Road, Rye | Unauthorised waste transfer station. | <p>This matter was referred by Rother District Council. Complaints had been received regarding a number of issues at the site, including the importation and storage of waste, unauthorised scaffolding business and unauthorised residential use.</p> <p>A site visit was carried out and an unplanned meeting held with a person associated with land, but who was not the landowner. It was noted during the site visit that a large amount of waste was stored at the site, including a significant amount of asbestos.</p> <p>Contact has been made with the landowner, who has been advised that no further waste should be imported and that the site must be cleared of all waste. The landowner claimed that he was not responsible and much of the material had been fly tipped.</p> |

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| | | | | <p>The site is being closely monitored and warning signs have been erected stating the site being monitored for unauthorised activities.</p> <p>There are a number of factors that need to be taken into account and officers are liaising closely with other agencies and looking at an appropriate way forward.</p> |
| 3/4 | July 2024 | Rose Bank Farm, Pick Hill, Horam, Heathfield | Importation and storage of waste. | Information from another case suggested that this site was being used for the storage of waste materials. An initial site visit was carried out, but no evidence found of the location of the waste materials. Further investigations have been carried out and another site visit is due to take place. |
| 3/5 | August 2024 | Land under Flyover, North Quay Road, Newhaven | Unauthorised waste transfer station. | A complaint was received that this site was being used as a waste transfer station. A warning was issued to the operator and correspondence entered into. A site meeting is in the process of being arranged. |
| 3/6 | August 2024 | 187 London Road, Hailsham | Alleged importation of waste and scrap metal - breach of extant Enforcement Notice. | <p>There is an extant Enforcement Notice for this site prohibiting scrap metal and other waste related activities. Officers periodically monitor the site to ensure continued compliance with the Notice and until recently no breaches of that Notice were found. However, complaints are being received that waste related activities were again taking place at the property.</p> <p>Several site visits have since been carried out and beaches of the Enforcement Notice identified. Warning notices have been issued and a letter sent to the landowner setting out a timescale for the clearance of the site.</p> <p>Due to a number of other matters that go beyond the remit of the Enforcement Notice, a multiple agency meeting is required.</p> |
| 3/7 | August 2024 | Suez Waste Transfer Station, Potts Marsh Industrial Estate, Westham | Breach of conditions - odour/nature of waste and vehicle movements/routeing | A complaint was received regarding odours emanating from the site, the nature of waste imported and the routeing of HGVs through villages. Discussion were held with the operator and a site meeting has been arranged. |

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| 3/8 | September 2024 | The Oast, Birchetts Green Lane, Wadhurst | Deposit of waste - building material/rubble/clay. | A complaint was received that waste materials were being imported to the site and the land raised, causing damage to adjoining land/fencing. Discussions have taken place with Rother District Council and a joint site visit is being arranged. |
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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 |
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| 4/1 | January 2020 | Meadow Farm, Road Hill, Isfield | Importation and deposit of waste (soils and hardcore) | <p>In 2018 a complaint was received alleging that lorry loads of waste materials, comprising soils and hardcore, had been imported into the site and deposited. Joint site visits were undertaken with officers from the Environment Agency and Wealden District Council, and meetings were also held with the landowner and operators. Wealden District Council invited an application, which sought to retain the deposited materials on site to be used in several engineering operations. That authority eventually decided that they could not entertain such an application and returned the application and fee to the landowner.</p> <p>The matter was then referred back to the County Council to deal with as a County Matter. Officers held an initial site meeting with the landowner (February 2020). At that time the whole area was so waterlogged as to be impassable, and the removal of the materials was not feasible. Since the initial meeting, the Coronavirus Pandemic prevented further progress in this matter. However, contact was maintained with the landowner in order to progress matters.</p> <p>A further meeting was then held with the landowner and an initial course of action was agreed, which was the moving of the bunds of material to outside of the crown spread of the trees. Initially there had been no progress made because of the waterlogged ground conditions and the site needed a considerable period of dry weather to improve the ground conditions to allow work to start. However, works were then commenced to remove the bunds and a subsequent site inspection noted that the landowner had</p> |

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| | | | | <p>moved the imported materials away from the crown spread of the affected trees.</p> <p>Numerous inspections have been carried out and a meeting held with the landowner. Further works to resolve the breach of planning control were identified and agreed with the landowner, together with a timetable for their completion. Officers are monitoring the site to review progress. A further site meeting with the landowner and other officers is to be arranged to check progress with the remedial works.</p> |
| 4/2 | April 2021 | Crockstead Farm Hotel, Halland | Importation and deposit of waste – soils. | <p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken, during which a meeting was held with the operator undertaking the works, who admitted that materials had been imported into the site to improve an existing access track and to improve the land.</p> <p>At the time of the site visit, the landowner was away. A letter was sent to the landowner and a meeting was subsequently held with the site manager who explained that the materials were imported to improve the land for equestrian grazing.</p> <p>The materials imported included soils, which contained a significant quantity of hardcore, metal and plastics, which would eventually work through to the finished surface of the site. This material was not considered to be suitable for its intended purpose and, after considering the situation, the County Council required the materials to be removed and the original landform to be restored. The operator/landowner was given an initial timescale for these remedial works to be undertaken.</p> <p>A planning agent was appointed by the landowner, and a planning application (WD/891/CM) to regularise the breach of planning control has been submitted and is currently being reviewed.</p> |
| 4/3 | June 2021 | Former HT Drinks Site, Endeavour Works, Beach Road, Newhaven | Importation and bulking up of waste tyres. | <p>A complaint was received that waste tyres were being imported into this site and were being bulked up. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint.</p> <p>A meeting and subsequent correspondence was had with the site operator and agent, and the requirement for planning permission and an environmental permit explained. The operator stated his intention to apply for planning permission and an environmental permit, and a timescale was agreed for him to submit the necessary applications.</p> |

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| | | | | <p>The agreed timescale for the submission of a planning application expired without any application being submitted. Officers therefore undertook a further site visit to check the situation at the site. This confirmed that the site was continuing to be used for the unauthorised waste activity.</p> <p>Further contact was made with the operator, who stated that the planning application was being prepared and would be submitted in the next few days. No planning application was forthcoming, and the unauthorised activity continued. A Temporary Stop Notice was therefore served on the landowner, operator and interested parties on 12 November 2021, which ceased the waste activity on the site.</p> <p>Following the service of the Temporary Stop Notice, the operator submitted a planning application (LW/860/CM) relating to the waste tyre processing on the site, including by pyrolysis. However, due to proposed changes to the planning application, it was withdrawn in January 2024. The operator has now engaged a new agent and intends to submit a revised planning application within the next few months.</p> <p>In the meantime, the site is continuing to be monitored and only the storage and baling of tyres is taking place which, whilst unauthorised, is not presently causing any apparent harm.</p> |
| 4/4 | June 2021 | Spring Valley Farm, West Street Lane, Maynards Green | Importation and deposit of household waste. | <p>A complaint was received that household waste was being imported into this site in small vans by different operators and deposited.</p> <p>A joint site visit was carried out with the Environment Agency, which confirmed the details contained within the complaint. A meeting was also held with the landowner, who agreed to halt any further importation into the site and to clear the site of the waste that had already been imported.</p> <p>There are a number of issues relating to the site and, due to the landowner's circumstances, multiple agencies are working with the landowner and his family to ensure that no further waste materials are imported and that the site is cleared.</p> <p>Site visits and meetings with the landowner have been undertaken, which confirmed that the importation of waste into the site has ceased. Various factors have prevented any significant removal of the imported waste from the site. However, officers are maintaining contact with other agencies and the landowner, and also ensuring that the</p> |

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| | | | | importation of waste materials to the site does not resume. |
| 4/5 | November 2021 | Hazelwood, Cansiron Lane, Cowden, Edenbridge | Importation and deposit of waste (soils) | <p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site and deposited. A site visit was undertaken, during the course of which a meeting was held with the landowner. It was noted that a significant quantity of soils and hardcore had been imported into the site. The landowner explained that some of the materials were required to build up pond banks on the site, and more material was required to landscape a steep bank on the site.</p> <p>In order to try and resolve this matter, a further site meeting was arranged with the landowner, his operator and officers from the Environment Agency and Wealden District Council. The landowner agreed to submit a planning application to Wealden District Council to seek regularisation of the engineering works to the bank and he also agreed to remove the stockpile of waste materials from the site.</p> <p>A final site visit is due to be carried out to ensure that any surplus material has been removed from the site as agreed.</p> |
| 4/6 | March 2022 | Land to the rear of Sussex Oak, Oak Lane, Blackham | Importation and deposit of waste – soils. | <p>A complaint was received that waste materials, comprising soils, were being imported and deposited at the site. A site visit was carried out and a chance meeting with the operator and landowner held. It was identified that subsoil had been imported to the site, with the intention to level an area of land and re-plant it as an orchard and mixed leaf woodland.</p> <p>Following the site visit, a formal letter was sent to the landowner and a response received. According to the landowner, since owning the property, he had spent several years clearing historic waste tipped on the site, which resulted in an area of uneven and unproductive land. The landowner's intention was to restore this land and a small amount of topsoil was required to complete this.</p> <p>A further site visit is required to ensure the works have been carried out as set out by the landowner and also that no further waste soils have been imported.</p> |
| 4/7 | June 2022 | Skilton's Skips, AS Farm, The Warren Crowborough | Importation and deposit of waste. | <p>A complaint was received regarding a potential skip business being operated from the site. An initial site visit was carried out which confirmed the nature of the complaint. Further site visits were then undertaken and discussions held with the operator.</p> |

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| | | | | <p>There are adjoining sites which have also been investigated; matters have been complicated by landownership issues and boundary disputes. A letter was sent to the person understood to be the overarching landowner regarding the various issues. A further site meeting was held with the landowner in January 2024, which identified various options to regularise matters. A further letter was sent to the landowner following that meeting, but no response received.</p> <p>The case is now being reviewed to consider what further action should be taken. In the meantime, the site is continuing to be monitored by officers.</p> |
| 4/8 | June 2022 | Old Concrete Works, Tilley Lane, Boreham Street | Deposit/burning of waste. | <p>A complaint was received that waste materials were being imported to and burnt at the site. An initial site visit was carried out but access to the site was denied. Following discussions with the landowner, a comprehensive site inspection was arranged and undertaken. This identified a significant quantity of waste materials that appeared to have been imported to the site, although the landowner stated that some were site derived following excavations and the construction of a new barn on the site, as well as waste concrete products left at the site from its former use.</p> <p>Following the site visit and meeting, a letter was sent to the landowner and a response received. The importation of any further waste materials subsequently ceased.</p> <p>Due to the complexity and scale of the site, a further site meeting was held with the landowner/their representatives and additional officers from this Authority. This meeting identified specific remedial works to be undertaken to address some of the breaches of planning control.</p> <p>An Enforcement Notice has now been served on the landowners. No appeal was made against the Notice and it took effect on 24 May 2024. The Notice prevents the importation of further materials and identifies specific remedial works to be carried out. Due to the scale of the measures to be carried out, a period of 18 months for compliance has been given, which means the Notice must be complied with in terms of the works by 24 November 2025.</p> <p>Officers are maintaining regular contact with the representatives of the landowners and will be undertaking regular site visits to monitor progress.</p> |
| 4/9 | June 2022 | AM Skips & Plant | Breach of | <p>During a site monitoring visit it was noted that the layout of the site was not in</p> |

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| | | Hire, Hazelbank, London Road, Maresfield, | conditions – noise and site layout. | <p>accordance with the approved plans. Subsequent complaints were also received regarding excessive noise emanating from the site and its operations.</p> <p>Numerous site visits were carried out and meetings held with the operator and also the Environmental Health Officer (EHO) from Wealden District Council (WDC). In respect of noise, WDC have previously served a Noise Abatement Notice on the operator and the EHO identified certain measures which could be implemented to address the noise issues, such as acoustic fencing. However, such measures require planning permission due to their scale.</p> <p>The operator submitted a planning application (WD/876/CM) for the erection of three metres high boundary treatment (acoustic fencing) to the north-western boundary of the site. The application was approved under delegated powers (August 2023) and the fencing had to be installed within six months of the date of the decision (February 2024).</p> <p>Notwithstanding the submission of a planning application to address the noise issues at the site, with regard to the remaining breaches no satisfactory progress had been made to resolve these. Consequently, a Section 330 Notice (Requisition for Information) was served on the operator as a precursor to the instigation of formal enforcement proceedings. A response to the Notice was received.</p> <p>A further site inspection was carried out, which confirmed that the acoustic fencing had been installed. Despite the installation of the fencing, complaints have continued to be received and the overall site layout remains in breach of the approved plans for the site.</p> <p>Due to complexities and in order to ascertain further information in respect of activities at the site and the site layout, a Planning Contravention Notice (PCN) was served on the operator. A response to the PCN has been received and is currently being reviewed.</p> |
| 4/10 | July 2022 | The Plantation, Ersham Road, Stone Cross | Importation, processing and deposit of waste. | <p>A complaint was received regarding a significant number of lorries entering the site and depositing waste materials. A joint site visit with an officer from the Environment Agency was undertaken and a chance meeting with the landowner held. It was noted that a substantial volume of waste materials, including what appeared to be trommel fines, hardcore, subsoil and timber, had been imported to the site and deposited.</p> |

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| | | | | <p>Processing plant was also noted to be on the site.</p> <p>The landowner stated he was carrying out works associated with a Prior Notification approval he had in relation to raising the levels of land to return it to productive agricultural use. However, the scale of the works goes beyond this and the nature of some of the materials stockpiled were unsuitable for this use. The landowner was advised to cease any further works, including the importation of any further materials, pending the outcome of investigations.</p> <p>Due to the scale and nature of the works, a Planning Contravention Notice was served on the landowner and a "Time and Place" meeting held, which was attended by the landowner, his solicitor, and other representatives. Since that meeting, a further, extensive site inspection was undertaken with the landowner, in addition to a later joint site meeting with officers from Wealden District Council and the landowner.</p> <p>A letter was sent to the landowner further to the various site meetings and the Council's position was set out. Since then, further discussions and site meetings took place and various options regarding resolving matters considered.</p> <p>No further waste materials have been imported to the site. Soil testing was carried out on the imported materials in order to assess the suitability of them for use on the land. The results identified that the materials were not suitable for use on the land. Extensive further testing has since been carried out and arrangements made for the waste materials to be removed from the site to an authorised place of disposal.</p> <p>Significant quantities of materials have been removed from the site and contact is being maintained with representatives of the landowner. A further site inspection is due to take place shortly.</p> |
| 4/11 | October 2022 | East Lodge, Glynleigh Road, Westham | Importation and deposit of waste. | <p>Complaints were received regarding waste being imported to the site. A site visit was carried out, which confirmed the complaints. Contact was made with the landowner, who was advised to cease the importation of any further materials. A further site meeting was then held with the landowner, who stated that the materials had been imported in order to repair tracks and raise levels of land prone to waterlogging. Processing of some of the materials was also being undertaken to make them suitable for use.</p> |

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| | | | | <p>No further materials were imported and several site meetings held with the landowner/their representatives. Soil testing was carried out on the imported materials, the results of which concluded that the materials were not suitable for use on the land.</p> <p>The stockpiles of materials have subsequently been removed to authorised sites for disposal and a final site visit is due to be carried out to ensure the site has been cleared.</p> |
| 4/12 | November 2022 | FM Conway Ltd, North Quay Road, Newhaven | Breach of conditions and excessive emissions. | <p>During a site monitoring visit it was noted that the site layout was not in full accordance with the planning permission for the site (LW/840/CM) and also that details pursuant to several conditions were outstanding. Contact was made with Environmental Health Officers at Lewes District Council concerning potential breaches of the Environmental Permit in relation to emissions.</p> <p>Numerous site visits and meetings took place. The operator submitted details pursuant to the outstanding conditions and also undertook significant works regarding emissions and breaches of the Environmental Permit. Noise attenuation fencing was also installed and improvements to operating practices implemented.</p> <p>Whilst positive progress has been made to resolve the various matters, there remain outstanding issues relating to both the planning permission and Environmental Permit. Further site meetings have been held and officers have worked positively and proactively with both the operator and Lewes District Council.</p> <p>A planning application (LW/886/CM) was submitted in relation to increasing the height of the stack and approved by the Planning Committee at its meeting on 14 August 2024. The planning permission has not yet been implemented.</p> <p>Matters are ongoing and officers continue to work collaboratively with the relevant parties. A further planning application to regularise the layout of the site is expected to be submitted in due course, but the operator has indicated that, following the Planning Committee meeting in August 2024 and comments made, they propose to undertake some community engagement prior to the submission of the application.</p> <p>In the meantime, the site is continuing to be monitored.</p> |

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| 4/13 | February 2023 | Land adjacent to reservoir, Cottage Hill, Rotherfield | Use of land by skip business. | <p>A complaint was received that the land was being used by a skip business and waste was being brought back to the site. A site visit was carried out and an area of land with two skips found. The land is unregistered and attempts to find the landowner have been unsuccessful. Investigations into the alleged skip company have also not produced any tangible results.</p> <p>Further site visits are planned in order to monitor the use of the site and identify any persons of interest. Warning notices will be placed at the site and other avenues of investigation are also being followed.</p> |
| 4/14 | February 2023 | Land north-east of Eridge Road, Crowborough | Importation and deposit of waste: Landraising. | <p>A complaint was received that waste materials were being imported and deposited, resulting in a change to the landform. A site visit was carried out which confirmed the substance of the complaint and noted that significant quantities of materials had been imported, raising the levels of the land.</p> <p>Investigations and liaison with Wealden District Council have identified a complex planning history for the site, including two planning permissions - one for a timber storage barn and storage container on the southern part; and one for the erection of a building to store wood and manufacture timber fencing products on the northern part of the site. It is, however, unclear whether these permissions allow for the alterations of the levels of the land, which would account for the imported materials, or whether the materials have been imported solely as a means of disposal.</p> <p>Further investigations have been carried out and an extensive site inspection undertaken with Wealden District Council. A number of apparent breaches of planning control have been identified and contact made with the Environment Agency.</p> <p>Investigations are ongoing and a coordinated approach to relevant action is being reviewed.</p> |
| 4/15 | March 2023 | Timber Yard, Limekiln Forest Road, Eridge Green, Crowborough | Importation, deposit and burning of waste. | <p>During a visit to another site in the locality, officers noticed what appeared to be the storage and burning of waste materials. The primary use of the site appears to be a timber yard, but some of the items noted on site were not consistent with that use.</p> <p>There is no relevant planning history for the site and investigations are continuing. Attempts are being made to contact the landowner and a further site visit is due to be carried out.</p> |

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| 4/16 | March 2023 | Former Hunt Stables, Catsfield, Battle | Importation and deposit of waste. | <p>A complaint was received that waste materials (soils) were being imported and deposited at the site. A site visit was carried out and discussions held with the landowner. The landowner stated that the purpose of the materials was to create a base for a building/barn and they would be applying to Rother District Council (RDC) for permission. He advised that the matter was with his solicitor.</p> <p>Following further contact with RDC, no planning application which would incorporate the materials has been submitted. Further investigations are currently taking place.</p> |
| 4/17 | March 2023 | Greenacres, London Road, Battle | Importation and deposit of waste. | <p>A complaint was received regarding waste materials (soils and hardcore) being imported to the site. A site visit was carried out which confirmed the substance of the complaint; however no one was present. Officers liaised with the Environment Agency, who also had an interest in the site.</p> <p>Contact was subsequently made with the landowner and a site meeting held. The landowner confirmed that some materials had been imported, but also that a large amount of the material had originated from within the site following various building projects. The landowner stated it was their intention to improve the area of land and create a wildflower meadow.</p> <p>A further site meeting was held with the landowner, their representative and various officers from this Authority, including an Ecologist and Landscape officer. Various options to resolve the matter have been discussed and a programme of works has been agreed. The landowner is intending to submit a planning application to regularise matters and this is currently being prepared.</p> <p>Draft documents to accompany the planning application have been submitted and a site meeting has been arranged with the landowner and their representatives to discuss any further requirements. This meeting is scheduled for mid-October. In the meantime, officers continue to be in regular contact with the landowner.</p> |
| 4/18 | March 2023 | Tanyard Farm, Hooe Road, Ninfield, Battle | Importation and deposit of waste: soils and scrap vehicles: | <p>A complaint was received regarding the importation of waste materials to the site, including lorries entering at night. A site visit was carried out which confirmed the substance of the complaint. Following the site visit a letter was sent to the landowner, however no response was received and a chaser was sent. Officers also liaised with officers from other agencies as well as gathered further information from other sources.</p> |

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| | | | | <p>During a further site inspection it was noted that burning was taking place and officers observed an unattended bonfire at the site. As the landowner has failed to respond to correspondence, they were issued with a warning letter and a Planning Contravention Notice (PCN) was subsequently served on them.</p> <p>The PCN was served by both first class post and Signed for Delivery. However, the “signed for” PCNs were returned as undelivered. It is therefore proposed to deliver warning letters/PCNs in person.</p> |
| 4/19 | April 2023 | Bellhurst Farm, Tilley Lane, Boreham Street | Importation and deposit of waste. | <p>A complaint was received regarding waste materials being imported to the site. During an initial site visit, officers were unable to gain entry. Contact was made with the landowner and a joint site visit with an officer from the Environment Agency arranged.</p> <p>During the course of the visit it was noted that a significant quantity of waste materials, comprising mostly hardcore, but including plastics and metals, had been imported to the site. The landowner stated that he had planning permission for a barn and the materials were to provide a base/foundation for that. There were various other works being undertaken, including excavations for the creation of a car parking area and the siting of storage containers.</p> <p>Following the site visit, further investigations took place. Officers from Wealden District Council visited the site and are pursuing action regarding changes of use and other unauthorised developments that have taken place. Officers from Wealden District Council also confirmed that there is no planning permission for a new barn, despite the assertions of the landowner.</p> <p>Officers are liaising closely with Wealden District Council, prior to any further action being taken, to ensure the appropriate authority leads on any formal enforcement action. A further site inspection is due to take place shortly.</p> |
| 4/20 | May 2023 | Greenmeadow Farm, Holtye Road, Hammerwood, East Grinstead | Importation, deposit, levelling of material. | <p>A complaint was received regarding waste materials being imported to the site. A site visit was carried out but access to the site was denied. Contact was made with the landowner and a site meeting arranged. During the site meeting, the landowner stated that the materials had been imported in association with a new access to the site and also other permissions granted by Wealden District Council.</p> |

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| | | | | <p>Following the site meeting, a letter was sent to the landowner and a detailed response was received. A response to that letter has been sent to the landowner and a meeting is to be held with the landowner and Wealden District Council, due to the potential overlapping activities and their connection with the planning permissions granted by Wealden District Council.</p> |
| 4/21 | June 2023 | (Former) Broad Oak Primary School, Scotsford Road, Broad Oak, Heathfield | Alleged car repair, vehicle breaking and woodwork taking place. | <p>A complaint was received that the site was being used for vehicle repairs/breaking and also woodworking, which was causing a noise nuisance. A site visit has been carried out and although no one was present on site, it was clear the former school building and premises are being used for residential purposes.</p> <p>There were several vehicles on site and some had the appearance of being repaired, but there was no evidence of any vehicle breaking/dismantling. There was some evidence of woodworking taking place in a covered outside area.</p> <p>The breach of planning control is a change of use from educational to residential and discussions are currently taking place with officers in the Property team of the Business Services Department, with a view to a planning application being submitted to regularise the temporary change of use.</p> |
| 4/22 | June 2023 | Giffords Farm, Battle Road, Dallington | Importation and deposit of waste, creation of haul road and infilling of a pond. | <p>A complaint was received regarding the importation of waste for a number of purposes at the site. An initial site visit was undertaken but officers were unable to gain access.</p> <p>A joint site visit with the Environment Agency was subsequently undertaken and discussions held with the landowner. Some of the works relate to a planning permission for the infilling of a lagoon and pond, and the erection of a barn, granted by Rother District Council (RDC) and the matter has been referred to RDC to check compliance.</p> <p>Notwithstanding this, there was evidence of the importation of waste materials elsewhere on the site and of the creation of a large pond. A letter was sent to the landowner following the site visit but no response was received. A warning letter regarding the lack of response was sent to the landowner, but still no response was received.</p> <p>A Planning Contravention Notice (PCN) was therefore served on the landowner in January 2024. The landowner failed, despite numerous reminders, to respond to the</p> |

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| | | | | <p>Planning Contravention Notice, which is an offence.</p> <p>As a result of the landowner's failure to respond to the PCN a prosecution was brought against him. The case was heard at Hastings Magistrates' Court on 18 July 2024, where the landowner pleaded guilty to the offence of failing to respond to the PCN. He was ordered to pay a total of £1,291.50, consisting of £700 fine; £311.50 costs and £280 Victim Surcharge.</p> <p>Following the successful prosecution, a further letter was sent to the landowner advising him that a response to the PCN was still required and it was an ongoing offence to fail to do so. Despite this, the landowner has chosen to still not respond to the PCN. He has subsequently been summonsed once again to appear before Hastings Magistrates' Court.</p> |
| 4/23 | September 2023 | Land off Hempstead Lane, Hailsham. | Use of land as a waste site. | <p>A complaint was received that waste materials (soils and hardcore) were being imported to and stored at the site. A site visit was carried out which confirmed the substance of the complaint. Contact was made with the operator and a site meeting held.</p> <p>Further to officers maintaining contact with the operator and undertaking additional monitoring visits, the operator has now indicated that a planning application will be submitted to regularise the use of the site. A deadline has been set for the submission of an application and officers are monitoring the situation. In the event that an application is not submitted within the agreed timescale, a decision will be taken on whether enforcement action should be taken.</p> |
| 4/24 | September 2023 | Land at Lunsford Cross Farm (now known as Church Stand Farm), Peartree Lane, Ninfield. | Importation/deposit of waste, plus other issues. | <p>A complaint was received that waste materials were being imported to and deposited at the site, as well as the unauthorised use of the land for residential purposes and other matters. An initial site visit was carried out, which supported the nature of the complaint, but it was not possible to gain full access to the site.</p> <p>A multi-agency site visit was subsequently carried out which identified a number of issues for the various regulatory bodies to deal with. Following the site visit, the landowner made contact with officers and a further site visit and meeting with the landowner was arranged.</p> <p>During this further site meeting, various matters were identified, ranging from</p> |

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| | | | | residential uses, keeping of livestock and the importation of waste materials. Further investigations are ongoing. |
| 4/25 | December 2023 | Malling Farm, Down Street, Piltdown, | Importation and deposit of waste soils. | <p>A complaint was received that waste materials (soils) were being imported to the site. A site visit was carried out and lorries entering/leaving the site were observed. Discussions were held with the landowner, who agreed to cease the importation of any further materials.</p> <p>A further site meeting was held with the landowner, who explained that the soil had been imported to improve and extend an existing track and also to raise/level a boggy area. The materials used were clean soils. A programme of remedial works was agreed and have been undertaken. A final inspection is required to ensure the works have been carried out as agreed.</p> |
| 4/26 | January 2024 | Bowen Park Farm, Park Lane, Laughton, | Importation and deposit of waste. | <p>A complaint was received that waste materials were being imported to the site. A joint site visit with officers from Wealden District Council was carried out, which confirmed the substance of the complaint. During the course of the site visit, discussions were held with the landowner who stated that the materials had been imported in connection with landscaping works related to the conversion of farm buildings, which had the benefit of planning permission. The officer from Wealden District Council advised that the extent of the land covered by the planning permission for the conversion did not extend to the area where the materials had been deposited.</p> <p>Following the initial site visit, a letter was sent to the landowner, who has subsequently appointed an agent. There have been several further site meetings and correspondence with the agent and their ecological consultants and a planning application to regularise the use of the imported materials was expected to be submitted. However, a planning application has not been submitted and the matter is being pursued further with a view to taking formal enforcement action.</p> <p>The Environment Agency are also investigating matters relevant to them.</p> |
| 4/27 | February 2024 | Oaklands Farm, Newick Lane, Heathfield | Importation and deposit of waste. | <p>A complaint was received that waste materials were being imported and spread on the land. A joint site visit with an officer from Wealden District Council was carried out and a meeting held with the landowner and their planning agent. There was evidence of imported materials and the landowner stated these were for works around the farm.</p> |

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| | | | | <p>It transpires there is an extant Enforcement Notice on the site (served by Wealden District Council) which relates to the unauthorised use as a ground workers commercial storage yard and depot. The Enforcement Notice requires this use to cease and also for plant, machinery, vehicles to be removed. It also requires rubbish, rubble and debris to be removed.</p> <p>As the Enforcement Notice requires the removal of waste materials, it is considered that this Authority should wait for compliance with the Notice and then assess if there are further steps that need to be taken to resolve any other breaches of planning control.</p> |
| 4/28 | February 2024 | Magreed Farm, Magreed Lane, Broad Oak, Heathfield | Importation and deposit of waste. General site condition. | <p>A complaint was received about waste materials being imported to the site and deposited. Due to the history of the site, a joint site visit with officers from Wealden District Council was carried out.</p> <p>A warning letter to the landowners was sent and a subsequent joint site meeting held with Wealden District Council and the landowners. A significant quantity of farm detritus was present on site and the landowners advised that much of this had either come from their previous farm or had been inherited from the previous landowner. Scrap metal from the site is being taken to a local scrap yard.</p> <p>The site is gradually being cleared and will be monitored to ensure continued progress.</p> |
| 4/29 | March 2024 | Land adjacent to Star House, Down Street, Piltdown | Deposition of soil and storage of scrap cars. | <p>A complaint was received that waste soil was being imported to the site, scrap vehicles stored and vegetation was being allowed to encroach onto the highway. A site visit was carried out, and whilst it wasn't possible to gain access to the site, from the adjoining road it was possible to see piles of soil within the site as well as several vehicles. There was no evidence of vegetation encroaching onto the highway.</p> <p>Further site visits have been carried out and it has not been possible to identify a breach of planning control. However, attempts are being made to contact the landowner.</p> |