



**REGULATORY COMMITTEE**

**PLANNING COMMITTEE**

**MEETING 10.30 am WEDNESDAY, 30 APRIL 2025**

**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

**A G E N D A**

1. Minutes of the meeting held on 19 March 2025 (*Pages 3 - 6*)
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 Council Proposals - report(s) by the Director of Communities, Economy and Transport**

5. The erection of a new Secondary School Building with associated outdoor learning and play space, landscaping and parking. Grove Park School, Church Road, Crowborough, East Sussex, TN6 1BN - WD/3517/CC (*Pages 7 - 32*)  
Report by the Director of Communities, Economy and Transport
6. Annual Report on Development Control Matters (*Pages 33 - 62*)  
Report by the Director of Communities, Economy and Transport
7. Any other items previously notified under agenda item 4

PHILIP BAKER  
Deputy Chief Executive  
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22 April 2025

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**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: <https://www.eastsussex.gov.uk/your-council/videos-of-council-meetings/webcasts>**

## PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at Council Chamber, County Hall, Lewes on 19 March 2025.

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

ALSO PRESENT Councillors Stephen Holt, Wendy Maples, Stephen Shing and Brett Wright

### 41. MINUTES OF THE MEETING HELD ON 19 FEBRUARY 2025

41.1 The Committee approved as a correct record the minutes of the meeting held on 19 February 2025.

### 42. APOLOGIES FOR ABSENCE

42.1 Apologies for absence were received from Councillor Field.

### 43. DISCLOSURES OF INTERESTS

43.1 Councillor Daniel declared a personal interest in item 5 as a holder of a blue badge. He did not consider this to be prejudicial.

43.2 Councillor Holt declared a personal interest in item 5 as the Leader of Eastbourne Borough Council. He did not consider this to be prejudicial.

43.3 Councillor Rodohan declared a personal interest in item 5 as a Member of Eastbourne Borough Council. He did not consider this to be prejudicial.

43.4 Councillor Liddiard declared a personal interest in Site 11 considered at item 5 as a family member lives in close proximity to the site. He did not consider this to be prejudicial.

43.5 Councillor Wright declared a personal interest in Site 15 considered at item 5 as he lives in close proximity to the site. He did not consider this to be prejudicial.

43.6 Councillor Stephen Shing declared a prejudicial interest in Site 19 considered at item 5 as the owner of a property at the location of the proposal and so withdrew from the Chamber during the debate and vote for Site 19.

43.7 Councillor Maples declared a personal interest in item 6 as a Lewes District Councillor holding the neighbourhood wellbeing portfolio which includes car parks. She did not consider this to be prejudicial.

### 44. URGENT ITEMS

44.1 There were none.

### 45. REPORTS

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

46. EASTBOURNE PARKING REVIEW 2 - TRAFFIC REGULATION ORDERS

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

46.2 Ms Linda Fox-Walker spoke against the proposal and officer's recommendation for Site 15 Meads Road, Eastbourne.

46.3 Mr Stephen Shing spoke against the proposal and officer's recommendation for Site 19 Tideswell Road, Eastbourne.

46.4 The following Local Members spoke on the following sites detailed in the report:

Site	Location	Local Member
2	Arlington Road and Old Orchard Road	Cllr Rodohan
3	Belmore Road	Cllr Holt
5	Blackwater Road	Cllr Wright
6	Carlisle Road and Wilmington Gardens	Cllr Wright
7	Cavendish Avenue	Cllr Holt
8	Cavendish Place, Langney Road and Pevensey Road	Cllr Holt
10	Cornfield Road	Cllr Wright
11	Dutchells Way, Hazelwood Avenue, Malvern Close and Woburn Way	Cllr Stephen Shing (although not the Local Member, Cllr Shing was permitted to speak on the basis that residents within his ward were consulted as the proposals were immediately adjacent)
13	Hyde Gardens and Station Street	Cllr Wright
14	King Edwards Parade	Cllr Wright
15	Meads Road	Cllr Wright
16	Meads Street	Cllr Wright

46.5 Committee Members have considered the report and comments of the public speakers and Local Members and agree with the conclusions and reasons for the recommendations as set out in the report.

46.6 The Committee RESOLVED to:

- 1) Uphold the objections to the draft Order as set out in Appendix 1 of the report;
- 2) Not uphold the objections to the draft Order as set out in Appendix 2 of the report; and
- 3) Recommend to the Director of Communities, Economy and Transport that the Traffic Regulation Order be made in part.

47. THE EAST SUSSEX COUNTY COUNCIL (LEWES DISTRICT) (OFF-STREET PARKING PLACES) TRAFFIC REGULATION ORDER 2013 (AMENDMENT NO.\*) ORDER 202\*

47.1 The Committee considered a report by the Director of Communities, Economy and Transport together with written comments from Local Members Councillor Lambert and Councillor Milligan.

47.2 Councillor Maples, a Local Member, spoke in support of the officer's recommendation.

47.3 The Committee Members have considered the report and comments of the Local Members and agree with the officer's conclusion and recommendations set out in paragraph 3 of the report.

47.4 The Committee RESOLVED to:

- 1) Not uphold the objection to the draft Order as set out in Appendix 1 of the report; and
- 2) Recommend to the Director of Communities, Economy and Transport that the Traffic Regulation Order be made as advertised.

(The meeting ended at 12.01 pm)

CHAIRMAN

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Committee: **Regulatory Planning Committee**

Date: **30 April 2025**

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

Proposal: **The erection of a new Secondary School Building with associated outdoor learning and play space, landscaping and parking.**

Site Address: **Grove Park School, Church Road, Crowborough, East Sussex, TN6 1BN**

Applicant: **Director of Children's Services**

Application No. **WD/3517/CC**

Key Issues: **1) Need  
2) Scale, design and impact on the amenities of the area  
3) Landscape and Ecology  
4) Highways  
5) Flood Risk and Drainage**

Contact Officer: **Miss Kiran Sajjan Tel. 01273 481595**

Local Member: **Councillor Philip Lunn**

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## **SUMMARY OF RECOMMENDATIONS**

- 1. To grant planning permission subject to conditions as indicated in paragraph 8.1 of this report.**
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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.**

### **1. The Site and Surroundings**

1.1 Grove Park School is a special school for children with learning difficulties and is located at the junction of Beacon Road (A26) and Church Road, approximately 1 kilometre south west of Crowborough town centre. It covers an area of 2.14 hectares, with the main School building occupying a centre-west position. There are two access roads to the site from Church Road, one in, one out, approximately 25 metres apart. The 2 roads converge about 30 metres into the site and lead to an area of hard standing in front of the main

School entrance. The existing School building is single-storey with a pitched roof.

1.2 The School is located in a largely residential area with the rear gardens of dwellings in the Starfield cul-de-sac backing onto the south-west boundary of the School and the gardens of properties in The Grove cul-de-sac adjoining the south-east boundary. Detached residential properties are opposite the School site on Beacon Road and Church Road. The School grounds are heavily wooded, particularly the eastern part, and mature trees are present along all boundaries of the site, thereby restricting views into it.

## **2. The Proposal**

2.1 The proposed development seeks to erect a purpose-built, new school building for Secondary Education of pupils with special educational needs and disabilities (SEND). The proposed new building would be located to the north-west of the existing main school building, and would comprise the school building, play space, and hard standing to access the building from the existing car park and drop off point. At present, only primary education provision is offered at the Grove Park School site.

2.2 The proposed school building would accommodate up to 60 pupils, including 2 classrooms for students with Profound Multiple Learning Difficulties (PMLD) (up to 6 pupils per classroom) with 5 year bases across School Years 7 to 11 (with up to 8 pupils per classroom).

2.3 The building itself is in a linear floor plan and comprises a 2-storey building with a 2.5-storey element to the west sitting within the proposed cut of land to appear 2-storeys in height above ground level, with a gross internal floorspace of 1,735 square metres. The building would be arranged over split-levels. The lower ground floor plan would accommodate staff offices and welfare facilities, the ground floor comprises 5 classrooms, 3 of which would have outdoor classroom breakout spaces, the hall would also be on this level at the western end of the building. The first floor comprises a further 5 classrooms with ancillary learning space such as a library. A lift at each end of the building will ensure all spaces are fully accessible. A covered canopy walkway is proposed to link the proposed building to the existing primary school building.

2.4 It is anticipated that once operational, the secondary school would accommodate an additional 60 pupils and 35 members of staff at the site.

2.5 The proposal includes the provision of 28 additional parking spaces, the majority of which would be located within a currently vegetated triangular parcel of land in the north of the site, close to the existing access. A total of 8 cycle parking spaces will be provided, in the form of 4 sheltered Sheffield stands. This provision will be located to the north of the proposed school building.

2.6 A secure fence line comprising of 2.4 metres high weldmesh security fencing with automated gates would be installed in the north of the site.

2.7 Three roof mounted air source heat pumps would be situated on the roof of the western wing of the proposed building, surrounded by a high parapet wall, A substation is also proposed to the north of the site, adjacent to the existing site exit point.

### **3. Site History**

3.1 Several planning permissions have been granted at the site, with the most recent in March 2017 for a new car park area with the provision of 37 spaces including 2 disabled spaces located to the north-east of the School site (ref. WD/3335/CC).

### **4. Consultations and Representations**

4.1 Wealden District Council - Raises no objection to proposal subject to a full assessment by the County Council which should be suitably informed by the Local Highway Authority to ensure that the proposal does not have a detrimental impact upon highway safety, given the inevitable rise in traffic associated with the new school building, and also that the final assessment is satisfied that the scale of the building does not give rise to adverse neighbouring amenity, in particular to the occupiers of The Lodge to the south-west of the proposed building.

4.2 Environmental Health Officer, Wealden District Council – Does not raise any objections as the submitted noise impact assessment of the proposed 3 x air source heat pump units and proposed substation shows evidence that the noise levels from the proposed mechanical units are substantially below the measured background levels and comply with the recommended criteria.

4.3 Crowborough Town Council – No response received.

4.4 Lead Local Flood Authority - No objection subject to the imposition of conditions to ensure the technical design and implementation of the drainage scheme is acceptable.

4.5 Highway Authority - Raise no objections as there is unlikely to be a detrimental impact on trip generation, or highway safety and the site can accommodate adequate parking for both the primary and secondary facilities. The Highway Authority encourages the implementation of a management strategy for the parking and drop off areas to ensure these areas are utilised effectively and safely.

4.6 East Sussex County Council Environmental Advice – Raises no objections subject to the imposition of conditions relating to noise levels, air quality during construction and reduction in carbon emissions.

4.7 County Archaeologist – Raises no objections subject to the imposition of conditions relating to securing a written scheme of investigation and completion of a site investigation and post-investigation assessment.

4.8 County Ecology – Raises no objections subject to the imposition of conditions requiring a pre-commencement badger survey, construction environmental management plan, precautionary working methods statement for the protection of bats, reptiles and badgers, an ecological design strategy and finally the inclusion of statutory biodiversity net gain conditions.

4.9 County Landscape Architect – Supports to the development providing that the applicant delivers the proposal in line with the submitted hard and soft landscaping proposals.

4.10 NatureSpace – No response received.

4.11 Aerodrome Safeguarding Officer on behalf of London Gatwick – Raises no objection as the proposed development does not conflict with aerodrome safeguarding criteria.

4.12 Designing Out Crime Officer, Sussex Police – Raises no objections to the proposal. However, advice is provided to the applicant on crime prevention and the implementation of principles set out in the Secured by Design initiative.

4.13 Local Representations - A total of 6 representations have been received in response to the proposed development. The key points raised are summarised below:

- Adverse noise impact from the proposed air source heat pumps.
- Existing mature vegetation should be protected and retained.
- The planting of new trees and shrubs is supported.
- Grange Close should not be used for contractors parking during the construction phase.
- The existing highway junctions are unsafe.
- The spread of Japanese knotweed should be appropriately managed.
- On-site parking is not sufficient for staff and visitors.
- Potential for increased traffic on Church Road which is already busy.
- Proximity to the A26 poses a safety concern for pupils.

## **5. The Development Plan policies of relevance to this decision are:**

5.1 Wealden Local Plan 1998: Saved Policies: EN12 (Protection of Trees and Woodland); EN14 (Landscaping within Development); EN27 (Design and Layout Criteria); EN28 (Access for the Disabled); EN29 (external lighting); TR3 (traffic impact of new development); TR13 (pedestrian links); TR16 (parking standards) and CS2 (drainage).

Wealden District Council has not formally determined whether its Saved Policies in the Wealden Local Plan are in general conformity with the National Planning Policy Framework (NPPF). However, the above referenced Saved Policies are considered by the County Planning Authority to be in general conformity with the overarching principles of the NPPF.

5.2 Wealden District (incorporating part of the South Downs National Park) Local Development Framework, Core Strategy – February 2013: Policy WCS12 (Biodiversity).

The Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan was adopted on 19 February 2013. The Core Strategy Local Plan is the key policy document setting out a strategic vision, objectives and spatial strategy for the area up to 2027. Currently, saved development management policies contained within the Wealden Local Plan 1998 remain part of the Development Plan for the area.

5.3 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policy WMP3d (Minimising and Managing waste During Construction, Demolition and Excavation).

5.4 National Planning Policy Framework (NPPF) 2024:

The NPPF does not change the status of the Development Plan as the starting point for decision making but it does constitute guidance as a material consideration in determining planning applications. Paragraph 100 advises Local Planning Authorities to give great weight to the need to create, alter and expand Schools. Parts 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment) also apply in this case.

5.5 Policy Statement on Planning for Schools Development 2011:

The policy statement indicates that the Secretary of State will be minded to consider refusal of any application for state-funded schools to be unreasonable conduct, unless it is supported by clear and cogent evidence.

5.6 The Environment Act 2021: Schedule 14 of The Environment Act requires that from the 12 February 2024 (for major applications) and 02 April 2024 (for minor applications), all development (apart from those meeting the criteria for exemption) provide a minimum of 10% biodiversity net gain (BNG), although local planning policy may require higher levels. The biodiversity gain objective must be met in relation to development for which planning permission is granted, demonstrated through the completion of the Statutory Metric and Biodiversity Gain Plan. The proposed development meets the criteria to deliver 10% biodiversity net gain.

## **6. Considerations**

### **Need**

6.1 Local Authorities have a statutory duty to ensure there are sufficient school places for all pupils, including for those with special educational needs and disabilities (SEND).

6.2 East Sussex County Council's SEND forecasts clearly evidence that there will be a continued increase in the number of pupils with SEND in the coming years. The numbers of school aged children and young people aged 4-

19 in East Sussex with an Education, Health, and Care Plan (EHCP) has been rising steeply in recent years, from 3,126 in 2018-19 to 3,494 in 2021-22, an increase of 12%. In 2023/24, the number of school aged children (aged 4-18) in East Sussex with an EHCP stood at 3,989. Over the next 4 years, the Council forecasts that overall numbers of school aged children with EHCPs will grow, by around 34%, to stand at approximately 5,400. As a result of the rise in numbers of pupils with an EHCP, particularly those with Profound and Multiple Learning Difficulties (PMLD), pupil numbers at Grove Park School have increased significantly.

6.3 In addition to this, at the request of East Sussex County Council (ESCC), the school has also taken pupils with a broader range of needs, including pupils with Autistic Spectrum Disorder (ASD). As a result, pupil numbers at the school have increased by 33% in the last 10 years. As the only Special Educational Needs (SEN) School in the north of the county, there will continue to be significant pressure on places at Grove Park School for PMLD as well as the other needs that the school caters for (including ASD).

6.4 The school currently has 3 phases: primary, secondary and sixth form on separate sites in Crowborough. The primary phase (4-11) is based at Church Road (the application site), the secondary phase (11-16) is co-located on the Beacon Academy secondary site in Beeches Road and the sixth form (post-16) is co-located with Beacon Academy's sixth form at Green Lane. There is currently no purpose-built facility for Secondary Education for pupils with SEND within the locality.

6.5 As a result of the increasing pupil numbers, the school is struggling to accommodate its current pupils, particularly its secondary and sixth form pupils co-located at Beacon Academy. The school therefore requires larger accommodation to meet the growing demand for places. Therefore, the Children's Services' Department of ESCC is proposing to deliver a new purpose-built Secondary School Building at the Church Road site to accommodate secondary pupils currently co-located at Beacon Academy. This would then free up capacity at the Beacon Academy for secondary aged pupils.

6.6 The proposal is supported by the provisions in the NPPF, specifically paragraph 100 which states that it is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. This should be done by giving great weight to the need to create, expand and alter school facilities.

### **Scale, design and impact on the amenities of the area**

6.7 Saved Policy EN27 in the Wealden Local Plan 1998 states that development should respect the character of adjoining development and not create an unacceptable adverse impact on the privacy and amenities of adjoining developments by reason of scale, design, height, form, noise or traffic movements. Saved Policy EN28 in the Wealden Local Plan 1998 requires

educational proposals to provide suitable access and facilities for people with disabilities.

6.8 The positioning of the building is dictated by site levels, geology, presence of trees and the location of badger setts on site. The existing site constraints have helped to inform and shape the proposed site layout and design. The eastern portion of the site comprises woodland, Tree Preservation Orders and protected animal habitat which are protected under the Protected Species Act. This, therefore, limits the existing space available for development. Following several feasibility studies the applicant concluded that the proposed Secondary School would be most appropriately located to the north of the existing Primary School. This would ensure that all built form is contained to the west of the site and enabling the utilisation of the existing one-way in-out access.

6.9 There is a level change of 2.7m between the application site area and the existing primary school. Entrance to the proposed new building would be at the same level as the primary school. The proposed split-level design would ensure the level access into the building is provided for all in accordance with Saved Policy EN28. Access to the site will be via the existing in and out loop, which functions well in terms of creating a 'kiss and drop' arrangement for pupil drop off and pick up.

6.10 The immediate surroundings of the site to the north, east, south and west are characterised by a mix of medium density housing of varying styles. The A26 Beacon Road runs north-south to the west of the site and the existing Grove Park primary school building is the only institutional building within the immediate surroundings. To respond to the surrounding residential context and limit the impact of height, levels of the site would be reduced to limit the impact of a 2-storey building in the proposed location. The building would sit behind the existing tree line allowing only glimpse views to the development from the street scene along Beacon Road. The proposed building would have a flat roof which would aid in minimising its bulk.

6.11 The closest neighbouring property to the proposed development, is located close to the western boundary, along Beacon Road at the top of Starfield. This property is a bungalow and is orientated north-eastwards with an existing driveway between the building and the boundary line. There are existing trees at this boundary, the majority of which are to be retained to ensure that the proposed development is appropriately screened, reducing visual impact to the existing dwelling at the top of Starfield. In order to limit the impact to this existing dwelling, the proposed secondary school building development has been setback by approximately 15m from the boundary and 20m from the existing dwelling, designed with a 2-storey design to remain in keeping with the surrounding residential context.

6.12 The appearance of the proposed building does not try to mimic that of surrounding residential development. Its form is typical of many new schools built in the recent past, i.e. a single mass under a flat roof. Whilst the proposed

building differs in style from the existing primary school building, the modern design would add interest and variety to the outlook of the site.

6.13 Overall it is considered that the proposed building has been designed to reduce adverse impact on the amenities of the surrounding area, and it is therefore considered to comply with the requirements of Saved Policy EN27 of the Wealden Local Plan.

#### *Noise*

6.14 Paragraph 198 in the NPPF addresses noise and aims to mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

6.15 The proposed design includes roof-mounted air source heat pumps (ASHPs) and a substation in the north of the site adjacent to the site access. The roof mounted ASHPs would be located approximately 25 metres from the closest residential property, which is The Lodge, Grove Park, Beacon Road situated to the west of the application site. The nearest residential properties to the proposed substation are located opposite the school entrance to the north on Church Road.

6.16 The ASHP units will be operating at full capacity during the school period, 8:00 AM to 4:00 PM. After 4:00 PM the demand will be lower, and therefore, the sound levels will be reduced. The ASHP units will not be operating during nighttime (11:00 PM to 7:00 AM). The units would be surrounded by a large parapet, acoustic louvres and some acoustic kit to attenuate noise emissions. A noise assessment accompanies the application and concludes that with the aforementioned mitigation measures, the ASHP units will not give rise to noise levels above existing background noise levels at the nearest receptors. It is therefore not considered that noise from the proposed ASHPs would give rise to unacceptable noise levels.

6.17 Moreover, based on noise levels information provided by the manufacturer, the noise assessment concludes that the noise impacts from the substation on the nearest residential properties would be negligible.

6.18 A few letters of representation received from local residents have raised concerns about the location of the proposed ASHPs proximate to residential properties and the potential noise impact as a result. The applicant has considered other locations but concludes that the proposed location on the west of the new building to be most suitable due to changing site levels. The proposed location is the lowest point which allows for a high parapet around the units which would reduce the impact of noise and limit visual impacts. Given the results of the noise assessment and justification provided by the applicant, it is considered that the proposed location of the roof top plant is acceptable and would not result in adverse impacts on the amenity of the occupiers of neighbouring properties.

## *Lighting*

6.19 Where proposals include external lighting, Saved Policy EN29 in the Wealden Local Plan 1998 requires that spillage is minimised and the minimum intensity of light necessary to be compatible with safety and security objectives is used.

6.20 The proposal includes 3 types of lighting; column mounted with one LED light per column on 6 metres high poles; wall-mounted LED luminaires installed at 2.8 metres mounting height and linear LED luminaires, which would be mounted under the proposed canopy. The column units would light car parking and drop-off/pick-up areas as well as provide lit walkways within the site. The development is required to be well lit in order to provide security and maintain safety for the pupils. Lighting columns proposed close to woodland areas would be fitted with back shield attachments to minimise light spill. It is not considered that the lighting would cause overspill and the site is well screened by existing vegetation, as such the impact upon neighbouring residents would be minimal. The proposed lighting is considered to be in compliance with Saved Policy EN29 of the Wealden Local Plan.

## **Landscape and Ecology**

6.21 Saved Policy EN14 in the Wealden Local Plan 1998 requires landscaping schemes be carried out as part of development proposals. Schemes should seek to retain trees, significant hedgerows and other valuable site features and normally propose planting of primarily native species. They should also have regard to associated nature conservation benefits and be implemented at the earliest practicable opportunity and thereafter be satisfactorily maintained during the early years. Paragraph 187 in the NPPF states when determining planning applications Local Planning Authorities should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It further states that planning decisions should minimise impacts on and provide net gains for biodiversity. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 requires every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purposes of conserving biodiversity.

6.22 The school site is enclosed by dense tree belts and tall understorey evergreen shrubs. There are more open views from neighbouring houses through the gaps in the trees, particularly in the winter when the trees are defoliated. It is noted that the proposed landscape and ecological management plan will remove the invasive plants including the cherry laurel and Japanese knotweed.

6.23 The existing trees will help to reduce the adverse effects on views from the surrounding road network and residents. The landscape masterplan proposes to fill existing gaps with new native planting. The removal of the cherry laurel from around the boundaries would provide an opportunity to plant more

appropriate native species more in character with the local area. This would need to include a proportion of evergreen species to provide screening during the winter.

6.24 Some significant mature trees would be lost to the development and the full impact of this is informed by the submitted Tree Survey and Arboricultural Impact Assessment. The development requires the removal of 5 category 'B' (moderate quality) trees and 1 category 'B' group, 12 category 'C' (low quality) trees and 5 category 'C' groups (some only partial removal) and 6 category 'U' trees (trees considered unsuitable for retention irrespective of whether development occurs). The School complex is largely surrounded by lowland mixed deciduous woodland in the south and east of the site which represents the highest distinctiveness habitat on site and is a Habitat of Principle Importance under the NERC Act. These areas of woodland would not be impacted by the proposal. There is other broadleaved woodland (OBW) to the north-west (which is dominated by non-native species and invasive species). The main habitat lost to the development will be the OBW in the north-west of the site with further small losses of modified grassland, bramble scrub, introduced shrub and a single, individual tree. No trees with Tree Preservation Order's would be lost as a result of the development. On balance, it is considered acceptable for some mature trees to be removed to allow for the proposed development as the proposal includes various enhancements to existing woodland areas which are outlined later in this report.

### *Badgers*

6.25 The presence of badger setts and other evidence of badger activity, such as latrines, hairs, feeding remains, paths and footprints have been confirmed on site. The submitted Ecological Impact Assessment states that the development will require the closure of three outlier setts under a licence from Natural England. Any indirect impacts on the remaining setts, which includes a main sett elsewhere on site, as a result of the construction works would need to be carefully considered as part of the licencing process. On the basis that the development would not impact the main sett, the closure of the outlier setts is acceptable and appropriate measures for safeguarding badgers during construction would be required by condition. As the status of badgers setts can change over time and new setts can be dug quickly, a pre-commencement condition is recommended requiring an updated badger survey.

### *Biodiversity Net Gain*

6.26 Schedule 14 of The Environment Act 2021 requires that all development (apart from those meeting the criteria for exemption) provide a minimum of 10% biodiversity net gain (BNG). The biodiversity gain objective must be met in relation to development for which planning permission is granted, demonstrated through the completion of the Statutory Metric and Biodiversity Gain Plan. The present application does not meet the criteria for exemption and is therefore required to provide a minimum of 10% biodiversity net gain.

6.27 The proposal will result in a loss of 2.34 habitat units (-6.65%). No specific detail is provided at this stage as to how an increase in habitat units will be achieved although the accompanying Ecological Impact Assessment states that a Woodland Management Plan will form part of the Habitat Management and Monitoring Plan (HMMP) accompanying the Biodiversity Gain Plan which would both be required by condition. Through the consultation stage, the Ecology Officer suggested that, *inter alia*, a key measure should be the eradication of cherry laurel and Japanese knotweed. Other measures to achieve the required 10% biodiversity net gain include improving the condition of existing woodland areas on site. The Planning Authority is satisfied that the proposal can deliver the minimum of 10% BNG through a combination of onsite and offsite measures.

## Highways

6.28 Saved Policy TR3 in the Wealden Local Plan 1998 permits planning applications for new development where the proposed development does not create or perpetuate unacceptable traffic conditions; provides a satisfactory means of access and, where appropriate, provides suitable public transport facilities. Further, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Saved Policy TR13 seeks provision of safe and convenient pedestrian routes in new developments which should link to the existing footpath network where appropriate. Saved Policy TR16 requires on-site provision of vehicle parking and servicing in accordance with the County Council's parking standards.

6.29 The existing site is located within a sustainable location, within 10 minutes walking distance of Crowborough High Street and immediately adjacent to bus stops on Beacon Road. The site is accessed via a one-way in-and-out system onto Church Road to the north. The existing one-way access system allows for a school drop-off loop that circles through the carpark and around to the front of the existing school to allow appropriate space for the stacking of vehicles at drop-off and pick-up times, which limits traffic build up on Church Road. The proposed development seeks to utilise this existing arrangement, to accommodate an additional 60 pupils.

6.30 Church Road has a speed limit of 30 mph. In accordance with Manual for Streets, the required sight lines are 43m in both directions from a setback point of 2.4 metres from the edge of the carriageway. The Highway Authority notes that the visibility to the east of the egress point meets this requirement, whilst the visibility to the west is unobstructed up to the junction with Beacon Road.

6.31 A total of 28 additional parking spaces will be provided as part of the development proposals, including 2 disabled bays, in accordance with ESCC parking standards. Of these bays, one space will be provided with active Electric Vehicle (EV) charging provision and 6 spaces will be provided with

passive infrastructure for future conversion. This would contribute to achieving the aims of the County Council's Climate Emergency Plan 2025-30.

6.32 At present, the site does not have a separate pedestrian access. A new pedestrian access is proposed from Church Road, with a footway proposed at the entry access point, on its western side. The footway will be provided flush to the kerb; however, it will be demarcated from the carriageway by a change in material. The addition of a pedestrian access is supported as it will significantly improve accessibility into the site for persons on foot in accordance with Saved Policy TR13 of the Wealden Local Plan.

6.33 The overall number of employees within this site upon completion will be 75 (40 existing and an additional 35 through this proposal) across both the primary and secondary facility. There are expected to be 63 vehicle parking spaces across the site to accommodate the staff. Staff surveys carried out in May 2024 concluded that 16% of the 35 expected additional staff members walk to the site and an additional 11% car share. It is also noted that not all staff arrive and depart during the AM and PM school peaks. It is considered that sufficient parking will be provided within the site to accommodate staffing requirements.

6.34 Although there will be an increase in trip rates associated with the site, this application is a relocation of the existing secondary school facilities which are also based in Crowborough. Therefore, all of the additional vehicle trips associated with this site will not be new trips, they will just be diverted to a different location.

6.35 Several of the parking spaces are in a tandem fashion. The Highway Authority does not encourage the use of tandem parking, and it is generally considered to be unsuitable for non-residential use; however, for a school it is accepted that there is likely to be more scope for its use to be managed sufficiently to avoid conflict occurring. It would therefore be the responsibility of school staff to ensure that these parking spaces are monitored effectively so that they are utilised fully in order to minimise the chance of overspill parking onto the main carriageway.

6.36 It is unlikely the level of traffic generated by the development proposal would result in a severe impact on the local highway network from a capacity perspective as the vehicles are currently on the road during peak times already.

6.37 The increase in traffic and parking pressures is inevitable when a school facility is expanded. However, given the level of additional parking spaces proposed on site, the drop-off and pick-off system and the relocation of pupils from a different site, the highway impact is considered acceptable and is considered to comply with Saved Policies TR3 and TR16 of the Wealden Local Plan.

### *Construction traffic and parking*

6.38 Several letters of representation raise concerns about contractors parking overspilling onto surrounding roads namely Grange Close and Church Road during the construction phase. A condition is included to secure a Construction Management Plan to ensure appropriate arrangements are in place during the construction period. Although some disruption during the construction phase is likely, a balance has to be struck and considering the need for the development and the temporary nature of the construction period, any disruption from construction traffic is considered to be acceptable.

### **Flood Risk and Drainage**

6.39 Saved Policy CS2 in the Wealden Local Plan 1998 permits planning applications only where adequate provision is made for surface and foul water drainage to meet Local Authority standards, taking into consideration the adequacy or otherwise of existing systems it will feed, to avoid increasing risk of flooding by surcharging mains or increasing surface water run-off or watercourses.

6.40 The existing building and paved areas discharge to ground via soakaway, however, ground investigation shows poor infiltration into the shallow layers and replicating this design will not meet modern standards. There are no reasonably accessible watercourses or sewers available, and the applicant proposes a borehole soakaway.

6.41 The Lead Local Flood Authority considers the surface water management strategy set out in the submitted Flood Risk Assessment and Drainage Strategy Report to be acceptable in principle and its design, implementation and maintenance regime should be secured by a proposed condition. Taken together, the proposed drainage scheme satisfies Policy CS2 in the Wealden Local Plan 1998.

## **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 to construct a 2-storey purpose built secondary school building for pupils with special educational needs and disabilities. The development would include hard and soft outdoor play spaces, additional parking areas and a covered link to the existing primary school building. There is a presumption in favour of development of state funded schools set out in the Government's 2011 'Policy Statement on Planning for Schools Development' reinforced by the NPPF which affords great weight to their creation. The principle of educational development is supported by the Development Plan. The proposed development is considered acceptable in its siting, layout and design and impact on its surroundings in terms of residential

amenity, drainage, biodiversity and the surrounding highway network. It is therefore considered to comply with Saved Policies EN14 (Landscaping with developments); EN27 (layout and design of development); EN28 (Access for people with disabilities); EN29 (external lighting); TR3 (traffic impact of new development); TR13 (pedestrian links); TR16 (parking standards) and CS2 (drainage). As the proposal accords with Saved Policies in the Wealden Local Plan 1998 it is supported by Policy WCS14 in the Wealden District Local Plan Core Strategy which sets out a presumption in favour of sustainable development.

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.

Construction

3. Unless otherwise agreed in writing by the Director of Communities, Economy and Transport, no demolition or construction works shall take place in connection with the development hereby approved at any time other than between 0800 and 1700 on Mondays to Fridays and not at any time on Saturdays, Sundays, Bank and Public Holidays.

Reason: In the interests of the amenities of the locality in general and adjacent residential properties in particular and to accord with Saved Policy EN27 of the Wealden Local Plan 1998.

4. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted and approved by the Director of Communities, Economy and Transport. Details shall include:
- i) Details of the methods of protection of trees and other vegetation during construction
  - ii) Measures to manage noise and dust emissions during the construction phase
  - iii) Contractors' parking arrangements and details around the timing of construction traffic arrivals and departures, in order to avoid disruption during the existing school drop-off and pick-up times.

The CMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing, and maintained for the duration of construction works.

Reason: In order to protect the amenity of the locality in accordance with Saved Policy EN27 of the Wealden Local Plan 1998 and the protection of trees and vegetation in accordance with Saved Policy EN14 of the Wealden Local Plan 1998.

#### Noise

5. The operational noise rating level will, at no time, exceed 35dB(A) at the façade of The Lodge, Grove Park, Beacon Road, as determined in accordance with BS4142:2014+A1:2019'.

Reason: In the interests of the amenities of the locality in general and adjacent residential properties in particular and to accord with Saved Policy EN27 of the Wealden Local Plan 1998.

#### Materials and Landscape

6. Development shall not commence above ground level until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Director of Communities, Economy and Transport. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Saved Policy EN27 in the Wealden Local Plan 1998.

7. The hard and soft landscaping proposals hereby approved shall be delivered in accordance with the following details:
- a) The submitted Arboricultural Impact Assessment and outline Method Statement ref. GROV-WWA-XX-XX-T-L-0601
  - b) The submitted landscape layout plan ref. GROV-WWA-XX-XX-D-L-0102 S3 P13.

- c) The submitted outline planting plan ref. GROV-WWA-XX-XX-D-L-0301 S3 P02.
- d) The hard and soft landscape strategies as outlined in the Design and Access Statement.

Reason: In the interests of the protection of trees and vegetation and the delivery of an appropriate landscaping scheme in accordance with Saved Policy EN14 of the Wealden Local Plan 1998.

#### Flood Risk and Drainage

- 8. Prior to any groundworks taking place, details of measures to manage flood risk, both on and off site during the construction phase shall be submitted and approved in writing by the Director of Communities, Economy and Transport, and thereafter implemented in accordance with the approved details and maintained for the duration of the construction phase.

Reason: To ensure appropriate management of the risk of flooding in accordance with Saved Policy CS2 of the Wealden Local Plan 1998.

- 9. Prior to the commencement of any development, including any groundworks, a detailed design of the entire drainage system shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The details shall include but are not limited to the following:

- Surface water discharge rates shall not exceed greenfield runoff for all rainfall events, including those with 1 in 100 (plus climate change allowance) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

- The detailed design of deepbore soakage and attenuation systems shall be informed by findings of groundwater monitoring between autumn and spring together with infiltration testing in the location and depth of the proposed soakaway. The design shall leave at least 10m unsaturated zone between the base of the soakaways and the highest recorded groundwater level.

- Robust pollution prevention based upon multiple treatment stages shall be provided upstream of the soakaway.

- The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

The approved drainage scheme shall thereafter be implemented in full and maintained for the lifetime of the development unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: In the interests of providing adequate provision of surface water drainage in accordance with Policy CS2 of the Wealden Local Plan 1998.

10. Prior to any groundworks, a maintenance and management plan for the entire drainage system shall be submitted to and approved in writing by the Director of Communities, Economy and Transport to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
  - a) clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains
  - b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development

Reason: In the interests of providing adequate provision of surface water drainage in accordance with Policy CS2 of the Wealden Local Plan 1998.

11. Prior to occupation of the development, evidence (including photographs, as-built drawings and topographic survey as necessary) showing that the drainage system has been constructed as per the final agreed detailed drainage designs shall be submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: In the interests of providing adequate provision of surface water drainage in accordance with Policy CS2 of the Wealden Local Plan 1998.

#### Highways

12. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Director of Communities, Economy and Transport in consultation with the Highway Authority and the areas shall thereafter be retained for that use unless otherwise agreed in writing by the Director.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to ensure sufficient parking areas are provided within the site in accordance with Saved Policies TR3 and TR16 of the Wealden Local Plan 1998.

13. The parking spaces hereby approved shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls or fences).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access

and proceeding along the highway in accordance with Saved Policies TR3 and TR16 of the Wealden Local Plan 1998.

14. The development shall not be occupied until cycle parking/storage has been provided in accordance with details which have first been submitted to and approved in writing by the Director of Communities, Economy and Transport in consultation with the Highway Authority and the areas shall thereafter be retained for that use and maintained for the lifetime of the development.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

15. The entrance gate hereby approved shall be positioned at least 9m from the edge of the carriageway and be inward opening in order that a vehicle may wait clear of the highway whilst the gate is being operated.

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles.

16. Within 3 months of occupation of the building hereby approved, a parking and drop-off/pick-up management strategy shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The strategy shall include measures to ensure there are no delays during drop-off/pick-up times to avoid a backlog of vehicles. The approved strategy shall be implemented thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to ensure sufficient parking areas are provided within the site in accordance with Saved Policies TR3 and TR16 of the Wealden Local Plan 1998.

#### Ecology

17. No development shall take place, including any site preparation works involving machinery, breaking of ground, demolition and vegetation clearance, until an updated survey for badgers has been undertaken, in accordance with best practice. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Director of Communities, Economy and Transport prior to the commencement of any development. Works shall then be carried out in accordance with the new approved ecological measures and timetable.

Reason: As badgers are a mobile species whose activities/patterns varies across the year and in reaction to a range of influencing factors, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be

put in place and to ensure no offences are committed.

18. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements which should include one specifically relating to Invasive Non-Native Species (INNS) remediation and removal);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

19. No development shall take place (including any demolition, ground works, site clearance) until a precautionary working methods statement (PWMS) for detailing reasonable avoidance measures for bats, reptiles and badgers has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

Works shall only be undertaken in accordance with the approved Method Statement.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and The Protection of Badgers Act 1992.

20. No development shall take place until an ecological design strategy (EDS) addressing compensation, mitigation and enhancement measures and including bat and bird boxes, log piles and an insect hotel, has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location /area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details for monitoring and remedial measures;
  - j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework 2024.

#### Biodiversity Net Gain

21. Prior to the commencement of the development, including any groundworks, a biodiversity gain plan shall be submitted to the Director of Communities, Economy and Transport for approval in writing.

The biodiversity gain plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;

- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development;
- f) any such other matters as the Secretary of State may by regulations specify; and
- g) arrangements for maintenance of habitat enhancement for at least 30 years after the development is completed to include monitoring that maintenance (and associated monitoring costs).
- h) identify responsible persons for paying the relevant monitoring fees for both on-site and off-site biodiversity gains.

When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a condition, planning obligation, or conservation covenant.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act.

22. Prior to the commencement of the development hereby permitted, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The HMMP shall accord with the Biodiversity Gain Plan and include:
  - a) A non-technical summary
  - b) The roles and responsibilities of the people or organisations delivering the HMMP
  - c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
  - d) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the first [occupation or use] of the development
  - e) The monitoring methodology and frequency in respect of the created or enhanced habitat
  - f) Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

The created and/or enhanced habitat specified in the approved HMMP shall thereafter be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act.

23. Prior to the first occupation of the development hereby permitted, a completion report, evidencing the completed habitat enhancements set out in the approved Habitat Management and Monitoring Plan, shall be submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act.

24. Habitat monitoring reports shall be submitted to and approved in writing by the Director of Communities, Economy and Transport in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan.

The reports shall include (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) any contingencies and/or remedial action for agreement. Any agreed contingencies or remedial action shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act.

#### Archaeology

25. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

26. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Director of Communities, Economy and Transport. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 25.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

## INFORMATIVES

1. This Highway Authority's requirements associated with this development proposal will need to be secured through a Section 184/278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Planning Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. The applicant is advised to put in place a management plan to ensure that any vehicle entering the grounds is suitably monitored and that all pedestrians are adequately protected for vehicle pedestrian collision with authorised staff or volunteers to control and direct traffic
3. The applicant is advised to have regard to the Secured by Design (SBD) New Schools 2014 document.
4. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be East Sussex County Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.

## Schedule of Approved Plans and Documents

Planning Statement, GROV-WWA-XX-XX-D-L-0301 Outline Planting Plan Rev P02, GROV-WWA-XX-XX-D-L-0401 - Sections Rev P02, GROV-WWA-XX-XX-T-L-0607 - Outline Landscape Specification, GROV-WWA-XX-XX-D-L-0108 - Access Strategy Rev P02, GROV-WWA-XX-XX-D-L-0109 - Security Strategy - Rev P02, Waste Minimisation Report, Interim Travel Plan, Transport Statement, Archaeological Desk Based Assessment, Phase 1 Desk Study

Report , GROV-HAW-ZZ-00-D-E-1701 Rev P02 - Site Wide External Lighting Layout, GROV-HAW-ZZ-00-D-E-1702 Rev P02 - Site Wide External Lighting Layout (Including LTG Output), Air Quality Assessment V2, Daylight Calculation Report, 3D View 01 - Top West, GROV-WWA-XX-XX-D-L-102 REV P13 - Landscape Layout Plan, GROV-WWA-XX-XX-DR-L-0704 Rev P02 - Tree Protection Plan Sheet 1 of 2, GROV-WWA-XX-XX-DR-L-0705 Rev P01 - Tree Protection Plan Sheet 2 of 2, GROV-PCE-XX-XX-T-O-003 - Acoustic Design Note, GROV-WWA-XX-XX-T-L-0601-P03- Tree Survey, Arboricultural Impact Assessment & Outline Method Statement, GROV-ECE-XX-RF-D-A-0104 Rev P08 - Roof Plan, GROV-ECE-XX-XX-D-A-0006 Rev P08 - Proposed Site Plan, GROV-ECE-XX-XX-D-A-0007 Rev P07 - Proposed Site Elevations/Sections, GROV-ECE-XX-ZZ-D-A-0410 Rev P06 - Colour Elevations - South and East, GROV-ECE-XX-ZZ-D-A-0411 Rev P06 - Coloured Elevations - North and West, GROV-ECE-XX-00-D-A-0102 Rev P11 - Ground Floor Plan, GROV-ECE-XX-01-D-A-0103 Rev P09 - First Floor Plan, GROV-ECE-XX-LG-D-A-0101 Rev P10 - Lower Ground Floor Plan, GROV-LON-XX-XX-RP-C-0001 Rev P04 - Flood Risk Assessment & Drainage Strategy March 2025, Grove Statutory Biodiversity Metric Condition Assessment 23,7,24, Biodiversity Net Gain Assessment Version 2, Ecological Impact Assessment Version 3, Statutory Biodiversity Metric Tool, Grov Pce Xx Xx T O 0003 Noise Assessment Incl. Substation

RUPERT CLUBB

Director of Communities, Economy and Transport

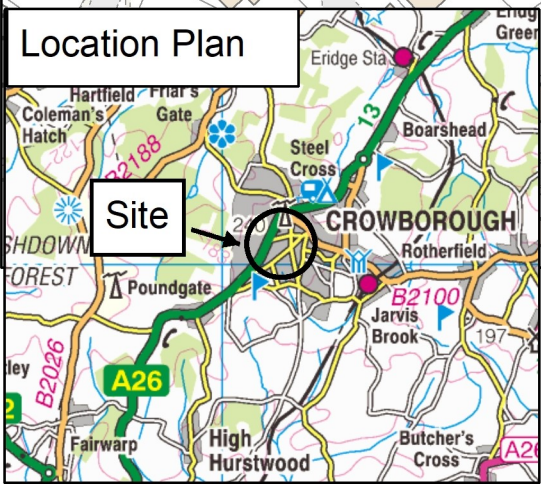
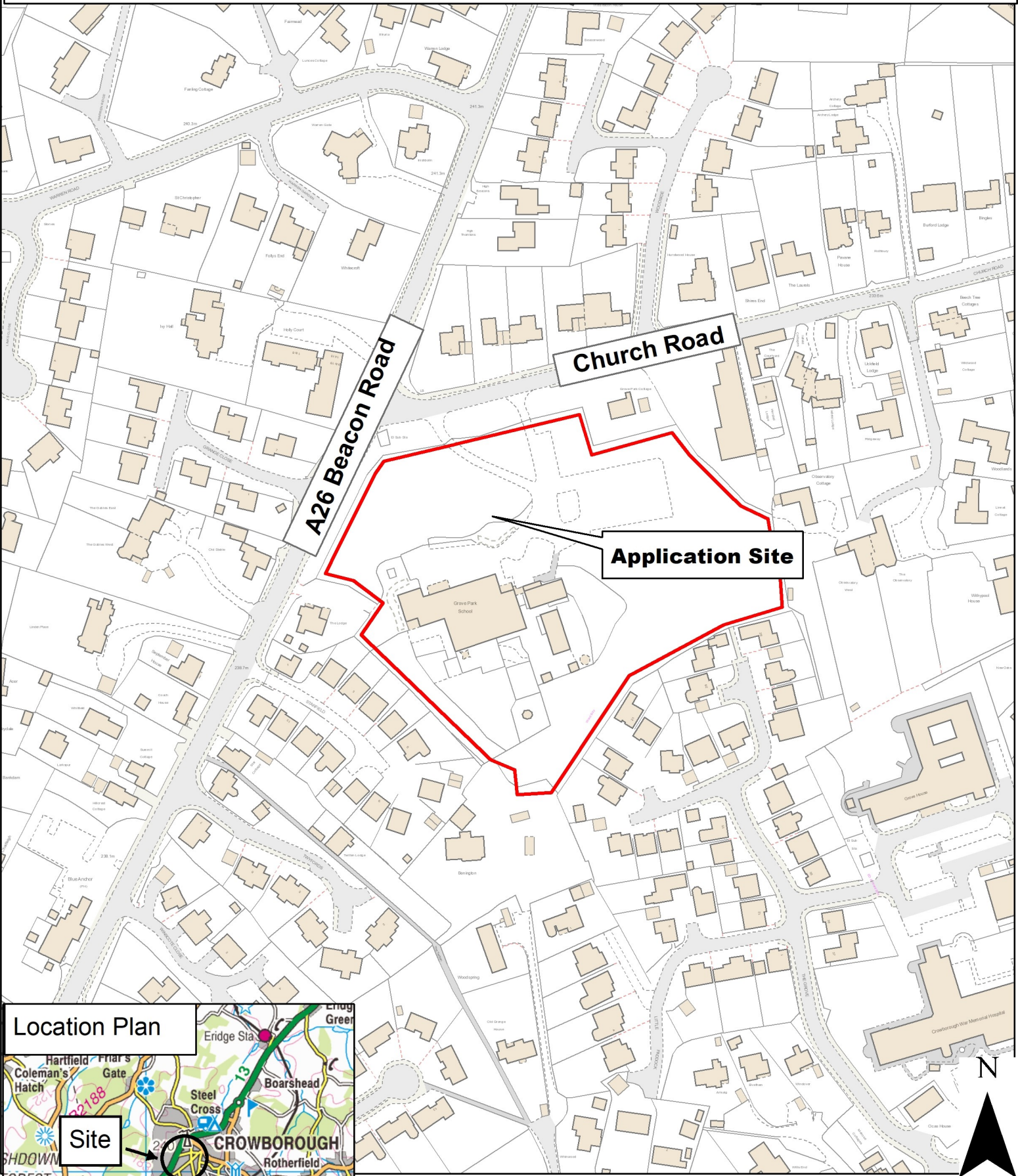
Date: 15 April 2025

## **BACKGROUND DOCUMENTS**

Application file WD/3517/CC

The Development Plan

# WD/3517/CC - Grove Park School, Church Road, Crowborough, East Sussex, TN6 1BN



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Committee	<b>Regulatory Planning Committee</b>
Date	<b>30 April 2025</b>
Report by	<b>Director of Communities, Economy and Transport</b>
Subject	<b>Development Management Update</b>
Purpose	<b>To inform Members about matters relating to: (i) enforcement and site monitoring, undertaken under delegated powers for the period between 1 October 2024 and 31 March 2025; and (ii) development management performance for the period 1 April 2024 to 31 March 2025.</b>
Contact Officer:	<b>Sarah Iles – 01273 481631</b>
Local Members:	<b>All</b>

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## **RECOMMENDATIONS:**

**The Committee is recommended to note the report.**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

### **1. Enforcement**

1.1 In the period between 1 October 2024 and 31 March 2025, inclusive, there were 22 new complaints about alleged breaches of planning control. All of the new cases relate to “County Matter” sites. Of the new cases, 3 were dealt with and completed within the reporting period and 7 older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2025 was 49. This represents an increase of 12 in the number of cases that were outstanding at the end of the previously reported period.

1.2 For information, the table below shows the number of new cases received during each relevant 6 month period going back to 2019. Whilst the last couple of years have seen a drop in the number of new cases, there has been an increase in the complexity and scale of some of the cases, which has consumed a significant amount of officer time.

	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Apr - Sept	44	33	40	18	24	24
Oct - Mar	32	20	13	38	16	22
Total	76	53	53	56	40	46

1.3 During the last period, there have been a number of significant and complex cases that have involved a substantial amount of officer time to deal with and progress and/or resolve. This has meant that other cases, particularly some older cases, have not been progressed and resolved as would have been hoped. There are several older cases that just need a final site inspection to ensure that the breach of planning control has been resolved, and it is hoped that these can be closed during the next few months. Notwithstanding this, staffing resources within the Planning Policy and Development Management Team remain extremely limited and this does present challenges to deal with the levels of enforcement cases and site monitoring. There is one current vacancy within the team that is a role that can assist with site monitoring and enforcement work. The plan is to seek to recruit to this role shortly. Therefore, should we be successful in this recruitment exercise, there will be an increased level of resource for this work and we would

envisage that the number of outstanding cases will begin to reduce (although this will still be somewhat dependent on the number of new cases that come forward).

1.4 With regard to particular cases, Members may recall that in respect of Giffords Farm in Dallington, a significant breach of planning control occurred regarding the importation and deposit of waste, including in Ancient Woodland. No response was received to correspondence sent to the landowner so a Planning Contravention Notice (PCN) was served. No response to this was received, which is an offence. 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 initial successful prosecution, the landowner was given a further opportunity to respond to the PCN. Regrettably he chose not to do so and was prosecuted for a second time. He pleaded guilty and was ordered to pay £1,229.34 (£576 fine; £423.34 costs and £230 Victim Surcharge). A further successful prosecution is encouraging; however, it does not resolve the breach of planning control. Following the second prosecution, the agent for the landowner has been in contact with officers indicating that the landowner is keen to resolve matters. A site meeting is proposed to review the actions needed to address the breach of planning control.

1.5 Another case of interest is 187 London Road in Hailsham. This property has an extant Enforcement Notice relating to waste and scrap metal related activities dating back to 2014. There have previously been two successful prosecutions of the landowner in respect of breaches of the Enforcement Notice, as well as Direct Action to remove a scrap car and waste materials. Following further complaints regarding waste related activities, the matter was investigated and breaches of the Enforcement Notice confirmed. Despite attempts to resolve the breaches with the landowner, no progress was made, and the landowner was summonsed to appear before Hastings Magistrates' Court on 19 December 2024. The defendant failed to attend, and the case was heard in his absence. The Magistrates were satisfied that the case had been proven and ordered the landowner to pay a total of £7,827.63; consisting of a £5,000 fine, £2,000 Victim Surcharge and £827.63 in costs. Whilst this is a positive outcome in terms of the levels of fines/costs, it has not resolved the breach of the Enforcement Notice. Officers are considering other options and maintaining contact with other regulatory agencies due to multiple other, potentially, criminal offences being carried out.

1.6 Appendix 1 of this report provides details of cases resolved and received within the period 1 October 2024 and 31 March 2025, 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 Due to significant resourcing limitations it has not been possible to proactively carry out a structured site monitoring programme during the last year. There have been some site monitoring visits, but this has been inclined towards sites where there have been previous or ongoing issues. It is hoped that a more thorough and focussed programme of site monitoring can be carried out in the future.

## **3. Development Management**

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

and extensions of time have not been agreed with the applicant, planning authorities must return the planning application fee to the applicant.

3.2 The Government publishes criteria for determining whether or not to place local planning authorities in “special measures”. One measure is the average percentage figure for the timely determination of major development applications over 12 months. The threshold for designation is currently at 60% of applications being determined within a 13 week period, or within a timeframe agreed with the applicant. The Government also introduced monitoring performance on non-major planning applications, the threshold for which is 70%. However, the monitoring of performance on non-major applications relates to District/Borough/Unitary authorities and not County Councils. Therefore, the performance on the determination of the non-major County Council developments (Regulation 3) will not be included in the performance figures measured by the Government, although officers continue to monitor and report on the County Council’s own performance.

3.3 In terms of performance, for the period April 2024 to March 2025 (inclusive) of the relevant applications, 100% of County Matter applications (waste and minerals proposals) were determined within 13 weeks or within an agreed extension of time, and 100% of County Council applications (for the County Council’s own development proposals) were also determined within 8 weeks or within an agreed extension of time, both of which clearly exceed the targets set by Government and locally. With respect to the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 12 months ending December 2024 was 100% of major applications determined within the relevant timescale, which is clearly well above the current 60% threshold.

3.4 The table below sets out the number and types of formal applications/queries dealt with for the financial year 2024/25.

Type	2024/2025
County Council applications determined	18
County Matter applications determined	6
Cross Boundary Applications	0
Applications withdrawn	7
Non-material amendment applications determined	4
Lawful Development certificates	1
Prior Notification	0
Formal Pre-Application Advice	3
“Do I need planning permission” requests	11
Minerals/Waste Safeguarding and other consultations	35
EIA Screening Opinion requests	4

#### **4. Contact Officers**

4.1 Members with any queries about enforcement or site monitoring matters should contact either Sarah Iles (01273 481631) or Marcus Berrisford (01273 335218). Members with queries relating to County Matter and Regulation 3 applications should contact either Kiran Sajjan (01273 481595) or Sarah Iles.

#### **RUPERT CLUBB**

Director of Communities, Economy and Transport

Local Members: All

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**TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED BETWEEN 1 OCTOBER 2024 AND 31 MARCH 2025**

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
1/1	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>No further materials have been imported to the site and as the already imported materials relate to a matter being dealt with by Rother District Council, no further action is required by this Authority in its capacity as Waste Planning Authority.</p>
1/2	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> <p>Following the site meeting, a letter was sent to the landowner and a detailed response received. The works carried out relate to planning permissions granted by Wealden District Council. At this stage therefore, there is no further action required by the County Council as Waste Planning Authority.</p>
1/3	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</p>

				<p>evidence of woodworking taking place in a covered outside area.</p> <p>The breach of planning control was a change of use from educational to residential and discussions took place with officers in the ESCC Property team in order to seek to resolve matters. The Property Team have subsequently confirmed that the former school building is no longer being occupied for residential purposes and therefore the breach of planning control is resolved.</p>
1/4	July 2024	Rose Bank Farm, Pick Hill, Horam, Heathfield	Importation and storage of waste.	<p>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 were carried out and a site meeting held with the landowners.</p> <p>There was no evidence to suggest that any waste related activities in breach of planning control were taking place at the site. No further action is required.</p>
1/5	August 2024	Land under Flyover, North Quay Road, Newhaven	Unauthorised waste transfer station.	<p>A complaint was received that this site was being used as a waste transfer station. A warning was issued to the operator and correspondence exchanged. A site meeting was held with the operator, who decided not to pursue a waste use at the site. Breach of planning control resolved and no further enforcement action required.</p>
1/6	August 2024	Suez Waste Transfer Station, Potts Marsh Industrial Estate, Westham	Breach of conditions - odour/nature of waste and vehicle movements/routeing	<p>A complaint was received regarding odours emanating from the site, the nature of waste imported and the routeing of HGVs through villages. Discussions were held with the operator and a site meeting carried out.</p> <p>No breaches of the site's planning permission were observed and no further action was required.</p>
1/7	September 2024	The Oast, Birchett's Green Lane, Wadhurst	Deposit of waste - building material/rubble/clay.	<p>A complaint was received that waste materials were being imported to the site and the land raised, causing damage to adjoining land/fencing. A joint inspection with an officer from Rother District Council was carried out, which confirmed the substance of the complaint.</p> <p>Following discussions with personnel on site, it was ascertained that the materials deposited in the field had originated from works taking place at the landowner's property on the other side of the lane. A letter was sent to the landowner advising of the breach of planning control and that the materials should be removed and the field</p>

				<p>restored to its former condition.</p> <p>The site has subsequently been cleared and the breach of planning control resolved. No further action is required.</p>
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**TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED AND RESOLVED BETWEEN 1 OCTOBER 2024 AND 31 MARCH 2025**

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
2/1	October 2024	15 The Holt, Hailsham	Importation, deposit, sorting and burning of waste.	<p>A complaint was received that waste was being brought back to the property, sorted and then burnt. A site visit was carried out which indicated that some waste materials were present at the site. Wealden District Council, as the landowner, was contacted. Further site inspections confirmed that waste had stopped being dealt with at the property.</p> <p>Breach of planning resolved and no further action required.</p>
2/2	November 2024	Rear of The Old Farmhouse, High Street, Pevensey	Importation and deposit of building waste.	<p>A complaint was received that building waste was being imported and deposited at the site. A site visit was carried out which confirmed the substance of the complaint. A significant quantity of bagged builder's waste was noted to be present at the site.</p> <p>Contact was made with the landowner and the breach of planning control set out. Following discussions with the landowner, the waste has been removed from the site and the breach resolved. No further action is required.</p>
2/3	November 2024	Rideout Agricultural Ltd, Dunly Wood, Mayfield Road, Cross in Hand, Heathfield	Tipping from road sweepers and grab lorries (potential breach of extant Enforcement Notice).	<p>A complaint was received that waste materials were being imported, deposited and processed at the site, in breach of an extant Enforcement Notice. A site visit was carried out, which indicated that waste materials, in the form of road sweepings, had indeed been imported and deposited at the site.</p> <p>Discussions with the operator were held and a subsequent site meeting undertaken. It was noted that the volume of materials had decreased considerably, and the remainder were to be removed.</p>

				<p>The operator advised that new equipment was being imminently purchased to be brought to the site and used in connection with a planning permission granted on appeal in relation to the use of the site. That new equipment would enable the processing of road sweeper slurry into reuseable products thereby ensuring no repeat of the issues going forward.</p> <p>In light of the investigations and current planning permission for the site, it is not considered that there is a breach of the extant Enforcement Notice. No further action is required by this Authority in its capacity as Waste Planning Authority. The site will, however, periodically be monitored to ensure continued compliance with the Enforcement Notice.</p>
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**TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN 1 OCTOBER 2024 AND 31 MARCH 2025 AND AS YET UNRESOLVED.**

	<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
3/1	October 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 and photographic evidence supported this. The site has planning permission (WD/831/CM) for tyre recycling and crumb/bale production. However, no burning of waste/tyres is permitted.</p> <p>An initial site visit was carried out, which identified evidence of the burning of tyres. Following correspondence, warnings and discussions with the operator, the burning of tyres ceased.</p> <p>On a follow up monitoring visit to check that no further burning was taking place, it was noticed that a tyre changing business was operating at the site. This is in breach of the planning permission and unauthorised. Contact was once again made with the operator, and a planning application is expected to be made to regularise the additional use taking place at the site.</p>

				In the meantime, the site will be monitored periodically to ensure that the burning of tyres does not resume.
3/2	October 2024	South Hartfield House, Colemans Hatch, Hartfield	Excavation and deposit of soils.	<p>A complaint was received that excavations were taking place and the excavated soil was being deposited on the boundary of the property. Following investigations, it has not been possible to ascertain whether the works have the benefit of planning permission from Wealden District Council.</p> <p>Further investigations have been carried out and a detailed site inspection with the landowner is to be undertaken.</p>
3/3	October 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 the site and deposited on the land. The complaint included that run-off from the site had caused a pollution incident further downstream.</p> <p>Various consents have been granted by Wealden District Council (WDC) in relation to agricultural barns/tracks/works. A joint site inspection with officers from the Environment Agency, the operator and landowner was carried out. The landowner advised that a track which had been laid adjacent to some Ancient Woodland was due to be removed following a requirement from WDC. Other remedial works required by WDC are also to be undertaken.</p> <p>Proposals for a new track and farmyard manure storage area are currently being considered by WDC.</p> <p>Investigations into whether there are any breaches of planning control relevant to this Authority, as Waste Planning Authority, are ongoing.</p> <p>The alleged pollution incident is being dealt with by the Environment Agency and officers are continuing to maintain contact both with them and other parties affected by the incident.</p>
3/4	November 2024	Hole Farm, Westfield Lane, Westfield	Breach of Conditions attached to planning	During a monitoring visit, it was noted that there were significant breaches of the planning permission for the site, including site layout, heights of stockpiled materials and additional machinery.

			permission RR/724/CM (Site layout, height of stockpiles and plant/machinery).	<p>Following a meeting with the operator, remedial works were specified to address both planning breaches and safety concerns. The site is being monitored to ensure compliance. Enforcement action is very much an option.</p> <p>In the meantime, the operator has submitted a planning application (RR/899/CM) to regularise aspects of the layout and use of the site.</p>
3/5	January 2025	Bell Reed Farm, Dads Hill, Cross-in-Hand, Heathfield	Importation and deposit of waste.	<p>A complaint was received that waste materials were being imported, deposited and stored at the site. An inspection was carried out and although it was not possible to gain access to the site, it was evident that waste was being imported.</p> <p>Contact was made with the landowner, who stated that various parties had used the land for the storage of various items, including waste. The planning/enforcement position was set out and a timescale for the clearance of the site agreed. A further inspection to monitor progress is needed.</p>
3/6	January 2025	Sussex Waste Management Site, Whitworth Road, St Leonards-on-sea	Breach of Condition - Site Layout.	<p>During a monitoring visit, it was noted that the site was not in accordance with the approved layout under planning permission HS/884/CM.</p> <p>Remedial steps have been set out and the operator given a deadline for returning the site to compliance with the planning permission. An inspection is due to be undertaken to check the site is compliant. In the event that there are remaining breaches, it is likely that formal enforcement action will be taken.</p>
3/7	January 2025	Clear Hedge Farm, Chiddingly Road, Horam	Importation and deposit of waste.	<p>A complaint was received regarding the alleged importation and deposit of waste at the site. An officer from the Environment Agency undertook a site visit and identified that one load of soil had been deposited. The operator advised this was due to not being able to take it to his normal tip and was only a temporary measure.</p> <p>No further complaints have been received and officers are intending to carry out a further inspection to confirm compliance with planning control and ensure that the soil in question has been removed.</p>
3/8	January 2025	Cuckoo Cottage, Newick Lane, Mayfield	Importation and deposit of waste.	<p>A complaint was received that waste materials, comprising soil and hardcore, were being imported to the site and tipped into an old railway cutting. A joint site visit with the Environment Agency was undertaken and a meeting held with the landowners.</p>

				<p>The landowners explained that there were stability issues with the railway cutting due to its steepness and a landslip had occurred. This was jeopardising their access. Sheet piling had been installed and then the waste soils and hardcore tipped in order to shore-up the embankments. However, slippage of the deposited materials has now occurred. The landowner stated that they wished to import further materials. The planning and Environmental Permitting requirements were clearly set out. Advice was given to instruct a suitably qualified structural engineer and that planning permission should be sought for the works.</p> <p>In addition to the stability of the embankments, officers have also been in contact with the Historical Railways Estate (HRE) due to concerns regarding the structural integrity of the bridge over the former railway, which provides access to the site. Initially HRE had deemed the bridge unsafe but have now reassessed it and are satisfied that the bridge can take lorries over it. Separate to the potential infilling of the railway cutting, HRE will be submitting a planning application to Wealden District Council to fill around the piers of the bridge to protect them from any future landslips.</p> <p>Much remains to be done in terms of ensuring the site is compliant with planning control going forward. Officers are monitoring the situation and maintaining contact with the landowners, HRE and the Environment Agency.</p>
3/9	January 2025	Upper Wilting Farm, Crowhurst Road, St Leonards on Sea	Importation and deposit of waste.	<p>A complaint was received via Rother District Council that waste materials were being imported to the site. A site visit was carried out but it was not possible to gain entry. Contact is being made with the operator/landowner to arrange access to the site and a site meeting.</p>
3/10	January 2025	Land east of Lower Wilting Farm, Crowhurst Road, St Leonards on Sea	Importation and deposit of waste.	<p>A complaint was received that waste materials, comprising soil and hardcore, were being imported, deposited and spread across the site. A joint site visit with officers from Rother District Council was undertaken which confirmed the substance of the complaint.</p> <p>During the site visit, it was noted that significant quantities of waste had been imported to the site and deposited over a large area, with no apparent reason.</p> <p>A letter was sent to the landowner and a response received advising that the tenant of the site was responsible. Contact has now been made with the tenant. Both tenant</p>

				<p>and landowner have been made aware of the likelihood of formal enforcement action if the land is not entirely cleared and restored.</p> <p>Officers are also liaising with the Environment Agency.</p>
3/11	March 2025	Great Cow Farm, Cowbeech Road, Cowbeech	Importation and deposit of waste.	<p>A complaint was received that lorries were running into the site and depositing significant quantities of waste materials. A site visit was carried out but circumstances dictated that it was not appropriate to access the site at that time. However, the driver of a tipper lorry leaving the site was spoken to. He confirmed that soils and aggregates were being imported to the site, for the purposes of building a base for a barn. In this respect officers are liaising both with Wealden District Council and the haulier.</p> <p>A letter has been sent to the landowner setting out the Waste Planning Authorities position and requesting a site meeting. A response is currently awaited.</p>
3/12	March 2025	Land opposite Little Exceat Farm (Hurst Barns Farm, Chiltington Lane, East Chiltington	Importation and deposit of waste.	<p>A complaint was received that waste materials, comprising hardcore/bricks, had been imported to and deposited at the site. A site visit was carried out which confirmed the substance of the complaint, although the materials deposited appeared to have been processed and akin to MOT Type 1.</p> <p>An agricultural track has been constructed in recent years and it is possible the materials are for the repair/maintenance of this. However, to fully understand the nature of the materials and the reason for their importation, correspondence to establish the full facts will shortly be issued to the landowner.</p>
3/13	March 2025	Land North West of Eridge Road, (ESX229476) Lower Ashwood Farm, Crowborough	Importation and burning of waste - recontouring of land.	<p>Whilst undertaking a joint site inspection with the Environment Agency to an existing site (see Table 4 – Entry 4/14), several other sites were noted to appear to be being used for waste related activities. Details of all the owners have been obtained and further investigations are currently underway with a view to remedying waste related breaches of planning control at these additional sites.</p>
3/14	March 2025	Land North West of Eridge Road, (ESX392714) Lower Ashwood Farm,	Importation and burning of waste - recontouring of land.	<p>Whilst undertaking a joint site inspection with the Environment Agency to an existing site (see Table 4 – Entry 4/14), several other sites were noted to appear to be being used for waste related activities. Details of all the owners have been obtained and further investigations are underway with a view to remedying waste related breaches of planning control at these additional sites.</p>

		Crowborough		
3/15	March 2025	Land North West of Eridge Road, (ESX97819) Lower Ashwood Farm, Crowborough	Importation of waste and recontouring of land.	Whilst undertaking a joint site inspection with the Environment Agency to an existing site (see Table 4 – Entry 4/14), several other sites were noted to appear to be being used for waste related activities. Details of all the owners have been obtained and further investigations are currently underway with a view to remedying waste related breaches of planning control at these additional sites.
3/16	March 2025	Land North West of Eridge Road, (ESX248144) Lower Ashwood Farm, Crowborough	Importation and storage of waste paper and burning of waste.	Whilst undertaking a joint site inspection with the Environment Agency to an existing site (see Table 4 – Entry 4/14), several other sites were noted to appear to be being used for waste related activities. Details of all the owners have been obtained and further investigations are currently underway with a view to remedying waste related breaches of planning control at these additional sites.
3/17	March 2025 [Note: this is a different operator to the entry below.]	Stanbridge Grab Services Limited, The Woodyard, A267 Tunbridge Wells Road, Frant	Importation, storage and processing of waste.	A report was received from the Environment Agency that the site was being used for the tipping and processing of waste soils and then the bulking up and bagging of the processed materials. Research into the site has not found any relevant planning permission that would allow this activity.  An inspection is in the process of being arranged.
3/18	March 2025 [Note: this is a different operator to the entry above.]	Stanbridge Surfacing Limited, The Woodyard, A267 Tunbridge Wells Road, Frant	Importation, storage and processing of waste.	A report was received from the Environment Agency that the site was being used for the storage of unprocessed waste soil, tarmac, concrete and bricks, and potential processing using a crusher. Research into the site has not found any relevant planning permission that would allow this activity.  An inspection is in the process of being arranged.
3/19	March 2025	Land at Corseley Road, Groombridge	Importation, deposit and burning of waste.	A complaint was received that waste materials were being imported to the site and burnt. Unfortunately, specific details of the location have not been provided, but officers will attend the area to identify if there are any matters requiring further investigation.

**TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION**

	<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
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 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</p>

				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.
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 application (WD/891/CM) to regularise the breach of planning control has been submitted and further information regarding biodiversity net gain is awaited before the application can be validated and determined.</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 were 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> <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 engaged a new agent and intends to submit a revised planning application.</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. The operator is well aware however of the possibility of further enforcement action being taken.</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 whilst also ensuring that the importation of waste materials to the site does not resume.</p>
4/5	November	Hazelwood,	Importation and	<p>A complaint was received that waste materials, comprising soils and hardcore, were</p>

	2021	Cansiron Lane, Cowden, Edenbridge	deposit of waste (soils)	<p>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 inspection was carried out which confirmed the nature of the complaint. Further inspections were then undertaken and discussions held with the operator.</p> <p>There are adjoining sites which have also been investigated; matters have been complicated by landownership issues and boundary disputes. Correspondence was issued to the person understood to be the overarching landowner regarding the various</p>

				<p>issues. A further site meeting was held with the landowner in January 2024, which identified various options to regularise matters. Further correspondence was then issued to the landowner following that meeting, since when there has been no contact or progress. Accordingly, the case is being reviewed to consider what action now needs to be taken to remedy matters and address any harm being caused. 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 specifying a detailed package of remedial measures together with timescales, was served on the landowners and no appeal made against it. The Notice took effect on 24 May 2024. 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 Hire, Hazelbank, London Road, Maresfield,	Breach of conditions – noise and site layout.	<p>During a site monitoring visit, it was noted that the layout of the site was not in 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</p>

				<p>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 was received.</p> <p>Further correspondence has been had with the agent for the operator and consideration is being given to the next steps to be taken.</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 inspection with an officer from the Environment Agency was undertaken. The drivers of lorries entering the site were spoken to and a chance meeting with the landowner held. It was noted that a substantial volume of waste materials, including trommel fines, hardcore, subsoil and timber, had been imported to the site and deposited. 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 went well 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>Correspondence was issued to the landowner further to the various site meetings clearly setting out the Council's position regarding remedying what was a very significant breach and the repercussions of not doing so. Since then, further discussions and site meetings have taken place to ensure the satisfactory progression of remedial measures. No further waste materials have been imported to the site. Soil testing was carried out on the imported materials in order to assess their make-up. 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 authorised places of disposal.</p> <p>Significant quantities of materials, including the trommel fines, have been removed from the site. Contact is being maintained with representatives of the landowner and a further site inspection is due to take place to assess progress of the clearance of the site.</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> <p>No further materials were imported and several site meetings held with the</p>

				<p>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 was made to resolve the various matters, there remain outstanding issues relating to both the planning permission and Environmental Permit. Further site meetings were held and officers worked positively and proactively with both the operator and Lewes District Council.</p> <p>A planning application (LW/886/CM) was subsequently submitted in relation to increasing the height of the stack and this was approved by the Planning Committee at its meeting on 14 August 2024. The planning permission has now been implemented, and the stack extension was installed in early March 2025.</p> <p>Matters are ongoing and officers continue to work collaboratively with the relevant parties. A further planning application (LW/894/CM) to regularise the layout of the site and add a new covered bay has been submitted and is currently under consideration.</p> <p>In the meantime, the site is continuing to be monitored.</p>
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 ownership of the land is not registered at the Land Registry and</p>

				<p>attempts to identify 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-west 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 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 were carried out and a site inspection undertaken with Wealden District Council. Since then, an extensive site inspection has been carried out with the Environment Agency. This identified several new sites, which are detailed in Table 3 above.</p> <p>Investigations in respect of this site and those newly identified are ongoing.</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>
4/16	March 2023	Greenacres, London Road,	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</p>

		Battle		<p>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>Two further site meetings have been held with the landowner, their representatives 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, which will include the removal of material, restoration of the land form, replacement planting and ecological enhancements.</p>
4/17	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> <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. Remedying matters will then follow on from that.</p>
4/18	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</p>

				<p>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 required to ascertain the current position at the site.</p>
4/19	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 to 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 any reply 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 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</p>

				<p>£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 chose still to not respond to the PCN. He was therefore subsequently summonsed to appear before Hastings Magistrates' Court in October 2024. He once again pleaded guilty and was ordered to pay a total of £1,229.34; consisting of £576 fine; £423.34 Victim Surcharge and £423.34 costs.</p> <p>Since the second successful prosecution, the landowner's agent has been in contact with officers, indicating that he is keen to work with the Council to resolve matters. Urgent, tangible progress is now required if enforcement action is to be avoided. This has been made very clear to both landowner and agent.</p>
4/20	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 indicated that a planning application will be submitted to regularise the use of the site. The operator subsequently requested formal pre-application advice, which has been provided, and a planning application is currently awaited. Enforcement action very much remains an option and the operator is well aware of this.</p>
4/21	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 was arranged.</p> <p>At that meeting, various matters were identified, including the residential use of a</p>

				caravan and the importation of waste materials. The owner has been told what remedial measures are expected. The matter remains ongoing.
4/22	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>
4/23	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 inspection with officers from Wealden District Council was carried out, which confirmed the substance of the complaint. During the course of that inspection, 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 inspection, a letter was sent to the landowner, who subsequently appointed an agent. Several site meetings have been held and correspondence has taken place with the agent and their ecological consultants. Significant remedial works including the removal of material are expected, as is a planning application to regularise certain matters including landscape and ecological works. However, that planning application has not yet 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>
4/24	February 2024	Oaklands Farm, Newick Lane, Heathfield	Importation and deposit of waste.	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

				<p>imported materials and the landowner stated these were for works around the farm.</p> <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 District Council's Notice and then assess if there are further steps that need to be taken to resolve any other breaches of planning control.</p>
4/25	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 both with them and an Officer from Wealden District Council. 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>A further site visit to monitor progress regarding the clearance of items from the site is due to be carried out in the near future.</p>
4/26	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 was not 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, further attempts are being made to contact the landowner.</p>
4/27	April 2024	8 Grovelands,	Importation,	Following previous alleged breaches of planning control at this property, periodic

		Hailsham	storage, bulking up and sorting of waste.	<p>monitoring had been taking place with advice being issued to the occupant on several occasions. Matters seemed to have been remedied but after a period of time further complaints were received that the owner of the property was again bringing waste back, sorting, bulking up and storing it, before disposing of it elsewhere.</p> <p>Further monitoring of the site and activities have been undertaken, as well as investigations of various sources of information pertaining to activities at the site. Several other lines of inquiry were also followed.</p> <p>Discussions were held with the landowner and the planning situation set out to him. It was made clear, both during discussions and in correspondence, that waste should not be brought back, sorted and stored at the property.</p> <p>Despite the warning of enforcement action, the landowner has continued to use the property for unauthorised waste related uses. Officers continued to monitor the site and were satisfied that a breach of planning control was occurring and that it was expedient to take enforcement action.</p> <p>Accordingly, an Enforcement Notice was served on the landowner, which requires the cessation of the importation, sorting and storage of waste and the clearance of the site. No appeal was made against the Enforcement Notice and officers are monitoring the site to ensure compliance. Should a breach of the Notice be detected the Council will consider instituting legal proceedings.</p>
4/28	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 took 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 was 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 undertaking a further site inspection to ascertain whether remedial works have been carried out or the materials removed.</p>

4/29	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 was made with the landowner, who was 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> <p>The site is being monitored, and warning signs have been erected stating that the site is being monitored for unauthorised activities. Tipping appeared to have stopped following these interventions. However, following a recent complaint and photographic evidence, it appears that waste is once again being imported and deposited at the site.</p> <p>Formal enforcement action is now likely to be taken.</p>
4/30	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. Complaints were received that waste related activities were again taking place at the property.</p> <p>Several inspections were carried out and breaches of the Enforcement Notice identified. Warning notices were issued and a letter sent to the landowner setting out a timescale for the clearance of the site and compliance with the Enforcement Notice.</p> <p>The landowner failed to comply and continued to breach the Enforcement Notice. Consequently, he was summonsed to appear before Hastings Magistrates' Court on 19 December 2024. The landowner failed to attend and the case was heard in his absence. The Magistrates were satisfied that the case had been proven and ordered the landowner to pay a total of £7,827.63; consisting of a £5,000 fine, £2,000 Victim Surcharge and £827.63 in costs. This was the third time the owner had been prosecuted by the Waste Planning Authority for breaching the requirements of the extant Enforcement Notice.</p>

				Since the prosecution, the site continues to be monitored and the breach continues. Therefore, other options are now being considered in collaboration with our legal team as to how to secure compliance with the Enforcement Notice.
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