

Committee	<b>Regulatory Planning Committee</b>
Date	<b>20 July 2016</b>
Report by	<b>Director of Communities, Economy and Transport</b>
Subject	<b>Development Management Matters</b>
Purpose	<b>To inform Members about activities undertaken under delegated powers and development management performance for the three months period between 1 April 2016 and 30 June 2016, and, about activities undertaken in accordance with the Site Monitoring Policy</b>
Contact Officer:	<b>Sarah Iles – 01273 481631</b>
Local Members:	<b>All</b>

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## **SUMMARY OF 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 April and the end of June 2016, there were twenty eight new alleged breaches of planning control. This represents a higher number of cases compared to the same period in previous years. Of the new cases, seventeen were resolved within the last period and six older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of June 2016 was twenty three. This represents an increase of five in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 Despite there being an increase in the number of outstanding cases, this still remains an encouragingly low number compared to the numbers in previous years. This is particularly positive given the limited resources available for dealing with enforcement matters and the time consuming nature of certain cases.

1.3 Appendix 1 of this Report provides details of cases resolved and received within the period April to June 2016 together with details of the status of all current cases. Additional details and information on these cases can be obtained from the relevant officers listed at the end of this Report.

### **2. Site Monitoring**

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

2.2 Monitoring of the construction work for the Bexhill-Hastings Link Road (BHLR) has continued, despite the carriageway having opened to the public on 17 December 2015. This is because works are still being carried out in relation to the Greenway (although this is now fully open to the public), landscaping and fencing. Furthermore, there are ongoing monitoring

requirements relating to details approved pursuant to conditions, and, the obligations in the S106 Legal Undertaking.

### **3. Development Control**

3.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. It seeks to target poor performance in relation to the speed and quality of decisions, and focuses on improving planning performance. 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 will be taken away from local authorities, and applications consequently determined by the Planning Inspectorate. We are required to submit quarterly statistical returns and there are penalties for failing to submit two or more quarters of data and, once applied, the penalties will be reflected in the performance statistics published. Additionally, if an application is not determined within 26 weeks and extensions of time have not been agreed with the applicant, planning authorities have to return the planning application fee to the applicant.

3.2 The Government publishes criteria for determining whether, or not to place local planning authorities in “special measures”. One measure is the average percentage figure for the timely determination of major development applications over two years. The threshold for designation is currently at 50% of applications being determined within a 13 week period, or a timeframe agreed with the applicant. The quality of decisions is measured by the average percentage of major development applications overturned at appeal with a threshold of 20%. The Planning Service has set itself a target of determining 60% of County Matter applications within 13 weeks and we have also set ourselves a local target with regard to County Council development of deciding 75% of applications within 8 weeks.

3.3 The Government has indicated its intention to introduce similar performance measures for non-major (minor) applications and released a Technical Consultation detailing a number of proposed changes to the planning system and framework. These proposals included expanding the approach to planning performance, which suggests a performance target of deciding 60-70% of minor applications (i.e. County Council development) within 8 weeks, assessed over a period of two years. If this is implemented, it will mean that applications relating to County Council development (Regulation 3) will be included in the performance figures measured by the Government in relation to designating local planning authorities as being in “special measures”.

3.4 In terms of performance, for the period April to June 2016 (inclusive) a total of fifteen applications were determined (4 County Matters, 8 County Council, and 3 Non-Material Amendments. 1 planning application was withdrawn). Of the relevant applications, 75% (3 out of 4) of County Matter applications were determined within 13 weeks, which clearly exceeds our target for determining planning applications, and 62.5% (5 out of 8) of County Council applications were determined within 8 weeks, which does fall below the Council’s locally set target, although this is measured in relation to only a very small number of applications determined. The need for some minor applications to be reported to Planning Committee for determination has resulted in there being delays in the determination of applications.

3.5 In terms of the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 24 months ending March 2016 is 90.3% of major applications determined within the relevant timescale, which is well above the current 50% threshold.

3.6 In addition to dealing with planning applications, the Planning Policy and Development Management Team has continued to provide a pre-application advice service to applicants, for both County Matters (often which arise out of enforcement investigations or site monitoring) and County Council development, and, previously, applications within the South

Downs National Park. During the last period only five separate proposals received formal pre-application advice from officers. The pre-application service provided has a number of benefits, including assisting applicants to understand the planning process and how acceptable their proposal is likely to be and, can result in a better proposal or design of a development being negotiated before the formal submission of a planning application. In turn, this can have the added benefit of the application being determined in a more timely manner, as it can avoid the need for amendments being made to the proposal and extensive negotiations with the proponent.

3.7 Finally, it should be noted that the Agency Agreement with the South Downs National Park Authority ended on 31 May 2016. Consequently, all County Matter and County Council planning matters, including enforcement and site monitoring, within the South Downs National Park will no longer be dealt with by the Council.

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

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

RUPERT CLUBB  
Director of Communities, Economy and Transport  
11 July 2016

Local Members: All

#### **BACKGROUND DOCUMENTS**

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

**TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE APRIL 2016**

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
June 2012	Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	<p>This site was noticed by officers visiting the area in connection with another matter. A local operator was approached, who admitted being responsible for importing some of the material on the site. A timescale to remove the material was agreed.</p> <p>However, the operator subsequently passed away. The deceased operator's brother took over the site and had been clearing the site and undertook to clear the waste imported to the site. Due to the circumstances surrounding this matter, the time period for the clearance of the site was extended on several occasions.</p> <p>Insufficient progress was made in clearing the site of the waste materials, and given the length of time the matter had been outstanding and taking into account the additional waste materials imported to the site, it was considered appropriate to take formal enforcement action.</p> <p>Consequently, an Enforcement Notice was served on the landowner, and other interested parties, on 2 February 2016. No appeals were made against the Enforcement Notice and it became effective on 4 March 2016. The landowner had until 4 June 2016 to clear the site of the imported waste materials in order to comply with the requirements of the Enforcement Notice.</p> <p>A site visit was carried out after the expiry of the period of time for compliance with the requirements of the Enforcement Notice. It was noted that the waste materials subject to the Enforcement Notice had been removed. Enforcement Notice complied with and breach of planning control resolved. No further enforcement action required.</p> <p><i>Note - This action is separate to the later entry (Sussex Waste Services) in Table 4, however it is the same landowner.</i></p>
May 2014	Brook Lodge Farm, Pottery Lane, Brede	Importation, deposit and processing of waste (hardcore)	<p>A complaint was received that waste materials, comprising hardcore and bricks, were being imported into the site and processed. A site visit was undertaken which confirmed the nature of the complaint. The landowner was contacted, who explained that the hardcore and bricks were generated from his demolition business and some of the hardcore was required to repair the tracks and gateways on the farm, and the remainder was sold. Initially, the landowner agreed to cease the activity on the site and a timescale for the clearance of the site was agreed.</p> <p>However, the site was not cleared within the agreed timescale and the landowner subsequently claimed that the activity had been taking place on the site for so long as to be immune from planning enforcement action. In order to ascertain whether a breach of planning control had actually occurred, the landowners were served with Planning Contravention Notices. The landowner attended a "Time and Place" meeting in connection with the Planning Contravention Notice and also submitted a written response to the Notice (failure to do so is an offence). The landowner contended that the activity had been taking place on the site for many years, certainly in excess of ten years and was therefore immune from planning enforcement action.</p>

			<p>The landowner submitted an application for a Certificate of Lawfulness (RR/770/CMCL), which was subsequently refused under delegated powers on 22 February 2016. The operator stated that he was considering his options, and officers also indicated that there may be merit in having pre-application discussions regarding the submission of a planning application for a small scale operation/use at the site.</p> <p>However, the landowner subsequently decided, for the moment, not to pursue any further applications in respect of this matter and to clear the site of the imported waste. A further site visit was recently undertaken and the site is now clear of the imported waste. Breach of planning control resolved and no further action required.</p>
August 2014	Harbour Primary School, Newhaven	Development not in accordance with approved plans	<p>A complaint was received that the temporary double mobile classroom erected at the site were not in accordance with the approved plans. Site inspections were carried out, which indicated that the classrooms have been constructed in the correct location. An independent survey was also carried out to confirm the situation and the results also indicated that the development has been built in the correct location within the site, although it appears that the timber cladding at the base of the unit is taller than was originally proposed. Notwithstanding this, as the classroom has been installed in the correct location and the overall elevation is in accordance with the planning permission, and is only for a temporary period, it is not considered that any further action is required.</p>
October 2015	Westwood Waste Services, Quarry Road, Newhaven	Importation, deposit, storage and bulking up of waste	<p>A complaint was received that waste materials and end of life vehicles were being imported into and deposited at the site. A joint site visit with an officer from the Environment Agency was undertaken, which confirmed the substance of the complaint. A further joint site meeting with the Environment Agency and the operator was undertaken and discussions held regarding the unauthorised activities at the site.</p> <p>The operator decided not to pursue a planning application in relation to this unauthorised activity and instead to clear the site of the imported waste materials and vacate the site. A timescale for the cessation of the use and the clearance of the site was agreed. A further site visit was undertaken after the expiry of the agreed timescale, which confirmed that the site had been cleared as agreed, and also that the site had been vacated by the operator. Breach of planning control resolved and no further action required.</p>
January 2016	Fir Tree View, Lewes Road, Halland	Unauthorised development	<p>A complaint was received that waste was being imported into the site and deposited. A joint site visit was undertaken with an officer from the Environment Agency, during the course of which a meeting was also held with the landowner. The landowner stated that he had been on the site for twenty three years and felt that he was entitled to do what he wanted on the land. Enquires with Wealden District Council were undertaken and a Planning Contravention Notice was subsequently served on the landowner in order to ascertain the planning status/situation regarding the site and the nature of the activities taking place. Following the service of the Planning Contravention Notice, a "Time and Place" meeting was held with the landowner.</p> <p>Following the Time and Place meeting, the landowner has cleared the site of the imported waste materials. Breach of planning control resolved and no further action required.</p>
March 2016	4 Faversham Road, Eastbourne	Importation, deposit and storage of waste	<p>A complaint was received that waste materials had been imported into the site. A joint site visit with the Environment Agency was undertaken, which confirmed the nature of the complaint.</p> <p>Following a further joint site meeting with the landowner and an officer from the Environment Agency, the landowner decided to clear the site of the waste materials that had been imported into the site. A timescale for this clearance was agreed with the landowner. Following the expiry of that timescale a further site visit was undertaken which found that the site had been cleared of the imported waste materials and restored to its original condition. Breach of</p>

			planning control resolved and no further action required.
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Table 2 - New Breaches Of Planning Control Investigated Since April 2016 And Resolved.

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
April 2016	Flitteridge Farm, Splaynes Green, Fletching	Breach of Conditions (Signage and depth gauge)	An officer from the Authority undertook a site monitoring visit. During the course of this visit a number of breaches of the conditions attached to the planning permission relating to the site (for the use of a slurry lagoon for the storage of organic liquid waste) were noted. The breaches involved the absence of signage and a missing depth gauge. Contact was made with the landowner's planning agent who requested a small amount of time to rectify these breaches, which was granted. Following the expiry of the agreed timescale a further site visit was undertaken which confirmed that the breaches of condition at the site had been rectified. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored as part of the Council's Site monitoring policy.
April 2016	Land opposite Manaton Court, Rotunda Road, Eastbourne	Unauthorised development	<p>A complaint was received that works were being undertaken on the proposed new cycle way without planning permission having been granted. The complainant further alleged that there was a risk to nesting birds, particularly a swan that was nesting on the bank of the stream near to where the works had taken place.</p> <p>A site visit was undertaken which found that black PVC fencing had been erected along the route of the proposed cycleway. The nesting swan was on the opposite bank of the stream to where the works had taken place and was directly beneath the car park provided for the residents of Manaton Court.</p> <p>The applicant was contacted, who stated that the works were temporary ecological mitigation works and it was necessary to undertake them before the decision on the planning application was made. The operatives undertaking the works had taken great care not to disturb any nesting birds and were particularly aware of the nesting swan on the opposite bank of the stream, which had not been affected by these works</p> <p>These works were not considered to constitute development, were temporary in their nature (2 months), and had to be carried out prior to the construction of the proposed cycleway. No breach of planning control and no further action required.</p> <p><i>Note: Planning permission for the cycleway (EB/3304/CC) was granted by Planning Committee on 18 May 2016.</i></p>
April 2016	ReloUK , International House, Wartling Road, Pevensey	Importation and deposit of waste.	<p>A complaint was received that waste material, comprising hardcore, was being imported into and deposited at the site. A joint site visit was undertaken with an officer from the Environment Agency and during the course of that visit a site meeting was held with the site operator. The operator explained that the company is an international shipping/removal company which involves the regular use of large articulated vehicles. The original surface of the yard was in extremely poor condition which meant that the vehicles attending the yard to transfer customer's property were frequently getting stuck in the surface and were having to be towed out. To alleviate this problem, the operator had imported hardcore to improve the surface condition.</p> <p>It is not considered that this activity constitutes a waste disposal operation and the operator has been advised to</p>

			<p>seek the advice of Wealden District Council, as the relevant planning authority, as to whether planning permission is required to regularise the works that have been undertaken.</p> <p>No breach of planning control insofar as this Authority as Waste Planning Authority is concerned and no further action required.</p>
April 2016	Michelham Farm, Michelham Priory Road, Upper Dicker	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into and deposited on the farm. A joint site visit was undertaken with an officer from Wealden District Council and, during the course of that visit, a chance site meeting was held with the landowner. The landowner explained that all the waste seen on the site was waste that had been generated from within the farm holding and had not been imported into the site from elsewhere. An examination of the waste on the site supported what the landowner had said.</p> <p>As the waste has been generated from within the site there is no breach of planning control for this Authority, as Waste Planning Authority, and no further action is required.</p>
April 2016	Pilmer Road, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising hardcore, had been imported into and deposited at the site. A site visit was undertaken which confirmed the substance of the complaint.</p> <p>Contact was made with the landowner who explained that this hardcore was needed for the repair/maintenance of the extensive tracks within his wood (the deposit site is within the wood).</p> <p>This activity is considered to be Permitted Development under the Town &amp; Country Planning (General Permitted Development) Order 2015 and therefore there is no breach of planning control. No further enforcement action required.</p>
April 2016	Old Barn Farm, Arlington Road West, Upper Dicker	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising chalk and soils, were being imported into the site and deposited. A visit was undertaken to the site which confirmed the substance of the complaint.</p> <p>Research of the Planning Register at Wealden District Council revealed that this activity has the benefit of planning permission granted by that authority (for a new road and turning area). The works seen during the site visit were in accordance with that planning permission. No breach of planning control and no further action required.</p>
May 2016	Lower Jacobs Farm, Brede Lane, Sedlescombe	Importation and deposit of waste	<p>A complaint was received that large waste vehicles were utilising the narrow lane to import and deposit waste. The complainant could not identify the location where the waste was being deposited. An officer undertook monitoring of the lane and followed a tipper lorry into this particular site where it then deposited its load of soil.</p> <p>Discussions were held with the landowner, who explained that the soils were necessary in order to assist with the repair to damage caused by a large water main which had burst. The water main is two feet in diameter and is the main water feed to the Brede pumping station from the Darwell Reservoir. The burst caused significant damage to the surrounding land due to the high water pressure. Once the water main has been repaired the land will be restored for the benefit of agriculture utilising the imported soils.</p> <p>These works are considered to be permitted development. No breach of planning control and no further action required.</p>

May 2016	PJG Skips ,Unit 2, Bowlings Corner, Marley Lane, Battle	Unauthorised importation and deposit of waste	<p>Officers undertook a visit to the site to check whether waste was being imported into the site following the operator's vacation of another location. Waste was found to be stored in skips on vehicles on this site and discussions were held with the operator. The operator stated that he currently takes his waste directly into an authorised waste transfer station, but the waste transfer station ceases to accept waste after 4pm each day, which meant that waste that is collected during the late afternoon by the operator cannot be disposed of until the next working day. The storage of waste on vehicles at this site overnight is a regular occurrence and requires planning permission.</p> <p>The operator reviewed his operational practices and decided to clear the site of the imported waste and limit his collection operation to before the 4pm deadline for taking waste to the waste transfer station. In doing this, it will no longer be necessary to bring waste on to the site for overnight storage. Breach of planning control resolved and no further action required.</p>
May 2016	West Rise Junior School, Chaffinch Road, Eastbourne	Breach of Conditions (parking)	<p>A complaint was received that school staff members were using local roads to park whilst they attended the School, despite having a new staff car park built on the site.</p> <p>This is not considered to be a breach of planning control because the locations being used were not within the School site, and therefore parking on the public road could not be subject of the conditions attached to the planning permission for the School. However, discussions were held with the School's Business Manager who stated that she had reminded staff to use the staff car park, but this again could not be enforced by the school. The Business Manager agreed to remind staff again.</p> <p>No breach of planning control and no further action required.</p>
May 2016	Former Goods Yard, Western Road, Crowborough	Importation and deposit of waste	<p>The site has previously been the subject of formal enforcement action whereby two Enforcement Notices were served concerning the importation, deposit and storage of waste on the site. Since that action was taken officers have maintained casual monitoring of the site to ensure that the site remains in compliance with the requirements of the Enforcement Notices.</p> <p>Recently a site visit was undertaken and it was noted that there was some waste in skips on the site. It was clear that the site, which had been vacant for a considerable period of time, was in the process of being occupied again. Contact was made with the new tenants of the site who explained that the waste seen by the attending officer had been cleared out of the building on the site and was actually in the process of being removed by an authorised operator. No breach of planning control of the extant Enforcement Notices and no further action required.</p>
May 2016	Boggy Wood, Broad Farm, Hellingly	Importation and deposit of waste	<p>A complaint was received by the Environment Agency that various activities including the importation and deposit of waste, forestry activities and storage of plant and machinery were taking place at the site and a site visit was arranged with the landowner. Subsequent to that, in order to identify the various issues and steps needed to rectify them, a further site meeting was undertaken which included the landowner and the various operators concerned in the site, the Environment Agency and officers from this Authority and Wealden District Council.</p> <p>During the course of this site meeting all the various planning issues were identified as being matters for Wealden District Council to deal with and that Authority has now taken over this matter. No further action is required by this Authority.</p>
May 2016	Hall Court Farm, Firle Road, Lewes	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising end of life vehicles, were being imported into and broken up at the site. A site visit was undertaken and there was no evidence found that would support the complaint.</p>



			No breach of planning control identified and no further action required.
May 2016	Woodyard, Marl pits Lane, Ninfield	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported and graded out over the site. A further part of the complaint was that trees were being felled.</p> <p>A site visit was undertaken which confirmed that some hardcore had been imported into the site to raise the land level and to make the ground more firm, and a small quantity of this hardcore had slipped down a steep slope into the wood. It was also noted that some trees had been cut down. A site meeting was arranged with the operator, who explained that he was running a tree surgery/landscaping business from the site and he also manages the landowner's woodland.</p> <p>The operator was advised to seek the advice of the planning department of Rother District Council to ascertain whether planning permission was required for this activity in the location. The operator indicated that he was willing to remove the small quantity of hardcore that has slipped down the slope.</p> <p>The trees in the area are not covered by any Tree Preservation Orders and the operator stated that they needed to be removed as they were dying. Following this site meeting with the operator, the same information was also supplied to the landowner who stated that he would take up the planning issues with Rother District Council.</p> <p>No breach of planning control for this Authority as Waste Planning Authority, and no further action required.</p>
May 2016	Messens Farm, Potmans Lane, Ninfield	Breach of Conditions (Use of manège)	<p>A complaint was received that a professional livery was being run from the site, which could result in a breach of condition attached to WD/689/CM, which limits the use of the manege to private equestrian use.</p> <p>The complainant stated that this commercial livery was being advertised on a web site. The web site was checked, which confirmed there was an advert displayed for a commercial livery. Several attempts to contact the telephone number shown on the advertisement have proved unsuccessful as the number is either out of service or unobtainable.</p> <p>The website that the advert has been placed on is a free, open to anyone to advertise service and it is strongly believed that this advertisement was placed a long time ago and has just not been deleted. The site is now in new ownership and there is no evidence of any commercial livery actually being run from the site.</p> <p>No breach of planning control identified and no further enforcement action required. However, the site will be monitored on an ad hoc basis to ensure compliance with the conditions attached to the planning permission.</p>
May 2016	CJS Construction, North Yard, Pennybridge Lane, Mayfield	Breach of Condition (Storage of materials)	<p>A site monitoring visit was undertaken and, during the course of that visit, it was noted that waste materials were being stored on the site not in the areas approved under the planning permission for the site (WD/672/CM).</p> <p>Discussions were held with the operator and a timescale agreed for the site to be returned to compliance with the planning conditions. A further site visit was carried out after the expiry of the agreed timescale, which confirmed that the site was back in compliance with the conditions attached to the planning permission.</p> <p>Breach of planning control resolved and no further action required. The site will continue to be monitored as part of the Council's Site Monitoring policy.</p>

May 2016	Cavendish School, Eldon Road, Eastbourne	Breach of Condition (Works to the boundary)	<p>Planning permission (EB/3238/CC) for a new primary school and works to the School playing fields was granted by Planning Committee in June 2015.</p> <p>A complaint was received about works being undertaken to a boundary wall without a Party Wall Agreement being in place. The conditions attached to the planning permission were checked, which confirmed that there are no conditions relating to the wall, or restrictions as to works on the boundary of the site.</p> <p>No breach of planning control and this matter is considered to be a civil matter between the complainant and the contractor. No further action required by this Authority as the County Planning Authority.</p>
June 2016	Burnt Oak Farm, Back Lane, Waldron	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and stockpiled. An initial site visit and meeting was held with the Landowner and operator, who explained that the purpose of the importation of the soils was in order to reduce a very steep gradient on the site.</p> <p>This was considered to be an engineering operation and not a waste disposal operation and was therefore passed to Wealden District Council for their information/action as they deem appropriate.</p> <p>No breach of planning control insofar as this Authority is concerned and no further action required.</p>

**Table 3 - New Breaches Of Planning Control Investigated Since April 2016 And Unresolved.**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
April 2016	Cooks Corner Farm, Crowborough	Unauthorised importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, were being imported into and deposited at the site. A site visit confirmed the substance of the complaint.</p> <p>Contact was made with the landowner, who explained that the soils had originated from an authorised development at her own residence a short distance away from the site and the intention was to grade the materials out across the site to level the uneven areas of the field. The waste materials that have been deposited on the field are not considered to be suitable for the use intended and the landowner has been requested to remove the imported waste materials from the site. A timescale for the removal of the waste has been agreed and the site will be monitored to ensure that the imported waste material is removed.</p>
May 2016	Greenacre Recycling, Titan Marine, Newhaven	Breach of Condition (Roller shutter doors)	<p>A complaint was received that the roller shutter doors of the building were open during the permitted hours of operation, which is a breach of Condition 5 of the planning permission for the site (LW/767/CM). A site visit was undertaken and during this site visit it was noted that the doors referred to were open during operations. Discussions were held with the operator, who stated that the doors are open very frequently in order to allow vehicles to access the building to deposit waste and then remove it to the yard once it has been sorted within the building.</p> <p>The site is currently being monitored to identify if a substantive breach of planning control is occurring.</p>
May 2016	James Waste Management ,	Breach of Conditions (Noise and dust)	<p>A complaint was received that noise, dust and vibration were being caused by the operations at the site. Dust and noise are controlled by conditions attached to the planning permission for the site (LW/711/CM), however vibration is</p>

	Cradle Hill, Seaford		<p>not. A site visit was undertaken and at the time of the site visit there did not appear to be any breach of the conditions relating to noise and dust.</p> <p>Discussions were held with the operator who indicated that he was not aware of the planning conditions as he had only just taken over the site. The operator indicated that it was his intention to submit a new planning application for the site which he hoped would address noise/dust issues by totally enclosing the operation within a building. A site meeting is in the process of being arranged for pre application discussions to take place.</p> <p>A copy of the current Decision Notice containing the various conditions relating to the site has been provided to the operator and the site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
May 2016	Upper Lodge Farm, The Broyle, Ringmer	Unauthorised importation and deposit of waste	<p>A complaint was received that waste, comprising hardcore, scrap metals and other materials, were being imported into this site and deposited. A joint site visit was undertaken with an officer from Lewes District Council which confirmed the substance of the complaint.</p> <p>Discussions were held with the operator during the course of the site visit, and the operator admitted that he was aware that planning permission was required for the activities taking place. The operator advised that he had found great difficulty in finding a suitable location for his new business and that he was now in the process of clearing the site.</p> <p>A short timescale was agreed with the operator in which the site should be cleared. That timescale will expire shortly, after which a further site visit will be undertaken to check that the imported waste material has been removed as agreed.</p>
May 2016	Land to the North of Leeds Lane, Five Ashes	Importation and deposit of waste materials	<p>A complaint was received that waste materials were being imported into and deposited at the site. A site visit was undertaken which confirmed the substance of the complaint. Contact was made with the occupier who stated that the purpose of the importation was to improve the track through the wood for his animals in order to be able to move them across the land and not across roads, which would incur expensive veterinary costs for tuberculosis testing.</p> <p>The position regarding the requirement for planning permission was explained to the tenant farmer, and he was requested to cease any further activity until a joint site meeting with all the regulatory authorities concerned had been arranged. A joint site meeting took place recently, and it was noted that the tenant farmer had completed the works to the track. The imported waste appears to have no stability and already has started to slip. It is considered that the works to the track are excessive and unnecessary, and amount to waste disposal operation. Therefore, the tenant farmer has been requested to remove the imported waste from the site.</p> <p>The Authority is currently awaiting a response from the landowner.</p>
May 2016	Ripleys Scrapyard, Apex Way, Hailsham	Breach of Conditions (Noise)	<p>A complaint was received that noise emanating from the site exceeds the levels permitted by the conditions attached to the planning permission for the site.</p> <p>An initial site visit was undertaken and although some noise was heard from the region of the site, the precise source of the noise could not be ascertained and the noise heard did not appear excessive.</p> <p>Formal noise monitoring is in the process of being arranged to identify whether a breach of planning control is occurring.</p>

May 2016	Born Again Plastics, Oak Ferrars Farm, Piltown	Breach of Conditions (Storage of waste)	<p>During a site monitoring visit, it was found that some waste was being stored outside the area permitted by the planning permission for the site. Contact has been made with the operator and short time period has been agreed for the operator to return the site to compliance with this condition.</p> <p>A site visit will be undertaken after the expiry of this time period to ensure that the site is back in compliance with the planning condition.</p>
June 2016	JM Skip Hire, Birch Close, Eastbourne	Breach of Conditions (noise and dust)	<p>A complaint was received alleging that noise and dust were emanating from this site. A joint site visit was undertaken with an officer from Eastbourne Borough Council and during the course of this site visit several breaches of the planning conditions relating to the site were identified.</p> <p>A letter has been sent to the operator detailing the breaches of the conditions that were found during the site visit and requesting the operator's comments and details of how he is going to address and resolve these issues. A response to this letter is awaited.</p>
June 2016	Penfold Driveways, The Warren, Crowborough	Unauthorised development	<p>A complaint was received by the Environment Agency that waste was being imported into and deposited at the site. A joint site meeting was arranged with all the various regulatory authorities and the operators to discuss the various issues at the site. It was clear during the course of the site meeting that the importation, deposit and processing of waste was taking place at the site.</p> <p>A further pre-application site meeting is in the course of being arranged with the operators.</p>
June 2016	The Thorne/Little Thorne, Ninfield Road, Bexhill	Importation and deposit of end of life vehicles	<p>A complaint was received that the operator of the site was again importing, depositing and processing end of life vehicles at this site.</p> <p>A site visit was undertaken during the course of which a meeting was held with the operator, who agreed to clear the site. A short time period for this clearance was agreed and the site will be monitored to ensure compliance.</p>
June 2016	GB Metals, Knights Business Centre, Squires Farm Industrial Estate, Easons Green	Unauthorised development	<p>During a site monitoring visit, it was found that a new, unauthorised container/office building had been installed at the site. Following discussions, it transpired that a new operator had taken over the site. A planning application to regularise the container/office has been requested and is due to be submitted by the end of July 2016.</p>

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>
April 2013	St Mary's School, Maynards Green	Unauthorised development	<p>A complaint was received that the School had carried out unauthorised development by creating a new car park at the site. A site visit confirmed the nature of the works and that the development required planning permission. After receiving pre-application advice from officers, a planning application (WD/3180/CC) was submitted in respect</p>

			<p>of this matter and this was due to be considered by the Planning Committee on 11 December 2013. However, due to ongoing negotiations with the adjoining property owner regarding a proposed land-swap, the application was withdrawn by the School pending the outcome of those negotiations.</p> <p>Following these negotiations, a planning application (WD/3227/CC) for a change of use (from agricultural to educational use) relating to area subject to the land swap was submitted and subsequently approved under delegated powers.</p> <p>The submission of a planning application to regularise the works to the car park and other development was then delayed due to the need for the land swap to be completed. The land swap has been finalised and the neighbour's new access has been constructed. Therefore, there is no reason why a planning application to regularise the works cannot be submitted.</p> <p>The School and the Council's Business Services Department have both repeatedly been contacted and, to date, no planning application has been submitted to regularise this breach of planning control. One final attempt to resolve this matter informally is being made, but if the situation remains unresolved, the matter will be referred to Wealden District Council to consider whether formal enforcement proceedings should be instigated.</p>
October 2013	Diplocks Farm, Chalvington	Importation and deposit of waste	<p>Officers noticed that a significant quantity of waste materials comprising chalk, end of life vehicles and household and builders' waste had been stockpiled on the site. Evidence of burning of green waste was also present. A joint site meeting with the Environment Agency and the landowner was held. The landowner was advised that the activity required planning permission, but would be unlikely to be supported and that the importation of waste should cease and the site be cleared. The landowner stated that it is his intention to clear the site of the imported waste.</p> <p>Officers, in conjunction with officers from the Environment Agency, have continued to undertake regular site visits and meetings with the landowner to ensure that the phased clearance of this site is carried out. In order to protect the Council's position, a Planning Contravention Notice was served on the landowner, to which a response was received. The landowner commenced the phased removal of the waste from the site. Some waste was removed and there was initially no indication that further waste materials had been imported to the site.</p> <p>Clearance of the waste materials had been continuing. However, the landowner suffered a period of ill health and was unable to work. Joint site visits with the Environment Agency continued to ensure no further waste materials are being imported to the site.</p> <p>Further site visits noted that there appeared to have been fresh importation of waste into the site and also burning of waste. Following consultation with the Council's Legal Services Team and liaison with the Environment Agency, it is considered appropriate to serve an Enforcement Notice on the landowners. A further detailed site visit has been carried out to identify all the relevant areas within the site where waste needs to be removed. Once finalised, an Enforcement Notice will be prepared and served on the landowners and other interested parties.</p>
September 2014	Stonehouse Farm, Pilmer Road, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into and deposited at the site, before being buried. Contact was made with the landowner who stated that the importation of materials was in relation to a planning permission granted by this Authority in 2004 and that the works were all in accordance with that permission.</p> <p>A site meeting was held with the landowners. The works that have been undertaken (and that are required to</p>

			<p>complete the development) are in excess of the original permission, and therefore in breach of planning control. A planning application (WD/769/CM) to regularise the works and allow for the further importation of materials was submitted and subsequently refused by the Planning Committee on 9 March 2016. No further materials can be imported to the site and the landowner has been advised that the area of previously deposited materials should be graded out.</p> <p>Further contact has been made with the landowner who explained that he has been unable to complete the grading works because of the poor weather. The landowner has been requested to advise the County Council when these works have been completed in order that a final site visit can be undertaken and the matter formally closed.</p>
January 2015	KPS Composting, Boathouse Farm, Isfield	Breach of conditions (site layout and volume of waste)	<p>A complaint was received that waste wood processing was not taking place in the area approved and that the site was exceeding the total quantity of waste that was permitted to be imported into the site (the permitted volume of waste is limited to 50,000 tonnes/annum). Discussions were held with the Manager of the site, who stated that the area for the waste wood processing had been moved to a different part of the site for health and safety reasons. Figures provided for the volume of imported material showed that in the last year, nearly 54,000 tonnes of waste material had been imported to the site, some 4,000 tonnes above the permitted level.</p> <p>A planning application was submitted relating to altering the location of the wood waste processing and amending the limitation on the quantity of waste materials, but was not valid due to further information being required. A meeting with local residents was held to discuss their concerns regarding activities at the site, and further discussions with the operator have been ongoing.</p> <p>There has been a delay in the submission of the planning application because the operator has decided to completely revise the use of the site, which would involve a more detailed application. The planning application is now very nearly complete and will be submitted within the near future.</p>
April 2015	Sussex Waste Services, Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	<p>Officers were visiting the site in connection with another matter and noticed that a significant quantity of waste materials comprising builders waste, electrical and electronic waste, scrap metal and end of life vehicles had been deposited on the site. Given the history of this site it was decided that formal enforcement action should be taken.</p> <p>Consequently, an Enforcement Notice was served on the landowner of this site, and other interested parties, on 2 February 2016. No appeals were made against the Notice and it took effect on 4 March 2016. The landowner had until 4 June 2016 to clear the site of the imported waste materials in order to comply with the requirements of the Notice.</p> <p>A site visit was undertaken shortly after the expiry of the period of time for compliance with the requirements of the Enforcement Notice. Although the majority of the imported waste has been removed from the site, some still remains. Contact has been made with the landowner who has explained that he is having difficulty with his tenant who is refusing access to the site. The landowner has therefore placed this matter in the hands of his solicitors and the matter is being kept under review to ensure the site is cleared of all waste.</p> <p><i>Note - This action is separate to the earlier entry (Endeavour Works) in Table 1, however it is the same landowner.</i></p>

July 2015	JM Skips, Brett Drive, Bexhill-on-Sea	Breach of Conditions (numerous)	<p>A site monitoring visit was undertaken by officers and during the course of this visit a number of breaches of the conditions attached to the planning permission were noted. A meeting was held with the operator, who agreed to search for a new, more suitable site and to cease the use of this site by the end of October 2015.</p> <p>A further meeting was held with the operator, who explained that he did not initially wish to progress matters at the existing site because he only held a very short term lease for the site. However, a new lease has now been signed and the operator now wishes to completely alter the way the site is being operated.</p> <p>A planning application (RR/775/CM) to regularise matters at the site has now been submitted and is currently under consideration.</p>
July 2015	Bramley Farm, Bay Tree Lane, Polegate	Importation and deposit of waste materials	<p>A complaint was received that waste materials had been imported into the site. A site visit was undertaken which confirmed the substance of the complaint. The landowner was contacted and requested to cease any further importation into this site until after a site meeting was undertaken and the matter discussed/resolved.</p> <p>Further contact was made with the landowner, who confirmed that the materials are to be used on agricultural tracks within the farm. A written timescale for the works to be undertaken and completed was requested, and subsequently provided. The programme of works has been agreed and the site will be monitored to ensure the materials are used and no further waste is imported to the site.</p> <p>The site has continued to be monitored by officers and no further waste appears to have been imported to the site. However, it has not been possible for the operator to undertake any works on the site due to the wet weather and, therefore, the materials have not yet been used.</p> <p>A further site visit has recently been undertaken to assess the current situation at the site. Apparently no progress has been made in using the materials for the agreed works, although it is noted that the period of time agreed with the landowner for use of this imported waste material on the agricultural tracks has not yet expired. The site will continue to be monitored.</p>
July 2015	Holleys Yard, Squires Farm Industrial Estate, Easons Green	Importation, deposit and storage of waste wood	<p>This matter originally came to the Council's attention in 2012 when an operator imported a significant quantity of waste wood into this site and then vacated the site without clearing the waste wood. The Environment Agency undertook a prosecution against a Director of the company, and the County Council supported this prosecution and gave evidence in Court. The Director of the company was convicted of the offence and was sentenced to a Community Service Order of 200 Hours of unpaid work. There was no requirement for the Director to pay for the costs of clearing the land. Consequently, the waste wood has remained on the site and, in order to protect the County Council's position, it was considered appropriate to serve an Enforcement Notice on the landowners, and interested parties, requiring the removal of the waste wood.</p> <p>An Enforcement Notice was served on the landowners and interested parties on 2 February 2016. No appeal was made against the Enforcement Notice and it took effect on 4 March 2016. Given the circumstances of this particular case, a suitable period of time for the clearance of the site was been given (until 4 March 2018) and officers are maintaining contact with the landowners to facilitate the removal/clearance of the waste wood from the site.</p> <p>Since the service of the Enforcement Notice, the Environment Agency has made some progress in their case against the company that was responsible for importing the waste wood into this site. The outstanding company</p>

			director has now been arrested on a warrant and is currently awaiting trial. Contact is being maintained with the landowners in regard to this matter and to ensure compliance with the requirements of the Enforcement Notice.
January 2016	Bexhill to Hastings Link Road (Combe Valley Way) - Decoy Overbridge	Breach of Condition (Noise)	<p>A complaint was received that excessive noise is being generated from the Link Road now that it is open to traffic. The complainant also raised concerns that vehicles using the Link Road were visible from distant views. The location of the relevant acoustic barriers has been checked and it is considered that they have been constructed in accordance with the approved drawings.</p> <p>Noise monitoring over a period of two weeks has been carried out and the results are being analysed and a report prepared to ascertain whether the noise levels at this location are in accordance with the predicted levels.</p>
January 2016	Unit 3b, Croft Works, Diplocks Way, Hailsham	Unauthorised development	<p>Officers received information that the operator was setting up a scrap metal dealing operation at this site. Officers from this authority undertook a site visit during the course of which a meeting was held with the operator. The operator explained that he had not commenced his waste operation at the site, but when he did it would be for the recycling of metals from Waste Electrical and Electronic Equipment (WEEE). The operator was advised that specific planning permission for this activity was required.</p> <p>A planning application (WD/774/CM) has now been submitted and is currently under consideration.</p>
February 2016	187 London Road, Hailsham	Breach of requirements of Enforcement Notice	<p>An Enforcement Notice was served on the joint landowners of the site in December 2014, which required all scrap metal and other waste, including end of life vehicles to be removed from the site. Since the Notice became effective in January 2015 officers have undertaken regular monitoring visits to ensure that the site was in compliance with the requirements of the Enforcement Notice. A site visit was undertaken in February 2016 which showed that an end of life vehicle had been parked within the area covered by the Enforcement Notice and filled with waste. A letter was sent to the landowners advising them of the breach of the Enforcement Notice and giving a timescale for the removal of the end of life vehicle and waste. A further site visit confirmed that this has not been done and there continues to be a breach of the requirements of the Enforcement Notice, which is an offence.</p> <p>Therefore, the Council is currently in the process of summoning the landowners to Court for non-compliance with the requirements of the Enforcement Notice. However, due to the large increase in the numbers of new enforcement cases received during this quarter, it has not been possible to make as much progress in this matter as was anticipated. Statements and exhibits are in the process of being prepared before being passed to the County Council's Legal Section for a Summons to be prepared.</p>
March 2016	Land at Wellbrook Hill, Mayfield	Importation and deposit of waste	<p>A complaint was received alleging that waste materials had been imported, deposited and disposed of at the site. A site visit was undertaken which confirmed the substance of the complaint. The site is not registered with the Land Registry, but contact has now been made with the landowner. Security at the site has been changed so as to prevent the person responsible for importing the waste (not the landowner) from accessing the site. The landowner and his agent are in the process of clearing the imported waste from the site. The site will continue to be monitored by officers to ensure that the site is cleared of all imported waste materials.</p>