

Committee	Regulatory Planning Committee
Date	19 October 2016
Report by	Director of Communities, Economy and Transport
Subject	Development Management Quarterly Update
Purpose	To inform Members about development management matters relating to enforcement and site monitoring, undertaken under delegated powers for the three months period between 1 July 2016 and 30 September 2016.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between July and the end of September 2016, there were seventeen new alleged breaches of planning control. Of the new cases, thirteen were resolved within the last period and nine older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of September 2016 was eighteen. This represents a decrease of five in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 A reduction in the number of outstanding cases is very encouraging, particularly given the limited resources available for dealing with enforcement matters. One of the positive elements of the enforcement work that is undertaken is the number of cases that are dealt with informally, without the need to resort to formal enforcement proceedings. This gives officers the flexibility to negotiate outcomes and can often achieve a better result than if formal action has needed to be taken. Dealing with matters informally also enables landowners to avoid the stigma of having formal enforcement action taken against them and this is especially important if they genuinely didn't know that something needed planning permission. Regrettably, it isn't always possible to resolve breaches of planning control informally and the only recourse is to take formal enforcement action.

1.3 One such case where it was necessary to take formal enforcement action is in relation to 187 London Road, Hailsham. Members may recall from previous quarterly reports that scrap metal and other waste materials were being stored at this location and, despite attempts to resolve the matter informally, this was not possible and an Enforcement Notice was served on the landowners in December 2014. Whilst the Notice was initially complied with, officers monitoring the site in February of this year noted that a scrap vehicle and other waste was once again stored at the site, which was in breach of the Enforcement Notice. Despite the landowners being written to on numerous occasions, the scrap vehicle has remained and further waste has been deposited in it. Consequently, the landowners have been Summoned to appear at Hastings Magistrates' Court for the offence of failing to comply with the requirements of the Enforcement Notice. Members will be advised of the outcome in future reports.

1.4 Members will be aware that there is a considerable amount of joint working with other regulatory authorities and bodies. This plays a crucial role in dealing with enforcement matters, especially when resources are so limited. When taking enforcement action against an unauthorised development (utilising an Enforcement Notice), this is limited to the landowner and anyone else with an interest in the land. This means that it can be the case that an unauthorised development is being carried out by someone who we are unable to take action against. This was the situation with Holley's Yard, Squires Farm, Eason's Green, where a large quantity of waste wood was imported and deposited at the site by an operator, not the landowner. The operator subsequently left the site without clearing it, leaving the landowner with a significant amount of waste to be cleared. In order to avoid the use of the site for the deposit and storage of waste becoming lawful, and in order to protect the site, it was decided to serve an Enforcement Notice on the landowners. Due to the particular circumstances of the case, and the fact that the landowners hadn't been responsible for the deposit of waste, officers have worked with them and a long period of time has been given for compliance with the Notice, which officers are monitoring. Whilst responsibility for the removal of the waste has fallen to the landowners in planning terms, due to close joint working with the Environment Agency, the company responsible for the deposit of the waste has been pursued under separate legislation. The Environment Agency mounted a successful prosecution against the Directors of the company, which officers from the County Council supported. One Director was sentenced to a Community Service Order of 200 hours of unpaid work and the second, following his arrest at Heathrow Airport, was sentenced to twelve months imprisonment. This case demonstrates that by close joint working between agencies, highly successful outcomes can be achieved.

1.5 Appendix 1 of this Report provides details of cases resolved and received within the period July to September 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, nine non-chargeable site monitoring visits were carried out. No chargeable monitoring visits were undertaken during the last quarter.

2.2 Monitoring of the Bexhill-Hastings Link Road (BHLR) has continued. The carriageway opened to the public on 17 December 2015, and the Greenway has been open for several months. Fencing, landscaping and other works are continuing and there will be ongoing monitoring requirements relating to details approved pursuant to conditions, and the obligations in the S106 Legal Undertaking. This monitoring will be continuing for several years.

3. Contact Officers

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

RUPERT CLUBB
Director of Communities, Economy and Transport
11 October 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 JULY 2016

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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 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. This refusal meant that no further materials could be imported to the site and the landowner was advised that the area of previously deposited materials should be graded out.</p> <p>A further site visit has now been undertaken, which confirmed that the specified remedial works had been completed and the site restored. Breach of planning control resolved and no further action required.</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.</p> <p>Following a meeting with the operator, a planning application (RR/775/CM) to regularise matters was submitted. The application has subsequently been approved under delegated powers and the breach of planning control resolved. No further enforcement action required and the site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</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 and discussions were held with the landowner. The materials were imported to be used on agricultural tracks within the farm and a timescale for the works to be undertaken and completed was agreed.</p> <p>The site has been monitored and a further site visit has been undertaken which confirmed that the imported waste materials have been fully cleared from the site and the site restored. Breach of planning control resolved and no further action required.</p>
January 2016	Unit 3b, Croft Works, Diplocks Way, Hailsham	Unauthorised scrap metal operation	<p>Officers received information that the operator was setting up a scrap metal dealing operation at this site. A site visit was carried out and a meeting 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) was submitted and subsequently approved under delegated powers. Breach of</p>

			planning control resolved and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.
March 2016	Land at Wellbrook Hill, Mayfield	Importation and deposit of waste	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. Following discussions with the landowner, the site has been cleared of all the imported waste materials. Breach of planning control resolved and no further action required.
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>Discussions held with the landowner who confirmed that the soils had originated from an authorised development at their own residence a short distance away and the intention was to grade the materials out across the site to level the uneven areas of the field. However, the waste materials deposited on the field were not considered to be suitable for the use intended and the landowner was given a timescale in which to remove the imported materials.</p> <p>A further site visit has recently been carried out, which confirmed that the imported waste material has been removed from the site as agreed, and the site restored to its original condition. Breach of planning control resolved and no further action required.</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. Discussions were then held with the operator who 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. A short timescale was agreed with the operator in which the site should be cleared.</p> <p>A further site visit has been undertaken which confirmed that the site had been fully cleared and restored. Breach of planning control resolved and no further action required.</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. Discussions were held with the operator and a time period agreed for the site to be brought into compliance with the relevant condition.</p> <p>A further site visit has been undertaken, which confirmed that the site has been returned to compliance with the requirements of the conditions attached to the planning permission for the site. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
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 importing, depositing and processing end of life vehicles at this site. A site visit was undertaken and discussions held with the operator. A short time period for the clearance of the site was agreed.</p> <p>A further site visit has now been undertaken which noted that the site had been cleared of the end of life vehicles as required. Breach of planning control resolved and no further action required.</p>

Table 2 - New Breaches Of Planning Control Investigated Since July 2016 And Resolved.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
July 2016	Gill Wing Farm, Groombridge Lane, Eridge Green	Importation and deposit of waste	A complaint was received that waste materials, comprising hardcore, were being imported into and deposited at the site. A site visit was undertaken and discussions held with the landowner who explained that the hardcore was being imported in order to create a floor for an agricultural barn, a development which has the benefit of planning permission from Wealden District Council. Wealden District Council has been informed of this complaint for their information/action as they deem appropriate. No further action required by this Authority.
July 2016	Little Exceat Farm, South Chailey	Breach of Conditions (Height of stockpiles)	<p>A complaint was received that the operator of the site was storing waste in excess of the permitted limits and that the stockpile heights were above the levels permitted by the conditions attached to the planning permission for the site. A site visit and meeting with the operator was undertaken and the operator admitted that the waste stored on the site was stockpiled above the permitted levels. The operator agreed to rectify this breach and a period of time to achieve this was agreed.</p> <p>A further site visit has been undertaken which confirmed that the operator had reduced the stockpile heights to within the limits set by the planning conditions. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored in accordance with the County Council's Site Monitoring Policy.</p> <p><i>(Note – this is a different operator/part of the site to the entry for Little Exceat Farm in Table 3 below.)</i></p>
July 2016	The Marles Boyd Farm, Northall Lane, Fletching	Importation and deposit of waste.	A complaint was received that waste was being imported into the site and deposited. A site visit was undertaken, which appeared to confirm the nature of the complaint. A site meeting was then arranged with the landowner who explained that he had recently purchased the land and was trying to return it to its former use as a market garden. No waste had been imported into the site, but some clean hardcore had been imported into the site to repair the track in order that the landowner could remove waste materials that had previously been imported to the site and deposited (prior to his ownership). The works to the track are considered to be permitted development and therefore not a breach of planning control. No other breach of planning control identified and no further action required.
July 2016	Swan Timber, The Warren, Crowborough	Importation and deposit of waste	A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken, during the course of which a meeting was held with the landowner/operator who explained that the materials that were being imported were in connection with the construction of a timber building, which benefitted from planning permission granted by Wealden District Council. Contact was made with Wealden District Council which confirmed the details supplied by the landowner. The District Council has been advised of the complaint and no further action is required by this Authority, as Waste Planning Authority.
July 2016	Witherenden Farm, Station Road, Stonegate	Importation and deposit of waste materials.	A complaint was received that waste materials, comprising soils and hardcore, had been imported into three separate locations at the farm and deposited. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint. A site meeting was then held with the landowner who explained that one of the sites was an unproductive field which he was trying to bring into agricultural use. The field is apparently regularly flooded so the landowner commenced work to clear out the drainage ditches. The second area related to an area of hardstanding at the northern end of the complex of farm buildings, which the landowner

			<p>had resurfaced using hardcore from within the farm unit. The third area concerned works to de-silt and enlarge a pond on the site for the benefit of wildfowl.</p> <p>The first two areas are not considered to be breaches of planning control, but the de-silting and enlargement of the pond is considered to be an engineering operation which requires planning permission. However, this is a matter for Rother District Council as the relevant local planning authority. It is understood that the landowner has already been in contact with Rother District Council in connection with submission of a planning application to regularise the works to the pond. No further action required by this Authority, as Waste Planning Authority.</p>
August 2016	Hailsham Primary Academy, Oaklands Way, Hailsham,	Breach of Condition (Landscaping)	<p>A complaint was received that the planting condition relating to landscaping, attached to the planning permission for the new school development, had not been complied with. Following investigations it transpired that the complainant had negotiated with the applicant for an extra tree to be planted on the boundary of the site between the complainant's house and the new school; in order to provide further screening of the school. This was in addition to the approved landscaping details and does not amount to a breach of the relevant condition. Whilst the tree has been planted on the site, it is not in the position as agreed with the complainant and will, therefore, be moved when appropriate conditions allow. No breach of planning control identified and no further action required.</p>
August 2016	Clearview, Nursery Lane, Wivelsfield Green	Importation and deposit of waste.	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken which appeared to confirm the nature of the complaint. Contact was made with the landowner who stated that the works taking place were to install a field drain and raise the level of a low lying area of field, which is constantly wet. The soils being used to raise the level of the land have all come from within the site itself and no waste materials have been imported into the site. Therefore, these works constitute an engineering operation which requires planning permission from Lewes District Council as the relevant local planning authority. The District Council has been notified and is now dealing with the matter. No breach of planning control insofar as this Authority is concerned and no further action required.</p>
August 2016	155 South Road, Hailsham	Importation, deposit and storage of waste	<p>A complaint was received that waste materials, comprising household waste, were being imported into the yard at the side of this end of terrace house and deposited on the ground and in a skip. A site visit was carried out which confirmed the details supplied by the complainant. The landowner/operator was contacted, who stated that he was going to clear the site of the imported waste and a short timescale was agreed in order to undertake the clearance.</p> <p>A further site visit has been carried out and the landowner has removed all the waste that was imported into the site and the site has been restored to its previous condition. Breach of planning control resolved and no further action required.</p>
August 2016	Bexhill/Hastings Wastewater Treatment Works, Freshfields, Pebsham	Breach of condition (Odour)	<p>A complaint was received that on Bank Holiday Monday odour was escaping from the site. The site has subsequently been monitored on several occasions since the initial complaint was received and no occurrences of excessive odours escaping from the site have been detected. No breach of planning control identified and no further action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
August 2016	30 Broderick Road, Eastbourne	Importation, deposit and storage of waste in a skip	<p>A complaint was received that waste materials were being imported into this site and bulked up in a skip. A site visit was undertaken which confirmed the nature of the complaint. The landowner was contacted who explained that he resides in the house at the rear of the site and was using the site temporarily to house the skip whilst he was clearing out his garage and also clearing out waste from his office nearby. The landowner was given a short period of time to remove the skip and waste from the site.</p>

			A further site visit was recently undertaken which noted that the skip and all the imported waste material have been removed. Breach of planning control resolved and no further action required.
September 2016	Lews Farm, Sheriffs Lane, Rotherfield	Importation and deposit of waste	A complaint was received that waste wood shavings were being imported into and deposited at this site. A site visit was undertaken and discussions held with the operator. The authorised use of the site is for joinery, and it was noted that there was a small quantity of sawdust on the site, which had been generated from the authorised activities taking place. This is considered to be ancillary to the main use of the site and no further action is required.
September 2016	Laurel Tree Fruit Farm, Boars head, Crowborough	Breach of Conditions (Hours, vehicle movements, volume/type of materials, noise and burning)	<p>A complaint was received that conditions attached to planning permission WD/692/CM were being breached. The site was monitored by officers who also undertook a site visit and held a meeting with the landowner and site manager/operator. No evidence of burning was found and it was clear from the monitoring undertaken and the site meeting that the conditions attached to the planning permission were being complied with in terms of hours, number of vehicle movements and the type of material imported.</p> <p>During the course of the site visit it was noted that there were other sites nearby which could have contributed to the concerns raised by the complainant. However, in respect of this site, no breach of planning control was taking place and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring policy.</p>
September 2016	6 Seabeach Lane, Eastbourne	Importation, deposit and storage of compressed gas cylinders	A complaint was received that the compressed gas cylinders used by the wrought iron fabrication company occupying the site were being stored incorrectly. A site visit was carried out and records were checked. Waste is not being imported to the site and the site is not subject to any planning controls imposed by this Authority. No breach of planning control identified and the complainant has been advised to seek advice from the Health and Safety Executive in respect of any concerns regarding the appropriate storage of the gas cylinders.

Table 3 - New Breaches Of Planning Control Investigated Since July 2016 And As Yet Unresolved.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
July 2016	Honey Farm, A22 Polegate By Pass, Polegate	Importation, deposit and processing of waste.	A complaint was received that waste materials, comprising hardcore and soils, were being imported into this site, deposited and then processed by machinery. A site visit was undertaken which confirmed the substance of the complaint. A site meeting was then arranged with the operator, who stated that he was bringing back waste from his own groundworks construction works and then processing it in order to recycle the material and reduce costs. The planning requirements of such an operation were explained to the operator who decided not to pursue a planning application in order to regularise the waste processing operation at the site. A short time period for the removal of the imported waste was agreed with the operator (by 30 September 2016). A further site visit is due to be carried out to ensure the site is cleared of waste materials as agreed.
July 2016	LF to Waste, Little Exceat Farm, South Chailey	Unauthorised waste transfer Station	This breach of planning control was found by officers during the course of a visit to another part of the site. The operator had moved from Upper Lodge Farm in Ringmer (see entry in Table 1 above) and originally intended to use this site purely for the storage of vehicles and equipment, with all waste materials being taken directly to an authorised waste transfer station. However, officers attending the Farm in connection with another matter noted that

			<p>the operator had imported waste into the site. The operator was contacted who stated that it was his intention to submit a planning application in order to attempt to regularise the planning situation at this site. A timescale for the submission of a planning application has been given and an application is currently awaited.</p> <p><i>(Note – this is a different operator/part of the site to the entry for Little Exceat Farm in Table 2 above.)</i></p>
September 2016	Sandpit Farm, Thornwell Lane, Wilmington	Importation, deposit and burning of waste	A complaint was received that waste was being imported into the site, deposited and burnt. A joint site visit with an officer from the Environment Agency has been undertaken and investigations are continuing.
September 2016	East Sussex & Romney Marsh Hunt Kennels, Catsfield, Battle	Breach of Condition (Odour and storage of carcasses)	A complaint was received that activities and operations at the site were not being carried out in accordance with the conditions attached to planning permission RR/744/CM, which relates to the site. A site visit and meeting with the operators is currently in the process of being arranged.

Table 4 - Outstanding Cases Subject To Ongoing Action

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
April 2013	St Mary's School, Maynards Green	Unauthorised development	<p>A complaint was received that the School had carried out unauthorised development by creating a new car park at the site. A site visit confirmed the nature of the works and that the development required planning permission. After receiving pre-application advice from officers, a planning application (WD/3180/CC) was submitted in respect of this matter and this was due to be considered by the Planning Committee on 11 December 2013. However, due to ongoing negotiations with the adjoining property owner regarding a proposed land-swap, the application was withdrawn by the School pending the outcome of those negotiations.</p> <p>Following these negotiations, a planning application (WD/3227/CC) for a change of use (from agricultural to educational use) relating to area subject to the land swap was submitted and subsequently approved under delegated powers.</p> <p>The submission of a planning application to regularise the works to the car park and other development was then delayed due to the need for the land swap to be completed. The land swap has been finalised and the neighbour's new access has been constructed. A planning application is currently awaited to regularise this matter.</p>
October 2013	Diplocks Farm, Chalvington	Importation and deposit of waste	Officers noticed that a significant quantity of waste materials comprising chalk, end of life vehicles and household and builders' waste had been stockpiled on the site. Evidence of burning of green waste was also present. A joint site meeting with the Environment Agency and the landowner was held. The landowner was advised that the activity required planning permission, but would be unlikely to be supported and that the importation of waste should cease and the site be cleared. The landowner stated that it was his intention to clear the site of the imported waste.

			<p>Officers, in conjunction with officers from the Environment Agency, have continued to undertake regular site visits and meetings with the landowner to ensure that the phased clearance of this site is carried out. In order to protect the Council's position, a Planning Contravention Notice was served on the landowner, to which a response was received. The landowner commenced the phased removal of the waste from the site. Some waste was removed and there was initially no indication that further waste materials had been imported to the site. Clearance of the waste materials had been continuing. However, the landowner suffered a period of ill health and was unable to work.</p> <p>Further site visits have been carried out, including with officers from the Environment Agency. More recently it was noted that further waste appeared to have been imported to the site and there was also evidence of burning taking place. Consequently, it is considered necessary and appropriate to serve an Enforcement Notice on the landowners. Consideration is now being given as to how the Enforcement Notice should be formulated, due to the complex nature of the site.</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 had been a delay in the submission of the planning application because the operator decided to completely revise the use of the site, which involves a far more detailed application. Following a recent meeting with the agent for the applicant, a revised planning application (WD/782/CM) has now been submitted and is currently being processed.</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 was made with the landowner who explained that he was having difficulty with his tenant, who was refusing access to the site. The landowner therefore placed the matter in the hands of his solicitor.</p> <p>The dispute between the landowner and his tenant was heard at Lewes County Court on 13 September 2016 and</p>

			<p>it is understood that the tenant will be vacating the site by 30 November 2016. This will enable the landowner to access the site and remove the remaining waste. The site will be monitored to ensure the Enforcement Notice is fully complied with.</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 made progress in their case against the company that was responsible for importing the waste wood into this site. The outstanding company director was arrested on a warrant and appeared at Lewes Crown Court on 22 August 2016 for sentence, after he had entered a guilty plea at an earlier hearing. He was sentenced to one year's imprisonment.</p>
January 2016	Bexhill to Hastings Link Road (Combe Valley Way) - Decoy Overbridge	Breach of Condition (Noise)	<p>A complaint was received that excessive noise is being generated from the Link Road now that it is open to traffic. The complainant also raised concerns that vehicles using the Link Road were visible from distant views. The location of the relevant acoustic barriers has been checked and it is considered that they have been constructed in accordance with the approved drawings.</p> <p>Noise monitoring over a period of two weeks was carried out and the results analysed. A report has been prepared and is currently being reviewed to ascertain whether the noise levels at this location are in accordance with the predicted levels.</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 site visit confirmed that this had not been done and there continued to be a breach of the requirements of the Enforcement Notice, which is an offence.</p> <p>Despite the landowners being given another timescale for the removal of the vehicle, a further site visit noted that it had not been removed and that the Enforcement Notice was still being breached. Consequently, the landowners have now been Summoned to appear at Hastings Magistrates' Court on 28 October 2016. Members will be updated on progress with the case in future reports.</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>Further discussions have taken place with the operator and the site is continuing to be monitored to identify if a substantive breach of planning control is occurring.</p>
May 2016	James Waste Management , Cradle Hill, Seaford	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 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 copy of the current Decision Notice containing the various conditions relating to the site has been provided to the operator.</p> <p>Discussions with the operator are ongoing regarding a potential new building at the site and, in the meantime, the site is being monitored to identify whether there are any breaches of planning control occurring.</p>
May 2016	Land to the North of Leeds Lane, Five Ashes	Importation and deposit of waste materials	<p>A complaint was received that waste materials were being imported into and deposited at the site. A site visit was undertaken which confirmed the substance of the complaint. Contact was made with the occupier who stated that the purpose of the importation was to improve the track through the wood for his animals in order to be able to move them across the land and not across roads, which would incur expensive veterinary costs for tuberculosis testing.</p> <p>The position regarding the requirement for planning permission was explained to the tenant farmer, and he was requested to cease any further activity until a joint site meeting with all the regulatory authorities concerned had been arranged. A further joint site meeting took place, and it was noted that the tenant farmer had completed the works to the track. The imported waste appears not to have any stability and was noted to have already started to slip. It was considered that the works to the track were excessive and unnecessary, and amounted to a waste disposal operation.</p> <p>The tenant farmer was requested to remove the imported waste from the site. A recent site visit noted that some waste may have been removed, but that there remained a quantity of waste on the site which still needs to be removed. Contact is now being made with the landowner in order to progress and resolve this matter.</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. 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>Noise monitoring has continued but, as before, there is difficulty in establishing which of the sites on the industrial</p>

			estate is responsible for the noise. In addition, the noise condition is attached to only one planning permission relating to the site and it is not clear whether this permission has actually been implemented and information in this respect is currently awaited from the operator. In the event that the planning permission has not been implemented, the permission would have lapsed and the noise condition would no longer apply.
June 2016	JM Skip Hire, Birch Close, Eastbourne	Breach of Conditions (noise and dust)	<p>A complaint was received alleging that noise and dust were emanating from this site. A joint site visit was undertaken with an officer from Eastbourne Borough Council and during the course of this site visit several breaches of the planning conditions relating to the site were identified. An initial letter was sent to the operator detailing the breaches 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 was received and a further letter sent to the operator.</p> <p>No response to this further letter has been received from the operator. Therefore, a site visit will be arranged in the near future to ascertain the situation at the site. If the breaches of condition are still apparent then consideration will be given to the service of Breach of Condition Notices to address the issues.</p>
June 2016	Penfold Driveways, The Warren, Crowborough	Unauthorised development	<p>A complaint was received by the Environment Agency that waste was being imported into and deposited at the site. A joint site meeting was arranged with all the various regulatory authorities and the operators to discuss the various issues at the site. It was clear during the course of the site meeting that the importation, deposit and processing of waste was taking place at the site.</p> <p>A pre-application site meeting with the operators has now taken place and a planning application is expected to be submitted.</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.</p> <p>A planning application (WD/780/CM) to regularise the container/office has subsequently been submitted and is under consideration.</p>