

Committee	Regulatory Planning Committee
Date	8 February 2017
Report by	Director of Communities, Economy and Transport
Subject	Development Management Quarterly Update
Purpose	To inform Members about development management matters relating to enforcement and site monitoring, undertaken under delegated powers for the three month period between 1 October and 31 December 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 1 October and 31 December 2016, there were 22 new alleged breaches of planning control. Of the new cases, 17 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 December 2016 was 17. This represents a decrease of one in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 During the reported period, an unusually high number of new cases were received compared to the same period in the preceding five years (which averages at 14.8). However, as it was possible to resolve a total of 23 cases during this period, the overall number of outstanding cases at the end of December 2016 remained low and manageable. Notwithstanding this there are certain cases, as detailed in the paragraphs below, which can consume significant amounts of officer time and this has to be accommodated within the limited resources available.

1.3 Members may recall from the last quarterly report that a case was being prepared in respect of bringing a prosecution against the landowners of 187 London Road, Hailsham. This action was being brought due to the landowners breaching the requirements of an Enforcement Notice by allowing scrap metal and other waste materials to be stored at this location. Several attempts to get the landowners to comply with the Enforcement Notice and remove the waste were regrettably not successful and, therefore, the landowners were Summoned to appear at Hastings Magistrates' Court on 28 October 2016. They entered a plea of Not Guilty and following this, a trial was then held at Eastbourne Magistrates' Court on 9 December 2016. A large amount of evidence was presented and officers gave evidence in support of the prosecution. Both defendants were found guilty of failing to comply with the requirements of the Enforcement Notice and were each sentenced to a fine of £1,000, and ordered to pay costs of £2,250 and a victim surcharge of £200. The defendants did not appeal the conviction or sentence, and therefore have to pay, in total, an amount of £4,450.

1.4 The decision to bring about a prosecution is always carefully considered and usually a last resort. In this particular case, repeated attempts to resolve the matter were ignored and the Council was left with no option but to prosecute the landowners for blatantly allowing the Enforcement Notice to be breached. Whilst it is disappointing to get to a stage where it is necessary to prosecute a landowner, a successful prosecution is a reflection of the rigour with which the Council will pursue enforcement matters and it is hoped that this will send a clear message to others that the Council will not tolerate blatant and ongoing breaches of planning control.

1.5 During the trial, the landowners were also reminded that if the scrap and waste was not cleared and the Enforcement Notice complied with, they could be prosecuted again for the ongoing offence. The site will therefore continue to be monitored to ensure compliance. If a breach of the Enforcement Notice continues, consideration will be given to a further prosecution or other options, such as Direct Action. Members will be advised of progress in future reports. Further details regarding the background to this case can be found in the tables at Appendix 1 of this Report.

1.6 Another site of particular interest is Diplocks Farm, Chalvington. The site was being used for the unauthorised importation, deposit and disposal of waste (including burning). The Council has been investigating and monitoring this site since 2013. Initially, progress was being made in resolving the breach of planning control informally and the importation of waste ceased. Officers were monitoring the site and working with one of the landowners to oversee a phased clearance of the site. Unfortunately, the landowner became unwell and was unable to continue the work of clearing the site. Over time, it became apparent that the importation and burning of waste had resumed and, consequently, it was considered necessary and appropriate to serve an Enforcement Notice on the landowners and other interested parties. The Notice was served by hand on 28 November 2016 and, as no appeal was made against the Notice, it took effect on 29 December 2016. The Notice requires that the importation, deposit and disposal of waste ceases immediately and that specific, identified areas within the site be cleared of waste materials and waste residue within twelve months. The site is now being monitored to ensure that the requirements of the Notice are met and Members will be updated on progress in future reports.

1.7 Whilst the two specific cases mentioned above only represent a small percentage in terms of the overall number of cases dealt with, both have involved considerable officer time which is not necessarily reflected when reporting the statistics. Although some cases are resolved quickly and do not involve protracted officer involvement, inevitably there will always be cases which cannot be resolved swiftly and consume significant amounts of officer time. Furthermore, the range of contraveners also differs considerably and impacts on how cases are handled and dealt with. Officers have to deal with confrontational situations and potentially aggressive and uncooperative operators and landowners. In some cases, this can result in it being necessary to have a Police presence during site visits. In these instances, where resistance is experienced and due to the personalities involved, it is usually the case that matters will take longer to resolve.

1.8 Appendix 1 of this Report provides details of cases resolved and received within the period 1 October to 31 December 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, eight non-chargeable site monitoring visits were carried out. No chargeable monitoring visits were undertaken during the last quarter.

2.2 Members will note from the entries in the tables at Appendix 1 of this Report that some of the breaches of planning control dealt with are identified during site monitoring visits. This

emphasises and highlights the importance of monitoring sites which the Council has granted planning permissions for, particularly with regard to waste sites and other largescale developments, such as the Bexhill-Hastings Link Road.

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
30 January 2017

Local Members: All

BACKGROUND DOCUMENTS

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

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED BETWEEN OCTOBER 2016 AND DECEMBER 2016

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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.</p> <p>Discussions were held with the operator who 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.</p> <p>Numerous site monitoring visits have been undertaken, which have not identified any breaches of planning control. No further enforcement action required and the site will be monitored as part of the Council's Site Monitoring Policy.</p> <p><i>Note – Separate to this case, a planning application (LW/786/CM) in respect of a proposed new building has now been submitted and is currently under consideration.</i></p>
May 2016	Ripleys Scrapyard, Apex Way, Hailsham	Breach of Conditions (Noise)	<p>A complaint was received that noise emanating from the site exceeded 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>Since then, planning permission (WD/781/CM) for a new building to accommodate scrap metal shredding and processing machinery was granted by Planning Committee on 14 December 2016. If implemented, this should result in the noisier activities at the site being located further away from the nearby residential properties, and thereby reduce the impact of the site on local residents. Notwithstanding this, despite further noise monitoring being carried out, no breach of planning control has been identified.</p> <p>No further enforcement action required and the site will be monitored as part of the Council's Site Monitoring Policy.</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 was submitted and subsequently approved under delegated powers and the breach of planning control resolved. No further enforcement action required and the site will be monitored as part of the Council's Site Monitoring Policy.</p>
July 2016	Honey Farm, A22 Polegate By Pass, Polegate	Importation, deposit and processing of waste.	<p>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 held 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. A short time period for the removal of the imported waste was agreed with the operator.</p>

			A further site visit has been carried out, which confirmed that the site had been cleared of all the imported waste materials. Breach of planning control resolved and no further action required.
September 2016	Sandpit Farm, Thornwell Lane, Wilmington	Importation, deposit and burning of waste	<p>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 was undertaken, which noted evidence of burning.</p> <p>Contact was made with the operator who stated that the farm had been in his family for a considerable period of time and the workshops near where the burning was taking place were used as the maintenance area for his van sales company. It was stated that the bonfire was generally used for burning green waste created on the farm, but the operator admitted that very occasionally some waste, other than green waste, was burnt.</p> <p>The implications of burning waste at the site were explained and the operator stated that he would immediately cease any burning on the site and instead use skips supplied by authorised waste operators to dispose of his waste. This is considered to be an ancillary operation related to the main use of the site and does not requiring specific planning permission.</p> <p>Breach of planning control resolved and no further action required.</p>
September 2016	East Sussex and Romney Marsh Hunt Kennels, Catsfield, Battle	Breach of Condition (Odour and storage of carcasses)	<p>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 operator was undertaken and the process of loading carcasses for removal observed by officers.</p> <p>No breach of planning control was found and no further enforcement action required. The site will be monitored as part of the Council's Site Monitoring Policy.</p>

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN OCTOBER 2016 AND DECEMBER 2016 AND RESOLVED

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
October 2016	Lyes Farm, North Street, Hellingly	Importation and deposit of waste	<p>A complaint was received that large quantities of waste materials (soils) were being imported into the site. A joint site visit was undertaken with the Environment Agency which tended to confirm the substance of the complaint.</p> <p>A meeting was then held with the landowner, who stated that he had obtained planning permission from Wealden District Council for the backfilling of a pond. Contact was made with Wealden District Council which confirmed the information supplied by the Landowner. No breach of planning control and no further action required by this Authority.</p>
October 2016	Sussex Skips, North Quay Road, Newhaven	Breach of Condition (storage of waste)	<p>A complaint was received that the company was storing waste wood in the open, on the northern side of the site, which is prohibited by a condition attached to the planning permission that relates to the site. A site visit confirmed the substance of the complaint.</p> <p>A meeting was held with the site manager who explained that one company in the UK now appears to have a</p>

			<p>monopoly for the disposal of waste wood and they had cut down collections from this site by approximately 75%. The operator stated he was currently trying to obtain further collections from this company.</p> <p>A short timescale to clear the waste wood from the site was agreed. Shortly before the expiry of the agreed time period the site manager contacted officers to state that the waste wood stockpile had been cleared from the site. A further site visit was then undertaken which confirmed that the waste wood had been removed.</p> <p>Breach of planning control resolved and no further enforcement action required. The site will be monitored as part of the Council's Site Monitoring Policy.</p>
October 2016	Ace Carpentry, Ashwood Farm, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into and deposited at the site. A site visit confirmed that builders' waste was being imported and deposited at the site and some of this waste had been burnt. Contact was made with the landowner who stated that he had burnt some waste on the site and admitted that some of the waste had been brought back to the site from his various work sites. The operator agreed to immediately cease the importation and burning of waste at the site and a timescale was agreed for him to remove the imported waste from the site.</p> <p>A further site visit has been carried out and the site has been cleared of imported waste. Breach of planning control resolved and no further action required.</p>
October 2016	Go Green Waste Recycling Ltd, Ashwood Farm, Crowborough	Breach of Condition (site layout)	<p>A site monitoring visit was undertaken because the operator had recently taken up occupation and operation of this approved waste transfer station. During the course of the monitoring visit it was noted that the site was not laid out in accordance with the approved plans, and therefore a breach of condition was occurring.</p> <p>A meeting was held with the operator and the breach of planning control discussed. The operator requested, and was granted, a small amount of time in order to consider his options. He decided to return the site to compliance with the approved plans and a timescale was agreed. A further site visit was then undertaken which confirmed that the site had been returned to the correct layout and was in compliance with the planning permission and the breach of planning control resolved.</p> <p>No further enforcement action required and the site will be monitored as part of the Council's Site Monitoring Policy.</p>
October 2016	All Jobs Undertaken, Quarry Road Industrial Estate, Newhaven	Importation and deposit of waste	<p>A complaint was received that a tenant on the Industrial Estate had filled a unit full of waste. A joint site visit was undertaken with the Environment Agency and enquiries were made with the managing agent for the Industrial Estate.</p> <p>It transpired that the tenant, who was involved in roof/loft conversions, property management and rubbish clearance, had abandoned the unit, leaving it full of waste. The managing agent for the Industrial Estate was anticipating that the regulatory authorities would pursue the ex-tenant to get him to clear the waste from the site and thus avoid the cost of clearance falling to the landowner.</p> <p>However, it was explained that should the County Council seek to take enforcement action in respect of this matter, then the enforcement action would be taken against the landowner. Nevertheless, it is not considered that this site is being used solely as a waste disposal/management site and no further action is required by this Authority.</p> <p>Consequently, the managing agent is pursuing other options in order to resolve this matter.</p>

November 2016	Boyd Farm, Northall Lane, Fletching	Importation and deposit of waste soils	<p>A complaint was received that waste materials, comprising soils, were being imported into this farm and deposited on the land. A site visit was undertaken but no evidence was found which appeared to support the complaint.</p> <p>No breach of planning control identified and no further action required.</p>
November 2016	Land opposite Fairlawn, Burnt Oak Road, Crowborough	Importation and deposit of waste soils	<p>A complaint was received that the landowner was importing waste into the site and disposing of it on the land. A site visit was undertaken and it appeared from the site visit that the substance of the complaint was correct, with waste soils having been imported into the site.</p> <p>Contact was made with the landowner who explained that the works taking place were in connection with the construction of a hay barn, which has the benefit of planning permission from Wealden District Council. The landowner also explained that they had also obtained the necessary approval from the Environment Agency for the importation of soils. The information supplied by the landowner was verified.</p> <p>No breach of planning control and no further action required by this Authority.</p>
November 2016	Hendal Farm, Cherry Garden Hill, Groombridge	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, were being imported into this farm and deposited on the land. A site visit was undertaken but no evidence was found which appeared to support the complaint.</p> <p>No breach of planning control identified and no further action required.</p>
November 2016	King Standing Farm, Black Hill, Crowborough	Importation and deposit of waste	<p>A complaint was received that the landowner was importing waste into the site and disposing of it on the land.</p> <p>A site visit was undertaken and discussions held with the landowner, who explained that he had imported a small quantity of material (soil and hardcore) into the site in order to create a parking area for his riding centre clients.</p> <p>This is considered to be an engineering operation and not a waste disposal activity. Therefore, this is a matter for Wealden District Council, as the Local Planning Authority. The landowner has been advised to seek advice from the planning department of that Authority as to whether a planning application is required to regularise the development.</p> <p>No further action is required by the County Council in its capacity as Waste Planning Authority.</p>
November 2016	Luxford Farm, Eridge Road, Crowborough	Importation and deposit of waste materials	<p>A complaint was received that waste materials, comprising hardcore, had been deposited outside the side gate to the site. A site visit was carried out which confirmed the substance of the complaint.</p> <p>A meeting was held with the landowner, who explained the waste materials had been generated from approved building works that were taking place within the farm. The waste materials were deposited there temporarily until being collected for disposal by an authorised waste carrier. A timescale for the removal of this waste was agreed with the landowner and a further site visit has been carried out which confirmed that the deposited waste materials had been removed.</p> <p>Breach of planning control resolved and no further action required.</p>
November 2016	Twyford Farm, Twyford Lane, Horsted Keynes,	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, were being imported into this farm and deposited on the land. A site visit was undertaken and no evidence was found which appeared to support the complaint.</p>

	Haywards Heath		No breach of planning control identified and no further action required.
November 2016	AM Skips, London Road, Maresfield	Breach of Condition (burning of waste)	<p>A complaint was received that the operator was burning plastics and other waste on the site, which would appear to be a breach of condition 13 attached to the planning permission that relates to the site (WD/327/CM).</p> <p>A site visit was undertaken, but no evidence was found that any bonfires had been lit on the site. Discussions were held with the site manager who denied that there had been any bonfires on the site.</p> <p>No breach of planning control identified and no further enforcement action required. The site will be monitored as part of the Council's Site Monitoring Policy.</p>
November 2016	Cavendish School, Eldon Road, Eastbourne	Breach of Condition (noise and unauthorised structure)	<p>A complaint was received that a bird scarer had been fixed to the roof and the noise that it made when it was operating was very loud and intrusive, and considered by the complainant to be a breach of the conditions attached to the recent planning permission for the new school.</p> <p>Several site visits have been undertaken and discussions held with the site manager. The bird scarer, which is in the form of an artificial peregrine falcon is moveable and when initially installed it was too loud. The device was returned to the supplier who subsequently reduced the noise output significantly.</p> <p>The scarer is only operated during daylight hours and is necessary to prevent seagulls nesting and causing damage to the roof. The attending officers could not identify the noise specifically and it was only when the staff indicated the noise that was being made that officers became aware of it. Hence, the noise was not considered to be intrusive.</p> <p>The installation of the bird scarer is not considered to be a breach of condition or development that requires specific planning permission. No breach of planning control and no further action required.</p>
November 2016	Hill Farm, Barnhorn Road, Bexhill	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the site and deposited.</p> <p>A joint site visit with an officer from the Environment Agency was undertaken and as the officers approached the site, two flat bed trucks carrying soils entered the site. The officers challenged the drivers of these vehicles, who were from the same company, as to their reason for attending the site and they decided to leave the site without depositing their loads of soils.</p> <p>From the site visit, it was evident that there were several small deposits of waste soils, green waste and hardcore on the site. A man working on the farm stated that the landowner was on holiday and would not be back for a few days.</p> <p>The landowner contacted officers on his return from holiday and explained that the hardcore was intended for use in repairing the farm tracks and the green waste had been imported from elsewhere and was intended for a bonfire on 5th November, but this had never happened. The landowner stated that the small quantities of waste soil had been fly tipped.</p> <p>The planning requirements relating to the importation, deposit and disposal of waste were explained to the landowner, who agreed to immediately cease any further importation of waste materials into this site.</p> <p>Breach of planning control resolved and no further action required.</p>

November 2016	Poplar Farm, Poplar Lane, Forest Row	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into the site and burnt. A site visit was undertaken and discussions held with the developer. He stated that he had lit one bonfire to dispose of green waste generated on the site, and also some building and construction waste from the approved developments at the site. No waste was imported into the site</p> <p>The planning limitations of burning waste on the site were explained to the developer, who confirmed that no further bonfires to dispose of waste would take place on the site. Instead, skips from authorised waste disposal operators will be used to dispose of any further waste generated during the works.</p> <p>Breach of planning control resolved and no further action necessary.</p>
November 2016	Constables Farm, Barnhorn Road, Bexhill	Importation and deposit of waste materials	<p>Officers from this Authority and the Environment Agency were in the vicinity of this site, in connection with another matter, and saw large tipper lorries entering the site and depositing their loads of waste soils</p> <p>Discussions were held with the landowner who stated that the importation of these materials was in connection with an equestrian centre development on the site which has the benefit of planning permission granted by Rother District Council. The landowner added that his agent was currently applying to the Environment Agency for a Permit in respect of the imported materials, but in the meantime has an Exemption from the Environment Agency to cover the materials already imported.</p> <p>Checks with Rother District Council confirmed the existence of the planning permission referred to by the landowner and the works appeared to be taking place in the area covered by the planning permission.</p> <p>No breach of planning control insofar as the County Council as Waste Planning Authority is concerned. Details passed to Rother District Council for their information/action as they deem appropriate. No further action required</p>
November 2016	Messens Farm, Potmans Lane, Ninfield	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the site at night and deposited. A site visit was undertaken and during the course of the visit a meeting was held with the landowner. The landowner stated that he had created a new track on the farm using road planings, which had been imported into the site to provide a top surface for the new track. The materials were imported at night as they had come directly from roadworks which were taking place at night.</p> <p>This is not an issue for the County Council as Waste Planning Authority and details have been passed to Wealden District Council for information/action as they deem appropriate.</p>

Table 3 - New Breaches Of Planning Control Investigated Between October 2016 and December 2016 And As Yet Unresolved.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
October 2016	Broad Farm, North Street Hellingly	Breach of Condition (site layout)	<p>The site has planning permission (WD/694/CM) for the storage, crushing and transfer of waste concrete and officers attending the Farm in connection with another matter noticed that the site layout of this area of the Farm was not in accordance with the approved plans.</p> <p>Discussions were held with the operator who stated that he intends to cease the use of the site as a hardcore processing area and instead apply for a change of use on the site in order to move his ready mixed concrete operation into this area. The operator stated that if planning permission for a change of use is granted, he will be clearing the site of this imported waste material and ceasing the use for waste processing and storage. A timescale was agreed for the operator to either submit a planning application for the above mentioned change of use or restore the site so that it is in accordance with the approved plans.</p> <p>A site visit is due to be carried out to check compliance.</p>
October 2016	Woollards Yard, Broad Farm, Hellingly	Importation and deposit of waste	<p>Officers noticed that there appeared to be a stockpile of waste materials, comprising hardcore, on the southern edge of the site and the quantity of waste material involved was clearly in excess of what could be considered as ancillary to the main use of the yard. The operator agreed to clear the imported hardcore from the site and a timescale for this to take place was agreed.</p> <p>A further site visit is due to take place to check that the waste has been removed.</p>
October 2016	Skip It Containers, North Quay Road, Newhaven	Breach of Conditions (height of waste stockpiles)	<p>A complaint was received that waste on the site was being stored above the permitted levels of four metres. A site visit was undertaken which confirmed the substance of the complaint. A meeting was held with the operator who accepted that they were breaching the conditions relating to the height of waste stockpiles. A time period was agreed for them to return the site to compliance with the conditions and a site visit is due to be carried out.</p>
November 2016	Allsworthy, Hailsham Road, Stone Cross	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the site and deposited. A joint site visit with an officer from the Environment Agency was carried out and this confirmed the substance of the complaint. A letter has been sent to the landowner and a reply is currently awaited.</p>
November 2016	Bexhill Hastings Link Road, (Combe Valley Way)	Breach of condition (unauthorised closure of part of the Greenway)	<p>During a site monitoring visit it was noticed that part of the equestrian route of the Greenway, between Glovers Farm and the ford at the Combe Haven, was closed and a diversion put in place along Buckholt Lane.</p> <p>Meetings have been held with the site operator who is currently constructing the North Bexhill Access Road and who explained that as the Greenway crosses the construction area it is necessary for it to be closed to the public. However, subject to appropriate measures being in place, the Greenway can be made available outside construction hours. Consequently, a scheme has been agreed whereby the Greenway can be closed using barriers and signage during construction hours and then reopened to the public over weekends.</p> <p>A further site visit is due to be undertaken to check that the agreed scheme has been put in place and is operating</p>

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Table 4 - Outstanding Cases Subject To Ongoing Action

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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	<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 was 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. 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 subsequently 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 further burning taking place. Consequently, an Enforcement Notice was served on the landowners on 28</p>

			<p>November 2016. No appeal was made against the Notice and it became effective on 29 December 2016. The Enforcement Notice requires: (i) the immediate cessation of the importation, deposit, and disposal (including burning) of waste; and (ii) various areas to be cleared of waste and waste residue within twelve months of the Notice taking effect.</p> <p>Officers will continue to regularly monitor the site to ensure compliance with the requirements of the Notice.</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. A revised planning application (WD/782/CM) has been submitted and is currently under consideration.</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 the 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 and the dispute between the landowner and his tenant was heard at Lewes County Court on 13 September 2016.</p> <p>A further site visit has been undertaken and it was noted that the tenant has now vacated the site having removed the majority of the imported waste. However, the landowner has been advised that further waste needs to be removed in order to comply with the requirements of the Enforcement Notice and he has been given a short period of time in which to achieve this final clearance, following which a further site visit will be carried out.</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</p>

			<p>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 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> <p>The landowners have been researching methods of removal/disposal of this waste wood and have approached officers for advice regarding a possible planning proposal to achieve this.</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 was prepared and has been reviewed to ascertain whether the noise levels at this location are in accordance with the predicted levels.</p> <p>Given that the Link Road has now been open for over twelve months, it is considered that a further period of noise monitoring should be undertaken for comparison purposes and this is currently being arranged.</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. The Notice became effective in January 2015 and 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 were Summoned to appear at Hastings Magistrates' Court on 28 October 2016.</p> <p>The landowners appeared at Hastings Magistrates' Court on 28 October 2016 and entered a plea of "Not Guilty" to the summons of failing to comply with the requirements of the Enforcement Notice. The case was remanded to Eastbourne Magistrates Court on 9 December 2016 and officers gave evidence in support of the prosecution. The defendants were both found guilty of failing to comply with the requirements of the Enforcement Notice and were</p>

			<p>each sentenced to £1000 Fine, £1125 costs and £100 victim surcharge (a total of £4,450).</p> <p>Officers will continue to monitor the site to ensure compliance with the Enforcement Notice.</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>Site monitoring of the site is currently ongoing to identify if a substantive breach of planning control is 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 further 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.</p> <p>Officers are currently liaising with all the regulatory authorities in order to provide the landowner with cohesive view of what is required in order to resolve this matter.</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. An initial letter was sent to the operator detailing the breaches that were found during the site visit and requesting the operator's comments and details of how he was going to address and resolve these issues. A response was received and a further letter sent to the operator. However, no response to this further letter was received from the operator.</p> <p>A further site visit was therefore undertaken and it was noted that most of the breaches have been satisfactorily resolved. There has been some structural damage to the sleeper wall caused by high winds, which has in turn delayed the completion of this planning requirement. The operator has requested, and been granted, a small period of time in order to undertake repairs and complete the sleeper wall, after which a site visit will be carried out to check compliance.</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 taken place and a planning application is expected to be submitted.</p>
July 2016	LF to Waste, Little Exceat Farm, South Chailey	Unauthorised waste transfer Station	<p>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 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 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.</p> <p>A planning application (LW/785/CM) has now been submitted in respect of this matter, but it contains insufficient information. Further details have been requested from the operator and his agent, which are currently awaited.</p>