

Committee	Regulatory Planning Committee
Date	19 April 2017
Report by	Director of Communities, Economy and Transport
Subject	Development Management Quarterly Update
Purpose	To inform Members about matters relating to enforcement and site monitoring, undertaken under delegated powers for the three months period between 1 January and 31 March 2017; and development management performance for the period 1 April 2016 to 31 March 2017.
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 January and 31 March 2017, there were 24 new alleged breaches of planning control. Of the new cases, 17 were resolved within the last period and eight older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2017 was 16. This represents a decrease of one in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 Members may recall from the last quarterly report that a successful prosecution was brought against the landowners of 187 London Road, Hailsham. This was in relation to the ongoing breach of an Enforcement Notice by allowing scrap metal and other waste materials to be stored at the rear of the property. Since the prosecution in December 2016, the site has continued to be monitored and the landowners reminded on numerous occasions of the need to remove the scrap vehicle and waste. Unfortunately, despite these further attempts to achieve compliance with the Enforcement Notice, this was not successful. Further consideration was given to the matter and how to resolve the breach. One option would have been to undertake a further prosecution although, even if successful, this still was unlikely to achieve the removal of the waste. Consequently, it was decided appropriate to exercise default powers under Section 178 of the Town and Country Planning Act 1990, and take direct action.

1.3 On 29 March 2017, officers oversaw the collection of the scrap vehicle and waste by an appointed contractor. These items were then retained for a period of time to allow the landowners the opportunity to claim them. Since then, the waste has been disposed of and the vehicle crushed. The Council will now seek to recover the cost of this action from the landowners. Further details regarding the background to this case can be found in the tables at Appendix 1 of this Report.

1.4 Appendix 1 of this Report provides details of cases resolved and received within the period 1 January to 31 March 2017, 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, 25 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 large scale developments.

3. Development Management

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

3.2 The Government publishes criteria for determining whether or not to place local planning authorities in “special measures”. One measure is the average percentage figure for the timely determination of major development applications over two years. The threshold for designation is currently at 50% of applications being determined within a 13 week period, or within a timeframe agreed with the applicant. The Government has announced that it will be introducing monitoring performance on non-major planning applications. The threshold will be 65%, rising to 70% in 2018. However, the monitoring of performance on non-major applications relates to District/Borough/Unitary authorities and not County Councils. Therefore, the performance on the determination of the County Council developments (Regulation 3) will not be included in the performance figures measured by the Government.

3.3 In terms of performance, for the period January to March 2017 (inclusive) a total of nine applications were determined (2 County Matters, 5 County Council, 1 Listed Building Consent and 1 Non-Material Amendment. 3 planning applications were withdrawn). Of the relevant applications, 100% of County Matter applications were determined within 13 weeks or within an agreed extension of time, and 100% of County Council applications were also determined within 8 weeks or within an agreed extension of time. Cumulatively for the year, 92.3% of County Matters and 46.4% of County Council applications were determined within the relevant timeframes (although where extensions of time for the County Council applications have been agreed, the figure of 46.4% will be significantly higher).

3.4 In terms of the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 24 months ending December 2016 was 83.9% of major applications determined within the relevant timescale, which is well above the current 50% threshold.

3.5 In addition to dealing with planning applications, the Planning Policy and Development Management Team has continued to provide a pre-application advice service to applicants, for both County Matters and County Council development. During 2016/17, 51 separate

proposals received formal pre-application advice from officers. Going forward, it is proposed to introduce charges for pre-application advice.

4. Contact Officers

4.1 Members with any queries about site monitoring or enforcement matters should contact either Sarah Iles (01273 – 481631) or Robert Shapter (01273 – 335218). Members with queries on development management matters (County Matter and Council Development applications) should contact Jeremy Patterson (01273 481626) or David Vickers (01273 481629).

RUPERT CLUBB
Director of Communities, Economy and Transport
07 April 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 JANUARY 2017 AND MARCH 2017

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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 Enforcement 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 remained. 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 was undertaken and it was noted that the tenant had vacated the site having removed the majority of the imported waste. However, the landowner was advised that further waste needed to be removed in order to comply with the requirements of the Enforcement Notice. A short period of time in which to achieve this final clearance was given.</p> <p>Prior to the expiry of the timescale for final clearance the landowner contacted officers and stated that the site had been cleared of all the imported waste. A site visit was undertaken which confirmed this and the requirements of the Enforcement Notice have therefore been complied with. The Enforcement Notice will not be withdrawn, in order to protect the land from any future importations of waste, and the site will be monitored periodically. However, the current breach of planning control has been resolved and no further action is required.</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 Enforcement 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</p>

			<p>were summonsed 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 each sentenced to £1000 Fine, £1125 costs and £100 victim surcharge (a total of £4,450).</p> <p>Following the court case in December 2016, the landowners failed to remove the end of life vehicle filled with waste. Despite further letters being sent to the landowners reminding them that the Enforcement Notice was extant and therefore the offence of failing to comply with its requirements was still being committed and they risked further action being taken against them, the vehicle and waste remained on site.</p> <p>Whilst a further prosecution could be undertaken, given the lack of cooperation of the landowners, it was not considered that this would resolve the breach of the Enforcement Notice. It was therefore deemed appropriate to take direct action to remove the vehicle and the waste. Consequently, this action was taken on 29 March 2017 and the vehicle and waste subsequently disposed of. The Council will now seek to recover from the landowners the costs of taking this action.</p> <p>The breach of the Enforcement Notice has therefore been resolved and no further enforcement action is required. However the Enforcement Notice remains extant, in order to protect the land, and officers will continue to monitor the site on an ad hoc basis.</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>Regular monitoring of the site was undertaken to identify if a substantive breach of planning control was occurring.</p> <p>Further liaison has taken place with the Environment Agency and extensive monitoring of the site has continued to be undertaken. Despite this, none of the breaches alleged by the complainants have been confirmed or identified. There is currently no breach of planning control at this site 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	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 had been some structural damage to the sleeper wall caused by high winds, which in turn delayed the completion of this planning requirement. The operator requested a small period of time in order to undertake repairs and complete the sleeper wall.</p>

			<p>A further site visit has been undertaken, which confirmed that the breaches of planning control have been resolved. No further enforcement action required and the site will be monitored in accordance with the Council's Site Monitoring Policy.</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. 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 has now been undertaken, which noted that the excess hardcore has been cleared from the yard. Breach of planning control has therefore been resolved and no further action is required.</p>
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 intended 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 were to be granted, he would clear the site of the imported waste material and cease the use for waste processing and storage.</p> <p>A further site visit has been undertaken and the yard is now in accordance with the approved plans. Whilst there hasn't been a formal change of use of the site, the breach of planning control has been resolved and no further enforcement action is required. The site will be monitored in accordance with the Council's Site Monitoring Policy.</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.</p> <p>Shortly before the agreed time period expired the operator contacted officers to state that the site was back in compliance with the permitted stockpile height of four metres and this was confirmed by a subsequent site visit. 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>
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 were 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, it was agreed that subject to appropriate measures being in place, the Greenway can be made available outside construction hours. Consequently, a scheme was agreed whereby the Greenway can be closed using barriers and signage during construction hours and then reopened to the public over weekends.</p>

			A further weekend site visit has been undertaken and the Greenway is now available outside construction hours, as agreed. Breach of planning control resolved and no further action required. The site will be monitored to ensure continued compliance.
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TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN JANUARY 2017 AND MARCH 2017 AND RESOLVED

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
January 2017	Unit 8, Knights Business Park, Easons Green	Breach of Conditions (Outside loading of waste)	<p>A complaint was received that the occupiers were not operating the site in accordance with the planning permission that relates to the site, and were loading waste outside the waste transfer building.</p> <p>A site visit was undertaken and a meeting held with the operator, who confirmed that waste had been loaded into containers outside the building due to the larger containers being unable to be placed in the building. The requirements of the conditions attached to the planning permission were explained and a short timescale given to resolve the matter.</p> <p>The operator subsequently contacted officers to confirm that arrangements within the building had been reconfigured to allow for the larger skips to be contained within the building. A further site visit was undertaken which confirmed this.</p> <p>Breach of planning control resolved and no further enforcement action required. The site will be monitored in accordance with the Council's Site Monitoring Policy.</p>
January 2017	Unit 1, Knights Business Park, Easons Green	Unauthorised Waste Transfer Station	<p>A complaint was received that the occupiers of the site were not operating the site in accordance with the planning permissions that relate to the site and were in fact operating an unauthorised waste transfer station.</p> <p>A site visit was undertaken and discussions held with the operator. Although the company occupying the site is a waste management company, they are purely using the site for the overnight parking and storage of vehicles, and the storage of empty skips. No waste is brought back, treated or stored at the site. It was evident from the site visit that no waste uses were occurring at the site.</p> <p>No breach of planning control and no further action required.</p>
January 2017	Badgers Mead Farm, Heathfield Road, Five Ashes	Importation and deposit of waste	<p>Officers in the area in connection with other matters noticed that waste materials, comprising soils, were being imported into and deposited at this site.</p> <p>Contact was made with the landowner who explained that the purpose for importing this soil was to repair a potholed area of land and, once repaired, the land was going to be incorporated into chicken pens.</p> <p>This is not considered to be the disposal of waste, but an engineering operation. Therefore, the matter has been referred to Wealden District Council. No further action required by this Authority as Waste Planning Authority.</p>

January 2017	Witherenden Farm, Station Road, Stonegate	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising hardcore, were being imported into and deposited at the site.</p> <p>A site visit was undertaken and during the course of this visit a meeting was held with the landowner, who explained that the hardcore was intended for use in the maintenance and repair of the tracks and gateways on the farm.</p> <p>This use is considered to be within agricultural permitted development rights enjoyed by the landowner. Therefore, no breach of planning control and no further enforcement action required.</p>
January 2017	St Mary Magdalene R.C. School, Bexhill-on-Sea	Unauthorised development	<p>A complaint was received that a fence had been erected within the school site which the complainant believed required planning permission.</p> <p>A site visit was undertaken and the fence inspected. It was found that the fence in question did not require planning permission as it was within the school's permitted development rights.</p> <p>No breach of planning control and no further action required.</p>
January 2017	Land to the North East of Hourne Lane, Crowborough	Importation and deposit of waste	<p>Officers in the area in connection with other matters noticed that a significant quantity of hardcore had been imported into and deposited at this site.</p> <p>Contact was made with the landowners who stated that the hardcore was required to maintain/repair the extensive track on their forestry land which is adjacent to the site. This is considered to be permitted development and not a breach of planning control.</p> <p>The requirements that are needed to be satisfied by this permitted development were explained to the landowners and no further enforcement action is required.</p>
January 2017	Land to the west of Wildways, High Broom Lane, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, had been imported into the site and deposited</p> <p>A site visit was undertaken and discussions held with the contractor. The contractor admitted that soils had been imported into the site in order to infill a pond which was apparently a health and safety risk.</p> <p>The requirement for planning permission was explained to the contractor who stated that he would pass it onto the landowner. This is considered to be an engineering operation, as opposed to solely waste disposal, and the matter has been referred to Wealden District Council.</p> <p>No further action required by this Authority.</p>
February 2017	Kenwood Brook, Mill Lane, Hellingly	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, had been imported into the site and deposited from an adjacent housing development. A joint site visit and meeting with the landowner was undertaken with officers from Wealden District Council and the Environment Agency.</p> <p>The landowner explained that the purpose of the importation of these materials was to assist the developer and also to re-lay the track that runs around the site.</p> <p>The unsuitability of the materials for their intended use was discussed, as well as the requirement for planning</p>

			<p>permission. Given the unsuitability of these materials it was extremely unlikely that a planning application to regularise this intended activity could be supported.</p> <p>This is considered to be an engineering operation and therefore a matter for Wealden District Council. However, the landowner is in the process of removing these waste materials from the site. No further action is required by this Authority.</p>
February 2017	156 Elphinstone Road, Hastings	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the front garden of this house and deposited.</p> <p>Site visits were undertaken and a meeting subsequently held with the landowner. The landowner operates a house clearance company and categorically denied that any waste is ever returned to the address, stating that all waste is sorted when collected and taken directly to the relevant authorised facilities. The information supplied by the landowner was confirmed by what had been seen during the site visits.</p> <p>No breach of planning control identified and no further action required.</p>
February 2017	Holders Farm, Royal Oak Lane, High Hurstwood	Importation, deposit and burying of waste	<p>A complaint was received that the landowner was importing waste materials from his waste transfer business and disposing of it by burying it on the land. The information contained in the complaint was very vague and unclear as to whether the disposal of waste was taking place at the business address or at this site.</p> <p>Both sites were checked and no evidence was found to confirm the details of the complaint. No breach of planning control identified and therefore no further action required.</p>
March 2017	Ripleys Scrapyard, Hole Farm, Westfield	Breach of Condition (Noise)	<p>A complaint was received that the site was noisy and in breach of the planning conditions that are attached to various planning permissions relating to the site.</p> <p>A review of all the permissions for the site was undertaken and it was found that there are no conditions relating to the site which limit the noise levels emitted from the site.</p> <p>A site meeting was arranged with the operator and the complainant. During the course of this meeting a specific noise from a particular machine was identified as causing the issue for the complainant. The operator undertook to look into fitting more noise attenuation to this machine, which the complainant agreed was the best and most suitable course of action. The operator agreed to keep the complainant informed.</p> <p>As there is no breach of planning control, there is no further enforcement action required by this Authority. The site will continue to be monitored as part of the Council's Site Monitoring Policy.</p>
March 2017	Clearview Farm, Chiddingly Road, Horam	Importation, deposit and burning of waste	<p>A complaint was received that waste was being imported into the site, deposited and burnt. A site visit was undertaken and contact made with the landowner.</p> <p>The landowner stated that they very occasionally have a small bonfire in order to dispose of material generated from within the site and this was confirmed by the site visit.</p> <p>This small bonfire is considered to be ancillary to the enjoyment of the site and not a breach of planning control. No further action required.</p>

March 2017	Sprattsbrook Farm, Eridge Road, Eridge Green	Importation and deposit of waste	<p>A complaint was received that waste was being imported into and deposited at the site. A site visit was undertaken and the waste proved to be compost which was imported into the site to be spread on the land for agricultural benefit.</p> <p>There is no breach of planning control insofar as this Authority, as Waste Planning Authority, is concerned and no further action required.</p>
March 2017	Unit 10, Granary Business Centre, Broad Farm, Hellingly	Importation, deposit and breaking up of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site and broken up for scrap. Several site visits were undertaken and the site was always secured and unattended.</p> <p>A further site visit found the site open and someone on the premise. This site visit confirmed that the site was being used for the preparation and maintenance of stock cars and not the breaking of end of life vehicles for scrap. The findings of the site visit were confirmed by discussions with other tenants of the business units.</p> <p>No breach of planning control and no further action required.</p>
March 2017	Land at Western Road, Newick	Importation and deposit of waste	<p>An officer passing the site noticed that there had been a significant quantity of waste, comprising soils and sub- soils, deposited on this site.</p> <p>Enquiries revealed that these deposits of soil were in connection with a development which has the benefit of planning permission from Lewes District Council. No breach of planning control and no further action required by this Authority.</p>
March 2017	Limekiln Wood, Limekiln Forest Road, Crowborough	Importation and Deposit of waste	<p>A complaint was received that waste materials were being imported into and deposited at this site.</p> <p>A joint site visit was undertaken with an officer from the Environment Agency and the site visit confirmed the substance of the complaint. Discussions were held with the landowner, who explained that he had planning permission from Wealden District Council to create tracks on the land. Subsequent enquiries confirmed the information supplied by the landowner.</p> <p>The details of the complaint have been passed to Wealden District Council for their information/action as they deem appropriate. No further action required by this Authority.</p>
March 2017	Springfield Farm, Cowbeech Lane, Rushlake Green	Importation and deposit of waste	<p>A complaint was received that waste materials were being exported from a site in Heathfield and taken to a nearby site and deposited. A site visit to the originating site for the materials was undertaken and discussions held with the operator, who was removing the materials.</p> <p>The operator explained that the waste materials were being taken to his farm and being used for the maintenance and repair of the farmyard and to extend the sand school on the site.</p> <p>The maintenance and repair of the farmyard is considered to be permitted development and the extension to the sand school is considered to be a matter for Wealden District Council. The details of this case have been passed to that authority for their information/action as they deem appropriate and no further action is required by this Authority.</p>

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN JANUARY 2017 AND MARCH 2017 AND AS YET UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
January 2017	Disused railway line, Anchor Lane Barcombe	Importation, deposit and burning of waste	Officers attending the area in connection with another matter noticed that waste materials were being imported into the site and burnt. Contact was made with the landowner who explained that he used the site to store wood for his tree house construction company, but that the site was not secured and therefore people were able to access it and the importation, deposit and burning of waste was undertaken by trespassers (fly tipping). The landowner has agreed to clear the site of the imported waste and a site meeting is in the process of being arranged to discuss timescales and future security of the site.
January 2017	Robsack Wood Primary School, St Leonards-on-Sea	Unauthorised development – Lighting	A complaint was received that exterior lighting has been erected at the school, which did not have the necessary planning approval. A site visit confirmed the details contained within the complaint and the school have submitted a planning application (HS/3318/CC/1) to seek to regularise these works. This application is currently under consideration.
January 2017	Troy Recycling, Croft Works, Hailsham	Breach of Conditions (Materials)	<p>This site, a waste transfer station which has planning approval for the collection, storage and processing of scrap metal, was visited by officers undertaking a site monitoring visit. It was found that the operator had changed their working practices and were now importing, storing and bulking up cardboard, plastics and paper. The operator was also looking to move to a new site as the current site was clearly too small to handle the bulkier waste streams.</p> <p>The operator has found a potential new site and is in the process of submitting a planning application for the new waste use of the site. The site in Hailsham will continue to be monitored during the time that the application process is running. Should the application for the new site be successful then the operator intends to clear and vacate this site and move to the new premises very quickly. Should it be unsuccessful then the officers will consider the most appropriate action for the current site.</p>
February 2017	Paul's Mini Skips, Chaucer Business Park, Polegate	Breach of Condition (Site layout and height of skips)	<p>A complaint was received that the site was not being operated in accordance with the conditions that are attached to the planning permission which relates to the site. A site visit was undertaken which confirmed that end of life vehicles were being dismantled at the site, empty skips were being stored above the approved height and vehicles were being stored in an area that was exclusively reserved for baled waste.</p> <p>A meeting was held with the operator who agreed a timescale for the site to be returned to compliance with the conditions attached to the planning permission.</p> <p>Unfortunately, very recently, the operator has fallen seriously ill and has spent a period of time in hospital. Therefore, there will be a delay in resolving this matter whilst he recuperates, but officers will continue to monitor the situation.</p>
February 2017	Freedom Powerchairs Ltd, Upper Lodge Farm, The Broyle, Ringmer	Importation and deposit of waste	<p>A complaint was received that old UPVC window frames were being imported into this site and processed. A site visit was undertaken which confirmed the details contained within the complaint.</p> <p>A meeting was held with the landowner where the requirement for planning permission for this type of operation was</p>

			<p>explained. A further site meeting was also held with the operator and discussions were undertaken concerning the planning requirements for activities at the site.</p> <p>The operator has been given a timescale in which to either submit a planning application to regularise the unauthorised development, or to cease the use of the site for waste processing and clear the site of the imported waste. The site will be monitored to ensure compliance.</p>
March 2017	JM Waste Management, Brett Drive, Bexhill-on-Sea	Breach of Condition (Outside storage of waste)	<p>A monitoring visit was undertaken to the site and during the course of which a breach of one of the conditions that are attached to the planning permission was noted, in that waste was being stored outside the waste transfer building.</p> <p>A meeting with the operator is in the process of being arranged in order to discuss and resolve this matter.</p>
March 2017	Wealden Joinery, Lews Farm, Rotherfield	Importation and deposit of waste	<p>A complaint was received that sawdust was being imported to the site and deposited. A joint site visit was undertaken with an officer from Wealden District Council, during the course of which discussions were held with the operator. The operator explained that he was in the process of installing plant at the site to dispose of this sawdust, which is generated from his joinery company. However, due to the winter weather there had been some delay in getting this project completed, hence the reason that the sawdust had been stockpiled.</p> <p>The operator stated that he would need a short time period in order to arrange for the removal of this stockpile from the site. A time period has been agreed and the operator will keep officers fully informed of progress.</p>

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 were subsequently carried out, including with officers from the Environment Agency. 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 November 2016. No appeal was made against the Enforcement 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 Enforcement Notice taking effect.</p> <p>Officers are continuing to regularly monitor the site to ensure compliance with the requirements of the Enforcement 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 there have been further discussions with the operator.</p> <p>A revised planning application (WD/782/CM) has been submitted and is currently under consideration, although further details relating to noise and surface water are currently awaited.</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</p>

			<p>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. A planning application to allow for the burning of the waste was submitted, but this has now been withdrawn due to doubts as to whether an Environmental Permit could be obtained alongside any planning permission.</p> <p>Officers from this Authority and the Environment Agency are exploring other methods of resolving this matter.</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 was considered appropriate that a further period of noise monitoring should be undertaken for comparison purposes. This has been carried out and the results are currently awaited.</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</p>

			<p>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 have continued to liaise 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> <p>Subsequently, the landowner and agent have been contacted with a timescale for removal of the imported waste materials and the site will continue to be monitored.</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 took place and the operator's agent has recently contacted officers to confirm that a planning application is due to be submitted in the near future.</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 been submitted and is being considered by the Planning Committee at Agenda Item 5.</p>
November 2016	Allworthy, 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 was sent to the landowner, who has now contacted officers and a site meeting has been held. A time period for removal of the waste imported into the site has been agreed. Clearance of the site has begun and the site will continue to be monitored to ensure compliance.</p>