

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE JANUARY 2018

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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. An initial joint site meeting with the Environment Agency and the landowner was held, and 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, continued to undertake regular site visits and meetings with the landowner to ensure that the phased clearance of this site was 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 continued, but 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 and 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 required: (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 (i.e. by 29 December 2017). Regular site monitoring continued to be undertaken and no further waste was observed to have been imported to the site or burnt.</p> <p>A site visit was carried out shortly after the period of time for compliance with the Enforcement Notice expired. At that time it was noted that two of the areas identified in the Enforcement Notice had been cleared, but there were two areas that still needed further clearance before the County Council could consider that the requirements of the Enforcement Notice had been satisfied. Due to the ground conditions at the site and the impossibility of getting machinery to the necessary areas, it had not been possible to clear these two areas. For this reason, and the positive steps taken by the landowners, it was not considered at that time that the prosecution of the landowners would either be in the public interest or would obtain the desired compliance. Officers continued to work with the landowners to ensure that compliance with the requirements of the Enforcement Notice were met.</p> <p>A further site visit has been carried out and officers are satisfied that sufficient clearance has now been undertaken in order to comply with the requirements of the Enforcement Notice. Notwithstanding this, the Notice remains extant and officers will continue to monitor the site on an ad-hoc basis to ensure there are no further breaches of the Notice. Should any future breaches of the Notice occur, this matter will be reported to Members in future reports.</p>
April 2017	Remove It, The Old Poultry Farm, Rattle	Importation and deposit of waste (House	<p>A complaint was received that waste materials from house clearances were being imported and deposited at the site. A site visit was undertaken which confirmed the details contained within the complaint. Contact was made with the</p>

	Road, Westham	Clearance)	<p>operator who stated that he was in the process of clearing the site and vacating it because he had been given notice to quit by the landowner. The existing buildings are to be demolished and a new block of industrial units are to be constructed.</p> <p>The operator commenced the clearance of his area of the site and then the landowner commenced the demolition of the buildings. Whilst doing this, the landowner lit a bonfire containing waste materials, including items containing asbestos. The Environmental Health Officer for Wealden District Council subsequently served a Notice on the landowner under the Environmental Protection Act 1990. This required the landowner to undertake surveys of the demolition site to assess the level of contamination and to arrange for the correct removal of any contaminated materials.</p> <p>A site visit has recently been undertaken and it was noted that the imported waste has now been cleared from the site. Breach of planning control resolved and no further enforcement action required.</p>
July 2017	PJG Group, Unit 2, Bowlings Corner, Marley Lane, Battle	Unauthorised development	<p>The operator at this site has been storing waste on the rear of lorries and in skips at the site.</p> <p>The site has been regularly monitored. During this time it has been established that no waste materials are actually unloaded or processed at the site and it is not considered that the overnight storage of waste in vehicles constitutes an operation that falls within the definition of development contained within the Town and County Planning Act 1990. Therefore, this activity does not require specific planning permission. Other activities being undertaken at the site are considered to constitute development, but do not fall within the remit of the County Council, as Waste Planning Authority. Details of the site have, therefore, been passed to Rother District Council.</p> <p>No breach of planning control for the County Council, as Waste Planning Authority, to deal with and no further action is therefore required.</p>
September 2017	4 Faversham Road, Eastbourne	Importation and deposit of waste.	<p>A complaint was received that waste materials were being imported into and stored in the front and rear gardens of this site, which is a residential end of terrace house. A site visit was carried out which confirmed the substance of the complaint. The landowner was advised that the activity must cease and the site be cleared of the imported waste.</p> <p>Although progress on clearing the site was initially slow, a further site visit has been undertaken, which confirmed that the site has now been cleared of the imported waste. Breach of planning control resolved and no further action required.</p>
September 2017	Sussex Waste Management. Whitworth Road, St. Leonards-on-Sea	Breach of Conditions (pre-commencement)	<p>This site has planning permission and an Environment Agency permit to operate as a Waste Transfer Station, the most recent planning permission (HS/759/CM) being granted in November 2015. There were a number of pre-commencement conditions attached to this planning permission concerning the waste transfer pad, the recycled material bays, bay push walls and the site drainage.</p> <p>A site monitoring visit noted that the waste treatment pad had been constructed and was in use, despite none of the pre-commencement conditions having been discharged. The operator was given until 15 February 2018 to submit the required details, or risk formal enforcement action. An application to discharge the outstanding planning conditions was submitted, within the set deadline. The details were reviewed and considered acceptable, and subsequently approved under delegated powers.</p> <p>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>

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TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2018 AND RESOLVED

January 2018	Land to the south of New Cut and Solomans Lane, Mountfield	Breach of condition (development not in accordance with approved details)	<p>A complaint was received that the development of a new wastewater pumping station and treatment works was not being carried out in accordance with the conditions attached to the planning permission for the site (RR/728/CM). Discussions have been held with the developer and no breach of the planning conditions has been identified.</p> <p>No breach of planning control and no further enforcement action required. As the development continues, the site will be monitored, as part of the Council's Site Monitoring Policy, to ensure compliance with the conditions attached to the relevant planning permission.</p>
January 2018	Toad Hall, Lane End Common, North Chailey	Importation and deposit of waste materials	<p>A complaint was received that waste materials, comprising soils and sub-soils, were being imported into this site and deposited. A joint site visit was carried out with an officer from Lewes District Council, which confirmed the substance of the complaint.</p> <p>Contact was made with the operator who stated that the waste materials were required on the land to improve poor drainage. The works are considered to be an engineering operation, as opposed to a waste disposal operation, and as such will be dealt with by Lewes District Council (LDC) as the relevant planning authority.</p> <p>LDC have written to the landowner to advise that this matter requires planning permission and have provided the landowner with a timescale for the submission of a planning application. There is no breach of planning control for the County Council, as Waste Planning Authority, to deal with and no further action is required.</p>
January 2018	Hankham Hall Road, Hankham, Pevensey	Importation and deposit of waste	<p>A report was received that waste materials were being imported into and deposited at a site somewhere along this road. No precise location was provided.</p> <p>The area around this location was extensively searched and no trace of any waste materials being deposited on any site was found. In the absence of further information, there is no breach of planning control to investigate and no further action is required. Should additional information regarding the allegation be forthcoming, which is sufficient to identify an actual site, further investigations will be carried out and the matter reported to Members in future reports.</p>
February 2018	1 Stroma Gardens, Hailsham	Importation, deposit and bulking up of waste in a skip	<p>A complaint was received by Wealden District Council (WDC) that waste materials were being imported into this site and bulked up in a skip on the driveway, before being removed. Officers from WDC carried out an initial site visit which confirmed the substance of the complaint. WDC then passed the matter to the County Council to deal with as a waste planning issue.</p> <p>A site visit was carried out by Officers, but no skip was found at the site during the visit. Discussions were held with the landowner, who stated that a skip was sometimes at the site in order to receive waste from her husband's building company in order to manage and recycle this waste responsibly. The planning implications were explained to her and further monitoring visits to the site have been undertaken, during which time no skips or waste have been seen on the site.</p> <p>Breach of planning control resolved and no further enforcement action required.</p>

February 2018	Dudley Infants Academy, Harold Road, Hastings	Unauthorised tree works in the Old Town Conservation Area	<p>A complaint was received from Hastings Borough Council that unauthorised tree works were being undertaken at the site. A site visit was undertaken and discussions held with the School's Site Manager, who explained that a tree had been felled because it was dying.</p> <p>Contact was made with the company who undertook the works, and they explained they had the necessary tree works consent from Hastings Borough Council, a copy of which was subsequently provided.</p> <p>No breach of planning control and no further action required.</p>
February 2018	Upper Wilting Farm, Crowhurst Road, St. Leonards-on-Sea	Importation, deposit and storage of waste materials	<p>An officer, passing the site, noticed that there was a deposit of road planings and hardcore on the site. The officer entered the site and spoke with the landowner and his son, who stated that the waste materials were required on the farm for the maintenance and repair of field gateways.</p> <p>The use of waste materials for these type of works falls within agricultural permitted development rights and therefore do not require specific planning permission, subject to certain criteria being met.</p> <p>A letter has been sent to the landowner reminding him of the criteria. No breach of planning control and no further action required.</p>
February 2018	Allied Waste Management, Unit 8 Knights Business Centre, Squires Farm Industrial Estate, Easons Green	Breach of Condition (Excessive noise)	<p>A complaint was received that the site was emitting excessive levels of noise, which the complainant believed was a breach of planning control. It was explained to the complainant that the planning permission that related to this operation did not have any conditions attached to it which limited the amount of noise that the site could produce. The complainant was further advised that should he consider that the noise constituted a statutory noise nuisance under the Environmental Protection Act 1990, then the matter should be referred to the Environmental Health Officer at Wealden District Council.</p> <p>Notwithstanding this, officers from this Authority have visited the site on several occasions and no unacceptable levels of noise have been heard coming from this particular site. In addition, noise can be heard from other units on the industrial estate, although none of these sources of noise come from developments/uses that fall within the County Council's remit and, in any event, it is not considered that the noise could be considered as excessive for an industrial estate.</p> <p>No breach of planning control and no further action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
February 2018	Tingley Carpets, 44 High Street, Polegate	Importation, deposit and storage of waste materials	<p>A complaint was received that waste materials were being imported into and deposited in the yard at the rear of the flooring shop. A site visit was undertaken, which confirmed the substance of the complaint.</p> <p>Contact was made with the operator of the site who explained that his core business was the supply and fitting of floor coverings of all types. Intrinsic, but incidental, to this operation is the removal of old floor coverings from customers' properties. The waste stored in the rear yard consisted entirely of this type of waste materials. The planning implications of the importation and storage of this type of material was explained to the operator who stated that he intended to get it cleared from the site within the near future and he is actively pursuing alternative legitimate means of disposing of his customers waste floor coverings.</p> <p>This is not considered to be a County Matter and has, therefore, been referred to Wealden District Council for the consideration of enforcement action under Section 215 of the Town and Country Planning Act 1990 (untidy site) or a</p>

			Community Protection Warning/Notice under the provision of the Anti Social Behaviour, Crime and Policing Act 2014. No further action is required by this Authority.
February 2018	Land south of Flower Pot Nursery, Frant Road, Tunbridge Wells	Importation and deposit of waste	A complaint was received that waste materials were being imported into and deposited at this site. An initial site visit was carried out by an officer from Wealden District Council, which confirmed the substance of the complaint. A letter was sent to the landowner and a follow up site visit has subsequently been undertaken, which noted that the waste had been cleared from the site. Breach of planning control resolved and no further action required.
March 2018	Croc Waste, Town Court Farm, Bayham Road, Tunbridge Wells	Importation and deposit of waste	This site came to Officers' attention when they were investigating another matter. It was found that the operator had registered a Waste Exemption for the storage of waste at this site and a subsequent site visit by Officers confirmed that waste was being imported into and stored at the site. Contact was made with the operator and a site meeting held. Prior to the site meeting, the operator removed all the imported waste from the site, thereby resolving the breach of planning control. The operator has been advised of the various options that are available to deal with his waste and he will be altering the company's operations so that no more waste will be brought back to this site and deposited. Breach of planning control resolved and no further action required.

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2018 AND AS YET UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
March 2018	Sacred Heart R.C. Primary School, Old London Road, Hastings	Unauthorised development- Timber outdoor classroom	A complaint was received that unauthorised development on County Council land had taken place at this site. A site visit was undertaken which confirmed that a timber building had been erected on the site. Enquiries are currently being undertaken to ascertain the full ownership of the site, and whether the building constructed requires planning permission or is considered to be permitted development.

TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
July 2015	Holleys Yard, Squires Farm Industrial Estate, Easons Green	Importation, deposit and storage of waste wood	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. One of the Directors 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

			<p>costs of clearing the land. Consequently, the waste wood remained on the site.</p> <p>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. An Enforcement Notice was therefore served 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).</p> <p>Since the service of the Enforcement Notice, the Environment Agency made further 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 site has been regularly monitored and the waste wood is still on site. The landowners have been in contact with officers concerning a proposal for an operation at the site which would provide the finance to help with the disposal of the waste wood. They have now engaged in seeking pre-application advice and a formal response has been provided. It is considered that their proposal has some merit and a full planning application is expected to be submitted shortly.</p> <p>Pending the determination of the planning application, any further enforcement action will be put in abeyance, although the situation will be kept under review.</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 did not have any stability and was noted to have started to slip. It was considered that the works to the track were excessive and unnecessary, and amounted to a waste disposal operation. The tenant farmer was therefore requested to remove the imported waste from the site.</p> <p>Some materials were removed and officers have continued to liaise with all the regulatory authorities in order to provide the landowner with a cohesive view of what is required in order to resolve this matter. A phased programme of works was agreed and a further site meeting held with the landowner's agent and the tenant. It was hoped that the agreed programme of works would be completed before the onset of poorer weather, but ground conditions made it difficult for machinery to access the site.</p> <p>Some of the agreed remedial works were carried out, but ground conditions then deteriorated to such an extent that machinery was unable to access the site. An extension of time was agreed for the works to be completed by the end of May 2018, and the site has continued to be monitored.</p> <p>The operator was recently contacted, who stated that it was his intention to recommence the remedial works in the near future, subject to weather and ground conditions permitting. The site will continue to be monitored to ensure</p>

			the works are completed.
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 contacted officers to confirm that a planning application would be submitted. However, no application was forthcoming and the operator appointed a new agent, who contacted officers with a view to expediting the submission of the planning application. Officers continued discussions with the operator's new agent, who stated that they were proposing works on the site that had not previously been discussed, and which could possibly be unsupportable.</p> <p>The Environment Agency subsequently served warning letters on all the operators of the site and required them to remove the imported waste materials by 29 December 2017.</p> <p>Officers have undertaken a further site visit and it was noted that a significant quantity of the imported waste materials has now been removed from the site. A further site meeting with the operator and Environment Agency is in the process of being arranged in order to discuss the removal of the residual quantities of waste materials and future operations at the site.</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. A meeting was held with the landowner where the requirement for planning permission for this type of operation was explained. A further site meeting was also held with the operator and discussions were undertaken concerning the planning requirements for activities at the site. The operator was 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.</p> <p>The operator failed to submit a planning application within the agreed timescale, or clear the site of the imported waste. Formal enforcement proceeding were therefore instigated against the landowner and operator and an Enforcement Notice was served on 10 July 2017. An appeal was made against the Enforcement Notice. However, it was then noted that there was a technical error in the explanatory note which accompanied the Enforcement Notice. Whilst this did not materially affect the Notice itself, it was decided by the Council that the Enforcement Notice should be withdrawn and then immediately re-issued with an amended explanatory note. The first Enforcement Notice was withdrawn on 22 August 2017 and the second Enforcement Notice was served on 29 August 2017.</p> <p>An appeal against the Enforcement Notice was made to the Planning Inspectorate, which put the Notice in abeyance. Confirmation that the appeal can proceed has now been received from the Planning Inspectorate, who has indicated that the appeal will be dealt with at a public inquiry. Members will be updated of progress in future reports.</p>

December 2017	Land adjacent to The Downs View, Hailsham Road, Stone Cross	Importation and deposit of waste (wood and green waste)	<p>Whilst in the area dealing with another matter, officers noticed a significant quantity of waste in the field adjacent to this residential property. Contact was made with the landowners, who stated that the waste comprised wood and green waste, and had originated from their adjoining property. They were in the process of getting it cleared, but had been hampered by the weather and very wet ground conditions and progress was limited.</p> <p>The further poor weather since Christmas has prevented any vehicles gaining access to the site to remove the waste materials. The landowner is keeping officers updated on the situation at the site, and when the site has been cleared a final site visit will be arranged.</p>
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