

Committee	<b>Regulatory Planning Committee</b>
Date	<b>15 May 2019</b>
Report by	<b>Director of Communities, Economy and Transport</b>
Subject	<b>Development Management Update</b>
Purpose	<b>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 2019; and development management performance for the period 1 April 2018 to 31 March 2019.</b>
Contact Officer:	<b>Sarah Iles – 01273 481631</b>
Local Members:	<b>All</b>

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## **SUMMARY OF RECOMMENDATIONS**

**The Committee is recommended to note the report.**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

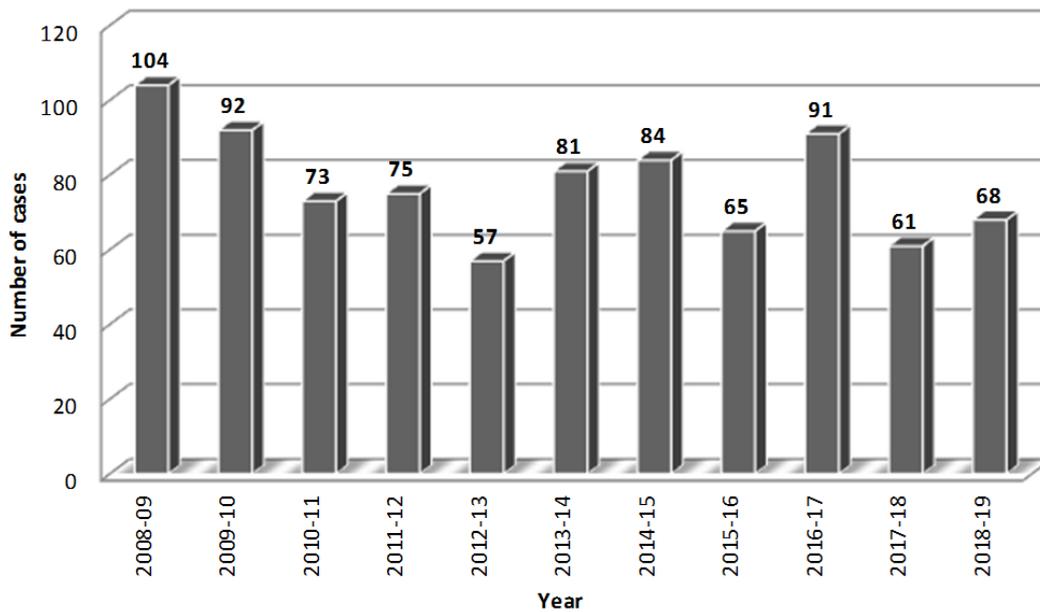
### **1. Enforcement**

1.1 In the period between 1 January and 31 March 2019, inclusive, there were twenty two new complaints about alleged breaches of planning control. Of the new cases, seventeen were resolved within the reporting period and three older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2019 was eleven. This represents an increase of two in the number of cases that were outstanding at the end of the previously reported quarter. Despite this small increase in cases, the overall number of outstanding cases remains comparatively low.

1.2 The continuing trend of maintaining a low number of outstanding cases is encouraging, particularly given the ongoing pressure on resources. One element of the enforcement service that is considered to be positive is the number of cases which are resolved without the need to resort to formal enforcement action. This occurs in the majority of cases and negotiating successful outcomes forms a major part of the work undertaken. This can often result in a better, enhanced outcome compared to what can be achieved by pursuing formal enforcement action. In some instances, a development which has been carried out in breach of planning control is considered acceptable and, in these circumstances, the development can be regularised by the submission of a planning application.

1.3 During the last financial year, we have seen a slight increase in the number of new enforcement cases received compared to the previous year, although this still remains lower than in other previous years. The chart below shows the number of new cases that have been received each year since 2008-09. Whilst the resources available to deal with enforcement cases are currently considered to be adequate, this will need continual monitoring to ensure that outstanding cases do not reach excessively high numbers, as has happened in previous years.

## New enforcement cases received, by year



1.4 Appendix 1 of this Report provides details of cases resolved and received within the period 1 January and 31 March 2019, 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 has continued, but has to be accommodated within limited resources and alongside the enforcement service. During the last quarter twenty two non-chargeable site monitoring visits were carried out. No substantive breaches of planning control were found to be occurring, and those minor breaches identified during the course of the monitoring visits have either been rectified, or further action is required before they are considered resolved. No chargeable site monitoring visits were undertaken during the last quarter.

2.2 In addition to updating the site monitoring software currently used, work is also being undertaken to review how site monitoring is undertaken in general. This will involve two distinct elements. Firstly, a review of all sites to be monitored, whether chargeable or non-chargeable, and categorising them into type of site. Initially the focus will be on "County Matter" sites (waste and minerals), but, in time, it will also focus on the Council's own developments. Secondly, the Site Monitoring Policy will be fully reviewed, with a view to the potential introduction of a new, composite Site Monitoring and Enforcement Policy. This work is ongoing and Members will be updated at future meetings.

## 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 60% of applications being determined within a 13 week period, or within a timeframe agreed with the applicant. The Government also introduced monitoring performance on non-major planning applications, the threshold for which is 70%. 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 non-major County Council developments (Regulation 3) will not be included in the performance figures measured by the Government, although we continue to monitor and report on our own performance.

3.3 In terms of performance, for the period April 2018 to March 2019 (inclusive) a total of thirty applications were determined (14 County Matters, 11 County Council, 2 Non-Material Amendment, 2 Lawful Development Certificates and 1 Prior Notification. 4 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, both of which clearly exceed the targets set by Government and locally.

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 2018 was 96.6% of major applications determined within the relevant timescale, which is well above the current 60% threshold.

3.5 In addition to dealing with planning applications, the Planning Policy and Development Management Team have continued to provide a pre-application advice service to applicants, for both County Matters and County Council development. Requests for pre-application advice on County Matters incur a fee, whereas pre-application advice requests for County Council developments do not. However, in all instances, new procedures that were introduced in July 2017 now require each submission, whether chargeable or not, to be via a formal form and accompanied by specific details/documents. Additionally, enquiries relating to whether a development requires planning permission also have to be submitted on a prescribed form. This ensures that all requests are being submitted with the correct information and also enables accurate recording of the number of requests being dealt with.

3.6 During 2018/19, twenty proposals received formal pre-application advice. In addition, forty three enquiries as to whether planning permission was required were also dealt with.

#### **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 relating to County Matter and Regulation 3 applications should contact either Jeremy Patterson (01273 481626) or David Vickers (01273 481629).

RUPERT CLUBB  
Director of Communities, Economy and Transport  
01 May 2019

Local Members: All

#### **BACKGROUND DOCUMENTS**

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

**TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE JANUARY 2019**

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
May 2018	Skilton Skips, AS Farm, Crowborough	Unauthorised Waste Transfer Station	<p>A site monitoring visit was undertaken on an adjacent site and it was noticed that the operator was depositing waste on this site and processing it by sorting.</p> <p>Following numerous meetings and further monitoring visits, with a view to regularising the situation, the operator decided to cease the sorting and processing of waste at the site. The operator stated that the site would be totally cleared within an agreed timescale.</p> <p>A further site visit was undertaken at the end of the agreed period and it was noted that all of the waste which had been imported into the site had been removed. The breach of planning control has therefore been resolved and no further enforcement action is required.</p>
July 2018	H Ripley & Co, Apex Way, Hailsham, BN27 3WA	Breach of Condition (hours, noise and dust)	<p>A complaint was received that the site was working outside its permitted hours, was too noisy and was creating too much dust. Numerous site monitoring visits were undertaken, which noted some breaches of the permitted hours. During the monitoring visits, no dust was seen emanating from the site.</p> <p>Noise monitoring of the site was undertaken and further noise monitoring subsequently agreed with the operator. The operator undertook the additional noise monitoring and submitted the results to the County Council.</p> <p>The results of the noise survey have now been assessed, which appeared to show that a very minor, marginal breach of the noise condition had occurred. The result, however, was so minor that formal enforcement action could not be justified or considered expedient based on that survey result. Notwithstanding this, the operator is in the process of rearranging the site, involving the relocation of the major sources of noise, further away from residential properties which should reduce the noise levels experienced by the occupiers of those properties.</p> <p>No substantive breach of planning control identified and no further enforcement action required. However, the site will be continue to be monitored and should the noise levels continue to exceed permitted levels then further discussions concerning remedial works will be held with the operator.</p>
October 2018	Allsworthy, Hailsham Road, Stone Cross	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into the site and being burnt. Site monitoring was undertaken and no bonfires were observed, nor did there appear to be any importation of waste.</p> <p>The site continued to be monitored on numerous occasions by officers, and no importation, deposit or burning of waste has been noted. No breach of planning control identified and no further action required.</p>

**TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2019 AND RESOLVED**

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
January 2019	Greenacres, Mill Lane, South Chailey	Breach of Condition (Construction Traffic Management Plan)	<p>A complaint was received that vehicles attending this site (and another housing development granted planning permission by Lewes District Council) were parking and waiting in the road outside the site whilst waiting to enter it. It was also alleged that vehicles were leaving mud and other debris on the road surface, which was contrary to the approved Construction Traffic Management Plan.</p> <p>A joint site visit was undertaken with an officer from Lewes District Council, and during the course of the visit both sites were visited and discussions held with staff working on the sites.</p> <p>In relation to the Greenacres site, the site manager explained that works had not yet started on the site. They'd had one vehicle attend the site in order to deliver the containerised sites offices and staff welfare station. This was delivered outside of the nearby school's arrival and pick up times in order that the vehicle did not have to wait on the road. This accords with the requirements of the approved Construction Traffic Management Plan.</p> <p>No breach of planning control and therefore no further action is required by this Authority.</p>
January 2019	Limekiln Forest Road, Crowborough	Importation and deposit of waste	<p>A complaint was received that hardcore was being excavated at the site and that manure had been deposited on the land, which was blocking a public byway.</p> <p>An initial site visit was undertaken and it was found that the hardcore excavation was in fact drainage ditch repair works, which was considered to be permitted development. There was however, a pile of manure at the location as specified by the complainant.</p> <p>A subsequent site visit was undertaken with officers from the County Council's Highway Land Information Team (HLIT), which confirmed that the manure had been deposited on the public highway. Arrangements were made for the Highways Enforcement Team to investigate and to liaise with Wealden District Council regarding the removal of the manure on the public highway.</p> <p>No breach of planning control and no further action is required by this Authority as Waste Planning Authority.</p>
January 2019	Land opposite Brummels, Bassetts Lane, Mayfield	Importation and deposit of waste	<p>Officers in the area in connection with another matter noticed that there appeared to be several deposits of waste in the field and at least 6 Roll-on/Roll-off (RO/RO) skip containers stored in front of the stables on the site.</p> <p>Contact was made with the landowner, and a joint site meeting held with the landowner and an officer from Wealden District Council. During the site meeting the landowner explained that the RO/RO skips had been temporarily located at the site whilst engineering works had been undertaken at his work site in Crowborough. However, these skips had been removed from the site by the time of the site meeting.</p> <p>The soil piles observed at the site were confirmed to have originated from within the site, and had not been imported.</p>

			<p>The landowner advised that the soil was going to be used to re-establish the hedge line along the public footpath that runs adjacent to the site boundary.</p> <p>No breach of planning control and no further action required.</p>
January 2019	Milwards Estate, Lewes Road, Laughton	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken, during the course of which waste soils were observed being imported into the site and deposited onto a field close to the farm buildings.</p> <p>A meeting was also held with the landowner, who stated that the reason for the importation of soils was in an attempt to improve the drainage of the field. The landowner advised that several hundred loads of soil had been imported.</p> <p>It was evident from the site visit and meeting with the landowner that a substantial engineering operation was taking place. A subsequent site meeting was held with the landowner and an officer from Wealden District Council where it was agreed that the unauthorised engineering works required planning permission and the landowner agreed to submit a planning application, seeking to regularise these works, to Wealden District Council.</p> <p>A planning application has now been submitted to Wealden District Council and therefore there is no further action required by this Authority as Waste Planning Authority.</p>
January 2019	H & H Builders, Willow Cottage, Hailsham Road, Polegate	Importation, deposit and burning of waste	<p>A complaint was received that waste materials, comprising building and construction waste, were being imported into the site and burnt.</p> <p>Officers undertook an initial site visit and, subsequent to that, a site meeting was arranged with the landowner, who categorically denied that any waste was being brought back to the site and burnt. This was borne out by what the attending officers observed during the site visit and meeting.</p> <p>No breach of planning control identified and no further action required.</p>
January 2019	Land at Springlands Farm, London Road, Mountfield	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising waste wood and hardcore, had been imported into and deposited on the site, and that these materials were blocking a public footpath. A site visit was undertaken which confirmed the substance of the complaint.</p> <p>Contact was made with the landowner who stated that the hardcore had originated from within the site and had not been imported. The landowner agreed to remove the waste wood and hardcore and a timescale for these works was agreed. Following the expiration of the agreed timescale a further site visit was undertaken, which noted that the waste materials had been removed from the site and the public footpath cleared.</p> <p>The breach of planning control has therefore been resolved and no further action is required.</p>
January 2019	Hoadleys Stable, Hoadleys Lane, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site and deposited.</p> <p>A site visit was undertaken and during the course of this site visit a meeting was held with the landowner. The landowner stated that there had been no importation of waste into the site. The landowner advised that he had recently purchased the site and all the waste materials on the site had already been there. The soils had been dug</p>

			<p>out from a bank to create an area of hardstanding for his horsebox, and these materials were being stored in a field at the rear of the stable block. The storage of these materials was temporary, pending the weather improving and them being removed from the site by a suitably authorised contractor. All the other waste materials on the site were in situ when the property was purchased, and the landowner advised that these materials would also be removed from the site.</p> <p>Officers advised the landowner that the engineering works may require planning permission from Wealden District Council. A planning application has since been submitted to Wealden District Council in order to regularise the engineering works.</p> <p>No breach of planning control for this Authority, as Waste Planning Authority, and no further action is required.</p>
February 2019	Grassington Farm, Warren Lane, North Chailey	Importation, deposit and burying of waste	<p>A complaint was received by Lewes District Council (LDC) that asbestos had been buried on the site. A joint site visit was undertaken with an officer from LDC, during the course of which a meeting was held with the landowner.</p> <p>The landowner explained that he had previously applied for planning permission to LDC to demolish an old chicken shed on the site and erect a new, smaller agricultural building in its place. The application had been approved and the works substantially completed some time ago, in 2015. The operator that had handled the demolition at that time had supplied the landowner with waste transfer notes for the correct disposal of the asbestos material that had been removed the site. These documents have since been provided to officers following the recent site visit.</p> <p>During the recent site visit there was no evidence to support the allegation that asbestos had been buried within the site, and the complaint could not be substantiated.</p> <p>No breach of planning control identified and no further action required.</p>
February 2019	Eco Skip Waste and Recycling, Oak Ferrars Farm, Piltown	Importation, deposit and bulking up of waste in skips	<p>Officers attending the site in connection with another matter noticed that waste materials were being stored in skips on the site, which did not have the benefit of planning permission.</p> <p>A site meeting was arranged with the operator, who admitted that the waste had been imported into the site and added that he mistakenly believed that he was permitted to undertake this activity, in planning terms, by holding an Exemption from the Environment Agency (S2 - storing waste in a secure place). The planning requirements were explained to the operator and a short timescale was allowed for him to clear the site of the imported waste.</p> <p>A further site visit was undertaken, after the expiry of the specified timescale, and the imported waste was noted to have been cleared from the site and the site restored. The breach of planning control has therefore been resolved and no further action is required.</p>
February 2019	Newhaven Port Access Road, Newhaven	Unauthorised development – ground clearance, fencing and construction of a new road.	<p>A complaint was received that unauthorised works, including ground clearance, fencing and construction of a new road were being undertaken at the site.</p> <p>A site visit was carried out and discussions held with the site manager. The works carried out comprised the erection of site fencing, the establishment of a site compound/offices and the construction of a haul road. All works carried out were in association with the proposed Newhaven Port Access Road, which has the benefit of planning permission. The works had previously been discussed with officers and are considered to be permitted development.</p>

			No breach of planning control and no further enforcement action is required. The site will continue to be monitored as part of the Council's Site Monitoring Policy.
February 2019	Land to west of Bradfords Farm, Bradfords Lane, Little Horsted	Importation and deposit of waste	<p>A complaint was received that waste materials, consisting of soils and sub soils, were being imported into and deposited in a field adjacent to Bradford's Bridge. A joint site visit with an officer from the Environment Agency was undertaken, which confirmed the substance of the complaint.</p> <p>Contact was made with the tenant farmer, who explained that the waste soils were required on the land to infill a hollow, which, when infilled, would improve the land for agricultural purposes. However, the land is within a flood zone and the Environment Agency has subsequently issued a stop notice to the tenant farmer requiring him to immediately cease any further importation and also to remove the imported soils from the site.</p> <p>As the Environment Agency has required these remedial works, there is no separate action required by this Authority, in its capacity as Waste Planning Authority, at this time. However, officers will continue to liaise with the Environment Agency to ensure that the tenant farmer complies with the requirements stipulated by them.</p>
February 2019	Haulaway Ltd, Polegate Yard, Summerhill Lane, Polegate	Breach of Conditions (removal of hedge and routeing of vehicles)	<p>A complaint was received that works had commenced on the highway in breach of the planning conditions attached to the planning permission for the site (WD/796/CM) and that there was no Legal Agreement in place for the works on the highway. It was also alleged that vehicles accessing Polegate Yard were doing so via Coldthorn Lane/Summerhill Lane, which was not in accordance with the agreed lorry routeing.</p> <p>A site visit was undertaken and it was noted that two sections of hedge had been removed from the south side of Summerhill Lane, in line with the areas of the lane that were to be re-aligned under the planning permission for Polegate Yard. No works were observed to have been undertaken on the highway, which was confirmed by colleagues.</p> <p>Discussions were held with the operator with regard to the lorry routeing and it was confirmed that vehicles associated with the site had used Coldthorn Lane/Summerhill Lane, but that this was to facilitate doorstep recycling collections from properties in those lanes and was therefore not in breach of the lorry routeing requirements.</p> <p>No breach of planning control identified and no further enforcement action is required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
February 2019	Wicklands Farm, Lewes Road, Little Horsted	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken and during this visit a site meeting was also arranged with the tenant farmer.</p> <p>It was evident that there had been several lorry loads of chalk delivered to the site, and the tenant farmer explained that the materials were required to level out the very uneven floor in one of the hay barns. The floor had become so uneven as to allow stacked hay bales to fall out of the barn and into the open, presenting both a risk of injury and the possibility of the hay being spoilt by the elements.</p> <p>The chalk deposited at the site was clean, uncontaminated and appeared to be suitable and proportionate for the intended use, and was therefore considered to be permitted development.</p> <p>No breach of planning control and no further enforcement action required.</p>

March 2019	Old Wood Yard, Main Road, Icklesham,	Importation, deposit and burning of waste	<p>A complaint was received that waste materials, consisting of household waste, was being imported into the site and burnt. Prior to officers from this Authority being able to undertake a site visit, a joint visit was undertaken by officers from Rother District Council (Planning Enforcement and Environmental Health) and the Environment Agency, which confirmed the substance of the complaint.</p> <p>Rother District Council subsequently contacted the landowners and, using their powers contained within the Environmental Protection Act 1990, has required them to clear the imported waste and burnt waste residue from the land.</p> <p>Officers will continue to liaise with officers from Rother District Council to ensure that the site is cleared, however no separate enforcement action is required by this Authority at this time.</p>
March 2019	125 Eastbourne Road, Willingdon	Importation, deposit and storage of waste	<p>A complaint was received that waste materials and end of life vehicles were being imported into and deposited on the site, along with other issues taking place which fall outside of the remit of the County Council as Waste Planning Authority.</p> <p>A joint site visit was undertaken with an officer from Wealden District Council's Environmental Health Team and the site visit tended to confirm the information contained in the complaint.</p> <p>Contact was made with the landowner, who explained that he had recently evicted three of his tenants from the house and it was their property which had been left on the driveway after they had failed to remove it. A period of time had been given to the tenants to collect/remove this property and, as they had not done so, the landowner was going to dispose of it. In respect of the vehicles at the site, most of these belong to the landowner and cannot be considered as "end of life". However, the landowner undertook to remove some of the vehicles. As the main cause of the complaint was as a result of the tenants, the landowner believed that this would be resolved now they had gone.</p> <p>A further site visit has now been undertaken and all the actions agreed with the landowner have been undertaken and the breach of planning control has been resolved. No further action is required by this Authority.</p>
March 2019	Land opposite South Brockwells Farm, Little Horsted	Importation and deposit of waste	<p>A complaint was received that compost, containing plastics, was being imported into and stockpiled in two fields at the site.</p> <p>A site visit was undertaken which confirmed that the compost was on the site, and there was a small amount of plastic evident on the surface of the compost.</p> <p>A visit was made to the operator supplying the compost and a member of staff stated that the compost supplied to the tenant farmer had been tested to the industry standard (PAS100) and had passed the all the sections for permissible foreign materials, including a small content of plastic.</p> <p>As the compost met the approved industry standard and was reasonably required on the fields for the benefit of agriculture, there is no breach of planning control and no further action is required.</p>

March 2019	The Isles, Laundry Lane, Marle Green, Heathfield	Importation and deposit of waste	<p>A complaint was received that waste materials, consisting of soils and sub soils, were being imported into and deposited on the site. A site visit was undertaken and, during the course of the site visit, a meeting was held with the landowner, who explained that he had purchased the house and land recently.</p> <p>The area of land in question and the pond were heavily overgrown and, when the overgrowth had been cleared, it was found that the pond was dry, one of the sides had collapsed, and that the drainage ditches which feed the pond and drain the surrounding agricultural land were in a poor state of repair and were not working. It was also found by the landowner that there were three old vans and a significant quantity of scrap metal buried around the pond, which when removed, left a large hollow.</p> <p>The landowner has now repaired the ditches and pond sides and is in the process of making good the land around the pond back to the original levels, which necessitated the importation of some soils.</p> <p>The works are now nearly complete and are considered to be reasonable and necessary for the repair, improvement and reinstatement of the land. No breach of planning control identified and no further action is required.</p>

**TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2019 AND AS YET UNRESOLVED.**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
January 2019	Uckfield Community Technical College, Downsview Crescent, Uckfield	Breach of Conditions (Usage, floodlighting and landscaping)	<p>A complaint was received that (1) the all weather pitch was not being operated in accordance with the agreed Operational Management Policy; (2) the floodlights were spilling over into the neighbouring residential gardens; and (3) the planting scheme had not been implemented, which were all requirements of the planning permission (WD/3095/CC) that relates to this development.</p> <p>Numerous site visits were undertaken, including during evenings when the floodlights were being used, and it was found that the use of the pitch was in accordance with the Operational Management Policy, and the flood lights were not spilling into residential gardens. However, further visits are being undertaken to monitor the use of the facility to identify if there are any breaches of the conditions attached to the planning permission.</p> <p>With regard to the planting scheme, contact was made with personnel at the College, who advised that the landscaping scheme had been implemented, but that some maintenance was required and which was in the process of being arranged.</p> <p>At this stage, it has not been established whether there is a breach of planning control and a further site visit will be undertaken and the works assessed once they have been completed.</p>
March 2019	Smartwaste Recycling Ltd,	Breach of Conditions (Site layout and height of	Officers undertaking a monitoring visit to the site noticed that the site was not laid out in accordance with the approved plans, and that waste was being stored on the site above the permitted levels.

	Endeavour Works, Beach Road, Newhaven	stockpiles)	<p>A meeting was held with the operator, who admitted that the site was in breach of the conditions and requested a short period of time in which to be allowed to restore the site back to compliance with the planning conditions. A timescale until 31<sup>st</sup> May 2019 was agreed.</p> <p>During this time period officers are continuing to monitor the site to ensure that regular progress is being made in returning the site to compliance with the planning conditions.</p>
March 2019	Three Oaks Waste Water Treatment Works, Three Oaks	Unauthorised development/Breach of Conditions (site layout)	<p>An officer undertaking a meeting at the site with the operators noted that the development was not in accordance with the approved plans.</p> <p>A further meeting has been arranged and a letter has also been sent to the operator, to which a full response is currently awaited.</p>
March 2019	Sweethayes Farm, London Road, Hurst Green	Importation and deposit of waste	<p>A complaint was received that waste soils were being imported into the site and deposited. A site visit was undertaken which confirmed the substance of the complaint.</p> <p>A meeting was held the landowner, who stated that she believed that all the relevant permissions were in place. Unfortunately the operator who had undertaken the works was on holiday and could not be contacted. However, the landowner agreed to cease any further importation until the planning situation has been resolved. Further enquiries are currently ongoing.</p>
March 2019	Sunnyside, Hackhurst Lane, Lower Dicker	Importation and deposit of waste	<p>A complaint was received that waste soils were being imported into and deposited at this site. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint</p> <p>Contact has been made with the landowner and a site meeting has been arranged between him and all the regulatory authorities that have an interest in the site.</p>

**TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
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. 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 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</p>

			<p>therefore served on 2 February 2016. No appeal was made against the Enforcement Notice and it took effect on 4 March 2016. Following 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 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.</p> <p>A planning application (WD/820/CM) which seeks to address the waste wood stockpile on the site has now been submitted and is currently under consideration.</p>
April 2018	Skip It Containers, North Quay Road, Newhaven	Breach of Conditions (height of stockpiles)	<p>A site monitoring visit was undertaken, during which it was noticed that the height of the waste stockpiled on the site exceeded the structures that were containing it and, where there were no retaining structures, the height of stockpiled waste exceeded 4 metres. Conditions attached to the planning permission for the site (LW/539/CM) limit the height of stockpiled waste and the levels of waste noted on the site were found to be in breach of these conditions.</p> <p>Meetings were held with the operator, but the situation did not improve. The Environment Agency has been involved with the site in connection with this issue and officers have provided evidence to support their case. The operator has now vacated the site and it has been taken over by another operator who is in the process of clearing the accumulated waste.</p> <p>Progress is continuing to be made in reducing the level of stockpiled waste on the site and monitoring is continuing to ensure the reduction in stockpile heights continues to enable operations to be in compliance with the conditions attached to the planning permission for the site.</p>
June 2018	D.R.S. Pattenden, Little Exceat Farm, South Chailey	Breach of Condition (buffer zone and hours of operation)	<p>A site monitoring visit was undertaken, during the course of which it was noted that the scheme to maintain a buffer zone on the western and northern boundaries of the site had not been maintained and had failed. A meeting was held with the operator and a timescale for re-establishing these buffer zones was agreed. A further site visit was carried out, which confirmed the buffer zone had been re-established and the site bought back into compliance with the planning permission (LW/492/CM).</p> <p>However, further complaints were received that the site was operating outside the permitted hours of operation. Additional site monitoring, including at weekends, was undertaken to establish whether there were further breaches of planning control.</p> <p>Initially, no breaches were identified but site monitoring outside the permitted hours continued and some breaches were observed. Consequently, a Breach of Condition Notice was served on the operator for failing to comply with the permitted hours of operation of the site. The Notice is now effective and further site monitoring is in the process of being undertaken.</p>
July 2018	Born Again Plastics, Oak Ferrars Farm, Batts Bridge Road, Pitdown, Uckfield,	Breach of Condition (storage and processing of waste)	<p>A monitoring visit to the site noted that waste was being stored outside the permitted waste storage area, and also that waste was being processed outside the building. A meeting was held with the operator who stated that this has been in part caused by the collapsing market for agricultural plastics and that he is trying to source other outlets for the waste.</p>

	TN22 3XR		<p>Site monitoring has continued and contact maintained with the operator. The reason for the build up of waste plastics on the site is because the main outlet for this waste, China, has closed its borders to the importation of waste materials and the “knock on” effect of this is to totally depress market prices to such an extent that it is not profitable, at the moment, to collect and bale this waste. In order to attempt to rectify the breaches of planning control the operator has severely curtailed the importation of waste to this site and is paying for loads to be removed.</p> <p>Further site visits have noted that the level of waste stored on the site is continuing to reduce; however the recycling market for these plastics remains very poor with the operator still having to pay a “gate fee” to dispose of this waste properly. The operator is continuing to monitor the level of waste imported into the site in order to try and maintain an overall reduction in the levels of waste at the site and thereby resolve the breach of planning control. Officers will continue to monitor the site.</p>
August 2018	Court Lodge Farm, Etchingam Road, Burwash, Etchingam	Unauthorised animal incinerator	<p>A complaint was received that an animal incinerator had been installed on the boundary of the property. A site visit was carried out, which confirmed the substance of the complaint, and discussions were held with the landowner. The purpose of the incinerator is for disposing of fallen stock from the farm.</p> <p>Planning permission is required for the installation of the incinerator and contact was made with the landowner’s planning consultant. A planning application (RR/823/CM) has subsequently been submitted for the retention of the incinerator, but is not yet valid for consideration.</p>
November 2018	Upper Lodge Farm, The Broyle, Ringmer	Importation and deposit of baled waste	<p>A complaint was received that a significant quantity of baled waste had been deposited on the farm. A site visit was undertaken, which confirmed the substance of the complaint. Contact was made with the landowner who stated that he had been paid a small amount of money in order to have the waste stored on site for a short period of time.</p> <p>This matter is now subject of a wider criminal investigation by the Environment Agency and further enquiries are continuing. In the meantime, officers are continuing to monitor the site to ensure further waste is not imported to the site.</p>