

Committee	<b>Planning Committee</b>
Date	<b>20 May 2015</b>
Report by	<b>Director of Communities, Economy and Transport</b>
Subject	<b>Development Management Matters</b>
Purpose	<b>To inform Members about activities undertaken under delegated powers and development management performance for the three months period between 1 January 2015 and 31 March 2015, and, about activities undertaken in accordance with the Site Monitoring Policy</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 January and the end of March 2015, twenty five complaints about alleged breaches of planning control were received. Of the new cases received, twelve were resolved within the last period and four older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2015 was thirty two. This represents an increase of nine in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 The increase in the number of outstanding cases is disappointing, but understandable given the number of new cases received during the period, particularly given the available resources to investigate and deal with enforcement matters. By comparison, sixteen new cases were reported in the previous quarter and in the same reported period last year (January – March 2014) nineteen new cases were received.

1.3 In respect of specific cases and the Enforcement Notice that was served on the owners of a property in London Road, Hailsham (in relation to the importation, storage and a limited amount of processing of scrap metal), no appeal was made against the Enforcement Notice and it had to be complied with by 15 February 2015. Since that date, site inspections have identified that the Notice has been mostly complied with and, although there remains a residual amount of scrap metal at the site, it is not expedient at this time to pursue further planning enforcement action.

1.4 Appendix 1 of this Report provides details of cases resolved and received within the period January to March 2015 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. Notwithstanding this, seven non-chargeable monitoring visits to sites have been carried out during the relevant period. No chargeable monitoring visits to minerals or landfill sites were undertaken during the last quarter.

2.2 Monitoring of the construction work for the Bexhill-Hastings Link Road (BHLR) also continues to be undertaken. This is a major scheme and site monitoring includes reviewing landscaping, ecological and archaeological issues as well as ensuring that all the conditions attached to the planning permission are met and that the development is being carried out in accordance with the approved details. Whilst archaeological investigations on the site have been completed, there are numerous areas where the archaeology has not been excavated and is being “preserved in-situ”. In these locations it is important that the ground is not disturbed by construction activities/vehicles and now that the earthworks season has resumed, ensuring the areas are protected will form a key part of the regular site monitoring.

2.3 In addition to BHLR site monitoring inspections, monthly meetings are held with the contractor, which enables any issues and outstanding matters to be discussed and resolved. The BHLR Local Liaison Committee which has been set up has continued to meet. Attendees at the meeting include representatives of the local community and businesses, the developer, the County Planning Authority, Local Members and other public bodies. Significant development management work on the BHLR continues to be undertaken, including further approval of details pursuant to conditions, additional hours/access requests, site monitoring, meetings and liaison with the public – all of which have to be absorbed within the current Planning Policy and Development Management Team resources.

2.4 Liaison meetings continue at the Newhaven Energy Recovery Facility, Peacehaven Wastewater Treatment Works, the composting site at Woodlands, Whitesmith and at Pebsham Landfill. Monitoring visits at these sites are also undertaken.

## **3. Development Control**

3.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. It seeks to target poor performance in relation to the speed and quality of decisions, and focuses on improving planning performance. 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 will be taken away from local authorities, and applications consequently determined by the Planning Inspectorate. We are still 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 an extension of time not agreed with the applicant, planning authorities have to return the planning application fee to the applicant.

3.2 The Government published criteria for the determination of designation of local planning authorities. One measure is the average percentage figure for determination of major development applications over two years. The threshold for designation was originally set at 30% or fewer determinations, although the Government has now increased this threshold for relevant County Matter applications to 40%. The quality of decisions is measured by the average percentage of major development applications overturned at appeal with a threshold of 20%. Despite the relaxation of national performance indicators, we have continued to set ourselves a target of determining 60% of County Matter applications within 13 weeks and we have also set ourselves a target with regard to County Council development of deciding 75% of applications within 8 weeks.

3.3 In terms of performance, for the period January and March 2015 (inclusive) a total of 13 applications were determined (3 County Matters and 10 County Council). One application was withdrawn by an applicant during this period. Of the relevant applications, 33.3% of County Matter applications were determined within 13 weeks, which falls considerably below our target for determining planning applications and 50% of County Council applications were determined within 8 weeks, which also falls below the Council's locally set target. The cumulative figures for the year are 78.5% of relevant County Matter applications determined within 13 weeks, which clearly exceeds the target, and 69.8% of County Council applications were determined within 8 weeks, which falls below the target. In terms of the new Government measures, the outturn figure for the 24 months ending December 2013 is 63% of applications determined, which is well above the current 40% threshold.

3.4 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 (often which arise out of enforcement investigations or site monitoring) and County Council development, and, applications within the South Downs National Park. During the last period, sixteen separate proposals received pre-application advice from officers. The pre-application service provided has a number of benefits, including assisting applicants to understand the planning process and how acceptable their proposal is likely to be and can result in a better proposal or design of a development being negotiated before the formal submission of a planning application.

#### **4. Contact Officers**

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

RUPERT CLUBB  
Director of Communities, Economy and Transport  
12 May 2015

Local Members: All

#### **BACKGROUND DOCUMENTS**

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

## BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED BETWEEN JANUARY – MARCH 2015

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
November 2013	AM Skip & Plant Hire, Hazelbank, Maresfield	Breach of Conditions (Hours of Operation and Noise)	<p>A complaint was received that the site was not being operated in accordance with the conditions attached to the planning permission for the site, particularly in regard to the hours of operation and the amount of noise that was being emitted from the site.</p> <p>Site monitoring, including numerous “out of hours” checks, was undertaken, which identified that activity at the site was commencing before the permitted hours. A Breach of Condition Notice was therefore served on the operator on 13 February 2014 in relation to the operation of the site outside permitted hours. Monitoring of the site since the Notice became effective was regularly carried out, which confirmed that the site was operating within the hours permitted.</p> <p>Noise monitoring was also undertaken, which indicated that there may have been a breach of the noise condition relating to the planning permission for the site. The operator requested a period of time, which was agreed, to conduct noise surveys to identify the plant/machinery causing the problem and to undertake some noise attenuation measures. The noise survey and subsequent noise attenuation measures were completed. Further noise monitoring was undertaken and the noise emitted from the site during the hours of operation was found to be within the permitted limits.</p> <p>Further monitoring of the hours of operation for the site has continued to take place and it is considered that the site is being operated within the permitted times. Breaches of planning control resolved and no further enforcement action is required. The site will be monitored in accordance with the Council’s Site Monitoring Policy.</p>
March 2014	Sunrise, Dodd’s Bank, Nutley	Importation, deposit and storage of scrap vehicles.	<p>A complaint was received that end of life vehicles were being imported into the site, deposited and stored. A joint site visit was undertaken with the Environment Agency, during the course of which a meeting was held with the landowners. Though a large number of end of life vehicles, and other scrap metal, were found at the site, it appeared that this activity had been taking place at the site for many years and was therefore considered immune from planning enforcement action. However the Environment Agency is working with the landowners to clear the site, and the County Council will maintain contact with the Environment Agency and keep a watching brief over the site to ensure that no other breaches of planning control arise.</p> <p>Further site visits have continued to be undertaken, which have noted that some clearance of the site has taken place. Regular contact has been maintained with the Environment Agency and the landowners, and monitoring of the site has continued.</p> <p>Given that the storage of scrap at the site is considered to be immune from planning enforcement, this matter is now closed as far as the County Council, as Waste Planning Authority, is concerned. However, in order to ensure that activity does not intensify, and to support to the Environment Agency in their efforts to clear the site, officers will continue to monitor the site.</p>

November 2014	13 North Row, Uckfield	Burying of waste	<p>A complaint was received that builder's waste generated from an authorised development at the site was being buried in the rear garden.</p> <p>A joint site meeting with the landowner and Wealden District Council was undertaken. There was no evidence seen at the site to support the complaint and the landowner stated that any waste generated during renovation work at the property had been removed from the site to an authorised place of disposal. No breach of planning control identified and no further action required.</p>
November 2014	The Rhinns, Cherry Gardens Hill, Groombridge	Importation and deposit of waste	<p>A complaint was received that waste builders' materials were being imported into and deposited at the site and a site visit was undertaken, which confirmed the substance of the complaint.</p> <p>A letter was sent to the landowner, who has stated that materials associated with his business have been taken back to the site over a considerable number of years, to the extent that the use is now lawful. The landowner will be submitting an application for a Certificate of Lawfulness of Existing Use or Development, and no further enforcement action is required at this time. However, the site will be monitored and contact maintained with the landowner to ensure that this course of action is followed.</p>

#### **NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN JANUARY AND MARCH 2015 AND RESOLVED.**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
January 2015	Seaford Head 6 <sup>th</sup> Form Annex, Steyne Road, Seaford	Breach of Condition	A complaint was received that the Annex to the 6 <sup>th</sup> Form College had been occupied by staff and students prior to the pre occupation conditions being discharged. A site visit was undertaken where it was found that the premises were in fact still in the process of being constructed and staff and pupils had not taken up occupation. No breach of planning control and no further action required.
January 2015	British Gypsum, Hollingrove Hill, Brightling	Unauthorised development	A complaint was received that fencing and gates had been erected at the site without the necessary planning consent having been sought. A site visit was undertaken which confirmed the substance of the complaint. Discussions were held with the operators, who decided not to pursue a planning application to regularise the breach of planning control, but instead to reduce the height of the fencing and gates to within levels where planning approval was not required (i.e. Permitted Development). A further site visit has been carried out and the fencing and gates have been reduced to a height which is considered to be within Permitted Development levels. Breach of planning control resolved and no further action required.
January 2015	Land at the junction of School Lane and Coach & Horses Lane, Danehill	Importation and deposit of waste soils	A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken which confirmed the substance of the complaint. A joint site visit and meeting with the operator was held, during which the operator explained that the works were being undertaken in order to repair damage to the field caused by heavy engineering plant and machinery used on the site by UK Power Networks when they buried a supply cable. The materials imported to the site were soils to complete the repairs and no more materials were to be imported into the site. Due to the weather, the site had become very wet and the soils were temporarily stockpiled and will be graded out when the weather and ground conditions improve. There appears to be no overall increase in the levels of the land and it is considered that no breach of planning control has occurred. No further action required.

January 2015	Land off A26, Herons Ghyll	Breach of Conditions	A complaint was received that the site was not being developed in accordance with the conditions attached to the planning consent, and that there were no wheel washing facilities at the site. Several site visits were undertaken and discussions held with the operator. It was confirmed that the site is being managed in accordance with the conditions attached to the planning consent and there are wheel washing facilities on site, which are being used by vehicles exiting the site. No breach of planning control and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.
January 2015	Green Lanes Farm, Camberlot Road, Lower Dicker	Importation, deposit and storage of waste	A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site, deposited and stored. A site visit was undertaken which confirmed the substance of the complaint. A joint site meeting was arranged with the landowner, and officers from the Environment Agency and Wealden District Council. The landowner explained that the hardcore was stored on site because he had intended to use it for the base of a new agricultural barn, and had been delayed in these works due to poor weather and other factors. The Environment Agency is requiring the clearance of the site and Wealden District Council has requested that the landowner submit a Certificate of Lawfulness in respect of part of the site (stockpiles of reclaimed materials). Therefore no further action required by this Authority, as Waste Planning Authority.
January 2015	Shovelstrode Racing Stables, Shovelstrode Lane, Ashurstwood	Importation and deposit of waste	A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken which confirmed the substance of the complaint. An unplanned site meeting with the landowner during the site visit confirmed that soils were being imported into the site in order to make an area of land useable for the horses on the site. The landowner agreed to immediately cease any further importation of soils into the site, pending the outcome of a joint site meeting with East Sussex County Council, Wealden District Council and the Environment Agency. At the point this meeting was held, the soils had been mixed with manure from the site and graded out over the area, which resulted in no significant raising of the land levels. In view of the apparent absence of harm, the cessation of any further importation of waste and the landowner seeking advice prior to any further similar activity, it was considered that no further enforcement action is required in respect of this matter.
January 2015	St Pauls C of E School, Horntyne Road, St Leonards-on-Sea	Breach of Conditions	<p>A complaint was received that workmen at the site were commencing work in the morning before the permitted hours of operation and that trees were cut down to facilitate pupil access to a temporary site entrance whilst the construction works were in progress.</p> <p>A site visit was undertaken and discussions held with the site foreman and the School's Business Manager. The hours of operation were not restricted by the planning permission and the works were not, therefore, a breach of planning control.</p> <p>With regard to the allegation regarding trees being felled at the temporary entrance, these were outside the School site and not subject to any restrictions from the planning permission granted for the School. The tree works were undertaken by Hastings Borough Council and involved coppicing. No breach of planning control and no further enforcement action required.</p>
February 2015	1 Stroma Gardens, Hailsham	Importation, deposit, storage and burning of builders' waste	A complaint was received that builders' waste was being imported into the site, deposited and either bulked up in a skip or burnt in the rear garden. A site visit was undertaken which identified the remnants of a small bonfire in the rear garden, although there was no evidence of any waste being imported into the site and bulked up. No breach of planning control identified and no further enforcement action required.

February 2015	Paul's Mini Skips, Chaucer Business Park, Polegate	Breach of Conditions (outside storage)	During a routine site monitoring visit to the site, it was found that there was a skip load of hardcore outside the building and that empty skips were being stored outside the building and above the permitted height level. Discussions were held with the operator and the breaches were pointed out to him. A timescale was given to remedy the breaches of planning control and bring the site back into compliance. A further site visit was undertaken, which confirmed that the site was now in compliance. 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.
February 2015	Darwell Beech Farm, Darwell Hill, Netherfield	Importation and deposit of waste	A complaint was received that hardcore was being imported into the site and deposited. A joint site visit was undertaken with the Environment Agency, which confirmed the nature of the complaint. Discussions held with the landowner who explained that the hardcore had been imported to the site in order to create a hard standing for farm and forestry plant, and machinery. This is considered to be development, but not a waste disposal operation. Not a County Matter and no further enforcement action required.
February 2015	Simla Cottage, Framfield Road, Blackboys	Importation, deposit and burning of waste	A complaint was received that waste materials, comprising wood, were being imported into the site and burnt. A joint site visit was undertaken with an officer from the Environment Agency and it was found that waste wood was being burnt on the site. Discussions held with the landowner, who explained that the waste wood was all generated from within the site from maintenance works. No breach of planning control identified and no further enforcement action required by this Authority.
February 2015	Land adjacent to Old Mill Cottage, Camberlot Road, Lower Dicker	Importation, deposit, storage and burning of waste	Officers attending an adjacent site noticed that a quantity of waste material was being burnt on the site. A joint site meeting was arranged with Wealden District Council, where the planning implications of the importation and burning of waste at the site were explained to the landowner. The landowner agreed to immediately cease any further importation and burning of waste. Other issues identified at the site relate to the conditions attached to a planning permission granted by Wealden District Council, who will monitor the site. No further enforcement action required.

#### **NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN JANUARY AND MARCH 2015 AND UNRESOLVED.**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
January 2015	Ocklynge School, Eastbourne	Unauthorised development	A complaint was received that a storage container on the site, which was subject to the grant of temporary planning permission (EB/3170/CC) and which required the removal of the container by 31 December 2014, was still on the site. A site visit was undertaken, which confirmed that the container had not been removed from the site as required. Discussions have taken place with Eastbourne Borough Council regarding the instigation of enforcement action to secure the removal of the container and action is ongoing in this respect.
January 2015	Pipers, Marl pits Lane, Ninfield	Importation, deposit and burning of waste	A complaint was received that waste materials were being imported into the site and burnt. A site visit was carried out, which proved inconclusive. The landowner has been traced and a site meeting arranged in order to ascertain what activities are taking place at the site.
January 2015	KPS Composting, Boathouse Farm, Isfield	Breach of conditions (site layout and volume of waste)	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. The Site Manager indicated that they would be seeking to vary the conditions which relate to the siting of the wood waste processing and the limitation on the quantity of waste materials, and an application is expected shortly.
February 2015	Golf Course Farm, Wivelsfield Green	Breach of conditions (wheel washing)	A complaint was received that the wheel washing facilities on the site appeared to be inadequate as mud was being carried out onto the public highway. A site visit was undertaken which confirmed the substance of the complaint. Discussions were held with site personnel and a timescale given for the wheel washing facilities to be improved. A site visit is scheduled for the near future to ensure that the wheel washing facilities are adequate and mud is not being tracked onto the highway.
February 2015	Mount Pleasant Garage, Ninfield Road, Bexhill	Unauthorised development: breaking of end of life motor vehicles	A complaint was received that end of life vehicles were being broken up at the site. A joint site visit was undertaken with the Environment Agency which confirmed the nature of the complaint. The landowner was identified and the planning and Environmental Permitting regulations explained to him. The landowner stated that he would cease the operations at the site and would clear the site of all vehicles and vehicle parts, and tidy the site up. A timescale to undertake those works was agreed and a further site visit will be undertaken to ensure compliance at the end of the agreed time period.
February 2015	Rushlake Green Pumping Station Number 2, Rushlake Green	Breach of Condition (landscaping)	A complaint was received that the planting condition attached to the planning permission for the development was not being complied with. A site visit was undertaken and the operator contacted for their maintenance schedule and details of recent site visits. The requested information has been submitted and is currently being considered to ascertain whether there have been any breaches of the landscaping requirements.
February 2015	Gladwish Farm, Catsfield Road, Ninfield	Importation and deposit of waste	A complaint has been received that waste has been imported into the site and deposited. A site visit was undertaken and discussions held with one of the landowners. The site has been subject to sporadic fly tipping over the recent past, which was dealt with by Wealden District Council. The quantity of hardcore observed on the site represented the last two loads of fly tipped material that had been deposited recently. Given the small quantity of hardcore, the landowner is intending to use this material to maintain tracks on the land. The site will be monitored to ensure that the materials are used as intended.
February 2015	Go Green Recycling, Owlsbury Business Park, Hadlow Down Road, Crowborough	Importation and deposit of waste	A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken which confirmed the nature of the complaint. Contact has been made with the operator and investigations are continuing.
March 2015	Kilwood Farm, Potmans Lane, Catsfield	Importation, deposit and burning of waste	A complaint was received that waste materials were being imported into the site and burnt. A joint site visit was undertaken with the Environment Agency, which confirmed the substance of the complaint. A meeting was held with the operator where the planning requirements and Environmental Permitting requirements were explained. The landowner agreed to immediately cease any further importation and burning of waste on the site and agreed to clear the site of imported waste. The site is being monitored to ensure that the landowner completes the clearance of the site as agreed.
March 2015	The Thorne, Ninfield Road, Bexhill	Importation, deposit and breaking up of end of life vehicles	This site was visited by officers tracing the landowner of Mount Pleasant Garage (see entry above) and whilst on the site it was noticed that there was a quantity of second hand car parts scattered across the land. Discussions were held with the landowner and a timescale agreed for the clearance of the site of these items. The site will be monitored



			to ensure compliance.
March 2015	Bridge Cottage, Rock Lane, Guestling	Importation, deposit and storage of waste	A complaint was received that soils were being imported into the site and used to create a dam on a pond. The dam was failing and this was risking damage to a Network Rail embankment. A site inspection was carried out which confirmed that the dam was failing. Contact was made with the landowner who stated that all the soils on the site had been generated from within the site, and none had been imported. A site visit has been arranged with officers from the County Council and Rother District Council in order to try and resolve this issue.
March 2015	Ringmer Primary School, Ringmer	Unauthorised development	A complaint was received that works had commenced on the site without planning permission having been issued. The planning permission (LW/3237/CC) had been approved by Planning Committee on 11 February 2015, subject to a Unilateral Undertaking. The Unilateral Undertaking had not been completed, and therefore planning permission had not been issued. A site visit was undertaken and discussions held with the Site Manager, who stated that the works being undertaken were preparatory works to construct the temporary haul road that would be required when the planning permission was issued. The Site Manager considered that the works carried out were not part of the planning permission as they were only temporary and would be removed on completion of the development and further enquiries are therefore being made. [NB – the Unilateral Undertaking has since been completed and planning permission issued.]

#### **NEW CASES WITHIN THE SOUTH DOWNS NATIONAL PARK AND UNRESOLVED**

January 2015	Offham Waste Water Treatment Works, Offham	Breach of Conditions	A complaint was received that an area used during the construction phase of this development had become waterlogged due to a drainage pipe becoming broken. A site visit was undertaken which confirmed the substance of the complaint. However it is not apparent from the site visit whether this pipe is dealing with drainage from within the field or from the adjacent highway. Enquiries are being made to trace the owner and resolve this issue, which technically may not fall within the remit of planning enforcement.
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#### **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>
June 2012	Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	<p>This site was noticed by officers visiting the area in connection with another matter. A local operator was approached, who admitted being responsible for importing some of the material on the site. A timescale to remove the material was agreed. However, the operator subsequently passed away. The deceased operator's brother took over the site and has been clearing the site of the waste imported by his brother. Given the circumstances surrounding this matter, the time period for him to clear the site has been extended on several occasions. Contact has also been maintained with the landowner, who has been continuing with the process of arranging for the removal of the imported waste materials.</p> <p>A further site visit is scheduled to be undertaken to assess the progress being made with the clearance of the site. Given the length of time that this matter has been outstanding, if little or no progress has been made in clearing the</p>

			site of the waste materials, consideration will be given to the service of an Enforcement Notice requiring clearance of the site.
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. The regularisation of the works to the car park and other development can now be progressed. A planning application was expected to be submitted shortly, but this has not happened and the matter will be chased up.</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 is his intention to clear the site of the imported waste.</p> <p>Officers, in conjunction with officers from the Environment Agency, continue 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 has commenced the phased removal of the waste from the site. Some waste has been removed and there has been no indication that further waste materials have been imported to the site.</p> <p>Clearance of the waste materials had been continuing, however the wet winter weather halted the clearance works as the ground where the waste is stored and the access to it have been waterlogged. It is hoped that with better weather the landowner can resume the clearance of waste from the site and further monitoring of the site will continue in conjunction with the Environment Agency.</p>
January 2014	Messens Farm, Potmans Lane, Bexhill on Sea	Breach of conditions (various)	<p>A complaint was received that the landowner was failing to comply with some of the conditions that were attached to the latest planning permission which relates to this site. A site visit was undertaken, which confirmed the substance of the complaint. A letter was sent to the agent for the landowner requiring the conditions to be addressed. However, the conditions were not complied with within the specified timescales and a Breach of Condition Notice was served on the landowner for breaches of Conditions 3, 9, 10 and 15 of planning permission WD/720/CM. Whilst there is no right of appeal against a Breach of Condition Notice, following the service of the Notice the landowner lodged an appeal with the Planning Inspectorate in respect of the Conditions 3, 9, 10 and 15 attached to the planning permission itself. Due to the submission of the appeal, the Breach of Condition Notice was put into abeyance pending the outcome of the appeal.</p> <p>The Planning Inspector dismissed the appeal and concluded that the conditions were necessary and reasonable. Consequently, formal enforcement action regarding the breaches of the conditions was resumed. The original Breach of Condition Notice was withdrawn and a new Breach of Condition Notice, with the same requirements as the previous one, re-issued. The requirements of the Notice were to be complied with by 18 July 2014</p>

			<p>The requirements of the Breach of Condition Notice were not been complied with, which is an offence. The site has been regularly monitored and no further waste materials have been imported into the site since November 2013, mainly due to the landowner being unable to obtain the necessary permit from the Environment Agency. A new permit application has been submitted to the Environment Agency and further action in relation to the Breach of Condition Notice is being held in abeyance pending the outcome of the permit application. In the meantime, monitoring of the site has continued to ensure that the importation of waste materials to the site does not resume until all outstanding matters are resolved.</p>
May 2014	Woodlands Composting Centre, Whitesmith	Breach of Conditions (noise and odour)	<p>A complaint was received that breaches of the conditions attached to the planning permission for the composting facility were occurring, specifically in relation to permitted noise and odour levels. A site visit was undertaken, which did not identify any odours, and contact was made with both the complainant and operator. The operator commissioned a noise survey for the site and has been monitoring the site to identify the source of any odour.</p> <p>Officers have continued to monitor the site, but have not observed any breaches of condition in respect of noise/odours emanating from the site. The operator is working with the complainant to try and resolve the issues that have been raised, and officers will continue to monitor the site.</p> <p>Monitoring of the site has continued since the original complaint and no issues of noise or odour have been noted. The operator is continuing to liaise with the complainant when a potential problem is identified. In the meantime, further monitoring will be undertaken by officers to ensure that no breaches of planning control occur.</p>
May 2014	Brooklodge Farm, Pottery Lane, Brede	Importation, deposit and processing of waste (hardcore)	<p>A complaint was received that waste materials, comprising hardcore and bricks, were being imported into the site and processed. A site visit was undertaken which confirmed the nature of the complaint. The landowner was contacted and he explained that the hardcore and bricks were generated from his demolition business and some of the hardcore was required to repair the tracks and gateways on the farm, and the remainder was sold. The landowner agreed to cease this activity on the site and a timescale for the clearance of the site was agreed.</p> <p>The site was not cleared within the agreed timescale and the landowner subsequently claimed that the activity had been taking place on the site for so long as to be immune from planning enforcement action. In order to ascertain whether a breach of planning control was occurring the landowners were served with Planning Contravention Notices.</p> <p>The landowner attended a "Time &amp; Place" meeting in connection with the Planning Contravention Notice and also submitted a written response to the Notice (failure to do so is an offence). The landowner contends that the activity has been taking place on the site for many years, certainly in excess of ten and is therefore immune from planning enforcement action. The landowner intends to submit an application for a Certificate of Lawfulness of Existing Use or Development.</p> <p>However, no application for a Certificate of Lawfulness has yet been submitted. A further site visit is to be carried out and contact will be made with the landowner.</p>
July 2014	Haulaway, Polegate Yard Summerhill Lane, Hailsham	Unauthorised development	<p>A complaint was received that a building had been erected on the site without the necessary planning permission being in place. A site visit was undertaken and a meeting held with the operator. The operator explained that he had installed a very expensive plastics baling machine at the site and the building was a temporary one to protect it from the elements and vandalism until planning permission for a new permanent building had been sought.</p> <p>The operator applied for planning permission (Reference WD/739/CM) for the permanent building and the application was considered by the Planning Committee on 15 October 2014. Planning permission was granted, subject to the</p>

			completion of a Legal Agreement. <i>See last entry in this section for further details on the current situation regarding this matter.</i>
July 2014	Sussex Waste Management, Whitworth Road, St Leonards	Breach of Condition (Outside storage of waste)	<p>A site monitoring visit was undertaken and the operator was found to have four skips outside the waste transfer building, containing sorted waste materials - which is a breach of the condition attached to the current planning permission for the site. The operator has been in pre-application discussions with the County Council with regard to the submission of a revised planning application which would address various planning issues at the site. Given the minor nature of this breach and the imminence of the new planning application, it is not considered expedient to take formal enforcement action at this time. This site and situation have been monitored and regular contact maintained with the operator.</p> <p>A planning application (HS/759/CM) has now been submitted and further information is currently awaited before the application can be validated and processed.</p>
July 2014	Down Barn Farm, Ninfield Road, Bexhill	Breach of Condition (Site layout)	<p>During a site monitoring visit, the site was found to be in breach of the planning condition relating to the site layout. The operator confirmed that his business has outgrown the site and that he was actively searching for more suitable premises from which to operate. The landowner agreed a timescale for the operator to vacate the site and on this basis it was not considered necessary to pursue formal action as the operator was looking to vacate the site, and the site has continued to be monitored by officers.</p> <p>The operator subsequently identified a potential new site in Eastbourne. A planning application (EB/751/CM) has been submitted and is being considered by the Planning Committee at Agenda Item 5.</p>
August 2014	Harbour Primary School, Newhaven	Development not in accordance with approved plans	A complaint was received that the temporary classrooms building erected at the site was not in accordance with the approved plans. Site inspections have been carried out, which indicate that the classrooms have been constructed in the correct location. An independent survey has been carried out to confirm the situation and the results are currently being analysed.
September 2014	Stonehouse Farm, Pilmer Road, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into and deposited at the site, before being buried. Contact was made with the landowner who stated that the importation of materials was in relation to a planning permission granted by this Authority in 2004 and that the works were all in accordance with that permission.</p> <p>A site meeting was held with the landowners. The works that have been undertaken (and that are required to complete the development) are in excess of the original permission, and therefore in breach of planning control. A revised planning application has been requested to encompass the unauthorised works that have already been undertaken and also the works that are necessary to complete the development. Officers are also working with the Environment Agency in relation to the site.</p> <p>As yet, no application has been submitted in respect of the unauthorised development of the site. Further contact is to be made with the landowner to request the submission of a planning application, or an update on their intentions regarding the breach of planning control.</p>
September 2014	Antye Farm, Theobalds Road, Burgess Hill	Importation, deposit, storage and bulking up of waste materials	A complaint was received that waste materials, comprising soil and hardcore and builders' and household waste, were being imported into this site, deposited, stored and bulked up. A site visit was carried out which confirmed the nature of the complaint.

			<p>Following discussions with the operator, it appeared that whilst the operator was away from work on holiday, his partner had imported and deposited the waste, before abandoning the site. Regular contact has been maintained with the operator and tenant farmer and the site is now being cleared of the imported waste materials.</p> <p>Regular monitoring of the site has continued. It is anticipated that the final clearance of the site will be completed within the second quarter of 2015, and the site will continue to be monitored to ensure compliance.</p>
October 2014	Harbour Primary School, Church Hill, Newhaven	Unauthorised development	<p>A complaint was received that three sheds had been erected on the edge of the School's playground. A site visit was undertaken and a meeting held with a member of staff. Two sheds had been erected on the edge of the playground with a third about to be constructed. The School was advised that these sheds required planning permission and it was agreed that a planning application to regularise this breach of planning control would be submitted.</p> <p>No planning application has been received in respect of this breach of planning control and further contact has been made with the School to progress this matter.</p>
October 2014	Land to the north of Mead Cottage, Crowhurst Lane, Catsfield	Importation, deposit and burning of waste materials	<p>A complaint was received that waste materials were being imported into this site and being burnt. A joint site visit was undertaken with the Environment Agency and a meeting held with the landowner. The landowner admitted allowing the site to be used for the importation and burning of waste. The landowner agreed to immediately cease the importation of waste into the site and requested time to be allowed to clear the imported waste from the site. The site has been monitored by officers from both the County Council and the Environment Agency to ensure that no further waste importation takes place and the site is cleared of the imported waste</p> <p>Further site visits have been undertaken and the landowner has made progress in the clearance of the site. Monitoring of the site will be continued to ensure the site is cleared.</p>
November 2014	Fir Tree Cottage, Heathfield Road, Halland	Importation, deposit and disposal of waste	<p>A complaint was received that waste materials, comprising soils and sub soils, were being imported into the site and deposited. A site visit was undertaken which confirmed the substance of the complaint. A joint site meeting was undertaken with the landowner, operator and the Environment Agency. The landowner explained that the purpose of importing the soils was to improve the drainage of the land. Given the relatively small quantity of waste involved and the apparent absence of harm, it was not considered expedient to require the waste soils to be removed from the site. Remedial works to be carried out have been specified.</p> <p>However, the weather has not been suitable to commence the remedial works. With the onset of spring and drier weather, it is hoped that the ground will dry out sufficiently to allow the remedial works to be undertaken and the site will be monitored.</p>
November 2014	187 London Road, Hailsham	Importation, deposit, processing and storage of scrap metal	<p>Despite previous breaches of planning control being resolved at this site, a further complaint was received stating that the site (a residential property) was again being operated as a waste transfer station for scrap metal. A site visit was undertaken which confirmed the nature of the complaint. Given the long standing issues with the site and the landowners' failure to permanently cease the unauthorised scrap metal activities, an Enforcement Notice was prepared and served on the landowner, and those with an interest in the land. The Enforcement Notice took effect on 18 January 2015.</p> <p>The period of time for compliance with the requirements of the Enforcement Notice expired on 15 February 2015. A site visit was carried out shortly after that. A very small quantity of scrap metal and other waste was still on site and it</p>

			was considered appropriate to give the landowners a short extension of time to comply with the requirements of the Enforcement Notice. The site will be visited shortly to see if it has finally been cleared and the Notice complied with.
November 2014	Flitteridge Farm, Splaynes Green, Fletching	Unauthorised development	<p>Officers undertaking a site monitoring visit noticed that a substantial engineering operation had taken place on the bund which encloses the slurry lagoon, involving the importation of a significant quantity of waste materials (soils). A letter was sent to the landowner's agent and a response received.</p> <p>A planning application (WD/750/CM) to regularise the works has been submitted and is currently under consideration.</p>
December 2014	Haulaway Ltd, Polegate Yard, Summerhill Lane, Hailsham	Unauthorised development	<p>A complaint was received that a large building was being erected on the site, which did not have planning permission. A site visit was undertaken which confirmed that a building was in the process of being erected. A meeting was then held with the site operator. The development being carried out was subject to a planning application (WD/739/CM), which had been reported to Planning Committee on 15 October 2014 and the application was approved subject to the completion of a Legal Agreement.</p> <p>However, the Legal Agreement had not been completed and a Decision Notice not issued. Technically, therefore, the development does not have the benefit of planning permission. The operator confirmed that the delay in signing the Legal Agreement was due to a delay in the purchase of a small piece of land. Due to the land ownership issues which were delaying matters, an extension of time for the completion of the Legal Agreement was agreed by the Planning Committee on 11 March 2015.</p> <p>It is understood that the transfer of land has now taken place and confirmation is awaited from the Land Registry before the Legal Agreement can be signed and the planning permission issued. In the meantime, the site is continuing to be monitored.</p>
<b>OUTSTANDING CASE WITHIN THE SOUTH DOWNS NATIONAL PARK SUBJECT TO ONGOING ACTION</b>			
March 2014	Court Farm, Falmer	Importation and deposit of waste.	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken which confirmed the nature of the complaint. Discussions were held with the landowner and a planning application (SDNP/14/03083/CW) to regularise the development submitted. However, the application was withdrawn by the applicant and a new, revised planning application was expected.</p> <p>A new revised planning application (SDNP/15/00790/CW) has now been submitted and is under consideration.</p>