

**TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE JANUARY 2020**

	<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
1/1	July 2015	Holley's Yard, Squires Farm Industrial Estate, Palehouse Common, 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 led matters and 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. The other director was arrested on a warrant and was sentenced at Lewes Crown Court to twelve months imprisonment. With both convictions, there was no requirement for the Directors to pay for the costs of clearing the land. Consequently, the waste wood remained on the site.</p> <p>The County Council became involved in the site again in 2015 and, in order to protect the Council's position and to avoid the unauthorised waste use becoming lawful, it was considered appropriate to serve an Enforcement Notice on the landowners, and interested parties, requiring the removal of the waste wood. An Enforcement Notice was therefore served on 2 February 2016. No appeal was made against the Enforcement Notice and it took effect on 4 March 2016. The waste wood was not removed from the site within the period specified in the Enforcement Notice and officers worked with the landowners in order to reach a satisfactory solution.</p> <p>A planning application (WD/820/CM) which sought to address the waste wood stockpile on the site was submitted in March 2019, but this was subsequently withdrawn by the applicant in September 2019. A second planning application (WD/836/CM) was submitted in October 2019, but was refused by the Planning Committee in February 2020. A further planning application (WD/842/CM) has now been submitted and is currently under consideration.</p> <p>Notwithstanding the position with the planning applications, officers were contacted by the landowner's agent and advised that the requirements of the Enforcement Notice had been complied with. A site visit was carried out which confirmed that the historic waste wood had been removed from the area of the yard covered by the Enforcement Notice.</p> <p>For the purposes of this case, the Enforcement Notice has been complied with and no further enforcement action is required.</p>
1/2	July 2019	Unit 8 Quarry Road Industrial Estate, Newhaven	Importation, deposit and breaking up of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into and deposited at the site, before being broken up for parts. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint. During this visit a meeting was held with the operator who confirmed that some vehicle breaking was taking place on the site.</p>

				<p>A timescale was agreed with the operator in order to clear the site of the end of life vehicles and, following the expiry of the timescale, officers from both the County Council and the Environment Agency undertook a joint site visit and held another meeting with the operator. Although the operator had not totally cleared the site, it was noted that significant progress had been made. A further timescale was agreed with the operator for him to complete the clearance of end of life vehicles.</p> <p>Officers continued to monitor the site and the operator has now cleared the end of life vehicles from the site and ceased breaking vehicles for their recyclable parts. The breach of planning control has therefore been resolved and no further action is required.</p>
1/3	August 2019	Pyrite Industries, C13 S.M. Tidy Industrial Estate, Ditchling Common	Breach of Conditions (processing outside the building and storage of waste)	<p>Officers attending the site in connection with another matter noticed that the site was not in compliance with planning conditions that are attached to the planning permission relating to the site. However, because the operator was at the time seeking planning permission for an alternative site in another area of the County it was decided not to institute formal enforcement action immediately, because should that planning application be successful, then the operator would be moving the operation from this site.</p> <p>The operator was therefore advised that the County Council would await the outcome of the planning application, but should the application be unsuccessful, then the County Council would expect the site to be returned to compliance with the planning conditions, or an application submitted seeking to regularise the changes that had taken place on the site. The planning application (WD/818/CM) for the alternative site was withdrawn by the applicant on 5 July 2019.</p> <p>The operator submitted a further planning application (WD/831/CM) for another site in East Sussex. Initially this was to be determined by the Planning Committee in January 2020 but was deferred to enable the applicant to propose further mitigation measures. The planning application was subsequently approved by the Planning Committee on 11 March 2020.</p> <p>The new site has recently been visited and works to prepare the site for operation are progressing well. Once the pre-occupation works have been completed, the operator will relocate to this new site, which will resolve the breach of conditions at the existing site. Given the significant progress that has been made on preparing the new site, it is not considered expedient at this time to take any further enforcement action. Should the relocation to the new site not go ahead, the case will be re-opened and investigated.</p>
1/4	September 2019	ATW Clearances, Quarry Road Industrial Estate, Newhaven	Unauthorised Waste Transfer Station	<p>A complaint was received alleging that a waste transfer operation was being run from the site. A site visit was carried out which confirmed the substance of the complaint. It was noted that a significant quantity of household waste was stored in the warehouse, and further waste was stored in a skip outside the building, and on two flatbed Ford transits parked in the yard outside the building. At the time of the initial site visit no one was present on site. Contact was subsequently made with the operator and a formal letter sent to him. Following a response from the operator and further discussions, a timescale for the site to be cleared and vacated was agreed.</p> <p>A final site visit has now been carried out, which confirmed that the site has been totally cleared by the operator and vacated. The breach of planning control has therefore been resolved and no further action is required.</p>

1/5	September 2019	Land adjacent to Kings Hill Bungalow, Hurst Green	Importation and deposit of soils	<p>A complaint was received that a significant quantity of soil has been imported into a field at this location. A site visit was carried out which confirmed the substance of the complaint. A letter was sent to the landowner and discussions undertaken. The landowner intended to use the soil, together with other materials from within their land, to create a bund and wildflower meadow and infill a ha-ha at the property. However, following discussions with Rother District Council, it was not considered that the various proposals could be supported. Alternative proposals were considered by the landowner, but not pursued.</p> <p>A further site visit has now been carried out, which confirmed that the soil had been removed from the site. The breach of planning control has therefore been resolved and no further action is required.</p>
1/6	October 2019	Land to the rear of Mead Cottage, Crowhurst Road, Catsfield	Importation, deposit and burning of waste	<p>A complaint was received that waste was being imported into this site and burnt. Numerous site visits have been carried out over a period of time and no evidence has been found to support the complaint.</p> <p>No breach of planning control identified, and no further action is required.</p>
1/7	December 2019	Reef Way, Hailsham, Site of SEMH school	Breach of Conditions (Noise and mud on the highway)	<p>A complaint was received that the site was not being developed in accordance with the conditions attached to the Planning Permission that relates to the site (WD/3400/CC).</p> <p>A site visit was carried out and discussions held with the contractor. The works undertaken are enabling works and the contractor has been reminded of the conditions attached to the planning permission.</p> <p>Further monitoring visits were undertaken and no breaches of planning control identified. No further enforcement action is required.</p>
1/8	December 2019	Ace Recovery, Downs Villas, South Heighton	Importation, deposit, storage and processing of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site and broken up. An initial site visit was undertaken which confirmed the details contained within the complaint. A joint site visit with an officer from Lewes District Council was then undertaken and a meeting held with the operator, who stated that it was his intention to submit a planning application to regularise the activity.</p> <p>A timescale was agreed for the preparation and submission of an application. Following the expiration of the timescale, no application had been received so a further site visit was undertaken. This further visit identified that there were no end of life vehicles on site and nothing to suggest that vehicles were being broken up for parts any more.</p> <p>Contact was made with the operator who stated that he had ceased the breaking up of vehicles for parts and instead had changed the focus of his business to the selling of vans and the servicing of vehicles.</p> <p>The breach of planning control has therefore been resolved and no further action is required.</p>

**TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2020 AND RESOLVED**

	DATE LPA BECAME	SITE	NATURE OF CASE	CURRENT POSITION
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	<b>AWARE OF BREACH</b>			
2/1	January 2020	Unit 24 Granary Business Centre, Broad Farm, Hellingly	Importation and breaking of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site, recyclable parts removed and then the remaining body shell scrapped. Offices made several visits to the site and did not see any evidence to support the complaint.</p> <p>No breach of planning control identified and no further action required.</p>
2/2	January 2020	Allied Waste Management, Squires Farm Industrial Estate, Easons Green	Breach of Conditions (outside loading of waste)	<p>A complaint was received that waste was being loaded into a skip outside of the waste transfer building, which if true, was a breach of Condition 4 of the planning permission that relates to the site (WD/737/CM).</p> <p>An unannounced site visit was undertaken by officers and a meeting held with the operators. The attending officer was shown security footage for the relevant time period alleged in the complaint, which clearly showed that no waste was being loaded into a skip outside the building. The footage showed a telehandler had been used to move an empty skip in the yard, which is not in breach of the relevant condition.</p> <p>No breach of planning control and no further enforcement action is required.</p>
2/3	January 2020	Units 9/10 Avis way, Newhaven	Importation and deposit of waste (Trommel fines)	<p>The landowners of this site, Lewes District Council, discovered that the padlock to the gates of the site had been removed and approximately 15 lorry loads of shredded waste had been deposited in the open areas of the site. The matter was reported to this Authority and a site meeting was held with officers from Lewes District Council.</p> <p>A subsequent site visit has been undertaken, which confirmed that all the imported waste materials have now been removed from the site.</p> <p>The breach of planning control has therefore been resolved and no further action is required.</p>
2/4	January 2020	Reef Way, Hailsham Site of SEMH school	Breach of Conditions (Construction Management Plan)	<p>A complaint was received which stated that there was a breach of the construction management plan, which is incorporated into Condition 7 attached to the planning permission (WD/3400/CC) that relates to the site.</p> <p>Officers discussed the matter with the site manager and undertook an unannounced site visit. This found no breaches of the planning conditions that relate to the site.</p> <p>No breach of planning control identified and no further action is required.</p>
2/5	January 2020	Hamsell, The Forstal, Eridge Green	Importation and deposit of waste (soils)	<p>A complaint was received that waste soils were being imported into and deposited at this site. A site visit was carried out which appeared to confirm the substance of the complaint. A joint site visit was then arranged, involving Wealden District Council, the landowner and the operator.</p> <p>The landowner explained that most of the soils were generated from approved developments within the site and the soils were deposited on the land to restore the land for agricultural purposes, and to maintain/repair the access track.</p>

				<p>It was deemed that the repairs to the access track were permitted development and as the deposits of soils had not materially raised the ground levels, and were for the benefit of agriculture, were also considered to be permitted development and therefore did not require express planning permission.</p> <p>No further action required by this Authority.</p>
2/6	January 2020	Allied Waste Management, Squires Farm Industrial Estate, Easons Green	Breach of Conditions (Approved Plans)	<p>A complaint was received that unauthorised development was taking place at the site by means of an extension to the open yard.</p> <p>The operators had, prior to the receipt of the complaint, contacted the County Council to advise that the site expansion would be taking place, and that this did not require a new planning permission as the site extension had already been covered in their original planning permission for the site (WD/737/CM).</p> <p>Officers visited the site and compared the extension of the yard to the approved plans for the planning permission for the site. It was found that the extension to the yard corresponded with the approved plans and was, therefore, covered by the extant planning permission for the site.</p> <p>No breach of planning control and no further enforcement action required.</p>
2/7	January 2020	Restharrow, Moat Lane, Sedlescombe	Importation and deposit of waste (soils)	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited.</p> <p>A joint site visit was arranged with an officer from Rother District Council, during which a meeting was also held with the landowner/operator. He stated that the soils were imported in conjunction with a housing development that has the benefit of planning permission from Rother District Council.</p> <p>The matter is being reviewed by Rother District Council to see if the housing development permission allows for this importation of soils. If not, Rother District Council has indicated that it will either request the landowner to submit an application seeking to regularise the deposit of soils, or require the removal of the imported materials.</p> <p>There is no further action required by this Authority in its capacity as Waste Planning Authority.</p>
2/8	January 2020	Reef Way, Hailsham Site of SEMH school	Breach of Condition (noise, vehicle movements and mud on the road)	<p>A complaint was received alleging that works at the site were causing excessive noise, lorries were parking in Reef Way and mud was being left on the road.</p> <p>A site visit was carried out and discussions held with the site manager. No vehicles associated with the development were observed parked in Reef Way. A wheel-wash was being used on the site and there wasn't any mud on the road. No excessive noise was detected at the time of the site visit. Following the site visit, a visit was made to the complainant, who was advised of the outcome of the officers' investigation.</p> <p>Following the initial complaint and site visit, numerous monitoring visits were undertaken. No breaches of planning control were identified and no further enforcement action is required.</p>

2/9	January 2020	Units 7a & 7b Quarry Road Industrial. Estate, Newhaven	Importation, deposit and breaking of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site, recyclable parts removed and then the remaining body shell scrapped.</p> <p>A joint site visit was undertaken with an officer from Lewes District Council and no end of life vehicles were found on the site. A meeting was also held with the operator, who stated that he sells vehicles on various internet pages and exports vehicles to Poland.</p> <p>No breach of planning control identified and no further enforcement action required.</p>
2/10	January 2020	Green Lanes Farm, Camberlot Road, Lower Dicker	Importation and deposit of waste materials	<p>A complaint was received by Wealden District Council that waste materials were being imported into the site and deposited. A joint site visit with officers from Wealden District Council was undertaken and a meeting held with the landowner and the landowner's planning agent.</p> <p>During the meeting the landowner explained that no waste had been imported into the site recently, it had all been imported many years ago and she was trying to clear the site of this material, which had meant that the materials had to be moved around the site to allow access for vehicles to remove it. The landowner confirmed that some end of life vehicles had been removed, but then an injury meant the removal works had to be postponed. Although recovered from the injury, ground conditions then prevented any further clearance works taking place.</p> <p>During the course of investigations, it was found that Wealden District Council has granted planning permission for this site and the removal of the waste is conditioned as part of that planning permission. The landowner restated her intention to remove this waste from the site and a timescale was agreed with her for this to be completed. Officers from Wealden District Council are monitoring the situation and continue to liaise with the landowner to ensure that the site is cleared as agreed.</p> <p>No further action is required by this Authority in its capacity as Waste Planning Authority.</p>
2/11	January 2020	Pekes Manor, Nash Street, Chiddingly	Importation and deposit of waste (soils)	<p>A complaint was received alleging that lorry loads of waste materials, comprising soils, were being imported into and deposited at this site. A joint site visit was carried out with an officer from Wealden District Council because that Authority had recently granted planning permission for a gazebo at the site. During the site visit it was noted that the gazebo had not been constructed in the location approved by the planning permission and that approximately 50 lorry loads of soil had been imported in order to facilitate this development.</p> <p>There is a Listed Building within the site and therefore permitted development rights did not apply in this instance. Therefore, Wealden District Council is requiring a full planning application to be submitted to them seeking to regularise this development.</p> <p>There is no further action required by this Authority in its capacity as Waste Planning Authority.</p>
2/12	February 2020	Greenacre Recycling, Titan Maritime, New Road, Newhaven	Breach of Condition (noise)	<p>A complaint was received that the site was being operated not in accordance with the requirements of the Environmental Noise Impact Assessment Report, which is contained within Condition 5 attached to the planning permission for the site (LW/767/CM). The specific complaint was that the roller shutter doors of the waste transfer building were left open when the waste processing plant was operating inside the building, thus allowing excessive noise to escape from the site.</p>

				<p>Several unannounced site monitoring visits were undertaken, but nothing was found that appeared to substantiate the details contained in the complaint. An unannounced visit to the site was also made and discussions held with site personnel, who were reminded of the requirements of the planning condition.</p> <p>No breach of planning control identified and no further enforcement action required.</p>
2/13	February 2020	Land on the south side of Skinners Lane, Catsfield	Importation, deposit and disposal of waste (soils)	<p>A complaint was received that waste soils arising from a housing development adjacent to the site were being deposited in the field to lessen the gradient. Complaints were also received alleging that because of these engineering works, nearby residential properties were being flooded by groundwater run off.</p> <p>Officers from the County Council attended the site on two occasions and spoke with the site manager, the issue concerning the flooding had been resolved by the reinstatement of a field ditch, which does not require planning permission.</p> <p>Given the relatively small quantity of inert materials involved, the apparent absence of harm and the fact that the flooding issue has been resolved, it is not considered that any further action is required. No further soils have been deposited in the field.</p>
2/14	February 2020	Summerfields House, Bohemia Road, Hastings	Importation and deposit of waste	<p>A complaint was received that waste was being imported and deposited at the site. A site visit was undertaken and there was no waste in the area indicated by the complainant, which is part of a garden of a residential dwelling house, which offers a bed and breakfast service.</p> <p>No breach of planning control identified and no further action required.</p>
2/15	March 2020	Land adjacent to The Fairway, Newhaven	Breach of conditions (parking of vehicles and mud on the road)	<p>A complaint was received that the contractors were breaching the conditions of their planning permission by parking vehicles on the verges of The Fairway, and by dragging mud from the site out onto the road surface.</p> <p>A site visit was undertaken, and it was found that the site in question was a housing development which had been granted planning permission by Lewes District Council. At the time of the site visit there was no mud on the road, which was being regularly swept by a mechanical road sweeper, nor were there any vehicles parked on the verge.</p> <p>The details of the complaint and the outcome of the site visit was passed to Lewes District Council, for their information/action as they may deem appropriate and no further action is required by this Authority in its capacity as Waste Planning Authority.</p>
2/16	March 2020	The Streams, Eight Acre Lane, Three Oaks	Importation and deposit of waste	<p>A complaint was received that the landowners were importing, depositing, and sorting building and construction waste from their building company on this site. A joint site visit was undertaken with an officer from Rother District Council. During the site visit a meeting was held with the landowners who admitted importing the waste in order to try and recycle as much as possible and to behave as an environmentally responsible company.</p> <p>The planning implications were explained to the landowners, who decided to immediately cease any further importation of waste from the site and to clear the waste that had already been imported.</p>

				Rother District Council are dealing with other planning issues at the site and will monitor the site to ensure that it is cleared as agreed. No further action required by this Authority.
2/17	March 2020	Holley Woodshavings, Squires Farm Industrial Estate, Palehouse Green, Easons Green	Unauthorised waste wood processing	<p>This alleged breach of planning control is directly linked to the record shown at 1/1 above.</p> <p>Complaints were received that waste wood processing was taking place at the site, despite the refusal of planning permission in February 2020. Due to the timing of the complaints and the Covid-19 restrictions, only limited site visits were initially possible. However, during the course of a site visit it was evident that processing was taking place. The unauthorised processing continued, and it was considered appropriate to take enforcement action. Consequently, a Temporary Stop Notice was served on the landowners/operators and other interest parties on 26 June 2020. The Notices were served both by post and by hand, and secured to the site. Following the service of the Temporary Stop Notice, the site was monitored on a regular basis and no processing was seen to be taking place.</p> <p>Further monitoring has continued and currently no waste wood processing is taking place on the site. The breach of planning control has therefore been resolved.</p>
2/18	April 2020	Land Adjacent to Redgate Mill WWTW, Eridge Lane, Rotherfield	Importation and deposit of waste	<p>A complaint was received alleging that waste was being imported into a field and deposited. A site visit was undertaken and no evidence of imported materials found. An area of land had been levelled and the soils distributed within the site.</p> <p>No breach of planning control identified and no further action required.</p>
2/19	April 2020	125 Eastbourne Road, Willingdon	Importation, deposit and storage of waste	<p>A complaint was received that waste materials, comprising household goods and other materials, were being imported into and deposited at this site. Contact was made with the Environmental Health Department of Wealden District Council to see whether a Community Protection Notice they had previously served on the landowner was still in effect. It was confirmed that the Notice was no longer applicable.</p> <p>Due to the Covid-19 restrictions it was not possible to undertake an immediate site visit, although photographs supplied to officers supported the complaint. Attempts were made to contact the landowner by telephone, with no success. A letter was therefore sent to him requiring the imported waste to be removed from the site and specifying a timescale during which the clearance should be completed. Subsequent site visits by both an officer from this Authority and separately by an officer from Wealden District Council's Environmental Health Department have found that the imported waste has been removed from the site.</p> <p>The breach of planning control has therefore been resolved and no further action is necessary.</p>
2/20	April 2020	Expert Skip Hire, Unit 3, Cradle Hill Industrial Estate, Seaford	Breach of pre-commencement conditions	<p>A complaint was received alleging that noise being generated from the site had significantly increased.</p> <p>The operator has planning permission to demolish the existing building and erect a new waste transfer building, however there are pre-commencement conditions which had not been discharged. An officer contacted the operator's planning agent to ascertain whether the operator had commenced demolition works at the site or whether the site working practices had changed in any way. The planning agent responded to state that demolition of the building had not commenced nor had the operator changed any of the working practices on the site.</p>



				<p>A site visit was carried out and the site monitored and no excessive noise was noted. The site visit also confirmed that works to implement the new planning permission had not commenced.</p> <p>Further contact was made with the complainant, who stated that the noise had reduced significantly and was no longer an issue.</p> <p>No breach of planning control and no further action required.</p>
2/21	April 2020	Rye College (Aquinas Trust), The Grove, Rye	Breach of Condition (access)	<p>A complaint was received that the school had erected a fence on land which the complainant believed was a breach of planning control and a breach of Highway Regulations.</p> <p>An officer from the County Council's Transport Development Control team examined this allegation in respect of Highway Regulations. This identified that the land did not actually form part of the highway but was land under the control of the school. Therefore, there was no breach of any Highway Regulations.</p> <p>Regarding the alleged breach of planning control, this was reviewed by officers. The fence is not adjacent to the highway and was considered to be permitted development, therefore not requiring specific planning permission.</p> <p>There is no breach of planning control, no further action required.</p>
2/22	April 2020	Tewitts Farm, Palehouse Common, Framfield	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site and had been used to create a bund along the southern boundary of the property.</p> <p>During investigations, officers found that Wealden District Council had previously refused a planning application for these works at this location within this site. Discussions were held with an officer from Wealden District Council and, as they were dealing also with other planning issues at this site, they agreed to incorporate this complaint into their investigation of the various matters.</p> <p>There is no further action required by this Authority in its capacity as Waste Planning Authority.</p>
2/23	May 2020	26 Levant Close, Stone Cross	Importation, deposit and bulking up of waste in a skip	<p>A complaint was received that waste materials, comprising building and construction waste, were being imported into the site and bulked up in a skip.</p> <p>Contact was made with the operator who confirmed the substance of the complaint in that the skip was originally intended to receive waste from his son's house. Once the household waste had been deposited in the skip there was still some capacity left. In order to use the skip fully and to be a responsible operator in disposing of the waste generated from his business, he decided to utilise the available capacity of the skip.</p> <p>The planning implications of such action and the Environmental Permitting requirements were explained to the operator, who immediately agreed to have the skip removed from the site and not have any more skips at this site for the reception of waste generated from his business.</p>

				A further site visit has been undertaken, and it was noted that the skip and building/construction waste has been removed from the site. The breach of planning control is therefore resolved, and no further action is necessary.
2/24	May 2020	Rocks Smallholding, Victoria Road, Windmill Hill	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 no evidence of the importation of waste materials was found.</p> <p>No breach of planning control identified and no further action required.</p>
2/25	June 2020	Mill Lane, Ripe	Importation and deposit of waste	<p>A complaint was received alleging that waste was being imported into a field and deposited, although no specific address or location was given.</p> <p>The whole length of Mill Lane has been searched twice by an officer and no trace of the waste has been found.</p> <p>No breach of planning control identified and no further action is necessary.</p>
2/26	June 2020	Born Again Plastics, Oak Ferrars Farm, Piltown	Breach of Condition (noise, dust and odour)	<p>A complaint was received that noise, dust and fumes were being generated from the site by the operator. The relevant planning permission (WD/719/CM) was reviewed, which confirmed that there were no conditions controlling any of the matters that were being complained about, and therefore there was no breach of planning control. Despite this, contact was made with the landowner who was unaware of the issues which had been complained about.</p> <p>Contact was also made with the two companies who operate from the site. One, a skip company, who was operating under the existing B2/B8 use on the site, agreed to source some sleeves for the chains on his skip lorries in order to reduce the noise from them clattering against the metal skips sides. In the meantime, he indicated he would tension the chains so that they were not loose.</p> <p>Regarding the other operator, who was operating under the planning permission granted by this Authority, he stated that he would undertake a repair to the building, which should help to reduce the impacts from his operations.</p> <p>The complainant was advised as to the actions undertaken and also referred to Wealden District Council's Environmental Health Department should the issues continue or recur.</p> <p>No breach of planning control for this Authority and no further enforcement action required.</p>
2/27	June 2020	155 South Road, Hailsham	Importation, deposit and bulking up of waste in a skip	<p>A complaint was received alleging that the landowner was bringing waste materials back to his home address and bulking it up in a skip before having the skip and waste removed. A site visit was undertaken and there was no skip on the site. However a significant quantity of waste had been stockpiled in the yard to the side of the property.</p> <p>A meeting was held with the landowner, who stated that there had been a skip on the site to manage his neighbour's waste, but he did admit that he had also used the skip to dispose of commercial waste generated by his business activities. The landowner indicated that this problem was, in part, caused by the Coronavirus</p>

				<p>pandemic as the sites he normally took his waste to had shut their doors at the start of the pandemic and refused to take waste other than their own.</p> <p>The landowner stated that he would get the waste stored in the yard removed and was given a period in which to undertake the clearance.</p> <p>A further site visit has been undertaken and all the imported waste materials have been removed from the site. Therefore, the breach of planning control has been resolved and no further enforcement action is necessary.</p>
2/28	June 2020	Deanland Wood Park, Deanland Road, Golden Cross	Importation, deposit and burning of green waste	<p>A complaint was received by Wealden District Council that waste materials were being imported into the site and burnt. A site visit was undertaken, during which a meeting was held with site personnel.</p> <p>The area in question is a woodyard which has been historically used to manage the woodland that forms part of the caravan park and to burn green waste created on the caravan park site itself. It was confirmed that the site has a T7 Exemption from the Environment Agency to cover the burning of site derived green waste. The site personnel also stated that the woodyard had been used for this purpose for approximately 40 years, and this appeared to be borne out by what was seen on the site and research of aerial photographs. They were advised regarding the possibility of submitting a Certificate of Lawfulness of Existing Use or Development and what was required in that application.</p> <p>This activity appears to have become immune from planning enforcement action through the passage of time and no further action is possible.</p>
2/29	June 2020	8 Grovelands Road, Hailsham	Importation and deposit of waste	<p>A complaint was received that the landowner was importing scrap metal into the site and then bulking it up before removing it to an authorised waste transfer station.</p> <p>A site visit was undertaken, during the course of which a meeting was held with the landowner, where the planning implications were explained to him. The landowner immediately agreed to clear the site and requested a short time period in which to be allowed to do so. Shortly after the agreed time period had expired, a further site visit and meeting with the landowner was undertaken. This confirmed that all the imported scrap metal had been removed from the site.</p> <p>The breach of planning control has therefore been resolved and no further action is required.</p>
2/30	July 2020	Eco Skip Waste & Recycling, Oak Ferrars Farm, Piltdown	Importation and deposit of waste	<p>Officers attended the Farm in connection with another matter noticed that waste had been imported into the site and was stored in skips. The attending officers contacted the landowner who then attended the site where the breach of planning control was pointed out to him. A timescale for the removal of the waste materials was agreed with the landowner, who then instructed his tenant to clear the site.</p> <p>A site visit was undertaken shortly after the expiry of the agreed timescale and it was noted that all the imported waste materials and skips had been removed from the site.</p> <p>Breach of planning control resolved and no further enforcement action is required.</p>

2/31	July 2020	Messens Farm, Potmans Lane, Bexhill- on-Sea	Importation and deposit of waste	<p>A complaint was received alleging that waste materials, comprising soils, were being imported into and deposited at this site. A site visit was undertaken, during the course of which a meeting was held with the landowner.</p> <p>The landowner explained that there was a section of land on his property which had, prior to his ownership, been used to deposit waste. In removing the waste from the site, the area had become very disturbed and he was unable to use farm machinery on the site. Soils were brought in to even out the area and then the landowner was going to reseed it with grass seed.</p> <p>It was noted during the site visit that the level of the land had not been materially raised and that the soils that were being imported into the site appeared to be of good quality and suitable for the intended use.</p> <p>It is likely that if the landowner had requested pre-application advice prior to the works commencing, then it would have been considered that these works were reasonably necessary for the benefit of agriculture and, therefore, would have been permitted development.</p> <p>No demonstrable harm has been caused and it is not considered that any further enforcement action is required.</p>
2/32	August 2020	KG Mini Skips, Unit 35 Granary Business Centre, Broad Farm, Hellingly	Importation, deposit and storage of waste	<p>A complaint was received that skips loaded with waste were being imported into and deposited at this site. A site visit was carried out which confirmed the substance of the complaint.</p> <p>A meeting was held with the operator and the requirements relating to planning permission and Environmental Permitting was explained to him. The operator stated that he would be pursuing a planning application for undertaking the waste activity on the site, but until the planning application had been submitted and decided, he would clear the site of the imported waste and not import any more waste. The operator advised that he would just use the site to store empty skips and his vehicles, which is permitted under the current use class for the site and does not require specific planning permission from this Authority.</p> <p>A follow up site visit was undertaken which confirmed that all the waste has been cleared from the site. Although no planning application has been submitted, the breach of planning control has been resolved and no further enforcement action is required.</p>
2/33	August 2020	Messens Farm, Potmans Lane, Bexhill on Sea	Breach of Condition (private use of manège)	<p>A complaint was received that a horse manège, granted planning permission by the County Council (WD/720/CM), was being used as a commercial livery/riding school.</p> <p>A site visit was carried out and no advertising signs or evidence of commercial use were found in the vicinity. Checks were also made on the internet and other media and no trace of any advertisements promoting a commercial livery or riding stables at this site was found.</p> <p>No breach of planning control identified and no further action required.</p>
2/34	August 2020	Seahaven Academy, Southdown Road, Newhaven	Breach of Condition (vehicle routeing)	<p>A complaint was received stating that vehicles associated with a development at Seahaven Academy were using Southdown Road, which it was alleged was a breach of condition.</p>

				<p>A site visit was carried out and the access road to the site monitored. Whilst it was clear that some of the vehicles driving along the road were associated with the development site, equally there were other vehicles that were not, and were either local residents going to or from their houses, or attending the area for another reason, not connected with the school development. Southdown Road is the only access to the school site and there are no restrictions attached to the planning permission regarding using this access. The road was also checked for any restrictions, such as weight limits, and none were displayed.</p> <p>No breach of planning control and no further action required.</p>
2/35	September 2020	Small Grove, Rotherfield Hill, Crowborough	Importation, deposit and bulking up of waste in a skip	<p>A complaint was received that a skip at the site was being used to receive waste materials brought into the site from (off-site) works carried out by the landowner's building company. A site visit was undertaken which confirmed that there was a skip on the site, which contained building and construction waste and what appeared to be some household waste.</p> <p>A site meeting was held with the landowner, who stated that the skip was on site to receive waste generated from the construction of an en-suite bathroom at his property. This was confirmed when the landowner showed the attending officer the room where the bathroom was being constructed.</p> <p>No breach of planning control and no further action required.</p>
2/36	September 2020	83 Priory Road, Eastbourne	Importation, deposit and storage of waste	<p>A complaint was received that waste materials were being imported into and deposited in the front and rear gardens of the property. A joint site visit was undertaken by officers from this Authority and Eastbourne Borough Council. The site visit confirmed that there was waste stored in both the front and rear gardens of the property. However, there was nothing to identify the origins of the waste, and the waste could have been generated from within the site itself and not imported.</p> <p>It was agreed that the most appropriate course of action would be for Eastbourne Borough Council to deal with this matter using the powers afforded to them by Section 215 of the Town and Country Planning Act 1990 and the Community Protection Warning and Notice system under the Anti-Social Behaviour, Crime and Policing Act 2014.</p> <p>No further action is required by this Authority in its capacity as Waste Planning Authority.</p>
2/37	September 2020	Newhaven Port Access Road, Newhaven	Deposit of construction waste into Mill Creek	<p>A complaint was received that waste material arisings from the Newhaven Port Access Road development were being deposited in Mill Creek. A site visit was undertaken and a meeting held with the Project Manager. Mill Creek was examined at low tide and there was no evidence of any waste being deposited in the creek.</p> <p>No breach of planning control and no further enforcement action required.</p>
2/38	September 2020	Sussex Aggregate Supplies Ltd, Station Road Industrial Estate, Hailsham	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, during the course of which a meeting was held with the operator, who admitted importing a small quantity of topsoil from a local landscape gardening operation. This material has since been removed from the site.</p> <p>The requirements for planning permission and an Environmental Permit were explained to the operator, who stated that he would not import waste soils into the site in the future.</p>

				The breach of planning control has therefore been resolved and no further action is required.
2/39	September 2020	Sweethayes Farm, London Road, Hurst Green	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 and a meeting held with one of the directors of the company undertaking the development, who stated that the works were in connection with a development granted planning permission by Rother District Council. It would appear from online records that planning permission has not yet been granted for this development by the District Council.</p> <p>As these works are in connection with the planning application being dealt with by another authority, the matter has been referred to Rother District Council for information/action as they deem appropriate. No further action is required by this Authority.</p>
2/40	September 2020	Trojan Rose Ltd, Sussex Barn, New Road, Hellingly	Importation, deposit and bulking up of waste in a skip	<p>A complaint was received that waste materials were being imported into the site and bulked up in a skip. A site visit was undertaken, during the course of which a meeting was held with the Managing Director of the company.</p> <p>The company is engaged in the maintenance, repair and installation of roofs on large commercial premises and as such use skips on their client's sites to dispose of waste generated during that work. During the visit it was noted that there was one skip on the site which was being used for waste generated from the site, and also contained a small quantity of roofing waste.</p> <p>There is no planning issue with the skip being used for waste generated from the site or as an incidental use of the site. Therefore, there is no breach of planning control and no further enforcement action required.</p>

**TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2020 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>
3/1	January 2020	Meadow Farm, Road Hill, Isfield	Importation and deposit of Waste (soils and hardcore)	<p>In 2018 a complaint was received alleging that lorry loads of waste materials, comprising soils and hardcore, had been imported into the site and deposited. Joint site visits were undertaken with officers from the Environment Agency and Wealden District Council, and meetings were also held with the landowner and operators. Wealden District Council invited an application which sought to retain the deposited materials on site to be used in several engineering operations. That authority eventually decided that they could not entertain such an application and returned the application and fee to the landowner.</p> <p>The matter was been referred back to the County Council to deal with as a County Matter. Officers held an initial site meeting with the landowner (February 2020). At that time the whole area was so waterlogged as to be impassable, and the removal of the materials was not feasible. Since the initial meeting, the</p>

				<p>Coronavirus Pandemic has prevented further progress in this matter. However, contact is to be resumed with the landowner in order to progress matters.</p>
3/2	February 2020	Perrylands Farm, Hackhurst Lane, Lower Dicker	Importation, deposit storage and burning of waste	<p>A complaint was received alleging that waste was being imported, deposited and burnt at this site. An initial site visit was carried out and a very small bonfire site was found, along with a deposit of hardcore.</p> <p>There were other planning issues identified on the site which fall within the remit of Wealden District Council. Accordingly, a joint site visit was arranged with an officer from Wealden District Council for Wednesday 1 April, but this was delayed due to the Coronavirus Pandemic emergency procedures, and further action is currently pending.</p>
3/3	March 2020	Quarry Cars, Unit 5B Quarry Road Industrial Estate, Newhaven	Importation, deposit and breaking of end of life vehicles	<p>Officers attending the Industrial Estate in connection with other matters noticed what appeared to be end of life vehicles being stored on the site. At the time of the initial visit no one was on site.</p> <p>A subsequent site visit found the operators on site, who explained that they were a garage that serviced vehicles, but a significant element of their business was recycling parts from end of life vehicles and scrapping the remaining body shell. The requirements for planning permission and Environmental Permitting was explained to the operators who decided that because the site is on a very short-term lease, and the landowner is seeking planning permission to re-develop the site, they would not be seeking to regularise this breach of planning control through a planning application.</p> <p>Therefore, a timescale has been agreed with the operators to clear the site, and the site will be monitored to ensure compliance.</p>
3/4	May 2020	Ken Fowler Demolition, The Barn, Nabscott Farm, Lower Dicker	Importation and deposit of waste (bricks)	<p>A complaint was received that waste materials, comprising bricks, were being imported into and deposited at the site. An initial site visit was undertaken which did not find anything to support the complaint.</p> <p>The site has the benefit of a planning permission granted by Wealden District Council and a joint site visit is to be arranged with an officer from Wealden District Council. However, it is understood that Enforcement Officers from that Authority are not currently undertaking site visits, or only very limited site visits, due to the Covid-19 pandemic, and further action is therefore pending.</p>
3/5	June 2020	Binkys Farm, Station Road, Buxted	Importation and deposit of waste soils	<p>A complaint was received that waste soils were being imported into the site and deposited, before being formed into a bund along the bank of the River Uck. The site is part of the river flood plain.</p> <p>Although an initial site visit has been undertaken by officers from this Authority, a joint site visit with an officer from Wealden District Council and a site meeting is to be arranged with the landowner to fully assess the situation. However, it is understood that Enforcement Officers from that Authority are not currently undertaking site visits, or only very limited site visits, due to the Covid-19 pandemic, and further action is therefore pending.</p>

3/6	June 2020	Land off Langley Close, Bexhill-on-Sea	Deposit of waste	A complaint was received that waste materials were being tipped on an area of land behind residential garages. A site visit was carried out, which identified that a large amount of domestic and construction waste had been deposited. Land adjacent to the site is currently being developed for housing, which has created a secluded area which could be attracting fly-tipping. Attempts are being made to contact the owner of the land where the waste has been deposited.
3/7	July 2020	Born Again Plastics, Oak Ferrars Farm, Pittdown	Breach of Conditions (outside storage)	Officers attending the site in connection with another matter noticed that waste plastics were being stored outside the area permitted by the planning permission that relates to the site (WD/719/CM).  A meeting has been held with the operator and a timescale agreed for him to return the site to compliance with the planning condition. The site will continue to be monitored to ensure compliance.
3/8	July 2020	Rideout Agricultural, Dunly Wood, Cross-in-hand	Importation, deposit and processing of waste	A complaint was received that waste materials were being imported into the site, deposited and processed. An officer undertook an initial site visit but was refused entry to the site by the operator. Contact was made with the landowner and a site meeting arranged. During the course of the meeting with the landowner, the substance of the complaint was confirmed.  The landowner was provided with an "in principle" view that a planning application seeking to regularise the use of the site would be unlikely to be supported. However, the landowner stated that he would support the operator's application seeking to regularise this breach of planning control.  A planning application (WD/847/CM) has now been received and is currently being processed.
3/9	August 2020	AM Skip & Plant Hire, Hazelbank, London Road, Maresfield	Breach of Conditions (noise and dust)	A complaint was received alleging that the site, which has the benefit of a planning permission (WD/327/CM) granted by this Authority, was not being operated in accordance with the conditions that are attached to the planning permission.  A period of unannounced site monitoring has been undertaken, which confirmed most of the details contained within the complaint.  A meeting has recently been held with the operator who requested, and was granted, a period in which to take remedial action to bring the site back into compliance with the planning conditions. The site will continue to be monitored during this period.
3/10	August 2020	58 Windsor Way, Polegate	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, during the course of which a meeting was held with the landowner. It was noted that there was a significant quantity of scrap metal stored within a building at the site.  A timescale has been agreed for the removal of this scrap metal from the site. During this period the site will be regularly monitored by officers to ensure that the removal of the scrap is being progressed.
3/11	August 2020	187 London Road, Hailsham	Importation, deposit and storage of waste	A complaint was received that waste materials were again being stored in the rear garden of this site. The County Council had previously dealt with matters at this site, which resulted in the service of an Enforcement Notice in 2015, and which is still extant.



				<p>A site visit was undertaken which confirmed the substance of the complaint. A letter was sent to the landowner, reminding him of the existence of the Enforcement Notice and providing him with a short timescale in which to return the site to compliance with the requirements of the Enforcement Notice. The landowner was also reminded that it is an offence to breach the Enforcement Notice and that he has previously been convicted of this offence.</p> <p>A further site visit has been carried out and it was noted that some of the waste had been removed from the site. Due to various circumstances, the landowner has written requesting an extension of time to complete the removal of the waste removal. This request has only recently been received and is being considered.</p>
3/12	September 2020	Firgrove Business Park, Firgrove Road, Cross-in-Hand	Importation, deposit, storage and breaking of end of life vehicles	<p>A complaint was received that end of life vehicle were being imported into the site, and then being broken for their recyclable parts, before the remaining chassis was scrapped. A site visit was undertaken which confirmed the substance of the complaint.</p> <p>A meeting has been held with the landowner, and a timescale agreed for him to either submit a planning application seeking to regularise the activity or to clear the site of end of life vehicles. This timescale has only just commenced and the site will continue to be monitored.</p>
3/13	September 2020	Land off Eastbourne Road, Pevensey Bay	Disposal of liquid waste to land.	<p>A complaint was received that tankers were disposing liquid waste to land at this location. An initial site visit has been undertaken and the Environment Agency have also been informed. Further enquiries are currently being undertaken.</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>
4/1	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 solely from the farm, no animal carcasses are to be imported to the site.</p> <p>A planning application (RR/823/CM) was submitted in April 2019 for the retention and use of the incinerator but was subsequently returned due to insufficient information. A further planning application (RR/826/CM) was submitted, which proposed an alternative location for the incinerator. However, following representations made to the application, the applicant withdrew the application in October 2019 and had been considering further alternative locations within the site.</p> <p>Previously, the incinerator has not been in use and no further action was necessary. However, a complaint has recently been received alleging that the incinerator has been commissioned and is now operating.</p>

				Further enquiries are being made to ascertain the current situation regarding the positioning and use of the incinerator.
4/2	April 2019	Land adjacent to Appletree Cottage, Staplecross	Importation and deposit of waste	<p>A complaint was received that building and construction waste was being imported into and deposited at this site. A site visit was undertaken which confirmed the substance of the complaint. A letter was sent to the landowner explaining the need for planning permission and that such an application was unlikely to be supported given the site's location within the countryside and the High Weald Area of Outstanding Natural Beauty.</p> <p>Despite officers advising that the proposal would be unlikely to be supported, the landowner proceeded to submit a planning application seeking to regularise the breach of planning control. The application (RR/828/CC) was considered by the Planning Committee on 18 December 2019 and planning permission was refused. The Committee resolution included undertaking enforcement action to secure the removal of the waste materials and an Enforcement Notice was served on the landowners on 20 December 2019. The Notice required the cessation of the importation of waste; the removal of the waste; and the restoration of the site, including the replacement of the hedgerow that was removed to facilitate the deposit of the waste.</p> <p>The landowner submitted appeals against both the refusal of planning permission and the Enforcement Notice and both appeals were dealt with through the written representations procedure. The Planning Inspectorate dismissed both appeals but varied the period for compliance with the Enforcement Notice to November 2021 (from November 2020). This extension of time was considered necessary to avoid extensive works being undertaken during periods which may affect protected species.</p> <p>The site will continue to be monitored to ensure that the requirements of the Enforcement Notice are fully complied with.</p>
4/3	July 2019	Land at Battle Wood, Mountfield	Importation and deposit of waste (soils)	<p>A complaint was received that a local resident had excavated a highway bank and had deposited the soils onto land belonging to another person. A joint site visit was undertaken with officers from Rother District Council and East Sussex Highways, which substantiated the nature of the complaint.</p> <p>Officers contacted the landowner where the waste was deposited, who subsequently placed the matter in the hands of his own solicitor, who wrote to the local resident requiring him to remove the imported waste from the landowner's land.</p> <p>After contact with the landowner, Rother District Council served two Enforcement Notices in respect of the unauthorised engineering works to the highway bank. The recipients of the Notices submitted appeals against the Notices to the Planning Inspectorate and the appeals were dealt with through the written representations procedure.</p> <p>Rother District Council has received the Planning Inspector's decision, which was to vary some of the requirements of the Enforcement Notice and to dismiss the appeal. The appellant now has to restore the highway bank, and during this restoration the deposited materials at this site may be used in the reconstruction. Officers are continuing to monitor the situation and liaise with Rother District Council.</p>

4/4	August 2019	Penfold Driveways, AS Farm, The Warren, Crowborough	Importation, deposit and processing of waste (soils and hardcore)	<p>A joint site visit undertaken by officers from this Authority and the Environment Agency found that a significant quantity of waste materials, comprising soils, sub-soils and hardcore, had been imported into the site and deposited. The soils were being processed on site by means of a screener. A letter was sent to the operator requesting details of the nature and purpose of the activity and a response was received.</p> <p>Since the previous correspondence, further contact was made with the operator, who advised the Environment Agency that some key people involved in the company had suddenly left and set up a rival company, leaving the operator to sort out the issues at this site. Further discussions were ongoing regarding agreeing a timescale for the removal of the materials.</p> <p>Due to earlier wet weather and then the subsequent Coronavirus Pandemic, it has not been possible for the landowner to remove any of the waste from the site and there may well be further delays in commencing the waste removal. Officers will continue to monitor the site and liaise with the Environment Agency.</p>
4/5	August 2019	New Look Driveways, AS Farm, The Warren, Crowborough	Importation, deposit and storage of waste (soils and hardcore)	<p>As with the above site, a joint site visit undertaken by officers from this Authority and the Environment Agency found that a significant quantity of waste materials comprising soils, sub-soils and hardcore had been imported into the site and deposited. The soils appeared to be being processed on site. A letter was sent to the operator requesting details of the nature and purpose of the activity.</p> <p>A further site meeting with the operator was held and the operator admitted that the waste had been imported into the site from clients' sites and stated that he wanted to remove this imported waste from the site. A timescale for the waste removal was agreed with the operator.</p> <p>Although the time period for the removal of the imported waste has now expired, the current Coronavirus Pandemic has delayed the removal of the waste and therefore an extension of the timescale is required. Officers will continue to monitor the site and liaise with the Environment Agency.</p>