

Committee	Regulatory Planning Committee
Date	13 October 2021
Report by	Director of Communities, Economy and Transport
Subject	Development Management Update
Purpose	To inform Members about matters relating to planning enforcement undertaken under delegated powers for the period between 1 June 2021 and 30 September 2021 and provide an update on appeals.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 June 2021 and 30 September 2021, inclusive, there were twenty six new complaints about alleged breaches of planning control. Of the new cases, sixteen were resolved within the reporting period and three older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of September 2021 was sixteen. This represents an increase of seven in the number of cases that were outstanding at the end of the previously reported period (1 October 2020 – 31 May 2021). Despite an increase in the number of outstanding cases, this is still an encouragingly low number and is manageable.

1.2 In respect of specific cases, officers have been dealing with a case at 187 London Road, Hailsham. The history of the site is that waste materials, in particular scrap metal, had been imported and were being stored in the garden and at the rear alley of the residential property. An Enforcement Notice was served on the landowners in 2014, which required the cessation of the importation and storage of waste and its removal. The requirements of the Enforcement Notice were not complied with and the landowners were prosecuted in 2016. Despite the landowners pleading not guilty and the matter going to trial, they were found guilty and fined. Following this successful prosecution, further breaches of the Enforcement Notice occurred and waste was again stored at the site. In this instance, it was considered that a further prosecution would not secure the clearance of the site and the Council exercised its default powers and undertook Direct Action in 2017 to clear the site of the waste. This resolved the breach of the Enforcement Notice at that time.

1.3 Although the requirements of the Enforcement Notice were met, it remained extant – despite it having been served in 2014. Consequently, when complaints were received in 2020 regarding further waste being imported and stored at the site, and investigations confirming this, a breach of the Enforcement Notice occurred, which continues to be a criminal offence. Despite the landowner being requested to clear the site, he chose not to do so and the Council decided to prosecute him once again. The landowner was Summoned to appear before Hastings Magistrates' Court in June 2021 (deferred date from January 2021), but he failed to appear. The Magistrates issued a warrant for his arrest, without bail, and the landowner was arrested and appeared at Brighton and Hove Magistrates' Court on 19 July 2021, where he pleaded guilty to the offence of breaching the Enforcement Notice. The Judge deferred sentencing for two months, to allow the landowner a further opportunity to clear the waste from the site. Prior to the sentencing hearing, officers

undertook a site visit, which noted that the site had been cleared. At the hearing on 20 September 2021 the landowner was sentenced to a fine of £1,000, ordered to pay costs of £1147.17 and also a £100 victim surcharge.

1.4 The particular case above demonstrates that although an Enforcement Notice may have been served a number of years ago, it remains extant and the Council can, and will, take steps to ensure continued compliance with an Enforcement Notice.

1.5 Appendix 1 of this Report provides details of cases resolved and received within the period 1 June 2021 and 30 September 2021, 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. Appeals

2.1 There is currently one outstanding appeal, which is in relation to the refusal of planning permission for a waste wood recycling operation at Holley's Woodshaving, Squires Farm Industrial Estate, Palehouse Common. This application was refused by the Planning Committee in February 2020. Initially the appeal was to be dealt with through the written representation procedure, but this was changed by the Planning Inspectorate to a Hearing. The Hearing is due to take place on 20 October 2021, at County Hall, and is scheduled to last for one day. Third parties have been notified of the Hearing and may attend if they wish, although their participation is at the discretion of the appointed Inspector. Members will be updated on progress in future reports.

3. Contact Officers

3.1 Members with any queries about enforcement matters should contact either Sarah Iles (01273 481631) or Robert Shapter (01273 335218). Members with queries relating to the appeal should contact either Jeremy Patterson (01273 481626) or Sarah Iles.

RUPERT CLUBB
Director of Communities, Economy and Transport
04 October 2021

Local Members: All

BACKGROUND DOCUMENTS

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

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED BETWEEN 1 JUNE 2021 AND 30 SEPTEMBER 2021

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
1/1	August 2020	187 London Road, Hailsham	Importation, deposit, and storage of waste	<p>A complaint was received that waste materials were again being stored in the rear garden of this site. The County Council previously dealt with matters at this site, which resulted in the service of an Enforcement Notice in 2014, and which is still extant.</p> <p>Following the complaint, 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 was an offence to breach the Enforcement Notice and that he had previously been successfully convicted of this offence.</p> <p>A further site visit was carried out and it was noted that some of the waste had been removed from the site. Due to various circumstances, the landowner wrote to officers requesting an extension of time to complete the removal of the waste. An extension of time was granted and, after this had expired a further site visit was carried out. There was still waste being stored within the rear garden of the property, which continued to be in breach of the Enforcement Notice and therefore a criminal offence. Consequently, the landowner was Summoned to appear at Hastings Magistrates for failing to comply with the requirements of the Enforcement Notice. This case was initially listed for hearing on 29 January 2021 but was deferred to 29 June 2021 because of the backlog of cases caused by the lockdown restrictions imposed to fight the Coronavirus pandemic.</p> <p>Prior to the revised date for the Court hearing, the landowner was given a further opportunity to clear the site, on the basis that if this was done by 11 June 2021, then the County Council would discontinue proceedings against him.</p> <p>Regrettably, the landowner did not comply by clearing the site and was Summoned to</p>

				<p>appear at Hastings Magistrates Court on 29 June 2021. The landowner then failed to appear at Court on that date and an arrest warrant without bail was issued.</p> <p>The landowner was subsequently arrested on the warrant on 19 July 2021 and appeared at Brighton & Hove Magistrates' Court on 19 July 2021, where he pleaded guilty. The case was then remanded until 20 September 2021, with the Court providing a final opportunity for the landowner to clear the site of the imported waste or risk being committed to Crown Court, which has greater powers of sentencing.</p> <p>Officers from the County Council undertook a site visit just prior to the Magistrates' Court hearing and were satisfied that the site was again in compliance with the requirements of the Enforcement Notice.</p> <p>On 20 September 2021 the landowner appeared at Brighton & Hove Magistrates' Court for sentencing, and was sentenced to a fine of £1,000, ordered to pay costs of £1147.17 and a £100 victim surcharge.</p> <p>It is now considered this matter has been resolved. However, the Enforcement Notice remains extant and officers will undertake unannounced site monitoring visits to ensure continued compliance with the requirements of the Enforcement Notice.</p>
1/2	January 2021	Hailsham Roadways, Woodside Depot, Polegate	Breach of Condition (Noise)	<p>A complaint was received that this site was breaching the condition attached to the planning permission relating to the level of noise that can be emitted from the site during operations.</p> <p>Informal monitoring was undertaken and further investigations have identified that the planning permission granted by this Authority (WD/843/CM) has not yet been implemented. No breach of planning control identified, and no further action required.</p>
1/3	May 2021	Allsworthy, Hailsham Road, Stone Cross	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into the site and were being burnt.</p> <p>Several site visits were carried out and contact made with the landowner. The waste was site derived and had not been imported into the site, and was being collected before being removed from the site. No breach of breach of planning control identified and no further action required.</p>

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED AND RESOLVED BETWEEN 1 JUNE 2021 AND 30 SEPTEMBER 2021

	DATE LPA BECAME AWARE OF BREACH	SITE	NATURE OF CASE	CURRENT POSITION
2/1	June 2021	Expert Services Group, Unit 2, Railway Road, Newhaven	Importation and deposit of waste - scrap metal	<p>A complaint was received alleging that waste materials were being imported into and deposited at this site.</p> <p>A site visit was undertaken, which confirmed that a small quantity of waste materials, comprising scrap metals, had been imported into the site and stored in skips. A meeting was held with the operator, who explained that this site was his temporary office whilst major structural repairs were being undertaken to his main site in Seaford, which has the benefit of planning permission.</p> <p>The requirement for planning permission for the importation of waste into this site was explained to the operator, who decided that as he was using the site for such a short period of time, he would cease the use of the site for this activity. A short timescale in which to remove the imported waste from the site was agreed and a subsequent site visit confirmed that all the waste had been removed from the site.</p> <p>The breach of planning control has therefore been resolved and no further enforcement action is required.</p>
2/2	June 2021	Veolia WTS and HWRC, Freshfields Road, Pebsham, Bexhill	Breach of Condition - odour	<p>A complaint was received that the doors to the waste transfer building were being left open which was allowing odours to escape, which the complainant felt was a breach of the planning conditions that are attached to the planning permissions for the site.</p> <p>Several site visits were undertaken, and no breaches of the conditions were identified. During the course of the investigation of this matter, the complainant</p>

				<p>contacted officers further to state that this site was not in fact the source of the odours being experienced and they appeared to be coming from the nearby Wastewater Treatment Works. The issue of odour from the Wastewater Treatment Works is subject to separate investigations – see Table 3, entry 3/1 below.</p> <p>As there were no further planning issues in respect of this site, there is no breach of planning control to be investigated and no further enforcement action is required.</p>
2/3	June 2021	Hillcroft Farm, Royal Oak Lane, Crowhurst	Importation and deposit of waste – soils	<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, which confirmed that soils were being imported into the site in connection with an agricultural barn development, which has the benefit of planning permission granted by Rother District Council (RR/2018/1322/FN).</p> <p>Therefore, there is no breach of planning control and no further action is required by this Authority.</p>
2/4	June 2021	8 Grovelands Road, Hailsham	Importation and deposit of waste - waste wood	<p>A complaint was received alleging that waste materials, comprising waste wood, were being imported into and deposited at this site. A site visit was undertaken, which confirmed that a quantity of waste wood had been imported into the site.</p> <p>An initial meeting was held with the landowner, who agreed to remove the imported waste wood. A short timescale for the removal of the waste wood was agreed. A further site visit has now been undertaken and the imported waste wood has been removed from the site.</p> <p>The breach of planning control has therefore been resolved and no further enforcement action is required.</p>
2/5	June 2021	Hardstanding outside Unit 7, Harbour Enterprise	Importation and deposit of waste electrical goods	<p>Officers attending the Industrial Estate in connection with other matters observed that a number of electrical white goods (fridge, freezers etc.) were</p>

		Estate, Newhaven		<p>stored in the open.</p> <p>Contact was made with the landowner and tenant. The tenant explained that one of his clients had stored the items on the hardstanding temporarily, prior to them being exported. The tenant asserted the items were not waste, but agreed to have them removed from the site, and a timescale to achieve this was agreed.</p> <p>Following the expiry of the agreed timescale, a further site visit was carried out which confirmed that all the white electrical goods had been removed.</p> <p>Breach of planning control resolved and no further enforcement action is required.</p>
2/6	June 2021	Home Farm Logs, Perrymans Lane, Herons Ghyll	Importation and deposit of waste – soils	<p>A complaint was received alleging that waste materials, comprising soils, were being imported into, deposited, and stored at the site. An initial site visit was undertaken, which appeared to indicate freshly deposited waste materials at the site. Contact was made with the landowner, who stated that after a period of extremely poor weather during the winter, a landslide had occurred which had badly damaged the forestry building on the site and washed out a large area of hardstanding.</p> <p>A joint site meeting was then held with the landowner and an officer from Wealden District Council. The landowner explained that in order to be able to access the building and effect repairs, it was necessary to move the slipped material to another area of the site. It was stated that no waste materials had been imported into the site and it had all been generated from the landslip within the site.</p> <p>It was evident from the site visit that further engineering works to the banks at the rear and side of the forestry building would be necessary to prevent further landslips and minimise risks to employees and the landowner. The landowner has agreed to employ a qualified engineer to undertake site assessments regarding the banks, and once this information is assessed, submit a planning</p>

				<p>application to Wealden District Council to seek authorisation for any engineering works that may be required.</p> <p>This matter is therefore being dealt with by Wealden District Council and there is no further action required by this Authority, in its capacity as Waste Planning Authority.</p>
2/7	June 2021	Land south of Tinkers Field, Main Road, Hadlow Down	Importation and deposit of waste - hardcore	<p>A complaint was received alleging that waste materials, comprising hardcore, were being imported into, deposited, and stored at this site. An initial site visit failed to specifically identify any deposits of waste at the site, so a site meeting was arranged with the landowners. At this site meeting, the landowners confirmed that hardcore had been imported into the site to effect a repair to one of the existing tracks on the site, which had suffered water damage and damage from the passage of heavy steam traction engines over it. The material excavated from the damaged track had been temporarily stockpiled at the site to be re-used in other small track repairs on the site.</p> <p>These repair works are considered to be permitted development and do not require express planning permission. Therefore, there is no breach of planning control and no further enforcement action is required.</p>
2/8	June 2021	Luckhurst, Down Oak Farm, Westfield	Importation and deposit of waste	<p>A complaint was received alleging that waste materials, comprising wood, were being imported into, and deposited, at this site. The complainant also alleged that other breaches of planning control, which fall outside of the County Council's remit as Waste Planning Authority, were also taking place at the site.</p> <p>A joint site visit was arranged with an officer from Rother District Council, where no evidence of waste importation was seen. However, there were planning issues for Rother District Council to deal with.</p> <p>Currently, there is no breach of planning control for this Authority to deal with and no further enforcement action is required.</p>

2/9	June 2021	Woodbrook Farm, South Chailey, Lewes	Importation and deposit of waste - chalk	<p>A complaint was received alleging that waste materials, comprising chalk, were being imported into and deposited at this site. A site visit was undertaken, which confirmed that materials had been imported, but were being used at the site to create a long access track from the A275 Lewes Road, Chailey to connect Woodbrook and Hurst Barns Farm, East Chiltington. The development has the benefit of planning permission granted by Lewes District Council (LW/18/0378).</p> <p>No breach of planning control and no further action is required by this Authority.</p>
2/10	July 2021	Robertsbridge Community College, Knelle Road, Robertsbridge	Breach of Conditions (construction hours)	<p>A complaint was received that builders were working on school buildings on Saturdays and Sundays, which the complainant believed constituted a breach of the planning conditions for developments at the site. A site visit was undertaken, during the course of which a meeting was held with the works manager, the premises manager and the School's business manager.</p> <p>The works being undertaken at the weekend were for the internal refurbishment of the School's science block. As all the works were internal, specific planning permission was not required and therefore there was no breach of planning control.</p> <p>The works manager and school staff were advised that even though planning permission was not required, the noise being generated could constitute a statutory noise nuisance and were therefore requested to confine the noisier aspects of the refurbishment to normal working hours of the working week and to try and avoid noise at weekends.</p> <p>No breach of planning control identified, and no further enforcement action required.</p>
2/11	July 2021	Luxford Close, Uckfield	Deposit of waste	<p>A complaint was received that waste materials, comprising household goods, were being imported into and deposited on a grassed area in Luxford Close, Uckfield. A site visit was undertaken and during this site visit it was noted that the alleged waste materials were in fact children's toys, which were being</p>

				<p>played with by children during the officer's site visit.</p> <p>The materials are not considered to be waste and there is no breach of planning control for this Authority to deal with.</p>
2/12	August 2021	60 St Annes Close, Willingdon	Importation and deposit of waste - building and construction waste	<p>A complaint was received alleging that building and construction waste was being imported into and deposited at this site from an unknown origin. A site visit was undertaken, during the course of which a meeting was held with the landowner. The landowner explained that the waste had all been generated from extensive building refurbishment that he was undertaking at the address, and this was borne out by the officer's observations during the site visit.</p> <p>No breach of planning control identified and no further enforcement action is required.</p>
2/13	August 2021	Former Shep Plastics site, A22, Lower Dicker	Importation and deposit of waste - soils and hardcore	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into and deposited at the site. A site visit was undertaken, during which a meeting was also held with the landowner. The landowner stated that the hardcore was imported in connection with the change of use of the building at the front of the site into residential accommodation. This change of use has the benefit of planning permission granted by Wealden District Council.</p> <p>Some other works were also being undertaken at the site to change another building into a children's play area, again with the benefit of planning permission granted by Wealden District Council.</p> <p>The landowner explained that the soils were imported into the site to grade out the field at the rear of the buildings to return the field to a suitable standard for grazing. These grading works, as described by the landowner, were considered to be an engineering operation, which may require planning permission. The landowner was advised to cease any further importation of materials until the planning situation had been resolved, which he agreed to do. The landowner was advised to contact the Planning Department of Wealden District Council regarding these works, and officers at Wealden District have been informed of the engineering works in the field.</p> <p>No breach of planning control for this Authority, in its capacity as Waste Planning Authority, and no further enforcement action is required.</p>

2/14	August 2021	1 Chestnut Close, Hailsham	Importation and deposit of waste - building and construction waste	<p>A complaint was received that building and construction waste materials were being imported into this site and bulked up in a skip. A site visit was undertaken, which confirmed that a skip on the site was being used for waste materials, but there was nothing contained within the skip to identify the origin of the waste materials.</p> <p>Contact was later made with the landowner, who stated that the skip was on the site to specifically deal with waste generated from works to his own property and strongly denied that any waste was imported into the site and deposited in the skip. The landowner stated that although he worked as a builder, he used skips at client's sites to manage waste generated at those sites, as opposed to taking the waste back to his own property.</p> <p>As the skips are on site to manage waste generated from within that site, there is no requirement for specific planning permission from this Authority. No breach of planning control identified and no further action is required.</p>
2/15	September 2021	Plot 38 Groombridge Grove, Park Corner Lane, Groombridge	Importation and deposit of waste - hardcore	<p>A complaint was received by Wealden District Council, alleging that waste materials, comprising hardcore, were being imported into and deposited at the site. A site visit was undertaken, which showed that some hardcore had been deposited at the site. The hardcore was of a size and appearance to indicate that it had been processed to make it uniform. It was deposited on the earth base of the existing barn on the site, clearly to establish a solid base for the barn. The hardcore appeared to be suitable and proportionate for its use.</p> <p>This is not considered to be a breach of planning control for this Authority, in its capacity as Waste Planning Authority, and the matter has been referred to Wealden District Council for their information/action as they may deem appropriate.</p> <p>No further action required by this Authority.</p>
2/16	September 2021	Land at Church Lane, Etchingham	Importation and deposit of waste - hardcore	<p>A complaint was received that waste materials, comprising hardcore, were being imported into and deposited at the site. A site visit was undertaken and a small quantity of processed hardcore was found on the site, along with a stockpile of green waste.</p> <p>On examination of the site, it was clear that vegetation was site derived and not imported and that the hardcore had been used to facilitate deer fencing posts that have</p>

				<p>recently been erected inside the chestnut pale fencing around the site boundary.</p> <p>There is no breach of planning control for this Authority and no further action required.</p>
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TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN 1 JUNE 2021 AND 30 SEPTEMBER 2021 AND AS YET UNRESOLVED.

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
3/1	June 2021	<p>Bexhill & Hastings WWTW, Freshfields Road, Pebsham, Bexhill-on-Sea</p> <p>Note: This is the site referred to in Table 2, entry 2/2 above</p>	Breach of Conditions – lighting and odour	<p>A complaint was received alleging that lights were being left on at the site until late in the evening, and that odours were escaping from the site. If this is the case, it could constitute a breach of the planning conditions that are attached to the planning permissions that relate to the site.</p> <p>Unannounced site monitoring visits are currently being undertaken in order to verify the details of the complaint. Contact will also be made with the operator.</p>
3/2	June 2021	Unit 3A Quarry Road Industrial Estate, Newhaven	Importation and deposit of waste – end of life vehicles	<p>A complaint was received that end-of-life vehicles were being imported into the site and were being broken up for their component parts, to be re-sold on the second-hand market.</p> <p>A joint site meeting with the Environment Agency and the operator was arranged, during the course of which the operator admitted to breaking end-of-life vehicles at the site and operating a car servicing/repair operation. It was clear to the attending officers that the major activity taking place on the site was the breaking of vehicles and the requirement for planning permission and an environmental permit for this activity was explained to the operator.</p> <p>Initially, the operator indicated he wanted to seek planning permission and environmental permitting for this site, but following a meeting with the landowner, he found that the landowner would not support any application seeking a waste use on the site. Consequently, the operator has decided to cease the breaking of vehicles at</p>

				<p>the site and requested some time to clear the site. A timescale has been agreed and both agencies are holding regular meetings with the operator at the site to ensure the site is cleared within the timescale agreed.</p>
3/3	June 2021	Former HT Drinks Site, Endeavour Works, Beach Road, Newhaven	Importation and bulking up of waste tyres.	<p>A complaint was received that waste tyres were being imported into this site and were being bulked up. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint.</p> <p>A meeting was also held with the site operator, at which the requirement for planning permission and an environmental permit was explained to him. The operator stated his intention to apply for planning permission and an environmental permit, and a timescale was agreed for him to submit the necessary applications.</p> <p>The agreed timescale for the submission of a planning application expired without any application being submitted. Officers therefore undertook a further site visit to check the situation at the site. This confirmed that the site was continuing to be used for the unauthorised waste activity.</p> <p>Contact was again made with the operator, who stated that the planning application was being prepared and would be submitted in the next few days. Following that conversation, the operator's agent contacted the County Council to state that there would be a delay in the submission of the application as he was away from work and a further extension of time was therefore agreed.</p> <p>This further extension of time has now also elapsed and no planning application has been submitted. Therefore, a Temporary Stop Notice will be prepared and served on the operator and all other parties with an interest in the land. The Temporary Stop Notice will seek the cessation of the activity at the site.</p>
3/4	June 2021	Spring Valley Farm, West Street Lane, Maynards Green	Importation and deposit of household waste	<p>A complaint was received that household waste was being imported into this site in small vans by different operators and deposited.</p> <p>A joint site visit was carried out with the Environment Agency, which confirmed the details contained within the complaint. A meeting was also held with the landowner, who agreed to halt any further importation into the site and to clear the site of the</p>

				<p>waste that had already been imported.</p> <p>There are a number of issues relating to the site and, due to the landowner's poor health, multiple agencies are working with the landowner and his family to ensure that the site is cleared.</p>
3/5	June 2021	Paul's Mini Skips, Unit 13 Chaucer Industrial estate, Dittons Road, Polegate	Change of Use of site	<p>A complaint was received that part of this site, which is an authorised waste transfer station, had been changed into a containerised self-storage operation. A site visit was undertaken which confirmed the details of the complaint.</p> <p>Contact was made with the site operator, and the requirement for a change of use planning application was explained to the operator, who stated that he would apply seeking to regularise this change of use.</p> <p>A planning application has now been submitted (WD/856/CM) and is currently under consideration.</p>
3/6	July 2021	Skilton Skips, AS Farm, The Warren, Crowborough	Importation, deposit and processing of waste	<p>Officers visiting the site in connection with another matter noticed that the operators of the site were importing waste, depositing it on the ground and processing it by manually sorting it, before bulking up separate waste streams in various skips. The nature of this type of activity requires specific planning permission, which the site does not have the benefit of.</p> <p>Discussions were held with the operators, and the requirement for planning permission was explained. The operator stated that, due to an inter-family land dispute, he is currently unable to attempt to seek to regularise the activity on the site. He therefore agreed to cease any further importation, deposit, and processing of waste at this site.</p> <p>Officers are currently undertaking unannounced site monitoring visits to ensure that waste is not being imported and processed at this site, pending the resolution of the land dispute.</p>

3/7	August 2021	125 Eastbourne Road, Willingdon	Importation, deposit and storage of waste	<p>A complaint was received that waste from a household waste collection service was being imported into and deposited at this site. A joint site visit was undertaken with an officer from Wealden District Council, which identified some waste on the site.</p> <p>A meeting was held with the landowner, who stated that the waste was mostly site derived. However, he admitted that the site was untidy and requested to be allowed some time in which to clear the waste. This was agreed, and a further site visit will be undertaken in due course to check that the waste has been cleared from the site.</p>
3/8	September 2021	Kiowa, Station Road, Buxted	Importation, deposit, and storage of scrap metal	<p>A complaint was received alleging that scrap metal waste was being imported into and deposited at this site. The complaint also alleged that there were other breaches of planning control at the site, which fall outside the remit of this Authority.</p> <p>A joint site visit with officers from Wealden District Council was undertaken, but it was not possible to access the site. A further site visit is currently being arranged.</p>
3/9	September 2021	Keywards Wood, Hoadleys Lane, Crowborough	Importation and deposit of waste – soils	<p>A complaint was received alleging that waste materials, comprising soils, were being imported into the site and deposited. A joint site visit with an officer from the Environment Agency was carried out, which identified that areas within the wood appeared to have been built up with imported materials.</p> <p>A further site meeting was held with the landowner and an officer from Wealden District Council. The landowner stated that a hardstanding area on the site had been in situ for a number of years and that materials were being imported to repair existing forestry tracks.</p> <p>Investigations are currently ongoing and a further site meeting is proposed.</p>
3/10	September 2021	Clearview, Nursery Lane, Wivelsfield Green	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into and deposited at this site. An initial site visit has been carried out, which appeared to indicate that the site is being used as a builder's yard. Further investigations are continuing into the use/activities at the site.</p>

TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
4/1	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 took place regarding agreeing a timescale for the removal of the materials.</p> <p>As a result of the Coronavirus pandemic lockdowns, the operator had not been able to remove much of the waste that was stored on the site. However, since the lockdown has been eased, progress has been made and some of the waste has now been removed.</p> <p>Regular site visits are continuing to be undertaken to monitor the operator's progress in removing the waste from the site.</p>
4/2	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 then 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 Coronavirus Pandemic prevented further progress in this matter. However, contact was maintained with the landowner in order to progress matters.</p> <p>A further meeting was then held with the landowner and an initial course of action was agreed, which was the moving of the bunds of material to outside of the crown spread of the trees.</p> <p>Initially there had been no progress made because of the waterlogged ground conditions and the site needed a considerable period of dry weather to improve the ground conditions to allow work to start. However, works were then due to commence to remove the bunds.</p> <p>A further meeting has recently been held with the site operators and progress is being made in moving the bunds from under the crown spread of the trees. Further works to resolve the breach of planning control have been identified and officers are maintaining regular contact with the landowner.</p>
4/3	July 2020	Rideout Agricultural, Dunly Wood, Cross-in-hand	Importation, deposit, and processing of waste	<p>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.</p> <p>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.</p> <p>A planning application (WD/847/CM) was subsequently submitted to the County Council and refused by the Planning Committee on 10 March 2021. Following the refusal of planning permission, an Enforcement Notice was served on the landowner and operator on 31 March 2021, requiring the waste use of the site to cease and the site to be cleared of all the waste materials, plant and equipment. No appeal was</p>

				<p>made against the Enforcement Notice and the period of time for compliance with the requirements of the Enforcement Notice expired on 7 August 2021.</p> <p>A further site visit with the landowner was undertaken just prior to the expiry of the period for compliance with the requirements of the Enforcement Notice, and it was confirmed that whilst some elements of the Enforcement Notice had been complied with, the extension to the hardstanding had not been removed as required by the Enforcement Notice.</p> <p>The site operator then contacted the County Council and proposed a scheme for the removal of the extension to the hardstanding, albeit outside the time period required by the Enforcement Notice. Officers met the operator on site and the proposal was considered to be acceptable, and an extension for the completion of the removal of the hardstanding was agreed.</p> <p>A further site visit with an officer from Wealden District Council has recently been undertaken and the case is currently being reviewed.</p>
4/4	January 2021	Haulaway Ltd, Polegate Yard, Summerhill Lane, Polegate	Breach of Condition (Noise)	<p>A complaint was received that this site was breaching the condition relating to the amount of noise that can be emitted from the site during operations.</p> <p>Informal monitoring of the site has been carried out by officers, which has not identified any excessive noise. However, it is intended to instruct an independent contractor to carry out formal noise monitoring to assess whether activities at the site are in breach of the conditions attached to the site. This noise monitoring is currently being arranged.</p>
4/5	April 2021	Crockstead Farm Hotel, Halland	Importation and deposit of waste – soils	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken, during which a meeting was held with the operator undertaking the works, who admitted that materials had been imported into the site to improve an existing access track and to improve the land.</p> <p>At the time of the site visit, the landowner was away. A letter was sent to the landowner and a meeting was subsequently held with the site manager who explained that the materials were imported to improve the land for equestrian grazing.</p> <p>The materials imported included soils, which contained a significant quantity of</p>

				<p>hardcore, metal and plastics, which would eventually work through to the finished surface of the site. This material was not considered to be suitable for its intended purpose and, after considering the situation, the County Council has required the materials to be removed and the original landform to be restored. The operator/landowner has been given a timescale for these remedial works to be undertaken and the site will continue to be monitored to ensure compliance.</p>
4/6	May 2021	LS Vehicle Recycling, Lower Stoneham Farm, Lewes	Importation and breaking of end-of-life vehicle for their parts	<p>Whilst visiting another site at this location, the attending officer found this end-of-life vehicle recycling operation, which does not have the benefit of planning permission. Discussions were held with the site operator, who stated his intention to obtain planning permission and all the other necessary licences and permits that are required.</p> <p>The operator was advised to seek pre-application advice, and subsequently did so. A full planning application seeking to regularise the use is expected to be submitted shortly.</p>