

Committee	Planning Committee
Date	22 July 2015
Report by	Director of Communities, Economy and Transport
Subject	Development Management Matters
Purpose	To inform Members about activities undertaken under delegated powers and development management performance for the three months period between 1 April 2015 and 30 June 2015, and, about activities undertaken in accordance with the Site Monitoring Policy
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 April and the end of June 2015, fifteen complaints about alleged breaches of planning control were received. Of the new cases received, thirteen were resolved within the last period and eighteen older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of June 2015 was sixteen. This represents a decrease of sixteen in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 The resolution of thirty one cases during the last quarter, resulting in a reduction in the number of outstanding cases, is very encouraging – particularly given the limited resources available to deal with enforcement. Nevertheless, the outstanding caseload and ongoing monitoring of sites continues to consume a large amount of officers' time. This is where joint working with other agencies and authorities becomes particularly important as we can both give and receive support in enforcement cases and investigations, including intelligence sharing and exchanging good practice.

1.3 One aspect of resolving enforcement matters that is difficult to quantify, is the time spent dealing with both the complainant and the operator. The majority of enforcement cases investigated arise out of a complaint/allegation received from a third party. Actions reported generally relate to the work involved in investigating and resolving breaches of planning control and interaction with a landowner/operator/contravener, but do not demonstrate the amount of time that is spent dealing and liaising with the actual complainants. It is a common misunderstanding that a breach of planning control is an offence, or that immediate enforcement action should be taken where a breach of planning control is occurring. For each enforcement case investigated, officers spend time liaising and dealing with the concerns and queries of complainants, including explaining the processes and stages of an enforcement investigation, the powers available and the limitations of actions that can be taken. This can be time consuming as complainants often feel frustrated by the constraints of enforcement action. However, in most cases it is possible to address the concerns and expectations of

complainants even if the results of an investigation are not precisely what they had anticipated.

1.4 Appendix 1 of this Report provides details of cases resolved and received within the period April to July 2015 together with details of the status of all current cases. Additional details and information on these cases can be obtained from the relevant officers listed at the end of this Report.

2. Site Monitoring

2.1 Site monitoring of all minerals and waste sites is continuing, but has to be accommodated within limited resources and alongside the enforcement service. Notwithstanding this, three non-chargeable monitoring visits to sites have been carried out during the relevant period, and, one chargeable monitoring visit has been undertaken.

2.2 Monitoring of the construction work for the Bexhill-Hastings Link Road (BHLR) also continues to be undertaken. During the last quarter, in addition to monitoring compliance with the construction conditions/requirements, specific monitoring relating to archaeology, ecology and landscaping has been undertaken.

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

2.4 Other liaison meetings continue to take place in relation to the Newhaven Energy Recovery Facility, Peacehaven Wastewater Treatment Works, the composting site at Woodlands, Whitesmith and at Pebsham Landfill.

3. Development Control

3.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. It seeks to target poor performance in relation to the speed and quality of decisions, and focuses on improving planning performance. Where authorities are not adequately performing their planning function of determining relevant planning applications within prescribed timescales, they can be designated as being in “special measures”. Under this provision, the power for determining planning applications will be taken away from local authorities, and applications consequently determined by the Planning Inspectorate. We are required to submit quarterly statistical returns and there are penalties for failing to submit two or more quarters of data and, once applied, the penalties will be reflected in the performance statistics published. Additionally, if an application is not determined within 26 weeks and an extension of time not agreed with the applicant, planning authorities have to return the planning application fee to the applicant.

3.2 The Government publishes criteria for the determination of designation of local planning authorities. One measure is the average percentage figure for determination of major development applications over two years. The threshold for designation was originally set at 30% or fewer determinations, although the Government has now increased this threshold for relevant County Matter applications to 40%. A recent Government publication has indicated the intention to increase this threshold to 50%, and, to also introduce new measures relating to performance for determining minor applications. The quality of decisions is measured by the average percentage of major development applications overturned at appeal with a threshold of 20%. Despite the relaxation of national performance indicators, we have continued to set ourselves a target of determining 60% of County Matter applications

within 13 weeks and we have also set ourselves a target with regard to County Council development of deciding 75% of applications within 8 weeks.

3.3 In terms of performance, for the period January and March 2015 (inclusive) a total of 21 applications were determined (3 County Matters, 14 County Council, 2 Non-Material Amendments, 1 Prior Notification and 1 application on behalf of the South Downs National Park Authority). Of the relevant applications, 33.3% of County Matter applications were determined within 13 weeks, which falls considerably below our target for determining planning applications, although this is measured in relation to only a small number of applications, and 71.42% of County Council applications were determined within 8 weeks, which also falls slightly below the Council's locally set target. In terms of the Government measures regarding performance, the outturn figure for the 24 months ending March 2015 is 72% of applications determined within the relevant timescale, which is well above the current 40% threshold.

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

4. Contact Officers

4.1 Members with any queries about enforcement matters should contact either Sarah Iles (01273 – 481631) or Robert Shapter (01273 – 335218). Members with queries on development management matters should contact David Vickers (01273 – 481629) for County Council development or Jeremy Patterson (01273-481626) for County Matter development. Members with any queries about site monitoring should contact Sarah Iles.

RUPERT CLUBB
Director of Communities, Economy and Transport
14 July 2015

Local Members: All

BACKGROUND DOCUMENTS

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

BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE APRIL 2015

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
January 2014	Messens Farm, Potmans Lane, Bexhill on Sea	Breach of conditions (various)	<p>A complaint was received that the landowner was failing to comply with some of the conditions attached to the planning permission which related to the site. Following investigations, a Breach of Condition Notice was served on the landowner for breaches of Conditions 3, 9, 10 and 15 of planning permission WD/720/CM. Following the service of the Notice, the landowner lodged an appeal with the Planning Inspectorate in respect of the Conditions 3, 9, 10 and 15 attached to the planning permission itself. The Planning Inspector dismissed the appeal and concluded that the conditions were necessary and reasonable. Consequently, formal enforcement action regarding the breaches of the conditions was resumed. The original Breach of Condition Notice was withdrawn and a new Breach of Condition Notice, with the same requirements as the previous one, re-issued. The requirements of the Notice were to be complied with by 18 July 2014</p> <p>The requirements of the Breach of Condition Notice were not initially complied with, which is an offence, but the importation of waste materials ceased, mainly due to the landowner being unable to obtain the necessary permit from the Environment Agency. The Landowner subsequently obtained the necessary Permit from the Environment Agency and also complied with the conditions that were the subject of the Breach of Condition Notice. The importation of waste materials resumed and officers monitored the site. Importation of materials has now been completed. The Breach of Condition Notice has been complied with and no further enforcement action is required.</p>
July 2014	Haulaway, Polegate Yard Summerhill Lane, Hailsham	Unauthorised development	<p>A complaint was received that a building had been erected on the site without the necessary planning permission being in place. The operator confirmed that he had installed a plastics baling machine at the site and the building was a temporary one to protect it from the elements and vandalism until planning permission for a new permanent building had been sought. The operator subsequently applied for planning permission (Reference WD/739/CM) for a permanent building and the application was considered by the Planning Committee on 15 October 2014. Planning permission was granted, subject to the completion of a Legal Agreement. The Legal Agreement has now been completed and planning permission granted. Breach of planning control resolved and no further enforcement action required. The site will be monitored in accordance with the Council's Site Monitoring Policy.</p> <p><i>See also further entry in this section for additional details about this site.</i></p>
July 2014	Down Barn Farm, Ninfield Road, Bexhill	Breach of Condition (Site layout)	<p>During a site monitoring visit, the site was found to be in breach of the planning condition relating to the site layout. The operator confirmed that his business has outgrown the site and that he was actively searching for more suitable premises from which to operate. The operator subsequently identified a new site in Eastbourne and planning permission (EB/751/CM) was granted by the Planning Committee on 24 June 2015.</p> <p>The operator has now cleared this site of all waste, plant and equipment and has now fully vacated the site and relocated to the new site in Eastbourne. Breach of planning control resolved and no further enforcement action required.</p>
November 2014	Fir Tree Cottage,	Importation, deposit and	A complaint was received that waste materials, comprising soils and sub soils, were being imported into the site and

	Heathfield Road, Halland	disposal of waste	<p>deposited. A site visit was undertaken which confirmed the substance of the complaint. A joint site meeting was undertaken with the landowner, operator and the Environment Agency. The landowner explained that the purpose of importing the soils was to improve the drainage of the land. Given the relatively small quantity of waste involved and the apparent absence of harm, it was not considered expedient to require the waste soils to be removed from the site. Remedial works to be carried out were specified.</p> <p>A further monitoring visit and meeting with the landowner has been carried out. The specified remedial works have been carried out and completed. Breach of planning control resolved and no further action required.</p>
November 2014	187 London Road, Hailsham	Importation, deposit, processing and storage of scrap metal	<p>Despite previous breaches of planning control being resolved at this site, a further complaint was received stating that the site (a residential property) was again being operated as a waste transfer station for scrap metal. An Enforcement Notice was prepared and served on the landowner, and those with an interest in the land. The Enforcement Notice took effect on 18 January 2015.</p> <p>The site has been monitored and is currently in compliance with the requirements of the Enforcement Notice and no further enforcement action is currently required. However, the Enforcement Notice on the site remains extant and should any breaches of that Notice occur, the landowners will be at risk of prosecution for non-compliance with the requirements of the Enforcement Notice. The site will be monitored periodically by officers to ensure continued compliance.</p>
November 2014	Flitteridge Farm, Splaynes Green, Fletching	Unauthorised development	<p>Officers undertaking a site monitoring visit noticed that a substantial engineering operation had taken place on the bund which encloses the slurry lagoon, involving the importation of a significant quantity of waste materials (soils).</p> <p>A planning application (WD/750/CM) to regularise the works was submitted and subsequently approved under delegated powers. Breach of planning control resolved and no further enforcement action required. The site will be monitored in accordance with the Council's Site Monitoring Policy.</p>
December 2014	Haulaway Ltd, Polegate Yard, Summerhill Lane, Hailsham	Unauthorised development	<p>A complaint was received that a large building was being erected on the site, which did not have planning permission. A planning application was submitted and reported to Planning Committee on 15 October 2014. The planning application was approved subject to the completion of a Legal Agreement.</p> <p>The Legal Agreement has now been completed and planning permission granted. Breach of planning control resolved and no further enforcement action required. The site will be monitored in accordance with the Council's Site Monitoring Policy.</p> <p><i>See also further entry above for additional details about this site.</i></p>
January 2015	Pipers, Marl pits Lane, Ninfield	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into the site and burnt. An initial site visit was carried out, which proved inconclusive and a further visit and site meeting with the landowner was undertaken. During the course of the site meeting and from discussions with the landowner, it was clear that no waste materials had been imported into the site and no breach of planning control had occurred. No further action required.</p>
February 2015	Golf Course Farm, Wivelsfield Green	Breach of conditions (wheel washing)	<p>A complaint was received that the wheel washing facilities on the site appeared to be inadequate as mud was being carried out onto the public highway. A site visit was undertaken which confirmed the nature of the complaint. Discussions were held with site personnel and a timescale given for the wheel washing facilities to be improved.</p>

			<p>A further site visit has been carried out which confirmed that the improved wheel washing facilities were now adequate for the purpose. Also, the importation of materials into this site has now been completed and so no further lorries should be entering/exiting the site. Breach of planning control resolved and no further action required.</p>
February 2015	Mount Pleasant Garage, Ninfield Road, Bexhill	Unauthorised development: breaking of end of life motor vehicles	<p>A complaint was received that end of life vehicles were being broken up at the site. A joint site visit was undertaken with the Environment Agency which confirmed the nature of the complaint. Discussions were held with the landowner who stated that he would cease the operations at the site and would clear the site of all vehicles and vehicle parts, and tidy the site up. A timescale to undertake these works was agreed.</p> <p>A further site visit and meeting with the landowner has been undertaken. The landowner has now cleared the site of all end of life vehicles and car parts. Breach of planning control resolved and no further action required.</p>
February 2015	Rushlake Green Pumping Station Number 2, Rushlake Green	Breach of Condition (landscaping)	<p>A complaint was received that the planting condition attached to the planning permission for the development was not being complied with. A site visit was undertaken and the operator contacted for their maintenance schedule and details of recent site visits.</p> <p>Further visits to the site have been undertaken and these visits, coupled together with information supplied by the operator, have made it clear that the maintenance schedule is being adhered to and therefore there is no breach of planning control. No further enforcement action required and the site will be monitored in accordance with the Council's Site Monitoring Policy.</p>
February 2015	Gladwish Farm, Catsfield Road, Ninfield	Importation and deposit of waste	<p>A complaint has been received that waste has been imported into the site and deposited. A site visit was undertaken and discussions held with one of the landowners. The site has been subject to sporadic fly tipping over the recent past, which was dealt with by Wealden District Council. The quantity of hardcore observed on the site represented the last two loads of fly tipped material that had been deposited recently. Given the small quantity of hardcore, the landowner is intending to use this material to maintain tracks on the land.</p> <p>Further site visits have been undertaken, which confirmed that the hardcore has been used to maintain the tracks on the site as agreed. No further waste has been imported/deposited at the site. Breach of planning control resolved and no further action required.</p>
February 2015	Go Green Recycling, Owlsbury Business Park, Hadlow Down Road, Crowborough	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 which confirmed the nature of the complaint.</p> <p>Following discussions with the operator, the site is now only being used for the overnight parking of vehicles and storage of equipment and there is no breach of planning control for this Authority, as Waste Planning Authority to deal with. Breach of planning control resolved and no further action required.</p>
March 2015	Kilnwood Farm, Potmans Lane, Catsfield	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into the site and burnt. A joint site visit was undertaken with the Environment Agency, which confirmed the substance of the complaint. A meeting was held with the landowner where the planning requirements and Environmental Permitting requirements were explained. The landowner agreed to immediately cease any further importation and burning of waste on the site and agreed to clear the site of imported waste.</p> <p>Further visits have been made to the site and no further waste has been imported and burnt. Breach of planning control resolved and no further action required.</p>

March 2015	The Thorne, Ninfield Road, Bexhill	Importation, deposit and breaking up of end of life vehicles	<p>This site was visited by officers tracing the landowner of Mount Pleasant Garage (see entry above) and whilst on the site it was noticed that there was a quantity of second hand car parts scattered across the land. Discussions were held with the landowner and a timescale agreed for the clearance of the site of these items.</p> <p>A further site visit and meeting with the landowner has been undertaken. The landowner has cleared the site of all second hand car parts. Breach of planning control resolved and no further action required.</p>
March 2015	Bridge Cottage, Rock Lane, Guestling	Importation, deposit and storage of waste	<p>A complaint was received that soils were being imported into the site and used to create a dam on a pond. The dam was failing and this was risking damage to a Network Rail embankment. A site inspection was carried out which confirmed that the dam was failing. Contact was made with the landowner who stated that all the soils on the site had been generated from within the site, and none had been imported.</p> <p>A joint site visit and meeting with the Environment Agency, Rother District Council and the landowner was undertaken and it was clear that no waste materials had been imported into the site. The works undertaken amounted to an engineering operation which requires planning permission from Rother District Council. The landowner is currently preparing such an application for submission to Rother District Council and no further action is required by this Authority.</p>
March 2015	Ringmer Primary School, Ringmer	Unauthorised development	<p>A complaint was received that works had commenced on the site without planning permission having been issued. The planning permission (LW/3237/CC) had been approved by Planning Committee on 11 February 2015, subject to a Unilateral Undertaking. The Unilateral Undertaking had not been completed, and therefore planning permission had not been issued. A site visit was undertaken and discussions held with the Site Manager, who stated that the works being undertaken were preparatory works to construct the temporary haul road that would be required when the planning permission was issued.</p> <p>The Unilateral Undertaking has since been completed and planning permission issued. Therefore the breach of planning control has been resolved and no further action is required.</p>
BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE APRIL 2015 WITHIN THE SOUTH DOWNS NATIONAL PARK			
January 2015	Offham Waste Water Treatment Works, Offham	Breach of Conditions	<p>A complaint was received that an area used during the construction phase of this development had become waterlogged due to a drainage pipe becoming broken. A site visit was undertaken which confirmed the nature of the complaint. However it was not apparent from the site visit whether this pipe was dealing with drainage from within the field or from the adjacent highway. Following enquiries and further examination, it was identified that this is purely a drainage issue which does not relate to the conditions attached to the planning permission for the Waste Water Treatment Works which relates to this site. Therefore, no breach of planning control and no further action required.</p>

NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE APRIL 2015 AND RESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
April 2015	Land off Ingrams Way, Hailsham	Breach of Conditions	A complaint was received that works had commenced on the site before the pre-commencement conditions attached to the planning consent had been discharged. A site visit was undertaken and the works being undertaken were archaeological works which needed to be done prior to the commencement of the development. It was not viewed that these works were a breach of planning control and no further action required.
April 2015	Bluebell Railway Staff Car Park, Bluebell Business Park, near Uckfield	Importation and deposit of waste materials	A complaint was received that waste materials comprising soils and sub soils were being imported into the site and deposited. A joint site visit was undertaken with officers from Lewes District Council and the Environment Agency. It was clear that the waste materials had been imported into the site in order to extend the staff car park, and this was not considered to be a waste disposal operation but an engineering operation. Therefore the matter is being dealt with by Lewes District Council. No further action required by this Authority.
April 2015	Little London Garage, Little London Road, Heathfield	Importation and processing of end of life vehicles	A complaint was received that a tenant on the site (which has multi occupancy) was importing end of life vehicles into the site and breaking them up. A site visit was undertaken and no evidence was found which would support the complaint. No breach of planning control identified and no further action required.
April 2015	Hillside Farm, Magreed Lane, Broad Oak, Heathfield	Importation and deposit of waste	A complaint was made to a number of regulatory agencies including the Environment Agency, Wealden District Council and this Authority that waste was being imported into this site and deposited. Separately the Environment Agency and officers from this Authority both undertook site visits and also held a meeting with the landowner. The Environment Agency has required the landowner to clear the site of the imported waste or risk formal enforcement action by the Agency. The landowner has agreed to clear the site and has agreed a timescale with the Agency for the removal. Officers from this Authority will maintain contact with the Environment Agency and the landowner to ensure that the works are carried out. No separate enforcement action is required by this Authority.
April 2015	Woodlands Park Farm, Sherriffs Lane, Rotherfield	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and plastics, were being imported into the site and deposited. A site visit was undertaken and discussions held with the landowner. During the course of this meeting the landowner explained that no waste had been imported into the site and that the waste had been generated from within the site at a time when it was used as a commercial nursery.</p> <p>When the current landowner began clearing the overgrown areas of the site, it was discovered that old plant pots and decaying poly tunnels had been left on the site, which he was in the process of clearing. No breach of planning control identified and no further action required.</p>
May 2015	Rocks Smallholding, Victoria Road, Windmill Hill	Importation and deposit of waste	A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken with an officer from Wealden District Council and, during the course of the visit, a meeting was also held with the landowner. The landowner explained that the importation of soils was necessary because he needed to culvert and infill a ditch which crossed his land. This is considered to be an engineering operation which requires planning permission from Wealden District Council and this Authority (as Lead Local Flood Authority), for Ordinary Watercourse Consent. The landowner will be submitting an application to Wealden District Council to regularise the breach of planning control and no further enforcement action is required by East Sussex County Council as the Waste Planning Authority.

May 2015	Land opposite Ferryfields Caravan Park, Station Rd, Winchelsea	Importation and deposit of waste	A complaint was received that a ditch on the site had been culverted and backfilled with imported waste material, and the County Council had issued an Enforcement Notice in respect of this activity and had also not prosecuted the landowner for non-compliance with the requirements of the Notice. Following investigations and enquiries, it transpired that the Enforcement Notice was in fact issued by Rother District Council for a number of issues at the site. This does, therefore, mean that there is no further action required by this Authority and the matter has been referred to Rother District Council for information and any action that the Council deem appropriate.
May 2015	Land at western edge of Squires Farm Industrial Estate, Framfield	Importation and deposit of waste	Officers attending the Industrial Estate in connection with another matter noticed a quantity of waste material deposited on this site. A meeting was held with the landowner's son who stated that the vast majority of the waste material had been left behind by a previous tenant when they vacated the site, and that there had also been a small amount of waste fly tipped. The waste that was in the process of being removed into a skip supplied by an authorised waste carrier who operates from an adjacent part of the Industrial Estate. The remaining waste materials left by the previous tenant will be removed from the site as the landowner prepares the site for its next tenant. Therefore no breach of planning control and no further action required.
May 2015	Oaklands Farm, Newick Lane, Heathfield	Importation and deposit of waste	A truck load of waste was noticed by officers to be imported into this site and deposited. Enquiries were made with the operator, who discovered that one of his employees had removed the waste wood from the waste transfer station after the premises had been closed for the evening and then took it to this site where he sold it to the landowner. Discussions were then held with landowner and the planning implications/requirements of importing waste into the farm were explained. The landowner agreed to cease any further importation of waste into this site. Breach of planning control resolved and no further action required. The waste transfer station member of staff has been reminded of procedures.
May 2015	JM Skips, Units 2A and 2B Birch Close, Eastbourne	Unauthorised waste transfer station	The operator vacated his previous site (<i>see entry in previous section for Down Barn Farm, Ninfield</i>) after he had been given notice to quit by his landlady. The operator submitted a planning application (EB/751/CM) in respect of the operation of a waste transfer station at this site, expecting the decision to coincide with his occupation of the site. However, a decision on the application was deferred by the Planning Committee, but the operator still occupied the site due to having to vacate the Down Barn Farm site. Planning permission for the use of the site was subsequently approved by the Planning Committee on 24 June 2015. Breach of planning control resolved and no further enforcement action required. The site will be monitored in accordance with the Council's Site Monitoring Policy.
June 2015	ERF, Bottom Ash Facility, North Quay Road, Newhaven	Breach of Conditions	A complaint was received that dust was being blown from this facility into units on a nearby industrial estate. A site visit was undertaken which showed that it was clear that no dust was being blown from this site. It was identified that the dust was being blown from an adjacent site, which is not a matter for the County Council as Waste Planning Authority. This matter has, therefore, been referred to Environmental Health at Lewes District Council for them to investigate and take any action that is deemed appropriate. No further action is required by this Authority.
June 2015	Land to East of Magreed Lane, Broad Oak, Heathfield	Importation and deposit of waste	A complaint was received that waste was being imported into a field at this site and deposited. A site visit was undertaken and also a site meeting held with the landowner. The landowner explained that he had recently purchased the land which had suffered from many years of neglect and he had cleared all the undergrowth and waste that had accumulated on the land, this revealed bare earth which he has re-seeded with grass seed. The grass seed has not yet germinated because of the dry weather, but will do so when the ground has some rain on it. No breach of planning control identified and no further action required.
June 2015	Old Brook Cottage, Horsted Lane,	Importation and deposit of waste	A complaint was received that the landowner was intending to import waste soils into the site. A site visit was undertaken and enquiries made with the landowner, who advised that he had purchased the land in order to grow fruit

	Danehill		and vegetables on it. He was preparing the land for this operation when a quantity of hardcore was found that had to be removed from the site. In doing so some of the top soil was also removed, and this now needs to be replaced. The landowner has subsequently sourced the topsoil required to restore the land from a well-known DIY chain and therefore no waste is to be imported into the site. No breach of planning control and no further action required.
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NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE APRIL 2015 AND UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
April 2015	Sussex Waste Services, Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	Officers were visiting the site in connection with another matter and noticed that a significant quantity of waste materials comprising builders waste, electrical and electronic waste, scrap metal and end of life vehicles had been deposited on the site. Given the history of this site it has been decided that formal enforcement action is required and an Enforcement Notice is in the process of being prepared, to be served on the landowner and operator of the site. <i>See first entry in the next section for further details of this site.</i>
May 2015	Upper Wilting Farm, Crowhurst Road, St Leonards	Importation and deposit of waste	Officers attending the area in connection with another matter noticed that a significant quantity of waste, comprising hardcore, had again been imported into and deposited at the site. A site visit was undertaken, during the course of which a meeting was held with the site operator/tenant farmer. The planning implications of such an activity were explained to him and he agreed to cease the importation of this material and to remove the waste that has already been imported into the site. A timescale has been agreed for the site to be cleared and the site will be monitored to ensure that the clearance takes place.

OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
June 2012	Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	This site was noticed by officers visiting the area in connection with another matter. A local operator was approached, who admitted being responsible for importing some of the material on the site. A timescale to remove the material was agreed. However, the operator subsequently passed away. The deceased operator's brother took over the site and has been clearing the site of the waste imported by his brother. Given the circumstances surrounding this matter, the time period for him to clear the site has been extended on several occasions. Contact has also been maintained with the landowner, who has been continuing with the process of arranging for the removal of the imported waste materials. Insufficient progress has been made in clearing the site of the waste materials. Given the length of time this matter has been outstanding and the additional waste materials imported to the site, two Enforcement Notices are in the process of being prepared and once completed will be served on the landowner.

April 2013	St Mary's School, Maynards Green	Unauthorised development	<p>A complaint was received that the School had carried out unauthorised development by creating a new car park at the site. A site visit confirmed the nature of the works and that the development required planning permission. After receiving pre-application advice from officers, a planning application (WD/3180/CC) was submitted in respect of this matter and this was due to be considered by the Planning Committee on 11 December 2013. However, due to ongoing negotiations with the adjoining property owner regarding a proposed land-swap, the application was withdrawn by the School pending the outcome of those negotiations.</p> <p>Following these negotiations, a planning application (WD/3227/CC) for a change of use (from agricultural to educational use) relating to area subject to the land swap was submitted and subsequently approved under delegated powers. The regularisation of the works to the car park and other development can now be progressed, subject to planning permission being granted. However, the land swap has not yet been finalised, which is delaying the submission of a planning application.</p>
October 2013	Diplocks Farm, Chalvington	Importation and deposit of waste	<p>Officers noticed that a significant quantity of waste materials comprising chalk, end of life vehicles and household and builders' waste had been stockpiled on the site. Evidence of burning of green waste was also present. A joint site meeting with the Environment Agency and the landowner was held. The landowner was advised that the activity required planning permission, but would be unlikely to be supported and that the importation of waste should cease and the site be cleared. The landowner stated that it is his intention to clear the site of the imported waste.</p> <p>Officers, in conjunction with officers from the Environment Agency, continue to undertake regular site visits and meetings with the landowner to ensure that the phased clearance of this site is carried out. In order to protect the Council's position, a Planning Contravention Notice was served on the landowner, to which a response was received. The landowner has commenced the phased removal of the waste from the site. Some waste has been removed and there has been no indication that further waste materials have been imported to the site.</p> <p>Clearance of the waste materials had been continuing. A joint site visit was recently undertaken with the Environment Agency. The landowner has suffered a period of ill health and has been unable to work and therefore unable to continue the clearance works. However, clearance of the site is due to re commence and officers will continue to monitor the site.</p>
May 2014	Woodlands Composting Centre, Whitesmith	Breach of Conditions (noise and odour)	<p>A complaint was received that breaches of the conditions attached to the planning permission for the composting facility were occurring, specifically in relation to permitted noise and odour levels. A site visit was undertaken, which did not identify any odours, and contact was made with both the complainant and operator. The operator commissioned a noise survey for the site and has been monitoring the site to identify the source of any odour. Monitoring of the site has continued since the original complaint and no issues of noise or odour have been noted. The operator is continuing to liaise with the complainant when a potential problem is identified.</p> <p>Further monitoring of the site has taken place and officers have still been unable to identify any odour or noise emanating from the site. The site operators are continuing to work with the complainant to try and trace the source of the odour and noise.</p>
May 2014	Brooklodge Farm, Pottery Lane, Brede	Importation, deposit and processing of waste (hardcore)	<p>A complaint was received that waste materials, comprising hardcore and bricks, were being imported into the site and processed. A site visit was undertaken which confirmed the nature of the complaint. The landowner was contacted and he explained that the hardcore and bricks were generated from his demolition business and some of the hardcore was required to repair the tracks and gateways on the farm, and the remainder was sold. The landowner agreed to</p>

			<p>cease this activity on the site and a timescale for the clearance of the site was agreed.</p> <p>However, the site was not cleared within the agreed timescale and the landowner subsequently claimed that the activity had been taking place on the site for so long as to be immune from planning enforcement action. In order to ascertain whether a breach of planning control was occurring the landowners were served with Planning Contravention Notices. The landowner attended a "Time and Place" meeting in connection with the Planning Contravention Notice and also submitted a written response to the Notice (failure to do so is an offence). The landowner contends that the activity has been taking place on the site for many years, certainly in excess of ten and is therefore immune from planning enforcement action. The landowner indicated that he intends to submit an application for a Certificate of Lawfulness of Existing Use or Development.</p> <p>No application for a Certificate of Lawfulness has been submitted and a site visit is scheduled to be undertaken shortly in order to ascertain the current situation at the site.</p>
July 2014	Sussex Waste Management, Whitworth Road, St Leonards	Breach of Condition (Outside storage of waste)	<p>A site monitoring visit was undertaken and the operator was found to have four skips outside the waste transfer building, containing sorted waste materials - which is a breach of the condition attached to the current planning permission for the site. The operator has been in pre-application discussions with the County Council with regard to the submission of a revised planning application which would address various planning issues at the site. Given the minor nature of this breach and the imminence of the new planning application, it is not considered expedient to take formal enforcement action at this time. This site and situation have been monitored and regular contact maintained with the operator.</p> <p>A planning application (HS/759/CM) has been submitted and the further information requested from the applicant has now been provided. The application is currently under consideration.</p>
August 2014	Harbour Primary School, Newhaven	Development not in accordance with approved plans	<p>A complaint was received that the temporary classrooms building erected at the site was not in accordance with the approved plans. Site inspections have been carried out, which indicate that the classrooms have been constructed in the correct location. An independent survey has been carried out to confirm the situation and the results indicate that the development has been built in the correct location within the site, although it appears that they do not fully conform with the approved plans. Further consideration is therefore being given to this matter, before deciding on the appropriate course of action.</p>
September 2014	Stonehouse Farm, Pilmer Road, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into and deposited at the site, before being buried. Contact was made with the landowner who stated that the importation of materials was in relation to a planning permission granted by this Authority in 2004 and that the works were all in accordance with that permission.</p> <p>A site meeting was held with the landowners. The works that have been undertaken (and that are required to complete the development) are in excess of the original permission, and therefore in breach of planning control. A revised planning application has been requested to encompass the unauthorised works that have already been undertaken and also the works that are necessary to complete the development. Officers are also working with the Environment Agency in relation to the site.</p> <p>The landowners have recently contacted officers to advise that they had instructed a planning agent to prepare the planning application, but this agent failed to complete the task. They have had to instruct an alternative agent, which has resulted in a delay in the submission of the application. The landowner has advised that the planning application is nearly complete and will be submitted shortly.</p>

September 2014	Antye Farm, Theobalds Road, Burgess Hill	Importation, deposit, storage and bulking up of waste materials	<p>A complaint was received that waste materials, comprising soil and hardcore and builders' and household waste, were being imported into this site, deposited, stored and bulked up. A site visit was carried out which confirmed the nature of the complaint.</p> <p>Following discussions with the operator, it appeared that whilst the operator was away from work on holiday, his partner had imported and deposited the waste, before abandoning the site. Regular contact has been maintained with the operator and tenant farmer and the site is now being cleared of the imported waste materials.</p> <p>Regular monitoring of the site has taken place, and approximately half of the imported waste has been removed. There has been a delay in completing this removal of waste because of the personal circumstances of the tenant farmer. The tenant farmer hopes to be able to complete the clearance works shortly and the site is continuing to be monitored.</p>
October 2014	Harbour Primary School, Church Hill, Newhaven	Unauthorised development	<p>A complaint was received that three sheds had been erected on the edge of the School's playground. A site visit was undertaken and a meeting held with a member of staff. Two sheds had been erected on the edge of the playground with a third about to be constructed. The School was advised that these sheds required planning permission and it was agreed that a planning application to regularise this breach of planning control would be submitted.</p> <p>A planning application (LW/3282/CC) has now been submitted and is currently awaiting validation.</p>
October 2014	Land to the north of Mead Cottage, Crowhurst Lane, Catsfield	Importation, deposit and burning of waste materials	<p>A complaint was received that waste materials were being imported into this site and being burnt. A joint site visit was undertaken with the Environment Agency and a meeting held with the landowner. The landowner admitted allowing the site to be used for the importation and burning of waste. The landowner agreed to immediately cease the importation of waste into the site and requested time to be allowed to clear the imported waste from the site. The site has been monitored by officers from both the County Council and the Environment Agency to ensure that no further waste importation takes place and the site is cleared of the imported waste</p> <p>Further site visits have been undertaken and the landowner has made progress in the clearance of the site. Officers from this Authority and the Environment Agency will be undertaking a joint site visit in the near future to assess the further progress that the landowner has made in clearing the site.</p>
January 2015	Ocklynge School, Eastbourne	Unauthorised development	<p>A complaint was received that a storage container on the site, which was subject to the grant of temporary planning permission (EB/3170/CC) and which required the removal of the container by 31 December 2014, was still on the site. A site visit was undertaken, which confirmed that the container had not been removed from the site as required. Discussions have taken place with Eastbourne Borough Council regarding the instigation of enforcement action to secure the removal of the container. Eastbourne Borough Council has confirmed that it has contacted the School and a response is currently awaited.</p>
January 2015	KPS Composting, Boathouse Farm, Isfield	Breach of conditions (site layout and volume of waste)	<p>A complaint was received that waste wood processing was not taking place in the area approved and that the site was exceeding the total quantity of waste that was permitted to be imported into the site (the permitted volume of waste is limited to 50,000 tonnes/annum). Discussions were held with the Manager of the site, who stated that the area for the waste wood processing had been moved to a different part of the site for health and safety reasons. Figures provided for the volume of imported material showed that in the last year, nearly 54,000 tonnes of waste</p>

			<p>material had been imported to the site, some 4,000 tonnes above the permitted level.</p> <p>A planning application was submitted relating to altering the location of the wood waste processing and amending the limitation on the quantity of waste materials, but was not valid due to further information being required. The additional information and a completed planning application is expected to be submitted shortly.</p>
OUTSTANDING CASE WITHIN THE SOUTH DOWNS NATIONAL PARK SUBJECT TO ONGOING ACTION			
March 2014	Court Farm, Falmer	Importation and deposit of waste.	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken which confirmed the nature of the complaint. Discussions were held with the landowner and a planning application (SDNP/14/03083/CW) to regularise the development submitted. However, the application was withdrawn by the applicant.</p> <p>A revised planning application (SDNP/15/00790/CW) was submitted and subsequently refused by the Planning Committee on 24 June 2015. Following the refusal of planning permission, a meeting has been held at the site with the landowner and the operator. The landowner has agreed to remove the waste material that has been imported into the site in relation to this planning application, and to restore the land. Officers will monitor the site and if the removal of the waste materials and restoration of the site is not achieved within the agreed timescales, formal enforcement action will be instigated.</p>