

Committee	<b>Regulatory Planning Committee</b>
Date	<b>13 April 2022</b>
Report by	<b>Director of Communities, Economy and Transport</b>
Subject	<b>Development Management Update</b>
Purpose	<b>To inform Members about matters relating to: (i) enforcement and site monitoring, undertaken under delegated powers for the six months period between 1 October 2021 and 31 March 2022; (ii) appeals; and (iii) development management performance for the period 1 April 2021 to 31 March 2022.</b>
Contact Officer:	<b>Sarah Iles – 01273 481631</b>
Local Members:	<b>All</b>

## **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 October 2021 and 31 March 2022, inclusive, there were thirteen new complaints about alleged breaches of planning control. Of the new cases, six were resolved within the reporting period and nine older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2022 was 14. This represents a decrease of two in the number of cases that were outstanding at the end of the previously reported period (1 June 2021 – 30 September 2021).

1.2 Appendix 1 of this Report provides details of cases resolved and received within the period 1 October 2021 and 31 March 2022, 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. In respect of enforcement and site monitoring (see below), it is worth noting that the County Council's Monitoring and Enforcement Officer retired in early February this year. Whilst a replacement started with the County Council on the 5 April, the two month period of time without a dedicated Monitoring and Enforcement Officer has meant a reduction in the pro-active monitoring work and attempts to resolve some of the outstanding cases.

### **2. Site Monitoring**

2.1 Very limited site monitoring has been carried out during the reporting period. It is hoped that a full site monitoring regime will resume this year.

### **3. Appeals**

3.1 As previously reported to Planning Committee in October 2021, there was one outstanding appeal, which was in relation to the refusal of planning permission for a waste wood recycling operation at Holley's Woodshaving, Squires Farm Industrial Estate, Palehouse Common. An appeal Hearing was due to take place on 20 October 2021, and was scheduled to last for one day. However, the Appellant withdrew the appeal on the day before the Hearing. There are no outstanding matters relating to the site.

#### **4. Development Management**

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

4.2 The Government publishes criteria for determining whether or not to place local planning authorities in “special measures”. One measure is the average percentage figure for the timely determination of major development applications over two years. The threshold for designation is currently at 60% of applications being determined within a 13 week period, or within a timeframe agreed with the applicant. The Government also introduced monitoring performance on non-major planning applications, the threshold for which is 70%. However, the monitoring of performance on non-major applications relates to District/Borough/Unitary authorities and not County Councils. Therefore, the performance on the determination of the non-major County Council developments (Regulation 3) will not be included in the performance figures measured by the Government, although we continue to monitor and report on our own performance.

4.3 In terms of performance, for the period April 2021 to March 2022 (inclusive) of the relevant applications, 100% of County Matter applications (waste and minerals proposals) were determined within 13 weeks or within an agreed extension of time, and 100% of County Council applications (for the County Council’s own development proposals) were also determined within 8 weeks or within an agreed extension of time, both of which clearly exceed the targets set by Government and locally. With respect to the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 24 months ending December 2021 was 100% of major applications determined within the relevant timescale, which is clearly well above the current 60% threshold.

4.4 The table below sets out the number and types of formal applications/queries dealt with for the financial year 2021/22.

Type	2021/2022
County Council applications determined	17
County Matter applications determined	6
Cross Boundary Applications	2
Applications withdrawn	6
Non-material amendment applications determined	3
Lawful Development certificates	0
Prior Notification	0
Formal Pre-Application Advice	12
“Do I need planning permission” requests	11
Minerals/Waste Safeguarding and other consultations	57

#### **5. Contact Officers**

5.1 Members with any queries about enforcement or site monitoring matters should contact Sarah Iles (01273 481631). Members with queries relating to County Matter and Regulation 3 applications should contact either Jeremy Patterson (01273 481626) or Sarah Iles.

RUPERT CLUBB  
Director of Communities, Economy and Transport  
05 April 2022

Local Members: All

**BACKGROUND DOCUMENTS**

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

## Appendix 1

**TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED BETWEEN 1 OCTOBER 2021 AND 31 MARCH 2022**

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
1/1	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 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. The site operator 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>Following the agreed extension of time, a further site visit was undertaken, which confirmed that the necessary works had been completed and the site was considered to be in full compliance with the requirements of the Enforcement Notice. Breach of planning control resolved, and no further action required.</p>
1/2	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. Initial monitoring of the site was carried out by officers, which did not identify any excessive noise.</p> <p>Further monitoring by officers has been carried out on numerous occasions and no excessive noise has been identified from operations at the site. No further enforcement action required, and the site will be monitored in accordance with the Council's Site Monitoring Policy.</p>
1/3	June 2021	Bexhill & Hastings WWTW, Freshfields Road, Pebsham, Bexhill-on-Sea	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, which could constitute a breach of the planning conditions attached to the planning permissions which relate to the site.</p> <p>Numerous unannounced monitoring visits to the site were undertaken and no breaches of the lighting condition were observed. Similarly, there were no odours noted to be escaping from the site. There is no breach of the planning conditions, and no further enforcement action is required.</p>
1/4	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 held, 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>The operator indicated he wanted to seek planning permission and environmental</p>

				<p>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, a timescale for the clearance of the site was agreed.</p> <p>Following the expiry of the agreed time period for clearance, a further site visit was carried out, which confirmed that the end-of-life vehicles had been removed and the site returned to use as a garage for the servicing and repair of vehicles. The breach of planning control has therefore been resolved and no further enforcement action is required.</p>
1/5	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 did not have the benefit of.</p> <p>Discussions were held with the operators, and the requirement for planning permission explained. The operator stated that, due to an inter-family land dispute, he was 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 the site.</p> <p>Several unannounced site visits have since been undertaken and no further waste has been deposited at the site and sorted. Therefore, the breach of planning control has been resolved and no further enforcement action is required.</p>
1/6	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, which was agreed.</p> <p>A further site visit has now been undertaken and all the waste has been removed from the site. The breach of planning control has therefore been resolved and no further enforcement action is required.</p>

1/7	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. An initial joint site visit with officers from Wealden District Council was undertaken, but it was not possible to access the site.</p> <p>A further site visit has now been undertaken and no scrap metal was observed on the site. No breach of planning control identified regarding waste matters and therefore no further action is required by this Authority in its capacity as Waste Planning Authority.</p>
1/8	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>Following this meeting it was agreed that this matter was considered to be an engineering operation which should be dealt with by Wealden District Council. No further action is required by the Authority in its capacity as Waste Planning Authority.</p>
1/9	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 was carried out, which appeared to indicate that the site is being used as a builder's yard.</p> <p>Contact was made with the landowner, who stated that the site has been in continuous use as a builder's yard for approximately twelve years and all the waste on the site was there in connection with that use. As the use as a builder's yard falls outside this Authority's remit as Waste Planning Authority, the matter has been passed to Lewes District Council for information/action as they may deem appropriate. No further action is required by this Authority.</p>

**TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED AND RESOLVED BETWEEN 1 OCTOBER 2021 AND 31 MARCH 2022**

	<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
2/1	October 2021	Allied Waste Management, Squires Farm Industrial Estate, Easons Green	Breach of Condition (noise levels and outside operations)	<p>A complaint was received alleging that the site was not being operated in accordance with the planning conditions attached to the planning permission which relates to the site (WD/737/CM). Specifically, the complainant alleged that waste was being loaded outside of the waste transfer building and that the operation was very noisy.</p> <p>An unannounced site visit was undertaken and during the site visit a meeting was held with the site operator. The operator explained that no waste had been loaded outside the building, the operation that had been complained about was the manoeuvring of an empty skip into the waste transfer building for it to be loaded with waste that was to be removed from the site. Once loaded the skip was hoisted out of the building straight onto the rear of a lorry and removed from the site. This information was supported by coverage from the site's security CCTV, which was viewed by officers.</p> <p>No breach of planning control and no further enforcement action required. The site will be monitored in accordance with the Council's Site Monitoring Policy.</p>
2/2	November 2021	Little Dawes, Spring, Lane, Buxted	Importation and deposit of waste (soils)	<p>A complaint was received that alleged that several breaches of planning control, including the importation and deposit of waste materials, were taking place at the site.</p> <p>As the majority of the complaint consisted of planning issues that fell outside the remit of this Authority, a joint site meeting was arranged with the landowner and an officer from Rother District Council. During the site meeting all the planning issues were discussed with officers. In respect of the importation of waste materials, most of this material was required to facilitate the development of an equestrian sand school on the site, an operation that has the benefit of planning permission from Rother District Council. Some other materials were imported to improve a damaged field gateway on the site, which is an activity that is considered to be permitted development and not requiring specific planning permission.</p>

				Therefore, there is no breach of planning control for this Authority and the other matters subject of the complaint are being dealt with by Rother District Council. No further action required.
2/3	November 2021	The Granary, Watermill Lane, Bexhill-on-Sea	Importation and deposit of waste (building waste)	<p>A complaint was received alleging that waste materials, comprising building and construction waste, were being imported into and deposited at the site. An officer undertook an initial site visit but was unable to gain access to the site because it was secured.</p> <p>The landowner was traced, and a site meeting held. During the meeting the landowner explained that the site had been used, prior to his ownership, as a builder's yard and when he purchased it there was a considerable quantity of building and construction waste on the site. He has been clearing the waste.</p> <p>A full site inspection was undertaken. The landowner explained that some kitchen units from his house had been brought onto the site and he was intending to shred them and burn them. Following discussions, he agreed not to undertake this action, but instead dispose of them appropriately at a household waste recycling facility.</p> <p>There were some other planning issues identified during the site visit which fall outside the remit of this Authority and the landowner was advised to seek advice from Rother District Council, who have been made aware of matters at the site.</p> <p>No planning issues for this Authority to deal with and no further action required.</p>
2/4	December 2021	KPS Composting, Boathouse Farm, Isfield	Breach of Conditions (Stockpile heights and tonnages)	<p>A complaint was received that conditions attached to the planning permission for the site (WD/782/CM) were being breached. Namely, waste wood stockpiled at the site exceeded the height limit (Condition 19); the total amount of waste imported into the site exceeded 50,000 tonnes (Condition 4); and that the wood waste limit of 10,000 tonnes was also exceeded (Condition 5).</p> <p>An unannounced site visit was undertaken, during the course of which a meeting was held with the Operations Manager of the site. The inspection of the site clearly showed that the waste wood stockpile was exceeding the permitted height level of 5 metres. The Operations Manager was aware of this Condition and had already put in place a scheme to reduce the stockpile height back to within permitted levels. A short timescale was agreed with him to achieve compliance with the Condition.</p>

				<p>The Operations Manager provided details of the materials imported into the site. For the year in question, some 40,000 tonnes of green waste had been imported into the site and 2,800 tonnes of wood waste had been imported. Both these figures were within the limits set by Conditions 4 and 5 attached to the planning permission WD/782/CM. Therefore, in relation to this aspect of the complaint, there was no breach of planning control and no further action was required.</p> <p>Following the expiry of the time period for reducing the height of the stockpile, a further site visit was carried out, which confirmed that the waste wood stockpile had been reduced to within the permitted height limit. Therefore, the breaches identified by the complaint have been addressed and the breach of planning control resolved. No further enforcement action required, and the site will be monitored in accordance with the Council's Site Monitoring Policy.</p>
2/5	December 2021	Holtye Croft Cansiron Lane, Cowden	Importation and deposit of waste (soils)	<p>A complaint was received that waste materials, comprising soils and sub-soils, were being imported into and deposited at this site.</p> <p>A joint site meeting with the landowner was arranged, with an officer from Wealden District Council also attending. The landowner stated that they had imported several loads of soil to build up and improve a track within the wood on their land.</p> <p>The imported material appeared to be suitable and proportionate for the use described by the landowners. As this is an engineering operation, Wealden District Council are dealing with this matter and no further action is required by this Authority in its capacity as Waste Planning Authority.</p>
2/6	January 2022	The Dingle, Colestock Cross, Cowden, Edenbridge	Importation and deposit of waste (soils)	<p>Officers were in the area in connection with another matter and noticed that a substantial earth bund had been created on the site, running parallel with the highway.</p> <p>A site meeting was arranged with the landowner and an officer from Wealden District Council. The landowner explained that he had created the bund as a security measure for the southern boundary of his property.</p> <p>The construction of the bund is considered to be an engineering operation, and not a waste disposal operation, and is therefore being dealt with by Wealden District Council. No further action is required by this Authority.</p>

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**TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN 1 OCTOBER 2021 AND 31 MARCH 2022 AND AS YET UNRESOLVED.**

	<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
3/1	October 2021	Hole Farm, Westfield Lane, Westfield	Breach of Conditions (hours of operation, noise, additional plant, landscaping)	<p>Two complaints were received alleging that the site was breaching a number of the conditions attached to the planning permission for the site (RR/724/CM). These were: unapproved machinery being used on site (Condition 2); site operations exceeding permitted noise levels (Condition 3); landscaping works not having been completed (Condition 4); operating outside the hours permitted (Condition 6); and machinery operating outside permitted hours (Condition 7).</p> <p>An unannounced site visit was undertaken which identified a number of breaches of conditions, including the fact that the site was not laid out in accordance with the approved plans (Condition 1) and willow screening had not been planted (Condition 4). The site visit also confirmed that there was unauthorised machinery on the site.</p> <p>A letter was sent to the new operator of the site to advise him of the complaint and the outcome of the site visit, and advising him, if he wished to continue to operate the site without complying with the existing conditions, that a new planning application would need to be submitted to seek to regularise these breaches.</p> <p>A response was received from the operator's agent seeking clarification on certain matters. A response was provided and a further response is awaited from the agent as to how his client wishes to address these matters.</p>
3/2	November 2021	Hazelwood, Cansiron Lane, Cowden, Edenbridge	Importation and deposit of waste (soils)	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site and deposited.</p> <p>A site visit was undertaken, during the course of which a meeting was held with the landowner. The site was inspected and it was noted that a significant quantity of soils and hardcore had been imported into the site. The landowner explained that some of</p>

				<p>the materials were required to build up pond banks on the site, and more material was required to landscape a steep bank on the site.</p> <p>In order to try and resolve this matter, a further site meeting was arranged with the landowner, his operator and officers from the Environment Agency and Wealden District Council. The landowner agreed to submit a planning application to Wealden District Council to seek regularisation of the engineering works to the bank and he also agreed to remove the stockpile of waste materials from the site.</p> <p>Due to the onset of winter, it was not possible for the landowner to achieve the complete removal of the waste materials from the site. It was agreed that the landowner would progress the planning applications and then resume the removal of the stockpiled materials once ground conditions improved. In the meantime, the site will continue to be monitored by officers from the Environment Agency and this Authority to ensure that the removal of the imported waste is carried out.</p>
3/3	January 2022	Land on the north side of Menzies Road, St. Leonards-on-Sea	Importation and deposit of waste materials (mixed waste)	<p>A complaint was received that waste materials were being imported into and deposited at the site. A site visit was carried out, which confirmed the substance of the complaint.</p> <p>Following research, it transpired that the company shown as the landowner on the Land Registry records was dissolved in 2016. A further site visit was carried out, which confirmed the waste was still on the site, but no additional waste appeared to have been deposited. A "warning notice" was placed on the site and officers were subsequently contacted by the managing agents for the landowner, who claimed that the waste had been fly-tipped and the landowner was unaware of the activity.</p> <p>CCTV footage from a nearby property appears to corroborate that the waste has been fly-tipped. Steps have since been taken by the landowner to secure the site to prevent any further fly-tipping taking place. In terms of removing the waste from the site, this responsibility lies with the landowner, who is aware of their obligations regarding the site. Officers are monitoring the site and working with the managing agent to ensure the waste is removed. Separately, the landowner is seeking to pursue civil action against the individual believed to be responsible for the fly-tipping.</p> <p>Officers have also liaised with Hastings Borough Council regarding the issue of the fly-tipping.</p>

3/4	February 2022	Land at Renby Lakes, Forge Road, Eridge	Importation and deposit of waste (soils)	<p>A complaint was received that waste materials, comprising soils, were being imported and deposited at the site.</p> <p>A joint site visit with an officer from Wealden District Council was carried out and it was noted that a significant volume of materials was deposited in a field. The materials comprised soil and sub-soil, and also what appeared to be dredgings from the nearby lake. It was also noted that an area or hardstanding appeared to have been created and facilities provided, potentially for recreational use of the site.</p> <p>Enquiries are ongoing to ascertain the works and activities at the site.</p>
3/5	February 2022	Burfield Academy, Oaklands Way, Hailsham	Breach of Condition - Kiss and Drop not being used	<p>A complaint was received that the School was not operating the Kiss and Drop facility, which was resulting in congestion on local roads and parents were, allegedly, repeatedly parking across residents' driveways and blocking access.</p> <p>Planning permission (WD/3252/CC) for the School was granted in 2015, which included the provision and use of a "kiss and drop" facility. Following the complaint, an initial site visit was carried out, which confirmed that the vehicular gates to the School were shut and only pedestrian access allowed.</p> <p>A site meeting has recently been held with representatives of the School, Academy Trust and Highways Officers to discuss and assess the current situation. The School confirmed that the kiss and drop facility is not currently in operation. Initially this was due to the pandemic and the need for additional circulation space within the grounds to allow for social distancing. Since the lifting of restrictions, concerns have been raised regarding the safe operation of the kiss and drop, particularly now that the School is at full capacity. Consequently, a health and safety report has been commissioned by the School and the results are currently awaited.</p> <p>Officers are monitoring the situation and also reviewing other measures which could be implemented, such as parking/waiting restrictions in order to reduce traffic hazards in the immediate vicinity of the School.</p>

3/6	March 2022	Land to the rear of Sussex Oak, Oak Lane, Blackham	Importation and deposit of waste - soils	<p>A complaint was received that waste materials, comprising soils, were being imported and deposited at the site. A site visit was carried out and a chance meeting with the operator and landowner held. It was identified that approximately 400 tonnes of subsoil had been imported to the site, with the intention to level an area of land and re-plant it as an orchard and mixed leaf woodland.</p> <p>Following the site visit, a formal letter was sent to the landowner and a response has been received. According to the landowner, since owning the property, he has spent several years clearing historic waste tipped on the site, which has resulted in an area of uneven and unproductive land. The landowner's intention is to restore this land.</p> <p>Further consideration of the case is continuing, including liaison with Wealden District Council.</p>
3/7	March 2022	Clear Hedge Farm, Chiddingly Road, Horam	Importation and deposit of waste	A complaint has been received regarding the alleged importation, deposit and burying of waste at the site. Officers are liaising with the Environment Agency and Wealden District Council and a site visit is due to be carried out.

**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</p>

				<p>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>A recent site visit has been undertaken, which found that a significant quantity of the imported waste material has been removed from the site. The winter weather slowed progress, but officers will continue to monitor the site to ensure that ongoing progress is maintained.</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. 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 was held with the site operators and progress was noted as being</p>

				<p>made in moving the bunds from under the crown spread of the trees. Further works to resolve the breach of planning control were identified.</p> <p>The landowner has moved the imported materials away from the crown spread of the affected trees, but the winter weather made further progress impossible as the ground became waterlogged. Officers are now arranging to visit the site again to assess the current situation and review progress.</p>
4/3	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 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 required the materials to be removed and the original landform to be restored. The operator/landowner was given an initial timescale for these remedial works to be undertaken.</p> <p>Contact has been maintained with the landowner, who has had surveys and analysis of the materials undertaken. More recently, a planning agent has been appointed by the landowner and discussions regarding the resolution of the matter are ongoing.</p>
4/4	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 was expected to be submitted, however, no such application has been forthcoming. Contact was made with the operator's agent, who stated that there is currently no end of life vehicle breaking taking</p>

				<p>place on the site.</p> <p>The site has since been monitored and during a visit, discussions were held with the site operator, who confirmed that vehicle breaking was continuing to take place and that it was still the intention to submit a planning application.</p> <p>There has still been no submission of a planning application and, as a precursor to formal enforcement action, a further site visit is due to be carried out in the near future.</p>
4/5	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 and subsequent correspondence was had with the site operator and agent, and the requirement for planning permission and an environmental permit explained. 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>Further contact was 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>No planning application was forthcoming, and the unauthorised activity continued. A Temporary Stop Notice was therefore served on the landowner, operator and interested parties on 12 November 2021, which ceased the waste activity on the site. Following the service of the Temporary Stop Notice, the operator has submitted a planning application (LW/860/CM) relating to the waste tyre processing on the site and this application is now under consideration.</p>
4/6	June 2021	Spring Valley Farm,	Importation and	A complaint was received that household waste was being imported into this site in

		West Street Lane, Maynards Green	deposit of household waste	<p>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 waste that had already been imported.</p> <p>There are a number of issues relating to the site and, due to the landowner's circumstances, multiple agencies are working with the landowner and his family to ensure that no further waste materials are imported and that the site is cleared.</p> <p>Regular site visits and meetings with the landowner have been undertaken and the importation of waste into the site has ceased. The weather and ground conditions have prevented any significant removal of the waste that had been imported into the site. It is hoped that progress will be made when the better weather arrives in the spring and ground conditions allow. In the meantime, officers are maintaining contact with other agencies and the landowner.</p>
4/7	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 for planning permission seeking to regularise this change of use.</p> <p>A planning application (WD/856/CM) was submitted, but was subsequently withdrawn before determination. A revised application (WD/862/CM) has been submitted and is due to be considered by the Planning Committee at Agenda Item 5.</p>