

Committee	Regulatory Planning Committee
Date	15 February 2023
Report by	Director of Communities, Economy and Transport
Subject	Development Management Update
Purpose	To inform Members about matters relating to planning enforcement and site monitoring undertaken under delegated powers for the period between 1 April 2022 and 31 December 2022.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 April 2022 and 31 December 2022, inclusive, there were thirty five new complaints about alleged breaches of planning control. With the exception of two, all of the new cases all related to “County Matter” sites. Of the new cases, sixteen were resolved within the reporting period and three older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of December 2022 was thirty. This represents an increase of sixteen in the number of cases that were outstanding at the end of the previously reported period (1 October 2021 – 31 March 2022).

1.2 There has been an increase in the number of outstanding cases. However, this can be attributed to a number of factors. Firstly, the scale and complexity of several cases has involved significant officer input and time, which has impacted on the ability to resolve/deal with other cases. This, combined with the need in certain instances to liaise with other regulatory bodies, can draw out the length of time it can take to resolve cases. However, when dealing with breaches of planning control, the foremost aim is achieving the best outcome rather than purely seeking a swift resolution and closing a case. There have also been a number of changes in staff within the Planning Policy and Development Management Team, and there have been periods where positions have been vacant, which has had an impact on the level of service it has been possible to provide. Despite these challenges, the enforcement service continues to be provided in a positive, proactive and effective manner.

1.3 In terms of joint working, this remains a hugely important part of dealing with enforcement matters and assisting with the investigation and resolution of cases. Joint and collaborative working with other regulatory agencies and bodies complements the resources available for dealing with enforcement and also helps to provide a consistent approach when dealing with operators and landowners. In addition, multi-agency working has the benefit of increasing knowledge and intelligence sharing, particularly as often the same persons are of interest to the various parties. To support this joint working and cooperation, officers attend various inter-agency regional and national groups as well as locally arranged liaison groups. A key local group that is attended is the East Sussex Waste Crime Practitioners Group, which consists of officers from the District/Borough

Councils within East Sussex, neighbouring authorities, the Environment Agency, Police and Trading Standards. Recently, officers from this Authority have been Chairing these meetings.

1.4 Appendix 1 of this Report provides details of cases resolved and received within the period 1 April 2022 and 31 December 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.

2. Site Monitoring

2.1 During the reporting period, nineteen non-chargeable site monitoring visits were carried out. No chargeable site monitoring visits were undertaken during the period. Site monitoring of minerals and waste sites has to be accommodated within limited resources and has to be balanced against other workloads and constraints.

2.2 However, despite the limited number of actual site monitoring visits carried out, extensive work has continued on preparing a comprehensive list of sites to be monitored and it is anticipated that a full site monitoring regime will resume from April 2023. Currently, it is estimated that the following number of sites will require monitoring:

<u>Non-chargeable</u>	<u>Number of sites</u>
Active waste sites	53
Wastewater treatment works/facilities	45
Household waste sites	9
<u>Chargeable</u>	<u>Number of sites</u>
Minerals and landfill	11

2.3 Monitoring of large County Council developments, such as the Newhaven Port Access Road and Bexhill-Hastings Link Road, is also undertaken.

3. Contact Officers

3.1 Members with any queries about enforcement or site monitoring matters should contact either Sarah Iles (01273 481631) or Marcus Berrisford (01273 335218).

RUPERT CLUBB
Director of Communities, Economy and Transport
07 February 2023

Local Members: All

BACKGROUND DOCUMENTS

None

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED BETWEEN 1 APRIL 2022 AND 31 DECEMBER 2022

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
1/1	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 place on the site.</p> <p>The site was 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. Since that meeting, a planning application was submitted to Lewes District Council and has subsequently been approved, thereby regularising the use of the site.</p> <p>Breach of planning control resolved, and no further enforcement action required.</p>
1/2	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</p>

				<p>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 corroborated that the waste had been fly-tipped. However, the responsibility of removing the waste lies with the landowner, who is aware of this. Separately, it is understood the landowner is seeking to pursue civil action against the individual believed to be responsible for the fly-tipping.</p> <p>Significant steps have since been taken by the landowner to secure the site to prevent any further fly-tipping taking place, which has proved successful. It is not considered that any further enforcement action is required, although officers will continue to monitor the site when in the area.</p>
1/3	March 2022	Clear Hedge Farm, Chiddingly Road, Horam	Importation and deposit of waste	A complaint was received regarding the alleged importation and deposit of waste at the site. Officers from the Environment Agency and Wealden District Council undertook a site visit, but did not identify any issues for this Authority. No further complaints have been received and no further action required.

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED AND RESOLVED BETWEEN 1 APRIL 2022 AND 31 DECEMBER 2022

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
2/1	April 2022	<p>Allied Waste Management Ltd, Unit 8 Knights Business Park, Squires Farm Industrial Estate, Easons Green, Framfield</p> <p>THIS IS A SEPARATE ENTRY TO THAT SHOWN IN THIS TABLE AT 2/12</p>	Breach of condition – outside storage of waste	<p>A complaint was received alleging excessive noise emanating from the site and also a breach of the planning permission relating to the site (WD/737/CM) in respect of the outside storage of waste.</p> <p>A site visit was carried out and discussions held with the operator. No waste was being stored outside and CCTV footage at the site confirmed that containers and skips were moved into the waste transfer building before being emptied. This does not represent a breach of planning control. In terms of the noise, there are no controls on the planning permission in terms of noise levels and investigations by Wealden District Council's Environment Health Officer have not identified any statutory noise nuisances.</p>

				No breach of planning control and no further enforcement action required. This site will be monitored as part of the Council's Site Monitoring Policy.
2/2	April 2022	Maynards Green CP School, B2203, Maynards Green, Heathfield,	Use of the swimming pool for commercial purposes and outside normal school hours	<p>A complaint was received that the swimming pool at the School was being used for commercial purposes outside school hours, including at weekends, and was causing a disturbance. A site visit was carried out and a meeting held with the Headteacher and Pool Manager.</p> <p>It was confirmed that extra-curricular swimming lessons were held outside school hours on certain days, both for pupils attending the school and from other nearby schools. However, pupil numbers were very limited, and all lessons ended by 6.15pm. On the basis of the limited use, it was considered the additional use of the pool was de-minimus in planning terms. No breach of planning control occurring and no further enforcement action required.</p>
2/3	April 2022	Little Farm, Burnt Oak Road, High Hurstwood,	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported, deposited and burnt at the site. Following liaison with Wealden District Council and the Environment Agency, a site visit was carried out. Numerous breaches of planning control were identified, including "non-waste" related matters. Wealden District Council subsequently served Enforcement Notices relating to the breaches of planning control, which included covering the removal of waste materials from the site.</p> <p>No further action required by this Authority.</p>
2/4	April 2022	Meadowfield, Harveys Lane, Ringmer	Importation, deposit and burning of green waste	<p>A complaint was received that waste was being imported and burnt at the site. A site visit was carried out and although there was some evidence of burning taking place, there was nothing to support that it had been imported and was not site derived.</p> <p>No breach of planning control identified and no further action required.</p>
2/5	April 2022	Sussex Skips Ltd, Material Recovery Facility, North Quay Road, Newhaven	Breach of conditions – hours of operation and storage of materials outside the building	<p>Officers noted operations taking place outside the approved hours for the site and also that significant quantities of materials were stored outside the building, specifically in areas not approved for outside storage.</p> <p>A site visit was carried out and discussions held with the operator. At the time of the visit, all waste materials had been moved to within the building, thereby resolving that breach of the planning permission.</p>

				<p>The operator advised the company had just gone into Administration and that all activities would be ceasing. Details of the Insolvency company handling the case were provided.</p> <p>The site has subsequently ceased operating and, although waste remains within the building, there are no current breaches of planning control and no further enforcement action required.</p> <p>The site will be monitored in the event that a new operator takes over the site.</p>
2/6	June 2022	58 Windsor Way, Polegate	Importation and deposit of waste materials	<p>A complaint was received regarding materials being stored at the front and rear of the property. A joint site visit was undertaken with an officer from Wealden District Council and discussions held with the landowner.</p> <p>It was noted that a large assortment of items were being stored outside the property. However, the nature of the materials and the way they were stored did not suggest or indicate that they were associated with either a waste use or operation potentially requiring planning permission. Whilst the appearance of the external areas of the property was untidy, this was not considered to be a County Matter in terms of the storage/disposal of waste. Further discussions were held with Wealden District Council regarding the use of their enforcement powers in terms of “untidy land” under Section 215 of the Town and Country Planning Act.</p> <p>Not a County Matter and no further action required by this Authority.</p>
2/7	July 2022	Land adjacent to ice cream depot, Bulverhythe Road, St Leonards-on-Sea	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported, deposited and stored at the site. A site visit was carried out, which noted a lorry parked on the site and two skips full of waste. However, there was no indication that the site was being used for waste management/disposal purposes.</p> <p>Further site inspections have been carried out and no waste importation has been identified. The site has been cleared and now appears to be in the process of being redeveloped. No breach of planning control identified, and no further enforcement action required.</p>
2/8	August	Oakville Farm,	Importation and	<p>A complaint was received that green waste was being imported to the site and burnt.</p>

	2022	Eastbourne Road, Halland	burning of green waste	<p>A joint site visit was carried out with an officer from the Environment Agency. No evidence of waste importation or burning was found and no breach of planning control identified.</p> <p>No further action required.</p>
2/9	August 2022	Clarklye Barn, Stalkers Lane, Chiddingly	Importation and burning of waste	<p>A complaint was received that waste was being imported to the site and burnt. A joint site visit was carried out with an officer from the Environment Agency and a meeting held with the landowner.</p> <p>The landowner advised that materials are being removed from the site, which have arisen from works to buildings within the site, which consists of a house and extensive grounds. There was no apparent evidence of materials having been imported to the site. Some burning had taken place, which had been carried out by an employee during the landowner's absence. No further burning has taken place.</p> <p>No breach of planning control and no further enforcement action required.</p>
2/10	September 2022	French & Sons, Drury Lane, St. Leonards-on-Sea	Breach of condition - Excessive noise and out of hours working	<p>A complaint was received that excessive noise was emanating from the site and this was occurring outside the approved hours of operation for the site (HS/714/CM). A site visit was carried out and a meeting held with the operator.</p> <p>The operator advised that they did not start operations before the approved time and that the noise subject to the allegation was not from their site. CCTV footage confirmed that, at the time of the complaint, the site was not operating. Following investigations, it appeared the noise was coming from other, nearby premises that are not restricted on their operating hours.</p> <p>No breach of planning control and no further action required. The site will continue to be monitored as part of the Council's Site Monitoring Policy.</p>
2/11	September 2022	Greenacres, London Road, Battle	Importation and deposit of waste materials	<p>A report was received regarding the importation and deposit of soils to the site. Following investigations, it was established that the materials were being imported for use in connection with works within the residential curtilage of the property, and not as a means of waste disposal.</p> <p>No breach of planning control identified, and no further enforcement action required.</p>

2/12	October 2022	<p>Allied Waste Management, Unit 8, Squires Farm Industrial Estate, Palehouse Common, Framfield, Uckfield</p> <p>THIS IS A SEPARATE ENTRY TO THAT SHOWN IN THIS TABLE AT 2/1</p>	<p>Breach of condition - Unloading of waste bins outside the approved site area. / Bins stored outside the approved site area:</p>	<p>A complaint was received that containers were being unloaded in the open yard and also that containers were being stored outside the permitted site area. A site visit was carried out and discussions held with the operator.</p> <p>During the course of the site visit, the operator explained that although some larger containers were unloaded from vehicles in the yard area (due to height restrictions within the building), no waste was unloaded other than within the building. This does not amount to a breach of the planning permission.</p> <p>It was noted that a Ro-Ro container associated with the site was stationed just outside the boundary and was for the collection of plasterboard. This was brought to the attention of the operator and requested that it be moved to within the site boundary, which was subsequently done.</p> <p>Breach of planning control resolved, and no further enforcement action required. The site will be monitored as part of the Council's Site Monitoring Policy.</p>
2/13	October 2022	Land north of Owlsbury Garden Machinery, Lower Ashwood Farm, Eridge Road, Crowborough	Importation and storage of waste (asbestos) including siting of shipping containers	<p>A complaint was received that waste materials, including asbestos, were being imported to the site and stored. A site visit was carried out which noted a limited amount clean hardcore and timber products stored at the site. There was no evidence of significant imports of waste materials or asbestos.</p> <p>The site has been monitored on several occasions, but no waste uses identified. No breach of planning control and no further enforcement action required.</p>
2/14	October 2022	15 Danecroft Place, Hellingly	Disposal of asbestos and waste oil	<p>A complaint was received that asbestos and waste oil was being disposed of at the site. A site visit was carried out and some historic bonded asbestos sheeting found, together with a couple of old plastic oil containers. There was no evidence of waste being imported and this is not considered to be a County Matter. No further enforcement action required.</p>
2/15	October 2022	Land adjacent to Watchoak House, Chain Lane, Battle	Alleged deposit of waste	<p>A complaint was received that waste arisings from a nearby development were being, or were about to be, deposited on land. Following investigations and discussions with various parties, it transpired that works at a small housing development had not been carried out in full accordance with the relevant planning permission, and the matter was being dealt with by Rother District Council.</p>

				Consequently, no waste materials were deposited as suspected, and there was no breach of planning control for this Authority, as the Waste Planning Authority, to pursue.
2/16	November 2022	Land at 45 Broad View, Broad Oak, Heathfield,	Deposit of waste soils	<p>A complaint was received that waste soils were being deposited and stored on a highway verge, which was causing an obstruction and also washing down the drains and across the highway following heavy rain.</p> <p>The site was visited and contact made with East Sussex Highways. No licence had been granted for the storage of the materials on the highway and the resident was requested to remove the materials.</p> <p>No breach of planning control for this Authority to deal with and no further action required.</p>

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN 1 APRIL 2022 AND 31 DECEMBER 2022 AND AS YET UNRESOLVED.

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
3/1	June 2022	Sweethayes Farm, London Road, Hurst Green	Importation and deposit of waste	<p>A complaint was received regarding the importation and deposit of waste materials (soils) at the site. There is an extant planning permission for the construction of a replacement barn, granted by Rother District Council, and it is understood the materials are being imported for that purpose and for the creation of a track. However, the development is not in full accordance with the planning permission and investigations are continuing.</p> <p>Officers are liaising closely with Rother District Council and the Environment Agency and a further site visit is due to be carried out to identify the full extent of the works and which regulatory body is appropriate to take the lead.</p>

3/2	June 2022	Skilton's Skips, AS Farm, The Warren Crowborough	Importation and deposit of waste	A complaint was received regarding a potential skip operation being operated from the site. A site visit confirmed this and investigations are ongoing.
3/3	June 2022	Old Concrete Works, Tilley Lane, Boreham Street	Deposit/burning of waste	<p>A complaint was received that waste materials were being imported to and burnt at the site. An initial site visit was carried out but access to the site was denied. Following discussions with the landowner, a comprehensive site inspection was arranged and undertaken. This identified a significant quantity of waste materials that appeared to have been imported to the site, although the landowner stated that some were site derived following excavations and the construction of a new barn on the site.</p> <p>Following the site visit and meeting, a letter has been sent to the landowner and a response is currently awaited prior to any further action. In the meantime, the importation of any further waste materials has ceased.</p>
3/4	June 2022	AM Skips & Plant Hire, Hazelbank, London Road, Maresfield,	Breach of conditions – noise and site layout	<p>During a site monitoring visit it was noted that the layout of the site was not in accordance with the approved plans. Subsequent complaints have also been received regarding excessive noise emanating from the site and its operations.</p> <p>Numerous site visits have been carried out and meetings held with the operator and also the Environmental Health Officer (EHO) from Wealden District Council. The EHO has identified certain measures which may address the noise issues, such as acoustic fencing. However, such measures may require planning permission due to their scale.</p> <p>No satisfactory progress has been made in respect of resolving the breaches of planning control and consideration is now being given to the instigation of formal enforcement proceedings.</p>
3/5	June 2022	Magreed Farm (previously Hilltop Farm), Magreed Lane, Broad Oak, Heathfield	Importation and deposit of waste, including building materials and disused vehicles.	<p>A complaint was received regarding the use of this site for the importation and storage of waste materials and other items. A site visit was carried out and discussions held with the landowners. During the site visit, it was noted that there was a considerable quantity of waste materials at the site, albeit in a relatively limited area.</p> <p>The landowners claimed that much of the waste was inherited from the previous</p>

				owner when they purchased the farm and that they were in the process of gradually clearing the waste and disposing of it off site. There was no evidence to dispute this, and historic records tend to support this. However, the landowners have been advised that no new waste should be imported to the site and that in order to ensure that the landowners are progressing the clearance of the historic waste, the site will be monitored periodically.
3/6	July 2022	The Plantation, Ersham Road, Stone Cross	Importation, processing and deposit of waste	<p>A complaint was received regarding a significant number of lorries entering the site and depositing waste materials. A joint site visit with an officer from the Environment Agency was undertaken and a chance meeting with the landowner held. It was noted that a substantial volume of waste materials, including trommel fines, hardcore, subsoil and timber, had been imported to the site and deposited. Processing plant was also noted to be on the site.</p> <p>The landowner stated he was carrying out works associated with a Prior Notification approval he had in relation to raising the levels of land to return it to productive agricultural use. However, the scale of the works goes beyond this and the nature of some of the materials stockpiled were unsuitable for this use. The landowner was advised to cease any further works, including the importation of any further materials, pending the outcome of investigations.</p> <p>Due to the scale and nature of the works, a Planning Contravention Notice was served on the landowner and a "Time and Place" meeting held, which was attended by the landowner, his solicitor, and other representatives. Since this meeting, a further site inspection has been undertaken with the landowner and consideration is being given to the next steps required to resolve this breach of planning control.</p>
3/7	September 2022	Sussex Waste Management, Whitworth Road, St Leonards-on-Sea	Breach of conditions (numerous)	<p>During a site monitoring visit, a number of breaches of the planning permission for the site (HS/817/CM) were noted. Discussions were held with the operator and the breaches pointed out. A further site meeting was held with the operator and his agent in order to agree how to resolve the breaches.</p> <p>A planning application to vary conditions attached to the planning permission and attempt to regularise matters was submitted but could not be validated. A revised, full planning application to seek to regularise matters is currently awaited.</p>

3/8	October 2022	Sussex Mini Skips, Slyes Cottages, Rickney Lane, Hailsham	Use of farm buildings for skip business involving the importation, bulking up, transfer, deposit and burning of waste	<p>A complaint was received that waste was being imported into the site and burnt. A joint site visit was carried out with an officer from the Environment Agency which confirmed the substance of the complaint. During the course of the site visit, discussions were held with the operator who confirmed the land in question was being used by his skip business.</p> <p>The operator indicated that he would seek planning permission to regularise the use of the site. Letters have been sent to the operator, but no responses received. A Planning Contravention Notice is therefore being prepared and will be served on the operator.</p>
3/9	October 2022	Eastbourne E-Waste, 1 Huggetts Lane, Lower Willingdon	Importation, storing, processing, recycling, transportation and exporting of electronic waste and recycled waste products	<p>A complaint was received that waste electrical items were being imported and processed at the property. A site visit was carried out which confirmed the substance of the complaint. Discussions were held with the landowner, who confirmed that electrical goods are brought to the site and then dismantled, with the precious metals extracted and melted down, and other components sold or recycled.</p> <p>An initial letter was sent to the landowner, but no response received. A further, chaser letter has been sent, which has elicited a reply. A further meeting with the landowner and inspection will be undertaken shortly.</p>
3/10	October 2022	Land at Clearview, Nursery Lane, Wivelsfield Green	Importation, deposit and burning of commercial waste	<p>A complaint was received that waste was being imported to the site, stored and then burnt. A site visit was carried out and a chance meeting held with the landowner. There was evidence of burning, which the landowner claimed was from material from land within his ownership. There was also a quantity of general building material around the site. The landowner indicated that much of these materials were related to his son's business, but that he would shortly be moving to a unit on an industrial estate in Burgess Hill and so these materials would be removed.</p> <p>The landowner stated that they were in the process of converting several buildings and materials stored on the site were also from those works.</p> <p>The planning situation regarding the storage and disposal of waste was explained to the landowner, who was also advised that the site would be monitored.</p>

3/11	October 2022	The Coal Yard (now Pyrite Industries), Station Road, Hailsham	Breach of Condition - noise survey to be carried out.	<p>During a site monitoring visit it was noted that a noise survey had not been submitted, which was required by a condition attached to the planning permission for the site (WD/831/CM). The operator advised that they were not fully operational and that little shredding of tyres had been taking place, which was one of the main reasons for the noise survey being required.</p> <p>Following the site visit, the operator confirmed their position and also that they are currently reviewing operations at the site due to changes in the market. Further correspondence has been sent to the operator and a response is currently awaited. In the meantime, officers are monitoring the site.</p>
3/12	October 2022	East Lodge, Glynleigh Road, Westham	Importation and deposit of waste	<p>Complaints were received regarding waste being imported to the site. A site visit was carried out, which confirmed the complaints. Contact was made with the landowner, who was advised to cease the importation of any further materials. A further site meeting was then held with the landowner, who stated that the materials had been imported in order to repair tracks and raise levels of land prone to waterlogging. Processing of some of the materials was also being undertaken to make them suitable for use.</p> <p>No further materials have been imported and consideration is currently being given as to how the matter should be resolved.</p>
3/13	November 2022	St Thomas Primary School, Corseley Road, Groombridge	Erection of a fence	<p>A complaint was received that a fence had been erected at the front of the School and, due to its height and positioning, was creating a safety hazard for pedestrians and road users. A site visit was carried out, which confirmed the existence of the fence and also that due to its height it did not benefit from being permitted development.</p> <p>Options for resolving the matter have been presented to the School and it is likely the matter will be referred to Wealden District Council to deal with.</p>
3/14	November 2022	Sussex Timber Products Limited, Owlsbury Depot, Hadlow Down Road, Crowborough	Importation, processing and storage of waste	<p>A complaint was received that waste materials were being imported to the site, processed and stored. It was also alleged that waste was being stored in a manner to cause structural concerns and risk of slippage onto the adjoining highway. An initial site visit was carried out, which confirmed the existence of a significant quantity of waste at the site and also potentially unsafe/dangerous structures.</p>

				<p>A further site visit was carried out and a meeting held with the operator and an officer from Wealden District Council's Building Control. A programme of remedial works was agreed in order to make safe the unstable retaining structure. A subsequent site visit confirmed that the remedial works had been carried out.</p> <p>In respect of the waste materials at the site, these have been generated from the operator's business and are used in groundworks. However, a planning application has now been submitted to Wealden District Council for a new building and use on the site, which would result in the current operations and use of the site ceasing. The site is currently being monitored pending the determination of the planning application.</p>
3/15	November 2022	Expert Skips, Endeavour Works, Newhaven	Breach of Conditions - surface water management and dust management	During a site monitoring visit it was noted that two conditions attached to the planning permission for the site (LW/765/CM) have not been complied with. A letter has been sent to the operator and a response is currently awaited.
3/16	November 2022	FM Conway Ltd, North Quay Road, Newhaven	Breach of conditions and excessive emissions	<p>During a site monitoring visit it was noted that the site layout was not in full accordance with the planning permission for the site (LW/840/CM) and also that details pursuant to several conditions were outstanding. Contact has also been made with officers by Environmental Health at Lewes District Council concerning potential breaches of the Environmental Permit in relation to emissions.</p> <p>A further joint site meeting with an officer from Environmental Health and the site operator has been undertaken. Matters are ongoing.</p>
3/17	December 2022	Diplocks, Bishops Lane, Ringmer	Storage of animal carcasses	A complaint was received that animal carcasses were being brought back to the site and transferred into storage containers, giving rise to odour issues and ground pollution. It was also alleged that autopsies of dead animals were taking place in the open. A joint site visit was undertaken with an officer from Trading Standards and discussions held with the operator at the site. At the time of the site visit, no carcasses were found to be at the site and no evidence of unauthorised storage. However, investigations are ongoing to identify whether there are any breaches of planning control.

3/18	December 2022	Upper Clayhill Farm, Uckfield Road, Ringmer	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported and deposited at the site. A joint site visit was carried out with officers from the Environment Agency, which confirmed the substance of the complaint. During the course of the site visit, a lorry arrived at the site and proceeded to tip a load of soil, which according to the driver was being done to raise the levels of the land as it is susceptible to flooding.</p> <p>There does not appear to be any permission in place for such works and investigations are continuing.</p>
3/19	December 2022	Ministry of Metals, Former Household Waste Site, Station Road, Forest Row	Use of the site for scrap metal storage and processing	<p>A complaint was received that scrap metal was being imported to the site and stored in an unsafe and unsightly manner, particularly in relation to one of the boundaries of the site. A site visit was carried out, which confirmed the unauthorised use of the site. Discussions were held with the operator, who agreed to remove the metals stored along the boundary of the site. This was subsequently done.</p> <p>Although the site is a former household waste site, the use as a metal recycling facility does not have planning permission. The operator since submitted a planning application to regularise the use and this is currently being processed.</p>

TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
4/1	August 2019	Penfold Driveways, AS Farm, The Warren, Crowborough	Importation, deposit, and processing of waste (soils and hardcore)	<p>A joint site visit undertaken by officers from this Authority and the Environment Agency found that a significant quantity of waste materials, comprising soils, sub-soils and hardcore, had been imported into the site and deposited. The soils were being processed on site by means of a screener. A letter was sent to the operator requesting details of the nature and purpose of the activity and a response was received.</p> <p>Since the previous correspondence, further contact was made with the operator, who advised the Environment Agency that some key people involved in the company had</p>

				<p>suddenly left and set up a rival company, leaving the operator to sort out the issues at this site. Further discussions took place regarding agreeing a timescale for the removal of the materials. 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 had been removed from the site. 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 commenced to remove the bunds and a subsequent site inspection noted that the landowner had moved the imported materials away from the crown spread of the affected trees.</p> <p>Further inspections have been carried out and a meeting held with the landowner. Further works to resolve the breach of planning control were identified and agreed with</p>

				the landowner, together with a timetable for their completion. Officers are monitoring the site to review progress.
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. A planning agent has been appointed by the landowner and discussions regarding the resolution of the matter are ongoing.</p>
4/4	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.</p> <p>Following the service of the Temporary Stop Notice, the operator submitted a planning application (LW/860/CM) relating to the waste tyre processing on the site and this application is currently under consideration.</p>
4/5	June 2021	Spring Valley Farm, West Street Lane, Maynards Green	Importation and deposit of household waste	<p>A complaint was received that household waste was being imported into this site in small vans by different operators and deposited.</p> <p>A joint site visit was carried out with the Environment Agency, which confirmed the details contained within the complaint. A meeting was also held with the landowner, who agreed to halt any further importation into the site and to clear the site of the 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>Site visits and meetings with the landowner have been undertaken, which has confirmed that the importation of waste into the site has ceased. Various factors have prevented any significant removal of the imported waste from the site. However, officers are maintaining contact with other agencies and the landowner, and also ensuring that the importation of waste materials to the site does not resume.</p>
4/6	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. 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</p>

				<p>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) was then submitted and was due to be considered by the Planning Committee at its meeting in April 2022. However, the application was withdrawn prior to the meeting taking place.</p> <p>The operator then submitted a planning application to Wealden District Council, seeking to regularise the storage use as “stand alone” use and separate it from the existing waste use. The application was refused by the District Council and this Authority then served three Breach of Condition Notices on the operator, requiring the self-storage use to cease; the containers to be removed; and the site layout to be in accordance with the approved plans.</p> <p>Following the service of the Notices, a site meeting was held with the operator and his representative. A further planning application has been submitted to Wealden District Council and further action regarding the Breach of Condition Notices is currently in abeyance pending determination of the most recent planning application.</p>
4/7	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>Following a delay in progress, a site meeting was held with the landowner, operator</p>

				<p>and their representative. The landowner has decided to seek an alternative use for the site and the operator will be clearing and vacating the site in early 2023.</p> <p>A further site inspection is due to be carried out to ensure the site has either been vacated, or the requirements of the planning permission complied with.</p>
4/8	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. A site visit was undertaken, during the course of which a meeting was held with the landowner. It was noted that a significant quantity of soils and hardcore had been imported into the site. The landowner explained that some of 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>A further site visit is due to be carried out to ensure that any surplus material has been removed from the site as agreed.</p>
4/9	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 volume of materials had been deposited in a field. The materials comprised clean 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>Investigations are ongoing to ascertain the works and activities at the site, although it does not appear to be a matter for this Authority in its capacity as Waste Planning Authority.</p>
4/10	February 2022	Burfield Academy, Oaklands Way,	Breach of Condition - Kiss and Drop not	<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,</p>

		Hailsham	being used	<p>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 was 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 was not 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 were raised regarding the safe operation of the kiss and drop. The School commissioned a health and safety report, which concluded that there were significant concerns regarding the operation of the kiss and drop.</p> <p>In order to try and improve the situation, the School have been preparing a Travel Plan to encourage alternative means of transport/travel to the School. Other measures which could be implemented are also being reviewed, such as parking/waiting restrictions in order to reduce traffic hazards in the immediate vicinity of the School.</p> <p>There are currently other issues surrounding the site, which will result in the temporary relocation of the pupils to another education facility in Hailsham. This will enable the kiss and drop facility and configuration of the site to be reviewed.</p>
4/11	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 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 received. According to the landowner, since owning the property, he had spent several years clearing historic waste tipped on the site, which resulted in an area of uneven and unproductive land. The landowner's intention was to restore this land and a small amount of topsoil was required to complete this.</p>

				A further site visit is required to ensure the works have been carried out as set out by the landowner and also that no further waste soils have been imported.
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