

Committee	<b>Regulatory Planning Committee</b>
Date	<b>14 October 2015</b>
Report by	<b>Director of Communities, Economy and Transport</b>
Subject	<b>Development Management Matters</b>
Purpose	<b>To inform Members about activities undertaken under delegated powers and development management performance for the three months period between 1 July 2015 and 30 September 2015, and, about activities undertaken in accordance with the Site Monitoring Policy</b>
Contact Officer:	<b>Sarah Iles – 01273 481631</b>
Local Members:	<b>All</b>

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## **SUMMARY OF RECOMMENDATIONS**

**The Committee is recommended to note the report.**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

### **1. Enforcement**

1.1 In the period between July and the end of September 2015, twenty three complaints about alleged breaches of planning control were received. Of the new cases received, fourteen were resolved within the last period and one older case was also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of September 2015 was twenty four. This represents an increase of eight in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 Although an increase in the number of outstanding cases is regrettable, it is still considered to be a manageable amount. Many of the cases are outstanding because timescales have been set for actions to be undertaken and the case cannot be closed or progressed until agreed timescales have passed. Also, as a number of cases with actions to be carried out involve groundworks or the movement of materials, this has been affected by the weather – particularly given it was the wettest August since 1976. Limited resources available to deal with enforcement are also a factor in relation to the timescales that the number of cases that can be dealt with.

1.3 In most cases, historically, the Council has been reliant on alleged breaches of planning control being brought to its attention through complaints made by, for example, members of the public. However, with the continuation and enhancement of collaborative working with other authorities and agencies, it is often the case that alleged breaches are being referred through these parties. Also, the site monitoring programme picks up potential breaches of planning control at existing waste and minerals sites. One of the benefits of the site monitoring programme (actions under which are provided in more detail in the next section) is the interaction with the operators. This has resulted in a number of cases being brought to the Council's attention through operators who have become aware of unauthorised sites dealing with waste activities.

1.4 In order to enhance consistency of approaches with regard to unauthorised waste related activities, enforcement staff are also now regularly meeting with officers from Kent, Surrey and West Sussex County Councils, and Environmental Crime Team officers from the Environment Agency who cover the four areas. The purpose of this is for sharing intelligence and good practice, and also identifying ways to deal with operators/landowners who persistently undertake unauthorised waste activities. It is also hoped to engage the district and borough councils across these areas in order to provide guidance and information on when a development involving the importation of materials might be a purposely misleading and a backdoor way of disposing of waste.

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

## **2. Site Monitoring**

2.1 Site monitoring of all minerals and waste sites is continuing, but has to be accommodated within limited resources and alongside the enforcement service. Notwithstanding this, twenty non-chargeable monitoring visits to sites have been carried out during the relevant period. There have not been any chargeable monitoring visits undertaken during the last quarter.

2.2 Monitoring of the construction work for the Bexhill-Hastings Link Road (BHLR) also continues to be undertaken. During the last quarter, in addition to monitoring compliance with the construction conditions/requirements, specific monitoring relating to ecology has been undertaken. Also, as elements of the scheme are completed, work is being undertaken to ensure that the development accords with the approved drawings. Work has also been carried out to survey some of the acoustic fencing, which is in response to a complaint that has been made.

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

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

## **3. Development Control**

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

3.2 The Government publishes criteria for the determination of designation of local planning authorities. One measure is the average percentage figure for determination of major development applications over two years. The threshold for designation was originally set at 30% or fewer determinations, and then increased to 40% for relevant County Matter applications. The Government has now further increased this threshold to 50%, which is due to come into force in November 2015, and also promised a consultation on introducing targets for minor development. The quality of decisions is measured by the average percentage of major development applications overturned at appeal with a threshold of 20%, which has not changed. Despite the relaxation of national performance indicators, we have continued to set ourselves a target of determining 60% of County Matter applications within 13 weeks and we have also set ourselves a target with regard to County Council development of deciding 75% of applications within 8 weeks.

3.3 In terms of performance, for the period July to September 2015 (inclusive) a total of 34 applications were determined (3 County Matters, 27 County Council and 4 Non-Material Amendments. 4 applications were withdrawn during this period.). Of the relevant applications, 100% of County Matter applications were determined within 13 weeks, which clearly exceeds our target for determining planning applications, although this is measured in relation to only a small number of applications, and 66.6% of County Council applications were determined within 8 weeks, which falls below the Council's locally set target. The cumulative figures for the year are 66.6% of relevant County Matter applications determined within 13 weeks, which exceeds the target, and 70% of County Council applications were determined within 8 weeks, which falls below the target. In terms of the Government measures regarding performance, the outturn figure for the 24 months ending March 2015 is 72% of major applications determined within the relevant timescale, which is well above the current 40% threshold.

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

#### **4. Contact Officers**

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

RUPERT CLUBB  
Director of Communities, Economy and Transport  
06 October 2015

Local Members: All

#### **BACKGROUND DOCUMENTS**

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

**BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE JULY 2015**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
October 2014	Harbour Primary School, Church Hill, Newhaven	Unauthorised development	A complaint was received that three sheds had been erected on the edge of the School's playground. A site visit was undertaken and a meeting held with a member of staff. Two sheds had been erected on the edge of the playground with a third about to be constructed. A planning application (LW/3282/CC) was submitted and subsequently granted under delegated powers for temporary permission. Breach of planning control resolved and no further action required.

**NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JULY 2015 AND RESOLVED.**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
July 2015	AM Skip & Plant Hire, Hazelbank, Maresfield	Breach of Condition (hours)	A complaint was received that the site was being operated outside the hours permitted by the planning conditions attached to the planning permission for the site. The site was monitored and no breaches of the permitted hours of operation were found. No breach of planning control and no further action required. The site will be monitored in accordance with the Council's Site Monitoring Policy.
July 2015	Bramble Farm, Staplecross Road, Ewhurst	Importation and deposit of waste	A complaint was received that the landowner was importing and depositing waste materials at the site. Enquiries were made with Rother District Council, whose officers had visited the site shortly before the complaint was received, and who found no evidence that waste had been imported into the site. Enquiries were also made with the landowner, who stated that he had received a delivery of logs to be used as fuel for his wood burners. No evidence has been found to support the complaint that waste materials have been imported, and therefore no further action is required.
July 2015	Maynards Green C.P. School, Maynards Green	Breach of Conditions (hours)	A complaint was received that the swimming pool at the school was being used outside of its permitted hours. A site visit was undertaken and discussions held with the Head Teacher. It was explained that the School uses the pool during School hours and very occasionally the pool is let out to other organisations such as the Cubs Scouts, but never for as long into the evening as the time alleged by the complainant. The various planning permissions relating to the swimming pool at the School have been checked and there are no conditions limiting the days or times the swimming pool can be used, or limiting it to School term time only. No breach of planning control and no further action required.
July 2015	West Rise Junior School, Chaffinch Road, Eastbourne	Development not in accordance with approved plans	A complaint was received that a footpath, which forms part of a development at the School was not constructed in the correct place and was outside the School grounds, and was therefore not in accordance with the approved plans. A site visit was undertaken and discussions held with the contractor at the site. The footpath has been moved slightly from its original position on the approved drawings and this was in order to avoid unnecessarily removing vegetation.

			This small section of footpath was always proposed to be outside the School grounds and the relevant licences were obtained from the Highways Authority. A revision to the approved drawings is being sought, however further enforcement action is not required.
July 2015	Barcombe C.P. School, School Lane, Barcombe	Unauthorised development	A complaint was received that works were being undertaken at the School which did not have the benefit of planning permission. A site visit was undertaken and a meeting held with the site manager. The works being undertaken at the School were for maintenance and repair, and were not considered to constitute development. No breach of planning control and no further action required.
July 2015	ARK Blacklands Primary Academy, Osborne Close, Hastings	Unauthorised development	A complaint was received that works were taking place at the School, which did not have the benefit of planning permission. A site visit was undertaken and discussions held with the operators at the site. It was explained that that they were demolishing the School swimming pool as the School was about to apply for planning permission to use the site for new classrooms. A planning application for extensions to the School has subsequently been submitted (HS/3298/CC) and is currently under consideration. No further enforcement action required.
August 2015	Roberts Field Farm, Jib Jacks Hill, Hartfield	Unauthorised development	A complaint was received that waste soils were being imported into the site and deposited. A site visit was undertaken with the Environment Agency which tended to confirm the substance of the complaint. Contact was made with the landowner, who stated that the purpose of the importation was to restore the land after he had removed buried waste left behind by the previous landowner. This is considered to be an engineering operation, rather than a waste disposal operation, and the matter has, therefore, been referred to Wealden District Council for information/action as the Council deem appropriate.
August 2015	Willows, Carters Corner, Hailsham	Unauthorised development	A complaint was received that waste soils were being imported into the site and deposited. A site visit was undertaken which confirmed the details contained in the complaint. Contact was made with the landowner, who explained that the importation of soils was intended to raise the level of part of his garden as this area was low lying and poorly draining. This is considered to be an engineering operation within a domestic curtilage and has been passed to Wealden District Council for their information/action as they deem appropriate.
August 2015	Acquascience, Bellbrook Industrial Estate, Uckfield	Unauthorised development	A complaint was received that the company was importing and processing waste solvents. A site visit was undertaken and discussions held with the operator, who stated that the company's main business was the supply of solvents for use in the medical industry. Once these solvents have been used, they are returned to the suppliers for recycling and subsequent re-use. The company only recycles waste solvents from the customers that are supplied solvents, and do not accept used solvents from other sources. The recycling of the solvents is considered to be an ancillary process to the main function of the company and as such does not require specific planning permission. No breach of planning control and no further enforcement action required. However, the site will be monitored periodically to ensure the activity doesn't intensify to an extent that it would require specific planning permission from the County Council, as Waste Planning Authority.
August 2015	Heathfield Leisure Centre, Old Heathfield	Breach of Conditions	A complaint was received that users of the Leisure Centre have been using the grounds of the Leisure Centre for their activities. Discussions were held Leisure Centre manager, who explained that the day in question was the hottest day of the summer and the Leisure Centre was being used by two separate groups who decided because of the heat to take their activities outdoors. The manager wrote to the complainant and explained why this had occurred and assured the complainant that this was a one off occasion and would not be repeated. A review of the various planning permissions relating to the Leisure Centre and its use showed that there are actually no conditions attached to any permission which restricts activities to within the building. No breach of planning control identified and no further action required.

August 2015	Peacehaven Heights Junior School, Hoddern Avenue, Peacehaven	Unauthorised development	A complaint was received that a canopy, which was in the process of being constructed over the School's swimming pool, was not in accordance with the planning permission. A site visit was carried out and a meeting held with members of the School staff and the contractor supervising the construction. It was confirmed that the canopy being constructed was in accordance with an earlier planning permission because the School could not afford the more expensive canopy, which was subject to the most recent planning permission. The site inspection confirmed that the canopy was being constructed in accordance with the earlier planning permission. No breach of planning control and no further enforcement action required.
August 2015	Torfield School Early Years Centre, Parker Road, Hastings	Breach of conditions (hours and noise)	A complaint was received that works were taking place outside the hours permitted, and also that noise was being generated from the development at the School, which was in relation to the erection of a canopy at the rear of the School. A site visit was carried out and contact was made with the School's business manager, who stated that the development was substantially complete with only one panel being left to fit. It was confirmed that the contractors would be reminded of the permitted hours and also requested to keep noise to a minimum. Details of the actions undertaken were fed back to the complainant, who was content with the action taken. No further enforcement action required.
August 2015	IBA Facility, North Quay Road, Newhaven	Breach of conditions (dust)	A complaint was received that dust from this site was being blown onto an adjacent industrial estate, including when the IBA was being loaded onto the train. A site visit was undertaken and discussions held with the site manager. Dust suppressions systems were in operation at the site, and the IBA facility was not the source of the dust. The dust was originating from an adjacent aggregates yard/depot, for which Lewes District Council granted planning permission. Not a County Matter and this has been referred to Lewes District Council for their information/action the Council deems appropriate.
September 2015	Cavendish School, Eldon Road, Eastbourne	Breach of conditions (wheel washing/mud on the road)	A complaint was received that the wheel cleaning operation at the site entrance was insufficient and mud was being dragged out onto the public highway. A site visit was undertaken and a meeting held with the contractor at the site. Measures on site are being carried out in accordance with the details pursuant to the condition of the planning permission and, whilst there was a small amount of dust tracked onto the road, the main source of mud on the road was from utilities works carried out nearby and not associated with the School site. No breach of planning control and no further enforcement action required. However, the site will continue to be monitored on a regular basis to ensure that the planning condition is not breached.

#### NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JULY 2015 AND UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
July 2015	Troy Metal Recycling, Unit 13 Birch Close, Eastbourne	Unauthorised scrap metal operation	Officers discovered that the operator had set up a scrap metal dealing operation without having the necessary planning permission. A site visit was carried out and the operator given a timescale to submit a planning application. A planning application has now been submitted (EB/764/CM) but is currently invalid as the fee has not been paid. The operator has been given a further timescale for the submission of the fee. If the fee is not provided, the forms will be returned and consideration given to the instigation of immediate enforcement action.

July 2015	Binkys Field, Station Road, Buxted	Importation and deposit of waste soils	A complaint was received that waste soils had been imported into the site and deposited. A site visit was carried out which confirmed the substance of the complaint. A joint site meeting was then held with the landowner and officers from Wealden District Council and the Environment Agency. The site lies totally within a flood plain and it was considered that should the imported materials be allowed to remain on site, it would pose a serious flood risk to adjoining properties. Consequently, the landowner has been required to remove the materials and has been given a timescale in which to do this. The site will be monitored to ensure compliance.
July 2015	JM Skips, Brett Drive, Bexhill-on-Sea	Breach of Conditions (numerous)	A site monitoring visit was undertaken by officers and during the course of this visit a number of breaches of the conditions attached to the planning permission were noted. A meeting has been held with the operator, who has agreed to search for a new, more suitable site and to cease the use of this site by the end of October. Contact is being maintained with the operator and the site is continuing to be monitored to ensure the operator ceases the use of the site as agreed.
July 2015	Bramley Farm, Bay Tree Lane, Polegate	Importation and deposit of waste materials	A complaint was received that waste materials had been imported into the site. A site visit was undertaken which confirmed the substance of the complaint. The landowner has been contacted and has been requested to cease any further importation into this site until after a site meeting has been arranged and the matter discussed/resolved. The site will continue to be monitored during this period to ensure no further waste materials are brought into the site.
July 2015	Holleys Yard, Squires Farm Industrial Estate, Easons Green	Importation, deposit and storage of waste wood	This matter originally came to the Council's attention in 2012 when an operator imported a significant quantity of waste wood into this site and then vacated the site without clearing the waste wood. The Environment Agency undertook a prosecution against a Director of the company, and the County Council supported this prosecution and gave evidence in court. The Director of the company was convicted of the offence and was sentenced to a Community Service Order of 200 Hours of unpaid work. There was no requirement for the Director to pay for the costs of clearing the land. Consequently, the waste wood has remained on the site and, in order to protect the County Council's position, it is considered appropriate to serve an Enforcement Notice on the landowners requiring the removal of the waste wood. The Enforcement Notice is in the process of being prepared.
August 2015	Treehoppers, Hourne Lane, Crowborough	Importation, deposit, burning and disposal of green waste	A complaint was received that green waste was being imported into the site, deposited and burnt. A site visit was carried out and a meeting held with the operator. The operator stated that he has burnt green waste and disposed of chippings at the site for a number of years. Discussions are continuing with the operator's agent as to the most appropriate way to resolve this matter.
September 2015	Mount Pleasant Garage, Ninfield Road, Bexhill	Importation, deposit, storage and breaking up of end of life vehicles	A complaint was received that the landowner was importing end of life vehicles into the site, stripping them of spare parts that have a marketable value and selling those parts online. The end of life vehicles would then be disposed of elsewhere. A site visit was undertaken which confirmed the nature of the complaint. The landowner was advised that this type of waste activity requires specific planning permission and, in the absence of such permission, a breach of planning control is occurring. The landowner has agreed to clear the site and cease the operation. A timescale has been given to complete this and the site will continue to be monitored to ensure the clearance takes place. <i>NB - This site is linked to Little Thorne and The Thorne (listed below) all of which are owned by the same person.</i>
September 2015	Little Thorne, Ninfield Road, Bexhill	Importation, deposit and storage of end of life vehicles	The landowner has been using the site to store end of life vehicles before they are stripped of useable parts at Mount Pleasant Garage ( <i>see entry above</i> ). The landowner has agreed to clear the site of these vehicles and has been given a timescale in which to do this. The site will be monitored to ensure compliance.
September 2015	The Thorne, Ninfield Road, Bexhill	Importation, deposit and storage of end of life	The land owner has been using this site to store end of life vehicles, which are then taken across the road to Mount Pleasant Garage ( <i>see entry above</i> ) to be stripped of useable parts. The landowner has agreed to remove the end of

		vehicles	life vehicles from the site and has been given a timescale in which to do this. The site will be monitored to ensure compliance.
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#### OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
June 2012	Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	<p>This site was noticed by officers visiting the area in connection with another matter. A local operator was approached, who admitted being responsible for importing some of the material on the site. A timescale to remove the material was agreed. However, the operator subsequently passed away. The deceased operator's brother took over the site and has been clearing the site of the waste imported by his brother. Given the circumstances surrounding this matter, the time period for him to clear the site has been extended on several occasions. Contact has also been maintained with the landowner, who has been continuing with the process of arranging for the removal of the imported waste materials.</p> <p>Insufficient progress has been made in clearing the site of the waste materials. Given the length of time this matter has been outstanding and the additional waste materials imported to the site, two Enforcement Notices are in the process of being prepared and once completed will be served on the landowner.</p>
April 2013	St Mary's School, Maynards Green	Unauthorised development	<p>A complaint was received that the School had carried out unauthorised development by creating a new car park at the site. A site visit confirmed the nature of the works and that the development required planning permission. After receiving pre-application advice from officers, a planning application (WD/3180/CC) was submitted in respect of this matter and this was due to be considered by the Planning Committee on 11 December 2013. However, due to ongoing negotiations with the adjoining property owner regarding a proposed land-swap, the application was withdrawn by the School pending the outcome of those negotiations.</p> <p>Following these negotiations, a planning application (WD/3227/CC) for a change of use (from agricultural to educational use) relating to area subject to the land swap was submitted and subsequently approved under delegated powers.</p> <p>The submission of a planning application to regularise the works to the car park and other development was then delayed due to the need for the land swap to be completed. The land swap has now been finalised and the neighbour's new access has been constructed. Therefore the matter can now be progressed.</p>
October 2013	Diplocks Farm, Chalvington	Importation and deposit of waste	<p>Officers noticed that a significant quantity of waste materials comprising chalk, end of life vehicles and household and builders' waste had been stockpiled on the site. Evidence of burning of green waste was also present. A joint site meeting with the Environment Agency and the landowner was held. The landowner was advised that the activity required planning permission, but would be unlikely to be supported and that the importation of waste should cease and the site be cleared. The landowner stated that it is his intention to clear the site of the imported waste.</p> <p>Officers, in conjunction with officers from the Environment Agency, continue to undertake regular site visits and meetings with the landowner to ensure that the phased clearance of this site is carried out. In order to protect the</p>



			<p>Council's position, a Planning Contravention Notice was served on the landowner, to which a response was received. The landowner has commenced the phased removal of the waste from the site. Some waste has been removed and there has been no indication that further waste materials have been imported to the site.</p> <p>Clearance of the waste materials had been continuing. The landowner has suffered a period of ill health and has been unable to work. Joint site visits with the Environment Agency are continuing to ensure no further waste materials are being imported to the site.</p>
May 2014	Woodlands Composting Centre, Whitesmith	Breach of Conditions (noise and odour)	<p>A complaint was received that breaches of the conditions attached to the planning permission for the composting facility were occurring, specifically in relation to permitted noise and odour levels. A site visit was undertaken, which did not identify any odours, and contact was made with both the complainant and operator. The operator commissioned a noise survey for the site and has been monitoring the site to identify the source of any odour. Monitoring of the site has continued since the original complaint and no issues of noise or odour have been noted. The operator is continuing to liaise with the complainant when a potential problem is identified.</p> <p>Further monitoring of the site has taken place and officers have still been unable to identify any odour or noise emanating from the site. The site operator has continued to work with the complainant to try and trace the source of the odour and noise.</p> <p>A further complaint has been received relating to noise and odour issues, although as yet no sources of the noise/odour have been identified by the operator or the Council. All parties are continuing in their efforts to try and resolve this matter, and a site meeting with the operator and complainant is proposed. In the meantime, the site is continuing to be monitored by officers.</p>
May 2014	Brooklodge Farm, Pottery Lane, Brede	Importation, deposit and processing of waste (hardcore)	<p>A complaint was received that waste materials, comprising hardcore and bricks, were being imported into the site and processed. A site visit was undertaken which confirmed the nature of the complaint. The landowner was contacted and he explained that the hardcore and bricks were generated from his demolition business and some of the hardcore was required to repair the tracks and gateways on the farm, and the remainder was sold. The landowner agreed to cease this activity on the site and a timescale for the clearance of the site was agreed.</p> <p>However, the site was not cleared within the agreed timescale and the landowner subsequently claimed that the activity had been taking place on the site for so long as to be immune from planning enforcement action. In order to ascertain whether a breach of planning control was occurring the landowners were served with Planning Contravention Notices. The landowner attended a "Time and Place" meeting in connection with the Planning Contravention Notice and also submitted a written response to the Notice (failure to do so is an offence). The landowner contends that the activity has been taking place on the site for many years, certainly in excess of ten and is therefore immune from planning enforcement action. The landowner indicated that he intends to submit an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD).</p> <p>No application for a Certificate of Lawfulness has been submitted and a further site visit has now been undertaken, which noted that the use of the site for the storage of waste materials appears to have decreased. A letter will be sent to the landowner requesting either the submission of a CLEUD application or the cessation of the use of the site for the storage of waste.</p>
July 2014	Sussex Waste Management, Whitworth Road, St	Breach of Condition (Outside storage of waste)	<p>A site monitoring visit was undertaken and the operator was found to have four skips outside the waste transfer building, containing sorted waste materials - which is a breach of the condition attached to the current planning permission for the site. The operator has been in pre-application discussions with the County Council with regard to</p>

	Leonards		<p>the submission of a revised planning application which would address various planning issues at the site. Given the minor nature of this breach and the imminence of the new planning application, it is not considered expedient to take formal enforcement action at this time. This site and situation have been monitored and regular contact maintained with the operator.</p> <p>A planning application (HS/759/CM) has been submitted. A revised site layout plan and updated noise survey have been submitted. However, further information regarding the noise survey has been requested from the applicant and is currently awaited, before the application can be determined.</p>
August 2014	Harbour Primary School, Newhaven	Development not in accordance with approved plans	<p>A complaint was received that the temporary classrooms building erected at the site was not in accordance with the approved plans. Site inspections have been carried out, which indicate that the classrooms have been constructed in the correct location. An independent survey has been carried out to confirm the situation and the results indicate that the development has been built in the correct location within the site, although it appears that they do not fully conform to the approved plans. The applicant is to be requested to submit amended plans for consideration.</p>
September 2014	Stonehouse Farm, Pilmer Road, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into and deposited at the site, before being buried. Contact was made with the landowner who stated that the importation of materials was in relation to a planning permission granted by this Authority in 2004 and that the works were all in accordance with that permission.</p> <p>A site meeting was held with the landowners. The works that have been undertaken (and that are required to complete the development) are in excess of the original permission, and therefore in breach of planning control. A revised planning application has been requested to encompass the unauthorised works that have already been undertaken and also the works that are necessary to complete the development. Officers are also working with the Environment Agency in relation to the site.</p> <p>The landowners have now been grading out the materials in order to confirm and finalise the extent of what will need to be covered in the planning application and the submission of a planning application is expected shortly.</p>
September 2014	Antye Farm, Theobalds Road, Burgess Hill	Importation, deposit, storage and bulking up of waste materials	<p>A complaint was received that waste materials, comprising soil and hardcore and builders' and household waste, were being imported into this site, deposited, stored and bulked up. A site visit was carried out which confirmed the nature of the complaint.</p> <p>Following discussions with the operator, it appeared that whilst the operator was away from work on holiday, his partner had imported and deposited the waste, before abandoning the site. Regular contact has been maintained with the operator and tenant farmer and the site is now being cleared of the imported waste materials.</p> <p>Regular monitoring of the site has taken place, and approximately half of the imported waste has been removed. There has been a delay in completing this removal of waste because of the personal circumstances of the tenant farmer. The tenant farmer hopes to be able to complete the clearance works shortly and the site is continuing to be monitored.</p> <p>Approximately two thirds of the waste that was imported has now been removed and work on clearing the remaining materials is still continuing. The site will be monitored to ensure compliance.</p>

October 2014	Land to the north of Mead Cottage, Crowhurst Lane, Catsfield	Importation, deposit and burning of waste materials	<p>A complaint was received that waste materials were being imported into this site and being burnt. A joint site visit was undertaken with the Environment Agency and a meeting held with the landowner. The landowner admitted allowing the site to be used for the importation and burning of waste. The landowner agreed to immediately cease the importation of waste into the site and requested time to be allowed to clear the imported waste from the site. The site has been monitored by officers from both the County Council and the Environment Agency to ensure that no further waste importation takes place and the site is cleared of the imported waste</p> <p>The site has continued to be monitored and the landowner has made progress in the clearance of the site. A further joint site visit with the Environment Agency is due to take place in the near future to assess the further progress that the landowner has made in clearing the site.</p>
January 2015	Ocklynge School, Eastbourne	Unauthorised development	<p>A complaint was received that a storage container on the site, which was subject to the grant of temporary planning permission (EB/3170/CC) and which required the removal of the container by 31 December 2014, was still on the site. A site visit was undertaken, which confirmed that the container had not been removed from the site as required. Discussions took place with Eastbourne Borough Council regarding the instigation of enforcement action to secure the removal of the container and the Borough Council contacted the School.</p> <p>The School has now identified a location within the School grounds where the container could be moved to which does not require planning permission. However, moving the container will involve the use of a crane and therefore it is anticipated that the works to move the container will be undertaken during the October Half Term holiday, when pupils and staff are not on the site.</p>
January 2015	KPS Composting, Boathouse Farm, Isfield	Breach of conditions (site layout and volume of waste)	<p>A complaint was received that waste wood processing was not taking place in the area approved and that the site was exceeding the total quantity of waste that was permitted to be imported into the site (the permitted volume of waste is limited to 50,000 tonnes/annum). Discussions were held with the Manager of the site, who stated that the area for the waste wood processing had been moved to a different part of the site for health and safety reasons. Figures provided for the volume of imported material showed that in the last year, nearly 54,000 tonnes of waste material had been imported to the site, some 4,000 tonnes above the permitted level.</p> <p>A planning application was submitted relating to altering the location of the wood waste processing and amending the limitation on the quantity of waste materials, but was not valid due to further information being required. The additional information and a completed planning application are expected to be submitted shortly. In the meantime, a meeting with local residents has been held to discuss their concerns regarding activities at the site.</p>
April 2015	Sussex Waste Services, Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	<p>Officers were visiting the site in connection with another matter and noticed that a significant quantity of waste materials comprising builders waste, electrical and electronic waste, scrap metal and end of life vehicles had been deposited on the site. Given the history of this site it has been decided that formal enforcement action is required and an Enforcement Notice is in the process of being prepared, to be served on the landowner and operator of the site.</p> <p><i>See first entry in this section for further details of this site.</i></p>
May 2015	Upper Wilting Farm, Crowhurst Road, St Leonards	Importation and deposit of waste	<p>Officers attending the area in connection with another matter noticed that a significant quantity of waste, comprising hardcore, had again been imported into and deposited at the site. A site visit was undertaken, during the course of which a meeting was held with the site operator/tenant farmer. The planning implications of such an activity were explained to him and he agreed to cease the importation of this material and to remove the waste that has already been imported into the site. A timescale has been agreed for the site to be cleared and the site will be monitored to</p>

			<p>ensure that the clearance takes place.</p> <p>Another site visit has been undertaken and further discussions held with the tenant farmer. His son, the operator of the site, anticipates that the hardcore will be removed in the near future, which will still be within the agreed time limit. The site will continue to be monitored to ensure compliance.</p>
<b>OUTSTANDING CASE WITHIN THE SOUTH DOWNS NATIONAL PARK SUBJECT TO ONGOING ACTION</b>			
March 2014	Court Farm, Falmer	Importation and deposit of waste.	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken which confirmed the nature of the complaint. Discussions were held with the landowner and a planning application (SDNP/14/03083/CW) to regularise the development submitted. However, the application was withdrawn by the applicant.</p> <p>A revised planning application (SDNP/15/00790/CW) was submitted and subsequently refused by the Planning Committee on 24 June 2015. Following the refusal of planning permission, a meeting was held at the site with the landowner and the operator. The landowner agreed to remove the waste material that had been imported into the site in relation to the planning application, and to restore the land.</p> <p>The site has been monitored and the imported waste materials have been removed and a profile has been reached which reflects that of the surrounding area. The landowner is now in the process of getting the area seeded with a suitable grass seed mix, and officers are continuing to monitor the site.</p>