

Committee	Regulatory Planning Committee
Date	16 October 2024
Report by	Director of Communities, Economy and Transport
Subject	Development Management Update
Purpose	To inform Members about matters relating to enforcement and site monitoring, undertaken under delegated powers for the period between 1 April 2024 and 30 September 2024.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

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 and 30 September 2024, inclusive, there were 24 new complaints about alleged breaches of planning control. All of the new cases relate to “County Matter” sites. Of the new cases, 16 were dealt with and completed within the reporting period and 9 older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of September 2024 was 37. This represents a decrease of one in the number of cases that were outstanding at the end of the previously reported period (1 October 2023 – 31 March 2024).

1.2 It is encouraging that there hasn’t been an increase in the number of outstanding cases, particularly as resources available to deal with enforcement matters are currently limited, which is compounded by some unfilled vacancies within the Planning Policy and Development Management Team. Despite resources being stretched, an effective and proactive enforcement service continues to be provided and cases are prioritised as necessary. There are some older cases which need a final site visit to be carried out before they can be closed, but these have not been prioritised due to the need to use resources on more serious and complex cases. It is hoped to clear these older cases during the next few months.

1.3 When dealing with enforcement cases, it is sometimes possible to resolve cases and achieve satisfactory outcomes through negotiation and working with landowners and operators, without the need to resort to formal enforcement action. However, there are, of course, occasions where it is necessary to use some of the enforcement tools available and during the current reporting period, one Enforcement Notice and three Planning Contravention Notices have been served.

1.4 In respect of specific cases, officers have been dealing with a case at Giffords Farm in Dallington. Following complaints regarding the importation and deposit of waste, as well as burning, a joint site visit was carried out with the Environment Agency. From the site visit, it was evident that there was potentially a significant breach of planning control. The landowner was advised that a letter would be sent to him regarding the works and activities taking place. A letter was duly sent, but no response was received. Despite letters chasing a response from the

landowner, no response was received. Consequently, it was considered necessary and appropriate to serve a Planning Contravention Notice (PCN), which is a formal request for information and must be responded to within 21 days. It also acts as a formal warning of further enforcement proceedings to come. The landowner failed to respond to the PCN, despite being given several opportunities to do so. As a result of the lack of response, the landowner was prosecuted for the offence of failing to respond to the PCN and ordered to pay a total of £1,291.50 (£700 fine; £311.50 costs and £280 Victim Surcharge). Following the successful prosecution, the landowner was given a further opportunity to respond to the PCN. Regrettably he has chosen not to do so and has, therefore, been summonsed once again to appear before Hastings Magistrates' Court. Notwithstanding this and aside from the further prosecution, officers are actively considering what steps need to be taken to resolve the breach of planning control. Members will be updated on progress in future reports.

1.5 Joint working with other regulatory bodies and organisations continues to feature heavily in the enforcement work carried out and remains very important. In addition to joint working on specific cases, officers also attend multi-agency meetings, such as the East Sussex Waste Crime Practitioners' Group. During the current reporting period, officers have also participated in two roadside "stop check" operations. These are coordinated by the Police and include attendees from the Sussex Police Rural Crime Team, Sussex Police Commercial Vehicle Unit, His Majesty's Revenue and Customs, the Driver and Vehicle Standards Agency, District or Borough Council officers and the Environment Agency. From the County Council's perspective, it is an opportunity to identify where waste that is being transported is being taken to, and whether the destination site is an authorised waste disposal or transfer site.

1.6 Appendix 1 of this report provides details of cases resolved and received within the period 1 April 2024 and 30 September 2024, 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 Following the resumption of the site monitoring regime last year, which progressed well and was positively received by the industry, it is unfortunate that only a very limited amount of formal site monitoring has been undertaken during the current reporting period. This is due to the limited resources available and the need to prioritise enforcement cases. Notwithstanding this, the importance and value of regular, formal site monitoring is recognised, and it is hoped that a more thorough programme of site monitoring can be achieved during the next period.

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

Local Members: All