

Committee	<b>Regulatory Planning Committee</b>
Date	<b>13 January 2016</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 October 2015 and 31 December 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 October and the end of December 2015, eleven representations complaining about new alleged breaches of planning control were received. Of the new cases received, seven were resolved within the last period and eleven older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of December 2015 was seventeen. This represents a decrease of seven in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 A decrease in the number of outstanding cases is encouraging, particularly given the limited resources available to deal specifically with enforcement matters. The excessively wet weather has meant that there are a number of cases that could have been resolved, but ground conditions have hampered remedial works from being undertaken and the cases cannot therefore be resolved and closed. The number of new cases has been relatively low during the last quarter, but this is often the case during this particular time of year.

1.3 In respect of one specific case and enforcement action taken, Troy Metal Recycling set up a scrap metal dealing operation in a unit at Birch Close, Eastbourne – without the benefit of planning permission. Although a planning application was submitted, no fee was paid and the application could not be validated and processed. Despite being given a timescale to submit the fee, no fee was forthcoming and, as the operator was continuing with the unauthorised use of the site, it was considered expedient to take formal enforcement action. A Temporary Stop Notice was therefore issued to the operator and other interested parties. The operator subsequently ceased the unauthorised use and vacated the site, as well as surrendering the Scrap Metal Dealers Licence for the site.

1.4 Appendix 1 of this Report provides details of cases resolved and received within the period October to December 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, nineteen 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) has also continued to be undertaken. Whilst the BHLR carriageway opened to the public on 17 December 2015, works are still on-going in relation to the construction of the Greenway, landscaping and fencing elements of the Scheme. Consequently, specific site monitoring and regular meetings with the contractor will continue to be undertaken, as well as the ongoing approval of details pursuant to conditions – such as archaeology and landscaping. There are also some details outstanding regarding some of the obligations in the S106 Legal Undertaking. Additionally, there are further requirements and obligations for monitoring to take place of various factors for up to seven and twenty years post the BHLR opening.

2.3 The BHLR Local Liaison Committee, which was set up and met on a regular basis, held its last meeting towards the end of November 2015. It was agreed that further meetings would not be necessary once the BHLR opened to the public, although if the need arises the meetings can be reinstated.

## **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 extensions of time have not been 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%. 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. During these changes to 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. The Government is now proposing to introduce similar performance measures for minor applications, probably to commence in June 2016.

3.3 In terms of performance, for the period October to December 2015 (inclusive) a total of 23 applications were determined (5 County Matters, 8 County Council, 1 Certificate of Lawfulness, 3 Non-Material Amendments and 6 applications of behalf of the South Downs National Park Authority. 2 applications were withdrawn during this period.). Of the relevant applications, 60% of County Matter applications were determined within 13 weeks, which meets our target for determining planning applications, although this is measured in relation to

only a small number of applications, and 75% of County Council applications were determined within 8 weeks, which also meets the Council's locally set target. The cumulative figures for the year are 63.6% of relevant County Matter applications determined within 13 weeks, which is slightly above the target, and 70.8% of County Council applications were determined within 8 weeks, which falls slightly 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 50% 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 limited and nine 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  
04 January 2016

Local Members: All

#### **BACKGROUND DOCUMENTS**

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

## BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE OCTOBER 2015

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
July 2014	Sussex Waste Management, Whitworth Road, St Leonards	Breach of Condition (Outside storage of waste)	<p>A site monitoring visit was undertaken and the operator was found to have four skips outside the waste transfer building, containing sorted waste materials - which was a breach of the condition attached to the current planning permission for the site.</p> <p>A planning application (HS/759/CM) was submitted and planning permission subsequently granted by the Planning Committee on 12 November 2015. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</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. 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. The tenant farmer was required to remove the waste and regular monitoring of the site has taken place.</p> <p>A further site visit has been undertaken, which confirmed that the tenant farmer has succeeded in removing all the imported waste and the site has been restored to its original condition. Breach of planning control resolved and no further enforcement action required.</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 an initial meeting held with the landowner. The landowner agreed to immediately cease the importation of waste into the site and a timeframe for the clearance of the site agreed.</p> <p>The site continued to be monitored by officers from both the County Council and the Environment Agency, and a further joint site visit has been undertaken, which confirmed that the site has been cleared of the imported and burnt waste. Breach of planning control resolved and no further enforcement action required.</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>Through discussions with officers, the School identified a location within the School grounds where the container could be moved to, which would not require planning permission. The storage container has now been moved to the new location the breach of planning control has therefore been resolved. No further enforcement action required.</p>

July 2015	Troy Metal Recycling, Unit 13 Birch Close, Eastbourne	Unauthorised scrap metal operation	<p>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 was submitted (EB/764/CM) but could not be validated as the fee was not paid and, despite a timeframe being given, the fee was still not submitted as required to enable the application to be processed.</p> <p>Consequently, a Temporary Stop Notice was served on the operator, and other interested parties, requiring the cessation of the use of the site. The operator subsequently cleared and vacated the site and therefore the breach of planning control has been resolved. No further enforcement action required.</p>
July 2015	Binkys Field, Station Road, Buxted	Importation and deposit of waste soils	<p>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 was required to remove the materials and was given a timescale in which to do this.</p> <p>A further joint site meeting has been held with the Landowner, who also provided documentary evidence that the imported soils had been removed from the site. The landowner has therefore complied with the requirement to remove the imported materials and the site has been restored. No further enforcement action required.</p>
August 2015	Treehoppers, Hourn Lane, Crowborough	Importation, deposit, burning and disposal of green waste	<p>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 site is used as the main base for the operator's landscape gardening business, and green waste and chippings have been disposed of and burnt at the site for a number of years. The operator is proposing to submit an application for a Certificate of Lawfulness to Wealden District Council for the use of the site for their operations, and no further action is required by this Authority as Waste Planning Authority.</p>
September 2015	Mount Pleasant Garage, Ninfield Road, Bexhill	Importation, deposit, storage and breaking up of end of life vehicles	<p>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 required specific planning permission and, in the absence of such permission, a breach of planning control was occurring. A timescale was agreed for the activity to cease and the site to be cleared.</p> <p>A further site visit has been undertaken, which confirmed that the site had been cleared and restored. Breach of planning control resolved and no further enforcement action required.</p> <p><i>NB - This site is linked to Little Thorne and The Thorne (listed below) all of which are owned by the same person.</i></p>
September 2015	Little Thorne, Ninfield Road, Bexhill	Importation, deposit and storage of end of life vehicles	<p>The landowner had been using the site to store end of life vehicles before they were stripped of useable parts at Mount Pleasant Garage (<i>see entry above</i>). The landowner agreed to clear the site of these vehicles and a timescale in which to do this was agreed.</p> <p>A further site visit has been undertaken and the site has been cleared and restored. Breach of planning control resolved and no further enforcement action required.</p>
September	The Thorne, Ninfield	Importation, deposit and	<p>The land owner had been using this site to store end of life vehicles, which are then taken across the road to Mount</p>

2015	Road, Bexhill	storage of end of life vehicles	<p>Pleasant Garage (<i>see above</i>) to be stripped of useable parts. The landowner agreed to remove the end of life vehicles from the site a timescale in which to do this was agreed.</p> <p>A further site visit has been undertaken, which confirmed that the site has been cleared of the imported waste and the site has been restored. Breach of planning control resolved and no further enforcement action required.</p>
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#### NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE OCTOBER 2015 AND RESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
October 2015	Gladwish Farm, Catsfield Lane, Ninfield	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken and there was no evidence found during the site visit to support the complaint. No further action required.</p>
October 2015	Waste-Away, Rattle Road, Westham	Importation, deposit and bulking up of waste	<p>A complaint was received that waste materials, comprising house clearance waste and other items, were being imported into, stored and bulked up at the site. A site visit was undertaken and discussions held with the operator, who explained that he had just started up a house clearance operation and his father owned a shed on the site. Materials from house clearances are brought back to the site and sorted into items that can be sold, or waste which is put into a large skip and bulked up before removal. The operator was advised that this type of operation requires planning permission and that an application to regularise this breach of planning control was unlikely to be supported due to loss of amenity to residents in the area and other users of the same site. The operator was given a timescale in which to remove the imported waste from the site and restore the land.</p> <p>A further site visit has been undertaken, which confirmed that all the imported waste has been cleared from the site and the site restored. Breach of planning control resolved and no further enforcement action required.</p>
November 2015	Bonnars Farm, Lewes Road, Scaynes Hill	Importation and deposit of waste soils	<p>A complaint was received that large quantities of waste soils were being imported into the site and deposited. A joint site visit with an officer from Lewes District Council was undertaken and it was found that the operator was importing soils in connection with an Agricultural Determination that had been granted by Lewes District Council. No breach of planning control and no further action required by this Authority.</p>
November 2015	Cavendish School, Eldon Road, Eastbourne	Breach of Condition (Wheel washing/mud on the road)	<p>A complaint was received that mud from the development at the site was being brought out of the site and onto the public highway. A site visit was undertaken and discussions held with the contractors at the site. The road surface was cleaned and the contractors have tightened up their wheel cleaning operation at the site. Breach of planning control resolved and no further enforcement action required. However, the site will continue to be monitored during the course of the development.</p>
November 2015	Blackboys Inn, Lewes Road, Blackboys	Importation and deposit of waste soils	<p>A complaint was received that waste soils were being deposited and graded out on a field at this location. A site visit was undertaken and enquiries made. It transpires that the landowners are in the process of repairing a retaining wall at the rear of the public house and have transferred the soils that were being</p>

			retained into the field, which is under the same Land Registry title. Discussions have been held with officers from Wealden District Council, who will now be seeking the submission of a planning application to regularise the works which are considered to be an engineering operation, rather than waste disposal. Consequently, no further action is required by this Authority as the Waste Planning Authority.
November 2015	Sussex Timber Products, Hadlow Down Road, Crowborough	Unauthorised importation, deposit and storage of wood waste	Officers attending the site in connection with another matter noticed that there were two large skip containers on the site, which were full of waste wood. Discussions were held with the landowner/operator, who stated that one skip was full of waste wood generated from his timber products business, which is emptied on a regular basis by an authorised waste operator. The other skip is due to be emptied and, once that has been done, the operator intends to use it to provide secure dry storage for the plant and equipment used in connection with his business. The storage of wood at the site is considered to be ancillary to the core business; however the retention of the skip container for the storage of plant and equipment is considered to be development and will require planning permission. The operator has been advised to submit a planning application to Wealden District Council in order to regularise both the skip container and the temporary storage of wood waste. No further action required by this Authority as Waste Planning Authority.
December 2015	Car park at rear of 17 Egerton Road, Bexhill-on-Sea	Breach of Conditions	A complaint was received that the chains and posts from the car park had been stolen and therefore the operator of the site had breached their statutory undertaker's permitted development rights by not restoring the site to its original condition on completion of the development, and also that this was a breach of the conditions attached to the planning permission for the development (RR/558/CM). The relevant planning permission granted by this Authority, for a motor control centre kiosk, does not contain any conditions relating to the restoration of the site, and the development was completed and the site restored in 2010. Therefore, it is not considered that the operator can be held responsible for a criminal act after such a passage of time since the completion of the development. No breach of planning control identified and no further action required.
<b>BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE OCTOBER 2015 WITHIN THE SOUTH DOWNS NATIONAL PARK</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. A revised planning application (SDNP/15/00790/CW) was then 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 reached which reflects that of the surrounding area.</p> <p>A further site visit has been carried out, which confirmed that the area has been seeded with a suitable grass seed mix and grass is now growing. Breach of planning control resolved and no further enforcement action required.</p>

**NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE OCTOBER 2015 AND UNRESOLVED.**

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
October 2015	Westwood Waste Services, Quarry Road, Newhaven	Importation, deposit, storage and bulking up of waste	A complaint was received that waste materials and end of life vehicles were being imported into and deposited at the site. A joint site visit with an officer from the Environment Agency was undertaken, which confirmed the substance of the complaint. A joint site meeting is in the process of being arranged with the operator in order that the operations and activities at the site can be discussed, including establishing a timescale for either the submission of a planning application to regularise the activity at the site, or the cessation of operations and the clearance of the site.
November 2015	PJM Skips, Burwash Road, Heathfield	Unauthorised waste transfer station	A complaint was received that skips were being imported into the site, their contents deposited and sorted, before being bulked up and removed. A joint site meeting with the Environment Agency and the operator was held. The operator stated that he had decided to cease the operation at the site for financial reasons and would be clearing the site of the imported waste. An initial timescale was agreed for this clearance. However the operator has now contacted the regulatory authorities in order to request an extension of time due to a close family bereavement. This extension of time has been agreed and at the end of this time period officers will re visit the site to check progress with the clearance of the site. A further site meeting with the Environment Agency and the operator has been arranged for late January 2016.
November 2015	Five Badgers, Stonehurst Lane, Five Ashes	Importation, deposit and storage of waste	A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken, the outcome of which did not confirm the substance of the complaint. Discussions with Wealden District Council have confirmed that formal enforcement action has been taken in relation to a number of breaches of planning control at the site, but that there was no evidence of any waste related breaches. It is possible that the complaint may be vexatious, but the site will be monitored for a period of time to confirm that no waste is being imported into the site.
December 2015	Greenacre Recycling, Titan Marine Site, New Road, Newhaven	Unauthorised development, (Waste Transfer Station)	A planning application (LW/767/CM) has been submitted for the use of this site as a waste transfer station, and is currently under consideration but has not yet been determined. However, a complaint was received that the operator was using the site without the necessary planning permission being in place. A site visit was undertaken and discussions held with the operator, who stated that he was using the site for the storage of empty skips and equipment which he believed was in accordance with the current permitted use class on the site. No waste was being processed at the site and the vehicles and skips in the site were empty. The operator was advised that any activity at the site was at his own risk. The operator confirmed that no waste would be imported, deposited or processed at the site until he has the necessary approvals. No breach of planning control identified, but the site will be monitored until the outcome of the planning application is known.



## 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.</p> <p>No planning application has been submitted as yet and the matter is being pursued.</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</p>

			<p>protect the Council's position, a Planning Contravention Notice was served on the landowner, to which a response was received. The landowner has commenced the phased removal of the waste from the site. Some waste has been removed and there has been no indication that further waste materials have been imported to the site.</p> <p>Clearance of the waste materials had been continuing. 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> <p>A recent site visit noted that there appears to have been recent fresh importation of waste into the site and also burning of waste. Further joint consideration is now being given to the most appropriate course of action to be taken.</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>A further complaint was received relating to noise and odour issues.</p> <p>The operators have undertaken works to remove baffles within the chimney stack of the building. They have reduced the revolution speed of the extractor fans and noise attenuation cowls have also been installed. The operator is currently waiting to hear from the complainant as to whether these works have successfully resolved the noise problem and are also still trying to identify the sources of the odour that the complainant has complained about. In the meantime, the site is continuing to be monitored by officers.</p>
May 2014	Brook Lodge 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 has actually occurred, 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 intended to submit an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD).</p> <p>An application for a Certificate of Lawfulness has now been submitted (RR/770/CMCL), and is currently</p>

			under consideration.
August 2014	Harbour Primary School, Newhaven	Development not in accordance with approved plans	A complaint was received that the temporary classrooms building erected at the site were 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.
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. Officers are also working with the Environment Agency in relation to the site.</p> <p>A planning application to regularise the works has now been submitted (WD/769/CM) and is currently under consideration.</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, and further discussions with the operator are ongoing.</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. This action is separate to the earlier entry in this section.</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 was agreed for the site to be cleared.</p> <p>A recent site visit has been undertaken, which noted that the quantity of hardcore on the site has been significantly reduced. Further discussions have been held with the operator and a meeting is to be arranged in the near future to discuss future operations at the site.</p>
July 2015	JM Skips, Brett Drive, Bexhill-on-Sea	Breach of Conditions (numerous)	<p>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 was held with the operator, who agreed to search for a new, more suitable site and to cease the use of this site by the end of October 2015.</p> <p>A further meeting has been held with the operator, who explained that he did not initially wish to progress matters at the existing site because he only held a very short term lease for the site. However, a new lease has now been signed and the operator now wishes to completely alter the way the site is being operated. Therefore, a new planning application in respect of this site is to be submitted and a timescale for this has been agreed. In the meantime, the site will continue to be monitored.</p>
July 2015	Bramley Farm, Bay Tree Lane, Polegate	Importation and deposit of waste materials	<p>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 was contacted and requested to cease any further importation into this site until after a site meeting was undertaken and the matter discussed/resolved.</p> <p>Further contact has been made with the landowner, who has confirmed that the materials are to be used on agricultural tracks within the farm. A written timescale for the works to be undertaken and completed was requested, and subsequently provided. The programme of works has been agreed and the site will be monitored to ensure the materials are used and no further waste is imported to the site.</p>
July 2015	Holleys Yard, Squires Farm Industrial Estate, Easons Green	Importation, deposit and storage of waste wood	<p>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.</p>