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| Committee        | <b>Regulatory<br/>Planning Committee</b>  |
| Date             | <b>17 January 2018</b>  |
| Report by        | <b>Director of Communities, Economy and Transport</b>   |
| Subject          | <b>Development Management Quarterly Update</b>  |
| Purpose          | <b>To inform Members about development management matters relating to enforcement and site monitoring, undertaken under delegated powers for the three month period between 1 October and 31 December 2017.</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 1 October and 31 December 2017, there were fifteen new alleged breaches of planning control. Of the new cases, fourteen were resolved within the reporting period and four older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of December 2017 was ten. This represents a decrease of three in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 Appendix 1 of this Report provides details of cases resolved and received within the period 1 October to 31 December 2017, 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 has continued, but has to be accommodated within limited resources and alongside the enforcement service. During the last quarter eight non-chargeable site monitoring visits were carried out and one chargeable monitoring visit was undertaken. No breaches of planning control were identified during the course of these visits. It should be noted that the monitoring visits recorded here relate to formal, pre-arranged visits. This does not, therefore, include monitoring visits that are undertaken during the course of an enforcement investigation/monitoring – such as monitoring hours of operation following a complaint.

### **3. Appeals**

3.1 As reported in the previous Quarterly Update report, two appeals are currently being dealt with. The first is against the Council's decision in March 2017 to refuse planning permission for the demolition and replacement of the existing waste transfer station building to enable continued use of the site as a waste transfer station at Unit 3 Cradle Hill Industrial

Estate, Cradle Hill Road, Seaford. The appeal is valid and is being dealt with under the written representations procedure. The Council has submitted its statement of case and all the necessary information. The appellant has until 17 January 2018 to comment on the Council's statement and any other third party representations that have been submitted. The Planning Inspectorate will then arrange for an Inspector to undertake a site visit. Members will be advised of the outcome of the appeal in future reports.

3.2 The second appeal is against the Enforcement Notice that was served in relation to the unauthorised importation, deposit and processing of waste materials at Upper Lodge Farm, The Broyle, Ringmer. The Notice required the cessation of the activity and the clearance of the site. The appellant has appealed on "Ground (a)": that planning permission should be granted for the activity, and has requested that the matter is dealt with by way of a Hearing. Confirmation that the appeal is valid is still awaited from the Planning Inspectorate and Members will be advised of the outcome of the appeal in future reports.

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

4.1 Members with any queries about site monitoring or enforcement matters should contact either Sarah Iles (01273 – 481631) or Robert Shapter (01273 – 335218).

RUPERT CLUBB  
Director of Communities, Economy and Transport  
08 January 2018

Local Members: All

#### **BACKGROUND DOCUMENTS**

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

**TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE OCTOBER 2017**

| DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS                                  | NATURE OF CASE                            | CURRENT POSITION   |
|---------------------------------|---|---|--|
| November 2016                   | Allworthy, Hailsham Road, Stone Cross         | Importation and deposit of waste          | A complaint was received that waste materials were being imported into the site and deposited. A joint site visit with an officer from the Environment Agency was carried out, which confirmed the substance of the complaint. A site meeting was held with the landowner and a time period for removal of the waste imported into the site agreed. Further monitoring continued and a further site visit confirmed that the landowner has cleared all the imported waste from the site. Breach of planning control resolved and no further enforcement action required.   |
| August 2017                     | 125 Eastbourne Road, Willingdon               | Importation and deposit of waste          | <p>A complaint was received that waste materials were being imported into and deposited in the front and side gardens of this residential premises. A site visit confirmed the substance of the complaint. A site meeting was subsequently held with the landowner who explained that a tenant at the house had started a house clearance business and had failed to make adequate provision for the onward disposal of the waste materials that he had collected, so he brought them back to the house and deposited them in the garden.</p> <p>The landowner was advised that this was not acceptable and a timescale for the clearance of the site was agreed. Regular site monitoring was undertaken and the site has now been cleared of all imported waste materials. Breach of planning control resolved and no further action required.</p>                                      |
| September 2017                  | JM Waste Management, Brett Drive, Bexhill     | Breach of Conditions (storage of waste)   | <p>Officers, attending the area in connection with other matters, noticed what appeared to be waste materials that were being stored outside of the waste transfer building. A site visit confirmed that this was occurring, which is a breach of one of the conditions attached to the planning permission that relates to the site.</p> <p>Discussions were held with the operator and a short period of time given to allow him to return the site to compliance with the condition. Prior to the expiry of the time period given, the operator contacted officers to advise that the waste stored outside the building had been cleared. A further site visit confirmed that the waste had been removed. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored as part of the Council's Site Monitoring Policy.</p> |
| September 2017                  | AM Skip & Plant Hire, London Road, Maresfield | Breach of Conditions (hours of operation) | <p>A complaint was received that the site was being operated outside the hours permitted by the conditions that are attached to the planning permission relating to the site. Initial site monitoring was undertaken, which confirmed the nature of the complaint.</p> <p>A letter was sent to the operator, who replied that the breach of planning control was caused by new overzealous employees, who have now been advised of the permitted hours of operation of the site.</p> <p>Extensive further site monitoring has been undertaken and no further breaches of the hours of operation condition have been identified. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored as part of the Council's Site Monitoring Policy.</p>  |

**TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE OCTOBER 2017 AND RESOLVED**

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| October 2017 | Ridgelands Wood, Ridgelands Lane, Newick             | Importation and deposit of waste (hardcore)          | <p>A complaint was received that waste materials, comprising hardcore, were being imported into and deposited at the site. A site visit was undertaken which confirmed the details contained within the complaint. A meeting was held with workmen who were on site who had explained that the hardcore was required to undertake repairs to a long private track within the Newick Park Estate and the hardcore itself had been generated from works elsewhere on the Estate.</p> <p>The works are considered to be permitted development and do not require planning permission. No breach of planning control and no further enforcement action required.</p>   |
| October 2017 | Vines Cross Waste Water Treatment Works, Vines Cross | Breach of Condition (noise)                          | <p>A complaint was received that excessive noise was being generated from the site during the late evening, which the complainant considered to be a breach of a noise condition attached to the planning permission relating to the site.</p> <p>A site visit was carried out and it was noted that construction works were being undertaken. Discussions were held with the site manager, who stated that works on the site were only carried out during normal business hours and no works were undertaken on the site after 6pm. The works are considered to fall within the operator's permitted development rights, as a statutory undertaker, and therefore do not require planning permission.</p> <p>The complainant was notified of the situation regarding planning and advised, should any noise issues continue, to involve the Environmental Health Officer at Wealden District Council. The complainant stated that since the officer's visit there has been no noise in the late evening.</p> <p>No breach of planning control and no further enforcement action required. The site will continue to be monitored as part of the Council's Site Monitoring Policy.</p> |
| October 2017 | Bell Reed Farmyard, Dads Hill, Cross-in-Hand         | Importation and deposit of waste soils               | <p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited.</p> <p>A joint site meeting was arranged with Wealden District Council and discussions held with the landowner. The landowner explained that the purpose of importing the waste materials into the site was to create earth bunds along the boundary of the site as a means of enclosure. This is considered to be an engineering operation and a matter for Wealden District Council, who is dealing with this issue.</p> <p>No further action required by this Authority, as Waste Planning Authority.</p>  |
| October 2017 | Tutts Barn Farm, Tutts Barn Lane, Eastbourne         | Importation and deposit of household clearance waste | <p>A complaint was received that waste materials from a house clearance business were being imported into the site, deposited and sorted with useful items being recycled and the residual waste being bulked up into a skip before being removed from the site.</p> <p>A site visit was undertaken which confirmed the substance of the complaint and also identified other planning issues which fall within the responsibility of the local planning authority.</p> <p>A subsequent site meeting was held with the tenant farmers, where the planning situation was explained to them. They confirmed that the importation of any further waste had ceased and that the operator had now removed, to an authorised waste transfer station, any waste that had been imported into the site.</p>  |

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|              |   |   | <p>Breach of planning control resolved insofar as this Authority, as Waste Planning Authority, is concerned. In respect of the other potential planning issues at the site, the tenant farmer is seeking advice from the relevant planning authority.</p>   |
| October 2017 | Spillane Plant Hire, Honey Pot Farm Depot, Polegate     | Importation, deposit and crushing of waste hardcore                 | <p>A complaint was received that waste materials, comprising hardcore, were being imported into the site and processed by being crushed.</p> <p>A site visit was undertaken and a meeting held with the operator. There was a small quantity of hardcore on the site which was clearly related to the site's use as a groundworks and plant hire depot. Further site visits have been undertaken and the quantity of hardcore on the site has remained within the levels that are considered to be ancillary to the main core business.</p> <p>No breach of planning control and no further action required by this Authority.</p>  |
| October 2017 | Havenswold, Hempstead Lane, Hailsham                    | Unauthorised breaking of end of life vehicles                       | <p>A complaint was received that end of life vehicles were being imported into this site and were being dismantled, without the required planning permissions being in place, and that fluids were contaminating the road.</p> <p>A joint site visit with an officer from Wealden District Council was undertaken and also the planning history for the site investigated. Car breaking and scrap storage has been operating at the site continuously for many years and is considered to be lawful and, therefore, immune from planning enforcement action. There was no evidence of any run-off/contamination in the road.</p> <p>No breach of planning control and no further action for this Authority.</p>   |
| October 2017 | Unit 10, Granary Business Centre, Broad Farm, Hellingly | Importation and breaking of end of life vehicles                    | <p>A complaint was received that end of life vehicles were being imported into the site and stripped of their parts before the body shells were removed from the site and scrapped at an authorised scrap metal dealer.</p> <p>A joint site visit with an officer from Wealden District Council was undertaken, and discussions held with occupiers of adjoining units, which failed to confirm the details supplied by the complainant. Further site monitoring on numerous occasions, at the times the complainant alleged this activity was taking place, was also undertaken and this too failed to confirm the details supplied by the complainant.</p> <p>A site meeting was then arranged with the tenant who explained the site is used to maintain and repair stock cars, which are raced at tracks locally and in the London area. The site was inspected at the time of the site meeting and this confirmed the details supplied by the tenant.</p> <p>No breach of planning control and no further action required.</p> |
| October 2017 | Burfield Academy, Hailsham                              | Breach of Condition, (clearance of vegetation in wildlife corridor) | <p>A complaint was received that landscaping works were being undertaken at the site, within the wildlife corridor which would effectively destroy the corridor.</p> <p>A site visit was undertaken and discussions held with personnel on site. It was explained that the works being undertaken were the cutting back of overgrown brambles, following a complaint from a neighbour that the vegetation was damaging his boundary fence. Once the brambles had been cut back the cuttings were being left in the wildlife corridor in order that they would provide habitat for the wildlife using this area.</p>   |

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|              |   |   | No breach of planning control identified and no further action required.   |
| October 2017 | Frogheath Nursery,<br>Burwash Weald                   | Importation and deposit<br>of waste materials               | <p>A complaint was received that waste materials were being imported into the site and deposited.</p> <p>A site visit was undertaken and a meeting held with the owner of the site. The imported materials were not waste materials, but products purchased by the operator in connection with their landscaping and nursery business. This was confirmed by what was seen during the site visit.</p> <p>No breach of planning control and no further action required.</p>   |
| October 2017 | Kingsfield Farm,<br>Straight Half Mile,<br>Maresfield | Importation and deposit<br>of waste (soils and<br>hardcore) | <p>A complaint was received that waste materials were being imported into the site and deposited.</p> <p>A joint site visit with an officer from Wealden District Council was carried out, which confirmed the substance of the complaint. A site meeting with the landowners was subsequently arranged, during which they explained that the vast majority of the imported waste materials were for maintaining and repairing the long agricultural track which runs through the site. This was confirmed from observations during the site meeting.</p> <p>The landowner had also cleared a small area of land which had historically been used by the previous owners as a dumping ground for all waste materials that were generated on the farm. Some of this waste had been buried and in clearing the site the area became extremely rutted and unusable. In order to bring the land back into use, a small quantity of soil was required.</p> <p>Due to the small quantity of soils involved and their inert nature, the apparent absence of harm and the fact that the levels of the land were not materially increased by this activity, it was agreed that no further action was required in respect of this matter.</p> <p>Breach of planning control therefore resolved and no further action required.</p>   |
| October 2017 | Three Oaks Farm,<br>Catsfield Road,<br>Ninfield       | Importation and deposit<br>of waste materials               | <p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site and deposited. A site visit was undertaken which confirmed the substance of the complaint.</p> <p>A joint site meeting was arranged with officers from Wealden District Council (WDC), the County Council's Flood Risk Management Team, the landowner and the operator. The landowner explained that the purpose of the importation was to improve the access track to the farm and also improve the grazing for his livestock.</p> <p>WDC identified that a barn had been constructed on the site without the benefit of any planning permission, and the Flood Risk Management team also identified that there had been works undertaken to the watercourse on the site which would ordinarily require an Ordinary Watercourse Consent.</p> <p>WDC have taken the view that the works undertaken on the agricultural land are an engineering operation and require planning permission, as does the unauthorised barn. The landowner has been invited to submit a planning application to WDC to seek to regularise the planning situation on the site.</p> <p>The works to the watercourse are considered to be appropriate subject to some minor remedial works which the landowner has agreed to undertake. These works will be monitored by the Flood Risk Management Team.</p> |

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|               |                                    |   | Consequently, there is no breach of planning control for this Authority to deal with and no further action required.   |
| November 2017 | 156 Elphinstone Road, Hastings     | Importation and deposit of waste                  | <p>A complaint was received that waste materials, particularly scrap metal, were being imported into the site and deposited. A site visit was undertaken and a meeting held with the landowners, who explained that the materials on the site were being generated from renovation works being undertaken within their property. There was no evidence of scrap metal being imported into the site and being stored.</p> <p>There is no breach of planning control for this Authority, as Waste Planning Authority, to deal with and the matter has been referred to Hasting Borough Council for consideration of possible action under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014</p>   |
| November 2017 | Tomkins Farm, Cinder Hill, Chailey | Importation and deposit of waste soils            | <p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site and deposited. A joint site visit was undertaken with an officer from Lewes District Council, during the course of which a meeting was held with the landowner. The landowner explained that the waste materials were required to build a barn base for an extension to an existing barn. The barn extension already has the benefit of planning permission, granted by Lewes District Council. The landowner also explained the rest of the imported waste materials had been used to construct a bund to screen the barn.</p> <p>Whilst the barn extension, including the base, does have planning permission and therefore is not a breach of planning control, the screening bund is considered to be an engineering operation and does not have the benefit of planning permission. The landowner is in the process of submitting a planning application to Lewes District Council in respect of this bund and has, in the meantime, agreed to cease any further importation of soils to the site.</p> <p>There is no breach of planning control for this Authority, as Waste Planning Authority, and no further action is required.</p> |
| December 2017 | Bede's School, Upper Dicker        | Importation and deposit of waste materials (soil) | <p>A complaint was received that waste soils were being imported to the site. A site visit was carried out and discussions held with the School staff, who confirmed that the materials were being imported in connection with a planning permission granted by Wealden District Council for the creation of sports pitches.</p> <p>No breach of planning control and no further action required by this Authority.</p>  |

**TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE OCTOBER 2017 AND AS YET UNRESOLVED.**

| <b>DATE LPA BECAME AWARE OF BREACH</b> | <b>SITE ADDRESS</b>   | <b>NATURE OF CASE</b>                                   | <b>CURRENT POSITION</b>  |
|--|---|---|--|
| December 2017                          | Land adjacent to The Downs View, Hailsham Road, Stone Cross | Importation and deposit of waste (wood and green waste) | <p>Whilst in the area dealing with another matter, officers noticed a significant quantity of waste in the field adjacent to this residential property. Contact was made with the landowners, who stated that the waste comprised wood and green waste and had originated from their property. They were in the process of getting it cleared, but had been hampered by the weather and very wet ground conditions.</p> <p>The landowner is keeping officers updated on the situation at the site, and when the site has been cleared a final site</p> |

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|  |  |  | visit will be arranged. |
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**TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION**

| <b>DATE LPA BECAME AWARE OF BREACH</b> | <b>SITE ADDRESS</b>  | <b>NATURE OF CASE</b>                          | <b>CURRENT POSITION</b>  |
|--|--|--|--|
| 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 was his intention to clear the site of the imported waste.</p> <p>Officers, in conjunction with officers from the Environment Agency, continued to undertake regular site visits and meetings with the landowner to ensure that the phased clearance of this site was carried out. In order to protect the Council's position, a Planning Contravention Notice was served on the landowner, to which a response was received. The landowner commenced the phased removal of the waste from the site. Some waste was removed and there was initially no indication that further waste materials had been imported to the site. Clearance of the waste materials had been continuing. However, the landowner suffered a period of ill health and was unable to work.</p> <p>Further site visits were subsequently carried out, including with officers from the Environment Agency. It was noted that further waste appeared to have been imported to the site and there was also evidence of further burning taking place. Consequently, an Enforcement Notice was served on the landowners on 28 November 2016. No appeal was made against the Enforcement Notice and it became effective on 29 December 2016. The Enforcement Notice requires: (i) the immediate cessation of the importation, deposit, and disposal (including burning) of waste; and (ii) various areas to be cleared of waste and waste residue within twelve months of the Enforcement Notice taking effect (i.e. by 29 December 2017).</p> <p>Regular site monitoring has continued to be undertaken and no more waste has been imported to the site or burnt. A further site visit is due to be carried out to ensure the requirements of the Enforcement Notice have been met.</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. One of the Directors 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.</p> <p>In order to protect the County Council's position, it was considered appropriate to serve an Enforcement Notice on the landowners, and interested parties, requiring the removal of the waste wood. An Enforcement Notice was therefore served on 2 February 2016. No appeal was made against the Enforcement Notice and it took effect on 4</p>  |

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|           |   |  | <p>March 2016. Given the circumstances of this particular case, a suitable period of time for the clearance of the site was given (until 4 March 2018).</p> <p>Since the service of the Enforcement Notice, the Environment Agency made further progress in their case against the company that was responsible for importing the waste wood into this site. The outstanding company Director was arrested on a warrant and appeared at Lewes Crown Court on 22 August 2016 for sentence, after he had entered a guilty plea at an earlier hearing. He was sentenced to one year's imprisonment.</p> <p>The site has been regularly monitored and the waste wood is still on site. Officers have tried to assist the landowners with possible means of legitimate disposal of the waste wood, however little progress has been made by the landowner.</p> <p>The landowners have subsequently been in contact with officers concerning a proposal for an operation at the site which could provide the finance to help with the disposal of the waste wood. They are in the process of preparing information in order to engage in pre-application discussions to see whether a planning application for their proposal has merit and can be supported.</p>   |
| May 2016  | Land to the North of Leeds Lane, Five Ashes | Importation and deposit of waste materials | <p>A complaint was received that waste materials were being imported into and deposited at the site. A site visit was undertaken which confirmed the substance of the complaint. Contact was made with the occupier who stated that the purpose of the importation was to improve the track through the wood for his animals in order to be able to move them across the land and not across roads, which would incur expensive veterinary costs for tuberculosis testing.</p> <p>The position regarding the requirement for planning permission was explained to the tenant farmer, and he was requested to cease any further activity until a joint site meeting with all the regulatory authorities concerned had been arranged. A further joint site meeting took place, and it was noted that the tenant farmer had completed the works to the track. The imported waste did not have any stability and was noted to have started to slip. It was considered that the works to the track were excessive and unnecessary, and amounted to a waste disposal operation. The tenant farmer was therefore requested to remove the imported waste from the site.</p> <p>Some materials were removed and officers have continued to liaise with all the regulatory authorities in order to provide the landowner with cohesive view of what is required in order to resolve this matter. A phased programme of works was agreed and a further site meeting held with the landowner's agent and the tenant. It was hoped that the agreed programme of works would be completed before the onset of poorer weather, but ground conditions made it difficult for machinery to access the site. An extension of time was agreed for the works to be completed by the end of May 2018, and the site has continued to be monitored.</p> <p>Some of the agreed remedial works have been carried out, but ground conditions have now deteriorated to such an extent that machinery cannot now access the site at all. The remedial works will resume when the weather and ground conditions have improved sufficiently to allow machinery access to the site and it is anticipated that the previously agreed timescale will be met. Officers will continue to monitor the site</p> |
| June 2016 | Penfold Driveways, The Warren, Crowborough  | Unauthorised development                   | <p>A complaint was received by the Environment Agency that waste was being imported into and deposited at the site. A joint site meeting was arranged with all the various regulatory authorities and the operators to discuss the various issues at the site. It was clear during the course of the site meeting that the importation, deposit and processing of waste was taking place at the site.</p>   |

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|               |  |  | <p>A pre-application site meeting with the operators took place and the operator's agent contacted officers to confirm that a planning application would be submitted. However, no application was forthcoming and the operator appointed a new agent, who contacted officers with a view to expediting the submission of the planning application.</p> <p>Officers continued discussions with the operator's agent, who stated that they are proposing works on the site that have not previously been discussed, and which could possibly be unsupportable. No final details or plans have been submitted as yet.</p> <p>The Environment Agency subsequently served warning letters on all the operators of the site and required them to remove the imported waste materials by 29 December 2017. Officers are due to shortly undertake a joint site visit with the Environment Agency to assess the current situation at the site, and determine whether any enforcement action is required by this Authority.</p>   |
| February 2017 | Freedom Powerchairs Ltd, Upper Lodge Farm, The Broyle, Ringmer | Importation and deposit of waste                   | <p>A complaint was received that old UPVC window frames were being imported into this site and processed. A site visit was undertaken which confirmed the details contained within the complaint. A meeting was held with the landowner where the requirement for planning permission for this type of operation was explained. A further site meeting was also held with the operator and discussions were undertaken concerning the planning requirements for activities at the site. The operator was given a timescale in which to either submit a planning application to regularise the unauthorised development, or to cease the use of the site for waste processing and clear the site of the imported waste.</p> <p>The operator failed to submit a planning application within the agreed timescale, or clear the site of the imported waste. Formal enforcement proceedings were therefore instigated against the landowner and operator and an Enforcement Notice was served on 10 July 2017. An appeal was made against the Enforcement Notice. However, it was then noted that there was a technical error in the explanatory note which accompanied the Enforcement Notice. Whilst this did not materially affect the Notice itself, it was decided by the Council that the Enforcement Notice should be withdrawn and then immediately re-issued with an amended explanatory note. The first Enforcement Notice was withdrawn on 22 August 2017 and the second Enforcement Notice was served on 29 August 2017.</p> <p>An appeal against the Enforcement Notice was made to the Planning Inspectorate, which puts the notice in abeyance. Confirmation that the appeal is valid is still awaited.</p> |
| April 2017    | Remove It, The Old Poultry Farm, Rattle Road, Westham          | Importation and deposit of waste (House Clearance) | <p>A complaint was received that waste materials from house clearances were being imported and deposited at the site. A site visit was undertaken which confirmed the details contained within the complaint. Contact was made with the operator who stated that he was in the process of clearing the site and vacating it because he had been given notice to quit by the landowner. The existing buildings are to be demolished and a new block of industrial units are to be constructed.</p> <p>The operator commenced clearing of his area of the site and then the landowner commenced the demolition of the buildings. Whilst doing this, the landowner lit a bonfire containing waste materials, including items containing asbestos. The Environmental Health Officer for Wealden District Council subsequently served a Notice on the landowner under the Environmental Protection Act 1990. This requires the landowner to undertake surveys of the demolition site to assess the level of contamination and to arrange for the correct removal of any contaminated materials. In conjunction with this Notice, no-one is currently allowed to enter the site until these surveys have been completed.</p>   |

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|                |  |   | Regular monitoring visits have been undertaken, as well as maintaining contact with other regulatory authorities who are involved. There is currently no change in the situation at the site.   |
| July 2017      | PJG Group, Unit 2, Bowlings Corner, Marley Lane, Battle      | Unauthorised development                | <p>The operator at this site has been storing waste on the rear of lorries and in skips at the site. The frequency of the use of the site for this type of activity has increased and is now considered to require planning permission. The operator has been advised of this requirement and has stated that he intends to submit a planning application in connection with this matter.</p> <p>The situation is continuing to be monitored by officers to ensure that either a planning application is submitted or the use of the site for the importation and storage of waste ceases.</p>  |
| September 2017 | Sussex Waste Management. Whitworth Road, St. Leonards-on-Sea | Breach of Conditions (pre-commencement) | <p>This site has planning permission and an Environment Agency permit to operate as a Waste Transfer Station, the most recent planning permission (HS/759/CM) being granted in November 2015. There were a number of pre commencement conditions attached to this planning permission concerning the waste transfer pad, the recycled material bays, bay push walls and the site drainage. To date none of these conditions have been discharged</p> <p>A site visit was undertaken to try and meet the operator to get an update on the current situation at the site. The operator was not available but it was noted that the waste treatment pad had been constructed and was in use. Contact was subsequently made with the operator, who stated that he had been concentrating all his efforts on raising the finance to purchase the site and therefore he had not sought to discharge the outstanding conditions. He has put the matter in the hands of his planning agent to get the outstanding conditions discharged.</p> <p>The site has continued to be monitored, but the details to discharge the conditions have not yet been submitted. The operator has now been given until 15 February 2018 to submit the details. If the details are not submitted by this date, consideration will be given to the instigation of formal enforcement proceedings.</p> |
| September 2017 | 4 Faversham Road, Eastbourne                                 | Importation and deposit of waste.       | <p>A complaint was received that waste materials were being imported into and stored in the front and rear gardens of this site, which is a residential end of terrace house. A site visit was carried out which confirmed the substance of the complaint.</p> <p>The landowner is currently clearing the site of the imported waste. However, this is progressing slowly as he now has to work away from the site during the week and therefore can only work on the site at weekends. Regular monitoring of the site is continuing and contact with the landowner is being maintained.</p>  |