

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE OCTOBER 2018

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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. Following meetings and correspondence with those concerned, 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this did not materially affect the Notice itself, it was decided by the Council that the Enforcement Notice should be withdrawn and then immediately re-issued with an amended explanatory note. The first Enforcement Notice was withdrawn on 22 August 2017 and the second Enforcement Notice was served on 29 August 2017.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 put the Notice in abeyance. Confirmation that the appeal could proceed was received from the Planning Inspectorate and, following the submission of representations/statement of case by all parties, a Public Hearing with an Inspector from the Planning Inspectorate took place on 9 October 2018. The Hearing was attended by Officers, the Appellant and other interested parties and was followed by a visit to the site itself.</p> <p>A decision was received from the Planning Inspectorate on 22 November 2018, which dismissed the appeal and upheld the Enforcement Notice in its entirety. The Enforcement Notice therefore became effective immediately, with a date for compliance with the requirements of the Notice of 20 December 2018. Following the expiry of this time period, a further site visit was undertaken which confirmed that the site had been completely cleared of all waste materials and plant/machinery associated with the unauthorised UPVC waste processing operation. The Enforcement Notice has been fully complied with and this matter is now resolved. However, the Enforcement Notice remains extant, thereby protecting the land and preventing the waste processing operation from resuming.</p> <p>NB – Please note that although the same site, this is a different matter to that reported in Table 3 below.</p>
June 2018	R.T. Salvage, Horselunges Industrial Estate, Hailsham	Unauthorised importation and processing of End of Life Vehicles	<p>A complaint was received that end of life vehicles were being imported into the site, and the engines removed with the bodies of the vehicles then being scrapped. A joint site visit was undertaken with the Environment Agency, which confirmed the substance of the complaint. A meeting was subsequently held with the operator and the planning and environmental permitting regulations explained. The operator intended to seek formal pre-application advice in order to assess whether a planning application to regularise the unauthorised operation has merit and can be supported.</p> <p>However, at a recent site visit the operator stated that he has now decided not to pursue a planning application for the use of the site for processing end of life vehicles and the site has now been cleared of all vehicles and their component parts. Breach of planning control resolved and no further enforcement action required.</p>

September 2018	Meadow Farm, Rosehill, Isfield	Importation of waste (soils and hardcore)	<p>A complaint was received that waste materials had been imported into a field at this site and deposited. An initial site visit was undertaken and it was found that a significant quantity of waste, comprising soils and hardcore, had been deposited on the boundaries of two fields at the site, creating two bunds. Discussions were held with the occupiers who stated that the bunds were being created in order to provide a means of enclosure for their livestock. The occupiers indicated that fencing around the site adjacent to a public right of way is regularly damaged, hence the construction of a bund.</p> <p>Further meetings have subsequently been held with the landowner, who has now decided to pursue an application with Wealden District Council to retain the waste materials on site, and therefore this matter will now be dealt with by that authority. The County Council will be monitoring the progress of the application and continue to liaise with officers from Wealden District Council. However, there is currently no breach of planning control for this Authority, as Waste Planning Authority, to address and no further action is required.</p>
August 2018	Eastbourne Household Waste Recycling Site, St. Philips Avenue, Eastbourne	Breach of Condition (hours of operation and noise)	<p>Complaints were received that the site was being operated outside the hours permitted and activities were too noisy. There is no noise condition in relation to the site and therefore no breach of planning control in this respect.</p> <p>With regard to the hours of operation, there is a condition attached to the planning permission for the site which restricts operational hours. Numerous site monitoring visits have been undertaken and no breaches of the conditions for the site were observed. No breach of planning control and no further action required.</p>
September 2018	Land at Wellbrook Hill, Mayfield	Importation and burning of waste	<p>A complaint was received by the Environment Agency that waste was being imported into the site and burnt. A site visit was undertaken, which confirmed the substance of the complaint. Contact was made with the landowner, who agreed to cease the activity and remove the waste.</p> <p>A further site visit has been carried out, which noted that the landowner had cleared the site of all the imported waste and there was no evidence to suggest that any further burning had taken place. Breach of planning control resolved and no further action required.</p>

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE OCTOBER 2018 AND RESOLVED

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
October 2018	Woodlands Farm, Nursery Lane, Fairwarp	Importation and deposit of waste (soils)	<p>A complaint was received alleging that waste materials were being imported into the site and deposited in a bund surrounding the garden of the site. A site visit was carried out which confirmed that there was a small bund around the garden border.</p> <p>A site meeting was also held with the landowner who explained that no waste was imported into the site. The soils had all been generated from within the site from a development that has the benefit of planning permission from Wealden District Council.</p>

			The landowner has been advised to discuss the bund with Wealden District Council, as the relevant local planning authority. Wealden District Council has been informed, for their information/action, as they deem appropriate. No further enforcement action is required by this Authority.
October 2018	Sussex Waste Management, Whitworth Road, St. Leonards-on-Sea	Breach of Conditions (storage of skips – location, number and stacking)	<p>During a site monitoring visit, a number of small breaches of the planning conditions for the site were identified. Contact was made with the operator and the breaches pointed out to him. The operator was given a short timescale in which to return the site to compliance with the requirements of the planning conditions.</p> <p>A further site visit was undertaken at the end of the specified timescale, which noted that the site had been returned to compliance with the planning conditions. 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>
October 2018	Pine Tree Farm, Fielden Road, Crowborough	Importation, deposit and burning of waste	<p>A complaint was received that waste was being imported into the site and burnt, as well as being used to create a new farm track. A site visit was undertaken and there was no evidence of any waste being imported into the site nor was there any evidence of a new farm track being created on the farm, or any burning taking place.</p> <p>Contact was made with the landowner who denied that any waste had been imported into the site and burnt, and also that any tracks had been created on the land. He alleged that the complaint was malicious and vexatious. No breach of planning control identified and no further action required.</p>
November 2018	The Chapel, Street End Lane, Broad Oak, Heathfield	Importation and deposit of waste.	<p>A complaint was received that waste was being imported into the site and deposited. A site visit was undertaken which confirmed that some lorry loads of waste, comprising soils, had been imported, which appear to be in connection with a development that was being undertaken at the site.</p> <p>Further enquiries were made and this confirmed that the development at the site has the benefit of planning permission from Wealden District Council and the works being undertaken were considered to be in accordance with that. The complaint has been forwarded to Wealden District Council for their information/action as they deem appropriate. No breach of planning control insofar as the County Council, as Waste Planning Authority, is concerned and no further action required.</p>
November 2018	Land at Marland Bridge, Hailsham Road, Stone Cross	Importation and deposit of waste	<p>A complaint was received that waste soils were being imported into the site and deposited. A site visit was undertaken which appeared to confirm the information supplied by the complainant.</p> <p>Contact was made with the landowner who stated that soils were being imported into the site in order to improve the agricultural quality following many years of the site being used for the production of turf. The landowner had consulted with the County Council by way of a Prior Notification application (PN/2018/01) and with the Forestry Commission before undertaking any works.</p> <p>The works are considered to be permitted development and there is no breach of planning control occurring. Consequently, no further action is required.</p>
November 2018	Bradfords Farm, Bradfords Lane, Little Horsted	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 that there was a stockpile of soil on site and also there was a construction compound on the site.</p> <p>Discussions were held with the site supervisor who stated that the purpose of the compound and importation of soils</p>

			<p>was connected to the removal of overhead power cables and replacement by underground power cables at a nearby location. The compound is temporary and the soils are required for the re-instatement of the site after the cables have been laid.</p> <p>This is considered to be permitted development and therefore no breach of planning control has occurred. There is no further enforcement action required.</p>
November 2018	Squires Farm Industrial Estate, Easons Green	Breach of conditions (excessive noise)	<p>A complaint was received that excessive noise was being generated from the site, and specifically accused the two waste operations at the site for being responsible for the excessive noise. There are no conditions attached to either of these two waste sites limiting or controlling noise levels, nor the Industrial Estate in general.</p> <p>Site monitoring has been undertaken on numerous occasions and no excessive noise from anywhere on the site, including from the two individual waste operations granted permission by the County Council, has been noted.</p> <p>There is no breach of planning control and the complainant has been advised that they should consult Wealden District Council's Environmental Health Team about whether a statutory noise nuisance is occurring. No breach of planning control identified and no further enforcement action required by this Authority. Both the waste sites will continue to be monitored as part of the Council's Site Monitoring Policy.</p>
December 2018	155 South Road, Hailsham	Unauthorised waste transfer station	<p>A complaint was received that waste was being imported into the site and bulked up in a skip. A site visit was undertaken, which confirmed that there was a small quantity of waste in a small skip on the site. Discussions were held with the landowner, who stated that he operates a small house clearance operation and he brings back waste from this operation and sorts it, with items being sold on websites, and the residual waste being deposited in the skip for eventual removal to a waste transfer station.</p> <p>The requirement for planning permission was explained and also that the Council's view, should an application be submitted, would be that the site is unsuitable because of its location in a residential area.</p> <p>The landowner agreed to clear the site of the imported waste and a short timescale in which to do this was agreed. Following the expiration of the agreed timescale a further site visit was undertaken and it was noted that the site has been cleared of the imported waste and the skip has also been removed. Breach of planning control resolved and no further action required.</p>
December 2018	Little England Farm, Heathfield Road, Five Ashes	Importation and deposit of waste (soils and hardcore)	<p>A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken which confirmed the substance of the complaint. Enquiries were undertaken which showed the site had an agricultural determination for a hay barn, granted by Wealden District Council.</p> <p>Subsequent to this initial complaint, a further complaint was received that stated that the quantity of waste being imported into the site greatly exceeded that required for the approved hay barn. A site meeting was arranged with the operator and an officer from Wealden District Council, during the course of which the operator admitted that the barn was not in accordance with the approved plans and would now be built at 90 degrees to that approved by Wealden District Council.</p> <p>The officer from Wealden District Council pointed out that there was no planning permission for this and that a full planning application for retrospective planning permission would be required to be submitted to that authority to seek to regularise the breach of planning control. The operator has agreed to submit an application.</p>

			No further action required by this Authority in its capacity as Waste Planning Authority.
December 2018	Beacon Academy, East Beeches Road, Crowborough	Unauthorised development	<p>A complaint was received that new fencing was being erected on the site which did not have the benefit of planning permission. A site visit was undertaken which confirmed that new fencing had been erected.</p> <p>Further enquiries revealed that the new fencing has the benefit of planning permission from Wealden District Council and the fencing is in accordance with that permission.</p> <p>There is no breach of planning control and no further action required.</p>
December 2018	6 Rustic Close, Peacehaven	Importation and deposit of waste	<p>A complaint was received that waste was being used to raise the land levels in the rear garden of the site. A joint site visit was undertaken with an officer from Lewes District Council and during the course of the visit a meeting was held with the landowner.</p> <p>It transpires that no waste had been imported to the site and the works were in accordance with a planning permission granted by Lewes District Council. Therefore there is no breach of planning control and no further action required.</p>

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE OCTOBER 2018 AND AS YET UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
October 2018	Allsworthy, Hailsham Road, Stone Cross	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into the site and being burnt.</p> <p>Site monitoring is in the process of being undertaken and no bonfires have been observed thus far, nor does there appear to be any importation of waste. However, further monitoring is to be undertaken and activities at the site to be kept under review.</p>
November 2018	Upper Lodge Farm, The Broyle, Ringmer	Importation and deposit of baled waste	<p>A complaint was received that a significant quantity of baled waste had been deposited on the farm. A site visit was undertaken, which confirmed the substance of the complaint. Contact has been made with the landowner who stated that he had been paid a small amount of money in order to have the waste stored on site for a short period of time.</p> <p>Further enquiries are currently in hand and the site is being monitored.</p> <p>NB – Please note that although the same site, this is a different matter to that reported in Table 1 above.</p>

TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME	SITE	NATURE OF	CURRENT POSITION
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AWARE OF BREACH	ADDRESS	CASE	
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 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 March 2016. Following 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 landowners have been in contact with officers concerning a proposal for an operation at the site which would provide the finance to help with the disposal of the waste wood. They engaged in seeking pre-application advice and a formal response was provided, which was that their proposal was considered to have some merit. A further site meeting was held with the landowners, which noted that some of the chipped waste had been removed from the site. The landowners then appointed a planning consultant and a planning application regarding their proposals was due to be submitted.</p> <p>The operator has now had to instruct a new planning consultant, which has delayed the submission of a planning application. A site meeting with the new agent is scheduled for 10 January 2019, when the proposed application and its merits will be fully discussed and, if considered acceptable in principle, a timescale for its submission will be agreed.</p>
April 2018	Skip It Containers, North Quay Road, Newhaven	Breach of Conditions (height of stockpiles)	<p>A site monitoring visit was undertaken, during which it was noticed that the height of the waste stockpiled on the site exceeded the structures that were containing it and, where there were no retaining structures, the height of stockpiled waste exceeded 4 metres. Conditions attached to the planning permission for the site (LW/539/CM) limit the height of stockpiled waste and the levels of waste noted on the site were found to be in breach of these conditions.</p> <p>Meetings were held with the operator, but the situation did not improve. The Environment Agency has been involved with the site in connection with this issue and officers have provided evidence to support their case. Notwithstanding this, further monitoring of the site continued to be undertaken.</p> <p>The operator has now vacated the site and it has been taken over by another operator who is in the process of clearing the accumulated waste. The site is still continuing to be monitored to ensure the stockpile heights are reduced so as to be in compliance with the conditions attached to the planning permission for the site.</p>
May 2018	Skilton Skips, AS Farm, Crowborough	Unauthorised Waste Transfer Station	<p>A site monitoring visit was undertaken on an adjacent site and it was noticed that the operator was depositing waste on this site and processing it by sorting. Discussions were held with the operator, who admitted that he</p>

			<p>knew planning permission was required, but due to the small nature of the operation was unsure whether it would be commercially viable to seek authorisation in planning and Environmental Permitting terms. The operator was given a short period of time to consider his options, and subsequently confirmed that he would be pursuing a planning application seeking to regularise this unauthorised use. The operator appointed a planning consultant, who contacted Officers indicating that a planning application would be submitted.</p> <p>Officers continued to monitor the site and the planning consultant has now advised that his client is unable to progress the intended planning application. He has therefore decided to cease the sorting of waste at the site and has stated that the site will be totally cleared after the Christmas/New Year holiday. A site visit will be undertaken at the end of January 2019 to ensure that the site has been cleared as stated.</p>
June 2018	D.R.S. Pattenden, Little Exceat Farm, South Chailey	Breach of Condition (buffer zone)	<p>A site monitoring visit was undertaken, during the course of which it was noted that the scheme to maintain a buffer zone on the western and northern boundaries of the site had not been maintained and had failed. A meeting was held with the operator and a timescale for re-establishing these buffer zones was agreed. A further site visit was carried out, which confirmed the buffer zone had been re-established and the site brought back into compliance with the planning permission (LW/492/CM).</p> <p>However, further complaints were received that the site was operating outside the permitted hours of operation. Additional site monitoring, including at weekends, has been undertaken to establish whether there are further breaches of planning control. No breaches have been identified but site monitoring outside the permitted hours is currently continuing.</p>
July 2018	Born Again Plastics, Oak Ferrars Farm, Batts Bridge Road, Piltown, Uckfield, TN22 3XR	Breach of Condition (storage and processing of waste)	<p>A monitoring visit to the site noted that waste was being stored outside the permitted waste storage area, and also that waste was being processed outside the building. A meeting was held with the operator who stated that this has been in part caused by the collapsing market for agricultural plastics and that he is trying to source other outlets for the waste.</p> <p>The site has continued to be monitored and the operator has recently contacted officers to explain that the reason for the build up of waste plastics on the site is because the main outlet for this waste, China, has closed its borders to the importation of waste materials and the "knock on" effect of this is to totally depress market prices to such an extent that it is not profitable, at the moment, to collect and bale this waste. In order to attempt to rectify the breaches of planning control the operator has severely curtailed the importation of waste to this site and is paying for loads to be removed. Contact is being maintained with the operator and the situation is under regular review.</p>
July 2018	H Ripley & Co, Apex Way, Hailsham, BN27 3WA	Breach of Condition (hours, noise and dust)	<p>A complaint was received that the site was working outside its permitted hours, was too noisy and was creating too much dust. Numerous site monitoring visits were undertaken, which noted some breaches of the permitted hours. During the monitoring visits, no dust was seen emanating from the site.</p> <p>Noise monitoring of the site was undertaken and further noise monitoring subsequently agreed with the operator. The operator has now completed the additional noise survey of the site and supplied it to the County Council. The results are currently being reviewed to ascertain whether there has been a breach of the noise conditions attached to the site.</p>
August 2018	Court Lodge Farm, Etchingam Road, Burwash,	Unauthorised animal incinerator	<p>A complaint was received that an animal incinerator had been installed on the boundary of the property. A site visit was carried out, which confirmed the substance of the complaint, and discussions were subsequently held with the landowner. The purpose of the incinerator is for disposing of fallen stock from the farm.</p>

	Etchingham		It is considered that planning permission is required for the installation of the incinerator and contact has been made with the landowner's planning consultant and the need for planning permission has been explained. A response from the planning consultant is expected by mid January 2019.
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