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| Committee | Regulatory Planning Committee |
| Date | 13 November 2019 |
| Report by | Director of Communities, Economy and Transport |
| Subject | Development Management Update |
| Purpose | To inform Members about development management matters relating to enforcement and site monitoring, undertaken under delegated powers for the three month period between 1 July and 30 September 2019. |
| Contact Officer: | Sarah Iles – 01273 481631 |
| Local Members: | All |

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 July and 30 September 2019, inclusive, there were twenty six new complaints about alleged breaches of planning control. Of the new cases, twelve were resolved within the reporting period and six older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of September 2019 was nineteen. This represents an increase of eight in the number of cases that were outstanding at the end of the previously reported quarter. Despite the increase in outstanding cases, this remains a manageable number of cases for the available resources.

1.2 Appendix 1 of this Report provides details of cases resolved and received within the period 1 July and 30 September 2019, 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 minerals and waste sites has continued, but has to be accommodated within limited resources and alongside the enforcement service. Site monitoring can be broken down into two specific categories: chargeable and non-chargeable. Chargeable site monitoring relates to authorised landfill and minerals sites; and non-chargeable relates to all other sites for which the Council has granted planning permission. Monitoring of large County Council developments, such as the Newhaven Port Access Road and Bexhill-Hastings Link Road, is also undertaken.

2.2 During the last quarter nineteen non-chargeable site monitoring visits were carried out. No breaches of planning control were identified during these monitoring visits. No chargeable site monitoring visits were undertaken during the last quarter.

2.3 As reported to Members in previous reports, work has been ongoing regarding reviewing how site monitoring is undertaken. The first phase of this was to upgrade the site monitoring software used. Following data migration relating to other modules, extensive testing of the new site monitoring module took place prior to it "going live", which did not reveal any major issues and the

upgraded software has now been installed. The next phase involves reviewing the sites to be monitored and updating existing information. Once a comprehensive list of sites has been prepared, a programme of visits will be produced. Letters will then be sent to all operators regarding future site monitoring that will be carried out and the benefits this will provide. At this stage, it is anticipated that the new site monitoring schedule will be rolled out from April 2020. Alongside this, a combined Site Monitoring and Enforcement Policy is being prepared, which will be reported to Members at future meetings.

3. Contact Officers

3.1 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
04 November 2019

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 JULY 2019

| DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
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| January 2019 | Uckfield Community Technical College, Downsview Crescent, Uckfield | Breach of Conditions (Usage, floodlighting and landscaping) | <p>A complaint was received that (1) the all weather pitch was not being operated in accordance with the agreed Operational Management Policy; (2) the floodlights were spilling over into the neighbouring residential gardens; and (3) the planting scheme had not been implemented, which were all requirements of the planning permission (WD/3095/CC) that relates to this development.</p> <p>Numerous site visits were undertaken, including during evenings when the floodlights were being used, and it was found that the use of the pitch was in accordance with the Operational Management Policy, and the floodlights were not spilling light into residential gardens.</p> <p>Further site visits have been undertaken in respect of the landscaping and contact has been made with the staff at the School. The planting carried out is flourishing and it is not considered that any further planting is required in order to satisfy the requirements of the aforementioned planning permission. However, the School has indicated that they intend to undertake further planting on the site, outside the area covered by the planning permission, in order to extend the screening around the all weather pitch.</p> <p>No breach of planning control and no further action is required.</p> |
| April 2019 | Upper Lodge Farm, The Broyle, Ringmer | Importation and deposit of waste | <p>The operators of this site contacted the County Council to advise that some waste chalk had been imported and that they were going to import more materials in order to repair their leaking slurry lagoon. A site meeting was arranged with the operator, where the repair was discussed including the suitability of the waste chalk as a method for repairing the leak in the slurry lagoon.</p> <p>Following a further site meeting, the landowner sought advice regarding emptying the lagoon and undertaking works to construct a full repair along the inner wall of the slurry lagoon using a high content clay material. These works are considered to be reasonable repair and maintenance activities and are permitted development which does not require specific planning permission. It was also agreed that the chalk already imported to the site could be used to repair existing tracks and hardstanding on the site.</p> <p>No breach of planning control and no further enforcement action is required. However, the landowner has agreed to keep Officers informed as the works progress.</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. The operator has</p> |

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| | | | <p>now vacated the site and it has been taken over by another operator who is in the process of clearing the accumulated waste.</p> <p>Further site monitoring visits have been undertaken and the site has now been returned to compliance with the requirements of Conditions that are attached to the planning permission. The breach of planning control has therefore been resolved and no further enforcement action is required. The site will now continue to be monitored in accordance with the Council's Site Monitoring Policy.</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. The reason for the build-up of waste plastics on the site was because the main outlet for this waste, China, had 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 was not profitable to collect and bale this waste. In order to attempt to rectify the breaches of planning control the operator curtailed the importation of waste to this site and was paying for loads to be removed.</p> <p>Regular monitoring of the site has been undertaken and contact maintained with the operator. The site is now back in compliance with the requirements of the Conditions attached to the planning permission relating to the site. The breach of planning control has therefore been resolved and no further enforcement action is required. The site will now continue to be monitored in accordance with the Council's Site Monitoring Policy.</p> |
| August 2018 | D.R.S. Pattenden, Little Exceat Farm, South Chailey | Breach of Condition (buffer zone and hours of operation) | <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 then received that the site was operating outside the permitted hours of operation. Additional site monitoring, including at weekends, was undertaken to establish whether there were further breaches of planning control. Initially, no breaches were identified but site monitoring outside the permitted hours continued and some breaches were observed. Consequently, a Breach of Condition Notice was served on the operator for failing to comply with the permitted hours of operation of the site. Regular out of hours monitoring of the site was carried out following the service of the Breach of Condition Notice, and no breaches of the Notice were observed.</p> <p>Ad hoc monitoring continued to be undertaken and still no further breaches of the permitted hours of operation have been noted. The breach of planning control has therefore been resolved and no further enforcement action is required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</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 was 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>This matter is now subject of a wider criminal investigation by the Environment Agency. The investigation is ongoing and officers are continuing to liaise with the Investigating Officer in support of that investigation.</p> |

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| | | | Further site visits have been undertaken and the waste bales remain in situ. No further baled waste has been imported into the site and the landowners are assisting the Environment Agency with their enquiries. Officers will also continue to assist the Environment Agency in progressing their investigation, which is ongoing and will be so for some months. In the meantime, there is no further enforcement action for this Authority to take pending the outcome of the Environment Agency's investigations. |
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TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JULY 2019 AND RESOLVED

| DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
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| July 2019 | Atheralls Farm, Daleham Lane, Fletching | Importation and deposit of waste (soils) | <p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited, creating a dam at the eastern edge of a pond. A joint site visit was undertaken with an officer from Wealden District Council and this site visit appeared to confirm the details supplied by the complainant.</p> <p>A joint site meeting was then arranged with the landowner, who explained that the soils had been sourced from within the farm holding, and not imported, and were used solely to maintain/repair the existing pond dam. These works are considered to be permitted development and therefore do not require specific planning permission. No breach of planning control and no further action required.</p> |
| July 2019 | Bardown Farm, Bardown Road, Stonegate | Importation and deposit of waste (soils) | <p>A complaint was received alleging that contaminated waste materials had been imported into the site and used to create a large pond by merging two smaller ponds. A site visit was undertaken and during the course of this visit a meeting was held with the landowner and a comprehensive visit of the site was made. The imported materials were examined and appeared to consist only of soils and sub-soils, and did not appear to contain any contaminants. It transpired that the pond development was the subject of an application for retrospective planning permission submitted to Rother District Council (RR/2019/1372/P), which was subsequently approved on 21 August 2019.</p> <p>There is no breach of planning control for this Authority, in its capacity as Waste Planning Authority, to deal with and therefore no further action is required.</p> |
| July 2019 | Brett Concrete, Fisher's Wharf, East Quay, Newhaven <i>[Note: Further entry below regarding this site relates to a separate complaint]</i> | Breach of Condition (noise) | <p>The site has planning permission for the construction of an aggregate processing plant and other related operations. The development is currently under construction, which requires periods of concrete piling. A complaint was received that the noise generated from the piling works was excessive. Contact was made with the complainant and a meeting was held with the site manager. The Town Council had been notified prior to the piling works commencing and local residents were also shown around the site by the operator.</p> <p>In relation to the complaint, site monitoring was undertaken and some elements of the piling works were considered to be noisy, which was exacerbated by the ground conditions in specific areas. However no continual excessive noise was noted from the operations and it was not considered that a breach of planning control had occurred.</p> <p>A local liaison group has been set up by the operator and a programme of the works provided. No further enforcement action is required and the site will continue to be monitored in accordance with the Council's Site</p> |

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| | | | Monitoring Policy. |
| July 2019 | Greenacres, Mill Lane, South Chailey | Breach of Condition (Working outside permitted hours) | <p>A complaint was received that construction works at the site were being started prior to the permitted hours for construction works.</p> <p>The site was monitored on several occasions (prior to the start of the permitted hours) and no breaches of the construction hours were noted. There are several other large developments within close proximity to the site, which are not subject to any planning permissions granted by East Sussex County Council, and which may be contributing to the complaints received. Lewes District Council has therefore been informed of possible breaches of planning control in relation to sites that they have granted permission for.</p> <p>There is no breach of planning control identified for this Authority to deal with and no further action is required.</p> |
| July 2019 | Westerns Farm, Idens Lane, Broad Oak, Heathfield | Importation and deposit of waste (soils and hardcore) | <p>Officers passing the site noticed a large grab lorry, loaded with waste soils, drive into the site and so further investigations were undertaken. The attending Officer met the landowner who explained that the lorry loads of waste materials were being imported into the site in order to facilitate a stable block extension, horse exerciser and a sand school, which had been granted planning permission by Wealden District Council.</p> <p>Records were checked on the Wealden District Council website and this confirmed the information supplied by the landowner. No breach of planning control and no further action is required by this Authority.</p> |
| July 2019 | Giffords Farm, Battle Road, Dallington | Importation and Deposit of waste (Soils) | <p>Officers noticed that lorry loads of waste soils were being imported into the site. A site visit was undertaken, which showed that approximately 60 lorry loads of material, comprising mostly soils, had been imported into a field and deposited. The workman on the site was requested to cease the importation of soil and any further works at the site until the planning situation was resolved.</p> <p>An initial letter was sent to the landowner requesting information on the activity at the site. No response was received and, following a chaser letter, contact was made by the operator who had imported the materials to the site. The operator advised that the imported waste materials had been removed from the site. A site meeting was subsequently held with the operator, which confirmed that the site had been cleared and restored.</p> <p>Breach of planning control resolved and no further enforcement action is required.</p> |
| August 2019 | Eco Skip Waste and Recycling Ltd, Oak Ferrars Farm, Piltown | Importation, deposit and storage of waste in skips | <p>The operator of this site operates a waste recycling skip operation, using skips on client sites to bulk up waste. When full these skips are normally collected by the operator and taken directly to authorised waste transfer stations for the waste to be processed.</p> <p>This use of the site for the storage of empty skips, vehicles and plant does not require specific planning permission. However, officers attended the site in connection with another matter noticed that waste was being stored in skips at the site. Discussions were held with the operator, who was given a short time period in which to remove the stored waste from the site.</p> <p>A further site visit has been undertaken and it was noted that the waste had been removed from the site. Breach of planning control resolved and no further enforcement action is required.</p> |

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| August 2019 | Brett Concrete, Fisher's Wharf, East Quay, Newhaven | Breach of Condition (working outside permitted hours) | <p>The site has planning permission for the construction of an aggregate processing plant and other related operations. The development is currently under construction, which requires periods of concrete piling. A complaint was received that the piling works were commencing outside of the permitted hours for construction works. Site monitoring was undertaken on several occasions and no breaches of the permitted hours of operation were noted. Discussions were also held with the operator and site personnel, who confirmed the hours during which those construction activities were taking place.</p> <p>No breach of planning control identified and no further enforcement action is required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p> |
| August 2019 | Former Council Depot, Whitebread Lane, Beckley | Importation and deposit of waste | <p>A complaint was received that waste materials were being imported into and deposited at this site. Enquiries revealed that the site was the subject of a planning application submitted to Rother District Council for the erection of a detached dwelling house, which was subsequently refused by the District Council. The applicant has appealed that decision and the matter is being dealt with by means of written representations.</p> <p>A site visit was undertaken and it was apparent that the waste and other materials on the site had been there for some time and some may even be site derived. There was no evidence of recently imported materials to the site.</p> <p>No breach of planning control identified and no further action required.</p> |
| August 2019 | Land adjacent to White Cottage, Burnt Oak Road, High Hurstwood | Importation and deposit of waste | <p>A complaint was received that asbestos was being imported into the site and was about to be buried in a trench at the site. A site visit was immediately undertaken and this visit confirmed the substance of the complaint. The attending officer also met with the landowner who explained that the trench was in fact a base for a hardstanding and builders who were working on her home had placed hardcore and the asbestos - all derived from within her residential curtilage - in the trench. The landowner instantly agreed to remove the asbestos waste from the site and dispose of it at an authorised site.</p> <p>The landowner contacted officers the following day to explain that she had removed the asbestos waste and had retained documentary proof to confirm the correct disposal of the asbestos. A further site visit was undertaken which confirmed the information supplied by the landowner.</p> <p>Breach of planning control resolved and no further action required.</p> |
| September 2019 | Garages at Farne Close, Hailsham | Importation and storage of waste oil in vehicles | <p>A complaint was received that waste cooking oil was being stored and leaking from a van at this location. A site visit was undertaken, which confirmed that the van was in the location specified but there was no oil stored or leaking from it. Another van, located on the public highway was leaking oil onto the road surface. However, this cannot be dealt with by way of planning enforcement and the matter was therefore referred to East Sussex Highways.</p> <p>No breach of planning control identified and no further action required.</p> |
| September 2019 | Eastlands Farm, The Stream, Catsfield | Importation and deposit of waste (hardcore) | <p>A complaint was received that waste materials, comprising hardcore, had been imported into and deposited at the site. A site visit was undertaken, during the course of which a meeting was held with the landowner. The landowner explained that the materials were required to provide a base for an agricultural barn, which has the benefit of planning permission granted by Rother District Council.</p> |

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| | | | The information supplied by the landowner was checked and verified. Therefore, there is no breach of planning control and no further action is required by this Authority. |
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TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JULY 2019 AND AS YET UNRESOLVED.

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| July 2019 | Unit 8 Quarry Road Industrial Estate, Newhaven | Importation, deposit and breaking up of end of life vehicles | <p>A complaint was received that end of life vehicles were being imported into and deposited at the site, before being broken up for parts. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint.</p> <p>During the course of this visit a meeting was held with the operator who confirmed that some vehicle breaking was taking place on the site. The operator stated that he wished to clear the site of the end of life vehicles and then seek to regularise the operation by the submission of a planning application to the County Council and an Environmental permit application to the Environment Agency.</p> <p>A timescale was agreed with the operator in order to clear the site of the end of life vehicles, that being by 29 November 2019. The site will be monitored jointly by officers from this Authority and the Environment Agency.</p> |
| July 2019 | 8 Grovelands Road, Hailsham | Importation, deposit and storage of waste | <p>A complaint was received that the occupier of this site was importing scrap metal into the site and depositing it in the rear garden. A site visit and meeting with the occupier was undertaken, which confirmed the substance of the complaint and also identified that other waste items were being stored at the site. The planning situation was explained to the occupier, who then agreed to clear the site of the imported waste material, but requested some time in which to achieve this clearance. This was agreed, subject to a programme of regular visits by officers to assess the progress of the clearance operation.</p> <p>Monitoring visits have been undertaken which noted that the occupier has made good progress in clearing some of the waste from the site. Further site monitoring visits are scheduled and the monitoring will be ongoing until the site is cleared.</p> |
| July 2019 | Land at Battle Wood, Mountfield | Importation and deposit of waste (soils) | <p>A complaint was received that a local resident had excavated a highway bank and had deposited the soils onto land belonging to another person. A joint site visit was undertaken with officers from Rother District Council and East Sussex Highways, which substantiated the nature of the complaint.</p> <p>The works on the highway are being dealt with by officers from Rother District Council and East Sussex Highways, whilst the deposited waste materials are being dealt with by this Authority.</p> <p>Officers have contacted the landowner where the waste was deposited, who subsequently placed the matter in the hands of his own solicitor, who has written to the local resident requiring him to remove the imported waste from the landowner's land. All the regulatory authorities are maintaining close contact with each other to ensure that the matter is resolved.</p> |
| August 2019 | Penfold Driveways, AS Farm, The Warren, Crowborough | Importation, deposit and processing of waste (soils and hardcore) | <p>A joint site visit undertaken by officers from this Authority and the Environment Agency found that a significant quantity of waste materials, comprising soils, sub-soils and hardcore, had been imported into the site and deposited. The soils were being processed on site by means of a screener.</p> |

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| | | | <p>A letter was sent to the operator requesting details of the nature and purpose of the activity and a response has been received. The operator has now registered various Exemptions with the Environment Agency and further discussions regarding the planning situation are ongoing.</p> |
| August 2019 | New Look Driveways, AS Farm, The Warren, Crowborough , | Importation, deposit and storage of waste (soils and hardcore) | <p>As with the above site, a joint site visit undertaken by officers from this Authority and the Environment Agency found that a significant quantity of waste materials comprising soils, sub-soils and hardcore had been imported into the site and deposited. The soils appeared to be being processed on site.</p> <p>A letter was sent to the operator requesting details of the nature and purpose of the activity. A response was received stating that waste is not imported or processed at the site. Investigations are continuing.</p> |
| August 2019 | Hump 'N' Dump, Unit 15 Old Cement Works, South Heighton | Breach of Conditions (outside unloading/storage of waste) | <p>Officers in the area in connection with another matter noticed that, after some years, the site was again being used as a waste transfer station. A site meeting was arranged with the operator who explained that he was operating a house clearance/rubbish collection service using flat bed vans. It was explained that the planning permission was limited to the importation, deposit and processing of skip waste only and that all waste had to be unloaded within the building. The operator was also advised that the waste processing activity would require authorisation from the Environment Agency by means of an Environmental permit.</p> <p>The operator stated that he was currently examining his options because the financial margins were very tight, with little profit being made, and he requested some time to fully consider whether to seek to regularise the activity at the site or to clear the site and close the business. A timescale was agreed for the operator to consider the future use of the site. The operator has subsequently decided to vacate the site and has found alternative premises. The site will be monitored to ensure the waste is cleared and the breach of planning control resolved.</p> |
| August 2019 | Small Grove, Rotherfield Hill, Rotherfield | Importation, deposit and bulking up of waste in a skip | <p>Over the past two years the County Council has received regular complaints that a skip sited on the verge outside the site has been used by the landowner to bulk up waste building and construction waste from the landowner's business operations.</p> <p>Meetings have been held with the landowner, who has strongly denied the allegation and stated that all the building and construction waste deposited in the skip has been site derived from extensive renovation works at the house. There has been nothing contained within the waste stored in the skip that would identify its original source.</p> <p>A further complaint was received that again building and construction waste had been imported into the site and bulked up in a skip. A further site visit confirmed that the skip is still in situ. As this matter has been going on for a couple of years, and in order to protect the Council's position, a Planning Contravention Notice was served on the landowner. A response has been received and is currently being reviewed.</p> |
| August 2019 | Bunkers Hill Farm, Swing Gate Hill, Burwash Common | Importation, deposit, storage and burning of waste (soils, sub-soils, hardcore and green and wood waste) | <p>This breach of planning control was originally discovered by officers earlier in the year, when it was noticed that soils, sub soils, hardcore and green waste had been imported into the site and deposited. A site meeting was held with the operator, who stated that he had been running a tree surgery business from this site for 18 years and has been bringing back green waste from his clients' sites to burn. In regard to the soils, sub-soils and hardcore, these materials were imported into the site in order to raise land levels in a low lying area of the field which was constantly waterlogged.</p> <p>The operator stated that in connection with the tree surgery operation, he would be unable to provide sufficient evidence to support an application for a certificate of lawfulness as there were some significant breaks in the use of</p> |

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| | | | <p>the site for that operation. The operator agreed to seek advice from Rother District Council concerning other planning issues at the site and to cease any further importation of waste into the site until the planning situation had been resolved.</p> <p>Despite these assurances, officers passing the site on a further occasion noticed that waste wood was being burnt on the site and on another occasion a waste operator appeared to be in the process of delivering waste to the site. In order to try and ascertain the scale and nature of the activities taking place on this site, Planning Contravention Notices were served on the landowner, the site operator and the two waste companies who it is believed have delivered waste materials to this site. Responses to the Notices have been received and are currently being reviewed.</p> |
| August 2019 | Skilton Skips, AS Farm, The Warren, Crowborough | Importation, deposit and bulking up of waste in skips and Roll-on Roll-off containers | <p>A joint site monitoring visit undertaken by officers from this Authority and the Environment Agency found that the operator of this company, who was supposed to be using the site for the storage of vehicles, skips and plant only, was importing waste into the site and sorting and bulking it up before removal to an authorised waste transfer station.</p> <p>The operator stated that he is in the process of seeking planning permission for a waste transfer station elsewhere in East Sussex, having being unable, for family reasons, to pursue an application for a similar operation at this site.</p> <p>Given the small quantity of waste concerned, the operator was given a short timescale to clear the site of all the imported waste and to return the site back to purely the storage of vehicles, plant and empty skips. During this time period the site will continue to be monitored by officers from both the Environment Agency and this Authority.</p> |
| August 2019 | Pyrite Industries, C13 S.M. Tidy Industrial Estate, Ditchling Common | Breach of Conditions (processing outside the building and storage of waste) | <p>Officers attending the site in connection with another matter noticed that the site was not in compliance with planning conditions that are attached to the planning permission relating to the site. However, because the operator was at the time seeking planning permission for an alternative site in another area of the County it was decided not to institute formal enforcement action immediately, because should that planning application be successful, then the operator would be moving the operation from this site.</p> <p>The operator was therefore advised that the County Council would await the outcome of the planning application, but should the application be unsuccessful, then the County Council would expect the site to be returned to compliance with the planning conditions, or an application submitted seeking to regularise the changes that had taken place on the site. The planning application for the alternative site was withdrawn by the applicant on 5 July 2019.</p> <p>Officers attended the site again and found it still to be in breach of the planning conditions. The operator stated that there was a further application being prepared for another site in East Sussex (which has now been submitted and is under consideration). The operator has been advised that further action regarding the breaches at the existing site will be put into abeyance pending the outcome of the current planning application for another site. In the meantime, the site will continue to be monitored.</p> |
| September 2019 | ATW Clearances, Quarry Road Industrial Estate, Newhaven | Unauthorised Waste Transfer Station | <p>A complaint was received alleging that a waste transfer operation was being run from the site. A site visit was carried out which confirmed the substance of the complaint. It was noted that a significant quantity of household waste was stored in the warehouse, and further waste was stored in a skip outside the building and also on two flat bed Ford transits parked in the yard outside the building.</p> <p>At the time of the site visit no one was present on site. Contact has subsequently been made with the operator and a formal letter sent to him. Following a response from the operator and further discussions, the site is to be cleared</p> |

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| | | | and vacated by 16 December 2019. The site will continue to be monitored to ensure compliance. |
| September 2019 | Lindenhurst, Ghyll Road, Crowborough | Importation and deposit of builders waste in the front garden | A complaint was received that building and construction waste had been imported into the site and deposited. A site visit was carried out which confirmed the substance of the complaint and also that areas of the garden appeared to have been excavated and levelled. Initial research of the property has not identified any relevant planning permission which would cover this development. Officers are in the process of contacting the landowner to ascertain the full nature and purpose for the works. |
| September 2019 | Land adjacent to Kings Hill Bungalow, Hurst Green | Importation and deposit of soils | A complaint was received that a significant quantity of soil has been imported into a field at this location. A site visit was carried out which confirmed the substance of the complaint. A letter has been sent to the landowner and a response is currently awaited. |
| September 2019 | Allied Waste Management Ltd Squires Farm Industrial Estate, Easons Green | Breach of Condition (unloading waste outside the waste transfer building) | A complaint was received that the operator was unloading waste asbestos in the open yard at the rear of the waste transfer station, which is a breach of condition 4 attached to the planning permission that relates to the site. An initial site visit has been carried out, which did not identify any breaches of planning control. However, investigations are continuing and a meeting with the operator is due to be arranged. |

TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

| DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
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| 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>A planning application (WD/820/CM) which sought to address the waste wood stockpile on the site was submitted, but this was subsequently withdrawn by the applicant. A new planning application (WD/836/CM) has now been submitted and is currently under consideration.</p> |

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| August 2018 | Court Lodge Farm, Etchingam Road, Burwash, Etchingam | 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 held with the landowner. The purpose of the incinerator is for disposing of fallen stock solely from the farm, no animal carcasses are to be imported to the site.</p> <p>Planning permission is required for the installation of the incinerator and contact was made with the landowner's planning consultant. A planning application (RR/823/CM) was submitted for the retention of the incinerator, but was subsequently withdrawn following advice from officers. A further planning application (RR/826/CM) was submitted, which proposed an alternative location for the incinerator. However, following representations made to the application, the applicant withdrew the application and is currently considering further alternative locations within the site.</p> <p>The incinerator is not in use and officers are monitoring the situation.</p> |
| March 2019 | Three Oaks Waste Water Treatment Works, Three Oaks | Unauthorised development/Breach of Conditions (site layout) | <p>An officer undertaking a meeting at the site with the operators noted that the development was not in accordance with the approved plans and that a larger sized kiosk had been erected in a different location, and also that the operational land had been extended. A further meeting with the operator was held and, following this meeting and subsequent correspondence, it was confirmed that the installation of the larger kiosk was considered to fall within the operator's permitted development rights and does not require specific planning permission.</p> <p>However, retrospective planning permission for the extension to the operational area (change of use) and associated security fencing (due to its height adjacent to a highway) is required.</p> <p>A planning application (RR/834/CM) has been submitted and is currently under consideration.</p> |
| April 2019 | Tarring Neville Quarry, Newhaven | Importation and deposit of waste | <p>A complaint was received that lorry loads of waste materials, comprising soils, sub soils and plastics, had been imported into and deposited in the quarry. A site visit was carried out which confirmed the substance of the complaint. Contact was made with the landowner who stated that the access gates had been forced open and the lorry loads of waste had been deposited without their permission or knowledge. Once they became aware of the situation, the gates were re-secured and they were taking steps to arrange for the removal of this waste from the quarry.</p> <p>The removal of the waste was complicated by the fact that there is a pair of nesting peregrine falcons on the site and these birds are a protected species under the Wildlife and Countryside Act 1981. It is a criminal offence to interfere with these birds when they are nesting, which would include works to remove the imported waste. Therefore the landowners have been requested to remove the waste only after the birds breeding season is over.</p> <p>Site monitoring has been undertaken and the fly tipped waste is still in situ. As the breeding season for the peregrines has now finished, contact is being made with the landowners to agree a timescale for the removal of the deposited waste.</p> |

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| April 2019 | Land adjacent to Appletree Cottage, Staplecross | Importation and deposit of waste | <p>A complaint was received that building and construction waste was being imported into and deposited at this site. A site visit was undertaken which confirmed the substance of the complaint. A letter was sent to the landowner explaining the need for planning permission and that such an application was unlikely to be supported given the site's location within the countryside and also the High Weald Area of Outstanding Natural Beauty.</p> <p>Despite officers advising that the proposal would be unlikely to be supported, the landowner proceeded to submit a planning application seeking to regularise the breach of planning control. The application (RR/828/CC) has now been validated and is currently under consideration.</p> |
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