

Committee	Regulatory Planning Committee
Date	14 July 2021
Report by	Director of Communities, Economy and Transport
Subject	Development Management Update
Purpose	To inform Members about matters relating to: (i) enforcement and site monitoring, undertaken under delegated powers for the eight months period between 1 October 2020 and 31 May 2021; (ii) appeals; and (iii) development management performance for the period 1 April 2020 to 31 March 2021.
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

Note: Due to previously cancelled meetings, this report, with the exception of Section 4, covers the eight months for the period from 1 October 2020 to 31 May 2021, inclusive.

1. Enforcement

1.1 In the period between 1 October 2020 and 31 May 2021, inclusive, there were 34 new complaints about alleged breaches of planning control. Of the new cases, 29 were resolved within the reporting period and fourteen older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of May 2021 was nine. This represents a decrease of nine in the number of cases that were outstanding at the end of the previously reported period (1 January 2020 – 30 September 2020).

1.2 In respect of specific cases, some Members will recall that the Council had been dealing with a breach of planning control at a site called Dunly Wood, Cross-in-Hand, involving the importation, deposit, processing and storage of waste situated in an area of ancient woodland within the High Weald Area of Outstanding Natural Beauty. A planning application seeking the regularisation of the unauthorised activity was submitted, but subsequently refused by the Planning Committee on 10 March 2021. The Committee resolution also included undertaking enforcement action in order to remedy the breach of planning control. Following the Committee's decision and the refusal of planning permission, an Enforcement Notice was served on the operator and landowners on 31 March 2021. No appeal was made against the Enforcement Notice and it took effect on 7 May 2021. The Notice requires: (i) the immediate cessation of the importation of waste; (ii) the unauthorised waste use to cease and the clearance of the waste from the site within a specified period; and (iii) the removal of all plant and machinery associated with the processing/management of waste. The period for compliance with all requirements of the Notice expires on 7 August 2021 and officers are monitoring progress. Members will be updated on progress with the site in future reports.

1.3 Another site where formal enforcement action was taken relates to Appletree Cottage, Staplecross. Waste materials had been deposited in an area of woodland, within the High Weald

Area of Outstanding Natural Beauty. A planning application seeking the retention of the deposited waste materials was submitted but refused by the Planning Committee on 18 December 2019. An Enforcement Notice was served on the landowners on 20 December 2019, requiring the removal of the waste materials and a hedge to be replanted, but an appeal was made against the Notice, which put it into abeyance. An appeal was also made against the refusal of planning permission. Both appeals were subsequently dismissed, although the Inspector varied the time for compliance with the Enforcement Notice from November 2020 to November 2021, which was to allow the works to be carried out during periods which would avoid potential harm to protected species taking into account delays in the consideration and determination of the appeals due to the Pandemic. Following the outcome of the appeals, the landowner has removed the imported waste materials and the hedge has been replanted. The Enforcement Notice has therefore been complied with and the case is resolved.

1.4 Appendix 1 of this Report provides details of cases resolved and received within the period 1 October 2020 and 31 May 2021, 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 General site monitoring of minerals and waste sites, both chargeable and non-chargeable, has on the whole been suspended due to the Pandemic. Some sites have required monitoring, such as the Newhaven Port Access Road and Bexhill-Hastings Link Road, and this has been undertaken where possible. It is not yet clear when a full site monitoring regime will resume.

3. Appeals

3.1 There is currently one outstanding appeal, which is in relation to the refusal of planning permission for a waste wood recycling operation at Holley's Woodshaving, Squires Farm Industrial Estate, Palehouse Common. This application was refused by the Planning Committee in February 2020. All relevant information has been submitted to the Planning Inspectorate and third parties notified of the appeal. Due to the significant period of time that has elapsed since submissions were made, officers have enquired with the Planning Inspectorate when we can expect a decision to be issued. We have been advised that the appeal is currently waiting to have an Inspector allocated to the case before it can be progressed. Members will be updated on progress in future reports.

4. Development Management

4.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. Where authorities are not adequately performing their planning function of determining relevant planning applications within prescribed timescales, they can be designated as being in "special measures". Under this provision, the power for determining planning applications can be taken away from local authorities, and applicants can choose to have their application determined by the Planning Inspectorate. We are required to submit quarterly statistical returns and there are penalties for failing to submit two or more quarters of data and, once applied, the penalties will be reflected in the performance statistics published. Additionally, if an application is not determined within 26 weeks and extensions of time have not been agreed with the applicant, planning authorities have to return the planning application fee to the applicant.

4.2 The Government publishes criteria for determining whether or not to place local planning authorities in "special measures". One measure is the average percentage figure for the timely determination of major development applications over two years. The threshold for designation is currently at 60% of applications being determined within a 13 week period, or within a timeframe agreed with the applicant. The Government also introduced monitoring performance on non-major planning applications, the threshold for which is 70%. However, the monitoring of performance on non-major applications relates to District/Borough/Unitary authorities and not County Councils.

Therefore, the performance on the determination of the non-major County Council developments (Regulation 3) will not be included in the performance figures measured by the Government, although we continue to monitor and report on our own performance.

4.3 In terms of performance, for the period April 2020 to March 2021 (inclusive) of the relevant applications, 100% of County Matter applications (waste and minerals proposals) were determined within 13 weeks or within an agreed extension of time, and 94.73% of County Council applications (for the County Council’s own development proposals) were also determined within 8 weeks or within an agreed extension of time, both of which clearly exceed the targets set by Government and locally. With respect to the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 24 months ending December 2020 was 94.7% of major applications determined within the relevant timescale, which is well above the current 60% threshold.

4.4 The table below sets out the number and types of applications/queries dealt with for the financial year 2020/21.

Type	2020/2021
County Council applications determined	20
County Matter applications determined	7
Applications withdrawn	3
Non-material amendment applications determined	6
Lawful Development certificates	0
Prior Notification	1
Formal Pre-Application Advice	15
“Do I need planning permission” requests	15
Minerals/Waste Safeguarding and other consultations	27

5. Contact Officers

5.1 Members with any queries about enforcement or site monitoring matters should contact either Sarah Iles (01273 481631) or Robert Shapter (01273 335218). Members with queries relating to County Matter and Regulation 3 applications should contact either Jeremy Patterson (01273 481626) or Sarah Iles.

RUPERT CLUBB
 Director of Communities, Economy and Transport
 02 July 2021

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 BETWEEN 1 OCTOBER 2020 AND 31 MAY 2021

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
1/1	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 was for disposing of fallen stock solely from the farm, no animal carcasses were imported to the site. A planning application (RR/823/CM) was submitted in April 2019 for the retention and use of the incinerator but was subsequently returned due to insufficient information. 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 in October 2019.</p> <p>The landowner has since confirmed that the incinerator is not being used and is likely to be scrapped. In the meantime, the incinerator is being stored on the land, which is not considered to be development and no further enforcement action is required.</p>
1/2	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 the High Weald Area of Outstanding Natural Beauty.</p> <p>The landowner submitted a planning application seeking to regularise the breach of planning control. The application (RR/828/CC) was considered by the Planning Committee on 18 December 2019 and planning permission was refused. The Committee resolution included undertaking enforcement action to secure the removal of the waste materials and an Enforcement Notice was served on the landowners on 20 December 2019. The Notice required the cessation of the importation of waste; the</p>

				<p>removal of the waste; and the restoration of the site, including the replacement of the hedgerow that was removed to facilitate the deposit of the waste.</p> <p>The landowner submitted appeals against both the refusal of planning permission and the Enforcement Notice and both appeals were dealt with through the written representations procedure. The Planning Inspectorate dismissed both appeals but varied the period for compliance with the Enforcement Notice to November 2021 (from November 2020). This extension of time was considered necessary to avoid extensive works being undertaken during periods which may affect protected species.</p> <p>The landowner recently advised officers that the requirements of the Enforcement Notice have been fully met, and this has been confirmed by a site visit. Therefore, the Enforcement Notice has been complied with, and no further enforcement action is required.</p>
1/3	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. Officers contacted the landowner where the soil was deposited, who subsequently placed the matter in the hands of his own solicitor, who wrote to the local resident requiring him to remove the imported waste from the landowner's land.</p> <p>After contact with the landowner, Rother District Council served two Enforcement Notices in respect of the unauthorised engineering works to the highway bank. The recipients of the Notices submitted appeals against the Notices to the Planning Inspectorate and the appeals were dealt with through the written representations procedure. Rother District Council has since received the Planning Inspector's decision, which was to vary some of the requirements of the Enforcement Notice and to dismiss the appeal. The remedial works to the highway bank are currently being undertaken, but not using the original materials that were deposited in Battle Wood. Rother District Council are monitoring compliance with the requirements of the Enforcement Notice.</p> <p>Given the small quantity of imported soils involved in the site this Authority has been investigating, and the apparent absence of harm, it has been decided to take no further action in respect of this matter.</p>

1/4	August 2019	New Look Driveways, AS Farm, The Warren, Crowborough	Importation, deposit and storage 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 appeared to be being processed on site. A letter was sent to the operator requesting details of the nature and purpose of the activity.</p> <p>A site meeting with the operator was held and the operator admitted that the waste had been imported into the site from clients' sites and stated that he wanted to remove this imported waste from the site. A timescale for the waste removal was agreed with the operator.</p> <p>A recent site visit and meeting has been held with the operator, which confirmed that the imported waste materials have been removed from the site. Therefore, the breach of planning control has been resolved and no further enforcement action is required.</p>
1/5	February 2020	Perrylands Farm, Hackhurst Lane, Lower Dicker	Importation, deposit storage and burning of waste	<p>A complaint was received alleging that waste was being imported, deposited and burnt at this site. An initial site visit was carried out and a very small bonfire site was found, along with a deposit of hardcore.</p> <p>There were other planning issues identified on the site which fall within the remit of Wealden District Council. A joint site visit had been arranged with an officer from Wealden District Council, but this was impacted by the Coronavirus Pandemic.</p> <p>A further site visit has now been undertaken, which noted that a pole barn has been constructed on the site. This is a matter for Wealden District Council, who have been informed of the matter. There is no breach of planning control for this Authority, as Waste Planning Authority, to deal with and no further action is required.</p>
1/6	March 2020	Quarry Cars, Unit 5B Quarry Road Industrial Estate, Newhaven	Importation, deposit and breaking of end of life vehicles	<p>Officers attending the Industrial Estate in connection with other matters noticed what appeared to be end of life vehicles being stored on the site. A subsequent site visit found the operators on site, who explained that they were a garage that serviced vehicles, but a significant element of their business was recycling parts from end of life vehicles and scrapping the remaining body shell. The requirements for planning permission and Environmental Permitting was explained to the operators who decided that because the site is on a very short-term lease, and the landowner is seeking planning permission to re-develop the site, they would not be seeking to regularise this</p>

				<p>breach of planning control through a planning application. A timescale was agreed with the operators to clear the site.</p> <p>A further site visit has now been carried out and the end of life vehicles have been cleared from the site. The breach of planning control has therefore been resolved and no further enforcement action is required.</p>
1/7	May 2020	Ken Fowler Demolition, The Barn, Nabscott Farm, Lower Dicker	Importation and deposit of waste (bricks)	<p>A complaint was received that waste materials, comprising bricks, were being imported into and deposited at the site. An initial site visit was undertaken which did not find anything to support the complaint. The site has the benefit of a planning permission granted by Wealden District Council and a joint site visit with an officer from Wealden District Council was due to be arranged. However, due to the Covid-19 pandemic, a joint site visit was not carried out.</p> <p>This matter has now been passed to Wealden District Council to deal with as any potential planning issues at the site are outside the remit of the County Council as Waste Planning Authority. No further enforcement action is required.</p>
1/8	June 2020	Binky's Farm, Station Road, Buxted	Importation and deposit of waste soils	<p>A complaint was received that waste soils were being imported into the site and deposited, before being formed into a bund along the bank of the River Uck. The site is part of the river flood plain. An initial site visit was undertaken by officers from this Authority, and a joint site visit with an officer from Wealden District Council and a site meeting with the landowner was to be undertaken to fully assess the situation. However, due to the Covid-19 pandemic a joint site visit was not carried out.</p> <p>Wealden District Council have now met with the landowner and confirmed that there is no breach of planning control. No further enforcement action is required.</p>
1/9	June 2020	Land off Langley Close, Bexhill-on-Sea	Deposit of waste	<p>A complaint was received that waste materials were being tipped on an area of land behind residential garages. A site visit was carried out, which identified that a large amount of domestic and construction waste had been deposited. Land adjacent to the site is currently being developed for housing, which has created a secluded area which could be attracting fly-tipping.</p> <p>A further site visit has been undertaken and the deposited waste has been removed from the site. The area of land has also now been cordoned off to prevent further deposits of waste. The breach of planning control has been resolved and no further</p>

				action is required.
1/10	July 2020	Born Again Plastics, Oak Ferrars Farm, Piltown	Breach of Conditions (outside storage)	<p>Officers attending the site in connection with another matter noticed that waste plastics were being stored outside the area permitted by the planning permission that relates to the site (WD/719/CM). A meeting was held with the operator and a timescale agreed for him to return the site to compliance with the planning condition.</p> <p>Further site visits have been undertaken and the site is now back in compliance with the planning conditions that are attached to the planning permission that relate to the site. The breach of planning control has therefore been resolved and no further enforcement action is required.</p>
1/11	August 2020	AM Skip and Plant Hire, Hazelbank, London Road, Maresfield	Breach of Conditions (noise and dust)	<p>A complaint was received alleging that the site, which has the benefit of a planning permission (WD/327/CM) granted by this Authority, was not being operated in accordance with the conditions that are attached to the planning permission. A period of unannounced site monitoring was undertaken, which confirmed most of the details contained within the complaint.</p> <p>A meeting was then held with the operator and a period allowed for the operator to take remedial action to bring the site back into compliance with the planning conditions. The main issues were the noise being emitted by the site exceeding the permitted levels and the retail sales being undertaken from the site. Regarding the noise levels, these have been monitored and fall within the levels permitted by the planning condition.</p> <p>In regard to retail sales, the operator does not allow customers to attend the site to collect materials, they are delivered by his vehicles to customer's sites, which allows materials that would otherwise be directed to landfill to be recycled, which assists in meeting central Government's aim of directing waste away from landfill. This is not considered to be a breach of the retail sales planning condition.</p> <p>These breaches of condition have therefore been resolved. No further enforcement action is required at this time and the site will continue to be monitored periodically.</p>
1/12	August 2020	58 Windsor Way, Polegate	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken, during which a meeting was held with the landowner. It was noted that there was a significant quantity of scrap metal stored</p>

				<p>within a building at the site. A timescale was agreed for the removal of this scrap metal from the site.</p> <p>A further site visit has been carried out, which confirmed that the landowner has removed the waste materials from the site. The breach of planning control has therefore been resolved and no further action is required.</p>
1/13	September 2020	Firgrove Business Park, Firgrove Road, Cross-in-Hand	Importation, deposit, storage and breaking of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site, and then being broken for their recyclable parts before the remaining chassis was scrapped. A site visit was undertaken which confirmed the substance of the complaint. A meeting was held with the landowner and a timescale agreed for him to either submit a planning application seeking to regularise the activity or to clear the site of end of life vehicles.</p> <p>Working with the landowner and tenant, the end of life vehicles have all been removed from the site and the site restored to the condition it was in prior to the vehicles being imported. The breach of planning control has therefore been resolved and no further action is required.</p>
1/14	September 2020	Land off Eastbourne Road, Pevensey Bay	Disposal of liquid waste to land.	<p>A complaint was received that tankers were disposing liquid waste to land at this location. An initial site visit was undertaken and the Environment Agency also informed.</p> <p>Further enquiries were made into this matter and numerous site visits carried out. Nothing has been found to indicate that any waste has been imported into or deposited at the site. No breach of planning control identified, and no further action is required. Should further complaints be received, the matter can be reinvestigated.</p>

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED AND RESOLVED BETWEEN 1 OCTOBER 2020 AND 31 MAY 2021

	DATE LPA BECAME AWARE OF BREACH	SITE	NATURE OF CASE	CURRENT POSITION
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2/1	<p>October 2020</p> <p><i>NB – This is a separate case to that shown in Row 2/25.</i></p>	Little England Farm, Hadlow Down	Importation and deposit of waste	<p>A complaint was received that waste materials had been deposited on the site. A joint site visit was undertaken with an officer from Wealden District Council and during the visit a meeting was held with the site manager. The site manager explained that the reason for the waste materials being on site was for the maintenance/repair of the existing agricultural tracks on the farm.</p> <p>The materials were examined and appeared to be suitable and proportionate for their intended use and were to be used for this purpose in the near future, thus complying with Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>As the works are considered to be permitted development, there is no breach of planning control and no further action is required regarding this matter.</p>
2/2	<p>October 2020</p> <p><i>NB – This is a separate case to that shown in Table 3, Row 3/4.</i></p>	Allsworthy, Hailsham Road, Stone Cross	Importation, deposit and burning of waste	<p>A complaint was received that waste was being brought into the site and was being burnt. A site visit was undertaken, which did not confirm the nature of the complaint. There were several caravans on the site which had people living in them.</p> <p>Contact was made with the landowner, who strongly denied that any waste material had been imported into the site. She stated that she was, in fact, in the process of clearing waste from the site. The only burning that had been undertaken was green waste that had originated on the site, which is considered to be incidental to the use site.</p> <p>The site has been visited on several occasions since, and no fresh importation of waste materials have been noted. Therefore, there is no breach of planning control insofar as this Authority is concerned, in its capacity as Waste Planning Authority. Wealden District Council have been informed of the caravans on the site and it is for them to consider whether there has been any breach of planning control in respect of their remit.</p>
2/3	<p>October 2020</p>	Ockham House, Silverhill, Robertsbridge	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising hardcore, had been imported into and deposited at this site. A site visit was undertaken, and a meeting held with the landowner's son, who explained that the hardcore was required on the site for the purposes of maintenance and repair of an existing agricultural track.</p> <p>The track and materials were examined by the attending officer, which confirmed the</p>

				<p>details provided by the landowner's son. These works were considered necessary and proportionate for the maintenance and repair of this track and fell under Part 6 of the Town and Country (General Permitted Development) (England) Order 2015.</p> <p>As the works are permitted development, there is no breach of planning control and no further action is required by this Authority.</p>
2/4	October 2020	Land at the rear of the Bull Public House, Ticehurst	Importation and deposit of waste wood	<p>A complaint was received that wood waste was being imported into and stockpiled in a field at the rear of the Bull Public House. A site visit was undertaken which confirmed the details contained within the complaint. A meeting was held with the landowner who explained that the field has historically been used by the village for a charity bonfire night celebration, which had been cancelled because of lockdown restrictions imposed due the Coronavirus pandemic.</p> <p>The landowner was willing to clear the site of the imported waste and a timescale for this clearance was agreed. A further site visit has been carried out which confirmed that the landowner has cleared the site of the imported waste and has burnt the site derived green waste that formed the majority of the stockpile, which is not considered to be a breach of planning control.</p> <p>The breach of planning control has been resolved and no further enforcement action is necessary.</p>
2/5	November 2020 <i>NB – This is a separate case to that shown in Row 2/8.</i>	Lower Barn Farm, Junction Road, Staplecross	Importation and deposit of waste	<p>A complaint was received that lorry loads of waste, comprising soils, were being imported into and deposited at the site. A site visit was undertaken and during the course of this visit a meeting was held with a director of the operating company, who explained that the imported waste materials were required to raise the levels of the land to improve the drainage of a glamping site.</p> <p>Checks with Rother District Council revealed that the glamping site did not have the benefit of planning permission.</p> <p>As the importation of soils was in connection with an engineering operation to improve the drainage of the glamping site, and the glamping site required planning permission, it was agreed that Rother District Council would deal with both operations.</p> <p>Therefore, there is no further action required by this Authority as Waste Planning</p>

				Authority.
2/6	November 2020	Plot 38, Groombridge Grove, Groombridge	Importation and deposit of waste	<p>A complaint was received that a number of breaches of planning control were taking place at the site, including the importation and deposit of waste, burying of waste, storing of caravans and creation of a new access onto the public highway. Contact was made with Wealden District Council who confirmed that permitted development rights had been removed from the site by an Article 4 Direction.</p> <p>A joint site visit was arranged with an officer from Wealden District Council. During the site visit a meeting was held with a male on the site who was working on behalf of the landowner, who had recently purchased the site. In regard to the importation of waste, the workman stated that one lorry load of topsoil had been purchased by the landowner and imported into the site in order to be graded out to level some deep ruts on the site (the ruts had been seen by the WDC officer during an earlier visit to the site). As the topsoil had been purchased, was of good quality, and did not materially raise the level of the land, it was deemed that no further action was required.</p> <p>The works that were being undertaken were clearing the undergrowth and general tidying up of the site after many years neglect and in the course of these works a small quantity of asbestos, which had been buried on the site prior to the current owner's stewardship, was discovered. The landowner, at the time of the site visit and meeting, was planning for this material to be disposed of by a suitably qualified operator.</p> <p>In relation to the other alleged breaches of planning control, these are matters which fall within the remit of Wealden District Council, who are dealing with them. Therefore, no further action is required by this Authority.</p>
2/7	January 2021	Unit 10 Granary Business Centre, Broad Farm, Hellingly	Importation, deposit and breaking of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the industrial unit and broken up for spare parts, before the residual shell of the car was scrapped. Several site visits have been undertaken and nothing has been seen that would confirm the details contained within the complaint. There were no car shells, engine parts, body panels, stockpiles of vehicle fluids or stains on the ground.</p> <p>No breach of planning control has been found and, therefore, no further action is required.</p>

2/8	<p>January 2021</p> <p><i>NB – This is a separate case to that shown in Row 2/5.</i></p>	Lower Barn Farm, Junction Road, Staplecross	Importation, deposit and burying of waste	<p>East Sussex County Council and Rother District Council both received complaints alleging a number of breaches of planning control at this site, including the importation, deposit and burying of waste, unauthorised engineering operations and the felling of trees in ancient woodland in the High Weald Area of Outstanding Natural Beauty.</p> <p>A joint site visit and meeting was arranged with the landowner and Rother District Council where the various complaints were examined and discussed. There was no waste imported and buried in the location identified by the complainant. A new farmyard storage area had been constructed with an earth bund around it and there was storage of an end of life lorry. Some trees had been felled in an area of ancient woodland.</p> <p>In respect of matters pertinent to this Authority, there was no waste found to be buried on the site and the landowner agreed to remove the end of life vehicle.</p> <p>In respect of the banded yard area, the landowner has agreed to seek regularisation in the form of a planning permission from Rother District Council.</p> <p>Regarding the tree felling the landowner was advised to consult the Forestry Commission for their advice/assistance. Officers have also advised the Forestry Commission directly of this aspect of the complaint.</p> <p>There is no breach of planning control for this Authority to deal with and no further action is required.</p>
2/9	January 2021	38 West Close, Polegate	Importation and deposit of waste wood	<p>A complaint was received that waste wood, comprising tree trunks and tree rounds, were being imported into and deposited at the above site. A site visit was undertaken which confirmed the details of the complaint.</p> <p>Contact was made with the landowner who confirmed that the waste wood tree trunks and rounds had been imported into the site from his business as a tree surgeon. The intention being to allow this wood to season and then cut the wood up to be used as logs for the wood burner fitted in the property. The requirement for planning permission and an Environmental Permit for the importation, deposit and processing of waste wood was explained to the landowner who immediately agreed to cease any further importation of waste wood into the site</p>

				<p>It was agreed in this instance, due to the small amount of waste wood involved, that the landowner could cut up the wood on site for logs subject to no further importation of waste wood into the site; the cutting being undertaken during the normal working period of the day; and the cutting only undertaken when weather conditions would not cause sawdust to escape from his property onto neighbouring property.</p> <p>The breach of planning control has been resolved and no further action is necessary.</p>
2/10	January 2021	Allied Waste Management, Squire Farm Industrial Estate, Easons Green	Breach of conditions (outside loading and unloading of waste)	<p>A complaint was received that the site was not being operated in accordance with the conditions that are attached to the planning permission relating to the site (WD/737/CM), particularly in relation to Condition 4 the loading and unloading of waste outside of the building.</p> <p>Several site monitoring visits were undertaken, all unannounced, none of which identified any breaches of the condition highlighted in the complaint, or any breaches of the other conditions attached to the planning permission.</p> <p>No breach of the planning conditions and no further enforcement action is required.</p>
2/11	February 2021	4 Windover Way, Lower Willingdon	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into and deposited at the site. An initial site visit appeared to confirm the details contained within the complaint, with a skip being used to bulk up building and construction waste.</p> <p>A joint site meeting was arranged with the landowner and officers from Wealden District Council. During this, the landowner admitted that he was running his pond business from these premises, which are residential, and he also brought back waste from client sites. The planning implications of the waste importation was explained to him and he agreed to immediately cease the importation of waste to the site.</p> <p>Therefore, insofar as this Authority as Waste Planning Authority is concerned, the breach of planning control has been resolved and no further action is necessary.</p>
2/12	February 2021	Shortwood Farm, Freezels Lane, Bexhill-on-Sea	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into and deposited at the site, before being burnt. A joint site visit was undertaken with an officer from Rother District Council and during this visit a meeting was held with the landowners.</p> <p>The landowners admitted that they had held small bonfires, but strongly denied</p>

				<p>importing waste into the site. They explained that they had inherited the site from their parents and all the materials seen by officers were already on site when the property came into their ownership. They explained that they were in the process of clearing the site, with a view to selling the site once the clearance had been completed.</p> <p>The landowners were provided with advice about what materials could be burnt on the site and encouraged to apply for the relevant Exemption from the Environment Agency.</p> <p>There is no breach of planning control and no further action is required.</p>
2/13	February 2021	Luxury Car Spares, Hoads Farm, Sedlescombe	Importation, deposit and breaking of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site and broken up to recycle parts and panels.</p> <p>A joint site visit was undertaken with an officer from Rother District Council. During this site visit a meeting was held with the operator, who stated that all their parts were sourced and imported from America and no end of life vehicles were imported and broken up for parts. This was confirmed by what was observed during the site visit.</p> <p>There is no breach of planning control and no further action is required.</p>
2/14	March 2021	3 Thorne Farm Cottages, Ninfield Road, Bexhill-on-Sea	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into and deposited at the site, before being burnt. A joint site visit was undertaken with an officer from Wealden District Council and during this visit a meeting was held with the landowners. The landowners admitted that they had lit a small bonfire but strongly denied importing waste into the site. This was confirmed by what was seen during the site visit.</p> <p>The landowners were provided with advice about what materials could be burnt on the site and encouraged to apply for the relevant Exemption from the Environment Agency.</p> <p>The complaint also raised issues regarding materials deposited at the bottom of the garden. An area of hardstanding on the site had clearly been in existence for a long period of time, using what appeared to be construction/roofing waste materials. This was confirmed by historic aerial photographs and is immune from planning enforcement action.</p> <p>There is no breach of planning control and no further action is required.</p>

2/15	March 2021	Lower Spring Garden Wood, Toll Lane, Maresfield	Importation and deposit of waste soils	<p>A complaint was received that soils had been imported into and deposited at this site. A site visit was undertaken which confirmed the details contained within the complaint. Contact was made with the landowner and a site meeting was arranged, which was also attended by the operator.</p> <p>The landowner explained that the purpose of the importation of the soils was to even very rutted ground out so that he could use a tractor over the land. This was considered to be an engineering operation, which required planning permission from Wealden District Council, as the Local Planning Authority. The landowner has been advised of this and the matter has been referred to Wealden District Council who are dealing with it.</p> <p>No further action is required by this Authority in its capacity as Waste Planning Authority.</p>
2/16	March 2021	Pyrite Industries, Swan Barn Road, Hailsham	Importation, deposit and storage of waste tyres	<p>A complaint was received that waste tyres were being imported into the site and deposited. The County Council granted planning permission in March 2020 for a waste tyre recycling facility at this location (WD/831/CM) and a site visit confirmed that these works were in conjunction with the planning permission and were therefore authorised.</p> <p>There is no breach of planning control and no further enforcement action is required.</p>
2/17	March 2021	SEMH School, Reef Way, Hailsham	Breach of conditions (Approved plans)	<p>A complaint was received that ducting on the roof of the School was visible, which the complainant believed was a breach of the planning conditions that are attached to the planning permissions that relate to the site.</p> <p>A site visit was carried out and the development checked. The complainant's viewpoint is elevated above the site by some 15 metres so effectively looks down onto the roof of the School, hence the ducting being visible.</p> <p>The planning permissions relating to this site have all been checked and there are no breaches of any of the conditions that are attached to them. The development is in accordance with the approved details.</p> <p>No breach of planning control and therefore no further enforcement action is required.</p>

2/18	March 2021	Staplecross Methodist School, Staplecross	Unauthorised development	<p>A complaint was received that construction works were being undertaken at the site which did not have the benefit of planning permission. A site visit was carried out and discussions held with the Head Teacher, which confirmed that works to provide a single storey extension to the reception area were being undertaken.</p> <p>A planning application (RR/3433/CC) to regularise the works was submitted and subsequently approved under delegated powers.</p> <p>The breach of planning control has been resolved and no further action required.</p>
2/19	April 2021	Expert Skip Hire, Cradle Hill Industrial Estate, Seaford	Breach of conditions (Hours)	<p>A complaint was received that the construction of the new Waste Transfer Building was being undertaken outside the permitted hours of the Construction Management Plan, which forms part of the planning conditions that are attached to the planning permission for the site (LW/786/CM).</p> <p>Contact was made with the operator, who was reminded of the time limitations for construction works on the site.</p> <p>The complainant was informed of the action taken and was satisfied with this as a method of resolving the complaint.</p> <p>The breach of planning control has therefore been resolved and no further enforcement action is required.</p>
2/20	April 2021	Heaven Farm, Lewes Road, Furners Green	Importation and deposit of waste soils	<p>A complaint was received that large quantities of soils were being imported into, deposited, and graded out at the site. A site visit was undertaken which confirmed the details contained within the complaint.</p> <p>Contact was made with Wealden District Council, who confirmed that they too had received complaints concerning this operation, and they were in the process of contacting the landowner's son who wished to discuss the situation with them.</p> <p>As this matter appears to be an engineering operation that Wealden District Council is already dealing with, there is no further action required by this Authority as the Waste Planning Authority.</p>

2/21	April 2021	125 Eastbourne Road, Willingdon	Importation and deposit of waste.	<p>A complaint was received that waste materials generated from the landowner's house clearance company were being imported into and deposited at the site. The complaint also contained several other issues, all of which fell outside of the County Council's remit as Waste Planning Authority</p> <p>An unannounced site visit was undertaken, during which a meeting was held with the landowner who admitted a very small quantity of waste had been deposited on the site for a short period, because of restrictions imposed to fight the coronavirus pandemic. The landowner arranged for the immediate removal of this small quantity of waste, which therefore resolved the breach of planning control.</p> <p>In relation to other issues contained within the complaint, the complainant has been referred to the relevant agencies/authorities that have responsibility for them. No further action is required by this Authority.</p>
2/22	May 2021	Montague Farm, Hankham Hall Road, Westham	Importation and deposit of waste/ unauthorised lorry movements	<p>A complaint was received that large earth moving lorries were using lanes in this area to access a site to deposit waste. Following investigations, it transpired that the materials being transported by these vehicles were being taken to a local site to further the development of agricultural barns, which have the benefit of planning permission granted by Wealden District council.</p> <p>There is no breach of planning control and no further action is required.</p>
2/23	May 2021	The Old Coach House, Framfield Place, Framfield	Importation, deposit and burning of waste	<p>A complaint was received that commercial and industrial waste was being imported into this site and burnt. An unannounced site visit was undertaken, during which a meeting was also held with the landowner.</p> <p>The landowner denied that any waste was being imported into the site and stated that the bonfires were to burn site derived green waste. This appeared to be borne out by what was seen during the site visit. The landowner was reminded what could and could not be burnt at the site.</p> <p>No breach of planning control identified and no further action required.</p>
2/24	May 2021	15 The Holt, Hailsham	Importation, deposit and burning of waste	<p>A complaint was received alleging that waste materials were being imported into the site and being burnt. A joint site visit with an officer from Wealden District Council was undertaken, during which a meeting was held with the occupants, who strongly denied</p>

				<p>that any waste had been imported into the site.</p> <p>There was no evidence of any burn sites seen during the site visit and the only waste stored on the site was several bags of grass clippings that originated from the garden of the premises.</p> <p>Therefore, there is no breach of planning control and no further action is required.</p>
2/25	<p>May 2021</p> <p><i>NB – This is a separate case to that shown in Row 2/1.</i></p>	<p>Little England Farm, Main Road, Hadlow Down</p>	<p>Importation and deposit of waste</p>	<p>A complaint was received that waste materials were being imported into and deposited at the site. A site visit was carried out and a meeting subsequently held with the landowner, who stated that the materials were being imported into the site in connection with the compliance of the requirements that are attached to an Enforcement Notice served by Wealden District Council.</p> <p>There is no breach of planning control for this Authority to deal with and the matter is being managed by Wealden District Council.</p>
2/26	<p>May 2021</p>	<p>Paternoster Wood, Cat Street, Upper Hartfield</p>	<p>Importation and deposit of soils</p>	<p>A complaint was received that lorry loads of soil were being imported into the site and deposited. A site visit was undertaken and during this visit a meeting was held with the landowner and the operator responsible importing the material. The landowner explained that the soils were required on the site to create a motocross track for her son.</p> <p>The requirement for planning permission for this type of engineering operation and use was explained to the landowner and she was referred to Wealden District Council's Planning department. Wealden District Council were also informed of this situation by the attending officer.</p> <p>No further action required by this Authority.</p>
2/27	<p>May 2021</p>	<p>Morgans Farm, Cowbeech Road, Rushlake Green</p>	<p>Importation and deposit of waste</p>	<p>A complaint was received that waste materials were being imported into the site and being deposited. A site visit was undertaken, during the course of which a meeting was held with the landowner. It was explained that the majority of the works were in connection with the erection of a new farmhouse and two new agricultural barns, both of which have the benefit of planning permission granted by Wealden District Council.</p> <p>There were some engineering works taking place at the site which were not covered by</p>

				<p>the existing planning permissions and the landowner was advised to seek advice from Wealden District Council's Planning department, who were also informed of these works by the attending officer.</p> <p>There is no breach of planning control for this Authority to deal with and no further action is required.</p>
2/28	May 2021	Lower Stoneham Farm, Stoneham Lewes	Unauthorised earthworks, importation of waste	<p>A complaint was received that unauthorised earthworks were taking place at this site. A site visit was undertaken which appeared to confirm the details contained within the complaint and contact was made with the landowner, who explained that he had obtained permission for these works from Lewes District Council</p> <p>Research of Lewes District Council's online planning register confirmed that an Agricultural Determination had been granted for these engineering works in October 2020 (LW/20/0615) and the works appeared to be in accordance with the plans and documents that form part of the application.</p> <p>Therefore, there is no breach of planning control and no further action is required by this Authority.</p>
2/29	May 2021	Eastlands Farm, The Stream, Catsfield	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, were being imported and deposited at this site. A site visit was undertaken, during the course of which a meeting was held with the landowner, who explained that the materials were being imported into the site in connection with a new agricultural barn development that has the benefit of planning permission granted by Rother District Council. This was borne out by what was seen during the site visit.</p> <p>There is no breach of planning control and therefore no further action is required by this Authority as Waste Planning Authority.</p>

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN 1 OCTOBER 2020 AND 31 MAY 2021 AND AS YET UNRESOLVED.

	DATE LPA BECAME AWARE OF	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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	BREACH			
3/1	January 2021	Haulaway Ltd, Polegate Yard, Summerhill Lane, Polegate	Breach of Condition (Noise)	<p>A complaint was received that this site, and the case listed below (3/2), were breaching the condition relating to the amount of noise that can be emitted from the site during operations.</p> <p>Limited monitoring by officers has been carried out and noise monitoring by an independent contractor is in the process of being arranged.</p>
3/2	January 2021	Hailsham Roadways, Woodside Depot, Polegate	Breach of Condition (Noise)	<p>A complaint was received that this site, and the case listed above (3/1), were breaching the condition relating to the amount of noise that can be emitted from the site during operations.</p> <p>Limited monitoring by officers has been carried out and noise monitoring by an independent contractor is in the process of being arranged.</p>
3/3	April 2021	Crockstead Farm Hotel, Halland	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 site visit was undertaken, during the course of which a meeting was held with the operator undertaking the works, who admitted that materials had been imported into the site to improve an existing access track and to improve the land.</p> <p>At the time of the site visit, the landowner was away. A letter has been sent to the landowner and a reply is currently awaited.</p>
3/4	May 2021 <i>NB – This is a separate case to that shown in Table 2, Row 2/2.</i>	Allsworthy, Hailsham Road, Stone Cross	Importation, deposit and burning of waste	<p>A complaint has been received that waste materials were being imported into the site and were being burnt.</p> <p>An initial site visit has been undertaken and efforts are being made to contact the landowner.</p>

3/5	May 2021	LS Vehicle Recycling, Lower Stoneham Farm, Lewes	Importation and breaking of end of life vehicle for their parts	<p>Whilst visiting another site at this location, the attending officer found this end of life vehicle recycling operation, which does not have the benefit of planning permission.</p> <p>Discussions were held with the site operator, who stated his intention to obtain planning permission and all the other necessary licences and permits that are required.</p> <p>The operator has been advised to seek pre-application advice and details are currently awaited.</p>
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TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
4/1	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. A letter was sent to the operator requesting details of the nature and purpose of the activity and a response was received.</p> <p>Since the previous correspondence, further contact was made with the operator, who advised the Environment Agency that some key people involved in the company had suddenly left and set up a rival company, leaving the operator to sort out the issues at this site. Further discussions were ongoing regarding agreeing a timescale for the removal of the materials.</p> <p>As a result of the Coronavirus pandemic lockdowns, the operator had not been able to remove much of the waste that is stored on the site. However, since the lockdown has been eased, progress has been made and some of the waste has been removed. The site is continuing to be monitored by officers to ensure all the waste is removed. Officers will continue to monitor the site and liaise with the Environment Agency.</p>

4/2	January 2020	Meadow Farm, Road Hill, Isfield	Importation and deposit of Waste (soils and hardcore)	<p>In 2018 a complaint was received alleging that lorry loads of waste materials, comprising soils and hardcore, had been imported into the site and deposited. Joint site visits were undertaken with officers from the Environment Agency and Wealden District Council, and meetings were also held with the landowner and operators. Wealden District Council invited an application which sought to retain the deposited materials on site to be used in several engineering operations. That authority eventually decided that they could not entertain such an application and returned the application and fee to the landowner.</p> <p>The matter was been referred back to the County Council to deal with as a County Matter. Officers held an initial site meeting with the landowner (February 2020). At that time the whole area was so waterlogged as to be impassable, and the removal of the materials was not feasible. Since the initial meeting, the Coronavirus Pandemic prevented further progress in this matter. However, contact has been maintained with the landowner in order to progress matters.</p> <p>A meeting was then held with the landowner and an initial course of action, that of moving the bunds of material to outside of the crown spread of the trees was agreed.</p> <p>Initially there had been no progress made because of the waterlogged ground conditions and the site needed a considerable period of dry weather to improve the ground conditions to allow work to start. However, works are now due to commence soon and once these bunds have been moved, a further assessment will be carried out.</p>
4/3	July 2020	Rideout Agricultural, Dunly Wood, Cross-in-hand	Importation, deposit and processing of waste	<p>A complaint was received that waste materials were being imported into the site, deposited and processed. An officer undertook an initial site visit but was refused entry to the site by the operator. Contact was made with the landowner and a site meeting arranged. During the course of the meeting with the landowner, the substance of the complaint was confirmed.</p> <p>The landowner was provided with an “in principle” view that a planning application seeking to regularise the use of the site would be unlikely to be supported. However, the landowner stated that he would support the operator’s application seeking to regularise this breach of planning control.</p> <p>A planning application (WD/847/CM) was subsequently submitted and refused by the</p>

				<p>Planning Committee on 10 March 2021. An Enforcement Notice was served on the landowner and operator on 31 March 2021, requiring the waste use of the site to cease and the site to be cleared of all the waste materials, plant and equipment. No appeal was made against the Enforcement Notice and the period of time for compliance with the requirements of the Enforcement Notice expires on 7 August 2021</p>
4/4	August 2020	187 London Road, Hailsham	Importation, deposit and storage of waste	<p>A complaint was received that waste materials were again being stored in the rear garden of this site. The County Council had previously dealt with matters at this site, which resulted in the service of an Enforcement Notice in 2015, and which is still extant.</p> <p>A site visit was undertaken which confirmed the substance of the complaint. A letter was sent to the landowner, reminding him of the existence of the Enforcement Notice and providing him with a short timescale in which to return the site to compliance with the requirements of the Enforcement Notice. The landowner was also reminded that it is an offence to breach the Enforcement Notice and that he has previously been convicted of this offence.</p> <p>A further site visit was carried out and it was noted that some of the waste had been removed from the site. Due to various circumstances, the landowner wrote to officers requesting an extension of time to complete the removal of the waste removal. An extension of time was granted and, after this had expired a further site visit was carried out. Disappointingly, there was still waste being stored within the rear garden of the property, which continues to be in breach of the Enforcement Notice and therefore a criminal offence.</p> <p>The landowner was Summoned to appear at Hastings Magistrates for failing to comply with the requirements of the Enforcement Notice. This case was initially listed for hearing on 29 January 2021, but was been deferred to 29 June 2021 because of the backlog of cases caused by the lockdown restrictions imposed to fight the Coronavirus pandemic.</p> <p>In view of this, and to try and resolve the matter without the need for a further prosecution, thereby saving the Court's time and Council expense, the landowner has been given a further opportunity to clear the site. If this is done by 11 June 2020, then the County Council will discontinue proceedings against the landowner.</p>

				The landowner's response is awaited and the site will continue to be monitored.
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