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| Committee | Planning Committee |
| Date | 1 July 2009 |
| Report by | Director of Transport and Environment |
| Subject | Development Control Matters and Site Monitoring |
| Purpose | To inform Members about activities undertaken under delegated powers and development control performance for the period since 1 April 2009 and about activities undertaken in accordance with the Site Monitoring Policy |

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF TRANSPORT AND ENVIRONMENT

Note: This is a preliminary report covering the period since 1 April 2009. It does not represent the whole quarter April – June 2009, inclusive. Any changes to the figures given will be reported orally to the Planning Committee.

1. Enforcement

1.1 In the period since April 2009, twenty six new complaints have been received. This represents an increase in the number of new cases received compared to the last couple of quarters in 2008/09. With the exception of one, all the new cases relate to waste activities and sites. Of these new cases, sixteen have been resolved within the last quarter and nine older cases have also been resolved. Accordingly, the number of sites currently being investigated or subject to formal action stands at thirty eight, which is an increase of one in the total number of cases that were outstanding at the end of the previous quarter.

1.2 There are a number of cases which are consuming a large amount of officer time. They are not necessarily complicated cases but, due to the circumstances of each case, necessitate high levels of officer input. This demonstrates that the Council endeavours to work closely with landowners and provide support and guidance where necessary. Where possible, matters are dealt with informally, without the need for formal enforcement action, but this is not always possible. In instances where it is necessary to take formal enforcement action, there is still the need to liaise closely with the various parties involved.

1.3 East Sussex County Council hosted a recent meeting of the “County Council Enforcement Officers’ Group”. This group comprises officers from County Councils across the country and, therefore, specifically covers enforcement matters relating to minerals and waste activities. Officers from Hertfordshire, Oxfordshire, Kent, West Sussex, Surrey and Hampshire County Councils attended the meeting here at East Sussex. An Inspector from the Planning Inspectorate attended and gave a presentation on the drafting of enforcement notices and recent appeal decisions. The day was extremely successful and enabled officers to share knowledge and good practice guidance. The next meeting, which will be attended by officers from East Sussex, is to be held in October/November at Hertfordshire County Council offices.

1.4 In order to continue to measure our performance, we have set ourselves a target to undertake a site visit within 5 working days of a complaint about a potential breach of planning control in 75% of the cases. During the last quarter, 96% of site visits were carried out within five days of the complaint being received, which means this locally set target has clearly been exceeded. The particular case where it was not possible to undertake the initial site visit within

five working days was due to the need to coordinate a joint site visit with Lewes District Council and the landowner.

1.5 Appendix 1 of this report provides details of cases resolved and received within the last quarter together with details of existing sites which officers have been involved with during the last quarter. Additional details of these sites or other ongoing cases referred to in previous reports can be obtained from the relevant officers listed at the end of this report.

2. Site Monitoring

2.1 Site monitoring of mineral and landfill sites is continuing, as well as the monitoring of other waste sites which have been granted planning permission by the Council. Only a limited number of site monitoring visits have been made in the last quarter as the majority of officer time has been spent on enforcement cases and providing support for a new temporary enforcement officer. Of the monitoring visits undertaken, no major issues have been identified.

3. Development Control

3.1 In relation to performance targets, BVPI 109a has been replaced by National Indicator 157 (NI157). The Government's target of determining 60% of County Matter applications (excluding those requiring an environmental impact assessment) within 13 weeks has remained unchanged under NI157. With regard to applications for County Council development, we have set ourselves a target of deciding 75% of applications within 8 weeks.

3.2 For the period April to 18 June 2009 (inclusive) a total of twenty one applications were determined (six County Matter and fifteen County Council applications). Of the relevant applications, 66.6 % of County Matter applications were determined within 13 weeks, which exceeds the Government's targets for determining planning applications and 86.6% of County Council applications were determined within 8 weeks, which also clearly exceeds the Department's target.

4. Appeals

4.1 In relation to the appeal against the Enforcement Notice that was served on Robins of Herstmonceux regarding the importation, deposit, storage and processing of waste materials at Sandbanks, Chilsham Lane, Herstmonceux, a date has now been set for the a public inquiry. The public inquiry will be held starting on 28 July and is scheduled to last for three days. The Council's Statement of Case has been submitted and work is currently being carried out on preparing a rebuttal statement to the appellant's Statement of Case. The Council has also recently refused an application for a Certificate of Lawful Use of the site as a waste transfer station and an appeal is likely to be lodged against this refusal. The appellants have requested that the enforcement notice appeal and the appeal against the refusal be co-joined and heard at the same time, but at a later date than 28 July, and a decision is currently awaited from the Planning Inspectorate. Members will be advised of progress in future reports.

4.2 Following the Council's decision to grant planning permission for the new wastewater treatment works at Lower Hoddern Farm, Peacehaven an application for a Judicial Review of the Council's decision was made to the High Court. The application was initially refused but an oral hearing for application for a Judicial Review was called and heard in the High Court on 29 April 2009. I am pleased to report that the application for the Judicial Review was refused and thereby the Council's decision to grant planning permission is upheld.

5. Paragraph 7 Consultations

5.1 This section reports on the progress of consultations for the Council's strategic planning views ('Paragraph 7' consultations). These are those applications made to District and Borough Councils which either:

- raise strategic planning issues for the implementation of the Structure Plan or conflict with it; or
- fall within “Notified Sites”, because of their potential impact on minerals and waste issues or on developments the County Council itself proposes to undertake.

5.2 This report therefore covers the latest position on:

- all consultations where a final decision was still outstanding at the last report in April 2009; and
- those new consultations received since April 2009.

5.3 Appendix 2 contains the details. Table 1 itemises the consultations that were reported to this Committee, summarises the County Council’s responses and sets out the latest position on each case. Table 2 covers the same kind of information for those responses made by letter under powers delegated to the Director.

5.4 Reporting Statistics - Overall, in the period between April and end of June 2009 we were consulted on 5 applications, 1 in Lewes District, and 4 in Wealden District. None of the applications though raised strategic planning issues and were therefore not treated as Paragraph 7 consultations.

5.5 Changes to applications classed as ‘Paragraph 7 consultations’ - On 6 May the Secretary of State published the final approved version of the South East Plan which now constitutes part of the statutory development plan. As a consequence of this approval, the Brighton & Hove and East Sussex Structure Plan has now been superseded by this more up to date set of strategic planning policies. The Structure Plan, therefore, no longer has any statutory force as a development plan. As a result of that, the duty of Borough and District Councils to consult the County Council on applications that raise strategic planning issues related to the Structure Plan no longer has any relevance. This category of “Paragraph 7” consultations in effect disappears. The new regional planning body now performs this task and is consulted by the Borough and District Councils on major planning applications to scrutinise strategic applications that appear to raise issues in relation to the South East Plan.

5.6 Nevertheless, the County Council will continue to receive consultations on applications that relate to minerals and waste sites or sites identified for the County Council's own development proposals. For the most part, this category of applications does not raise strategic issues and they rarely require reporting to Planning Committee.

5.7 Therefore I will continue to monitor the progress of the outstanding applications referred as strategic consultations, but new ones will no longer arise.

5.8 Decisions on Previous Consultations - Since the last report 3 applications have been approved, these were in line with County Council views.

5.9 At the April Committee, Members asked officers to contact Rother District Council to find out the position, with a view to seeking the withdrawal, of the outline application for 500 dwellings at Worsham Farm as it has been “on the books” for a number of years without any evident progress. Rother District Council officers have been contacted regarding this application and we are waiting a response. However, I can report that the Supplementary Planning Document detailing the overall proposals for North East Bexhill, which includes the site of this application, has now been completed by Rother District Council and is due to be considered by full Council on 23 June.

6. Contact Officers

6.1 Members with any queries about enforcement matters should contact either Sarah Iles (01273 – 481631) or Jeremy Patterson (01273 – 481626). Members with queries on development control matters should contact David Vickers (01273 – 481629) for County Council development or

Jeremy Patterson for County Matter development. Members with any queries about site monitoring should contact Sarah Iles.

6.2 Members with any queries relating to Paragraph 7 consultations should contact Ellen Reith (01273 – 481708).

RUPERT CLUBB
Director of Transport and Environment
23 June 2009

Local Members: All

BACKGROUND DOCUMENTS

Current Enforcement and Planning Files.
MasterGov Database.

QUARTERLY DEVELOPMENT CONTROL REPORT – ENFORCEMENT TABLES**BREAKDOWN OF ENFORCEMENT CASE LOAD****BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE APRIL 2009**

| DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
|--|---|--|---|
| November 2003 | Crockstead Equestrian Centre, Halland | Importation and deposit of waste | A full and comprehensive planning application to regularise the works was submitted and subsequently approved under delegated powers on 2 June 2009. Breach of planning control remedied and no further enforcement action required. This site will be monitored in accordance with the Council's Site Monitoring Policy. |
| February 2006 | Land adjacent to The Rhinns, Cherry Gardens Hill, Groombridge | Importation and deposit of waste | Importation of waste ceased. Works to comply with an enforcement notice served by Wealden District Council carried out and remedial works to grade out the imported soils completed. Scrap has been removed from the site. Breach of planning control remedied and no further action required. |
| January 2008 | St. Bedes School, Upper Dicker | Storage of soils | Following the dismissal of the appeal against the Council's decision to refuse planning permission for the continued temporary storage of soils, a timescale for the clearance of the site was set. The site has been monitored and the spoil has now been removed. Breach of planning control remedied and no further action required. |
| June 2008 | Land at Sellars Brook, Spring Lane, Burwash | Importation and deposit of waste | Further site visit carried out. Significant quantity of soil removed from the site and the final remedial works previously specified have been carried out. Breach of planning control remedied and no further action required. |
| October 2008 | Moorhurst Road, Castleham Industrial Estate, St. Leonards | Importation, sorting and bulking up of waste | Retrospective planning application to regularise the use of the site submitted and subsequently approved by the Planning Committee on 29 April 2009. No further enforcement action required and the site will be monitored as part of the Site Monitoring Policy. |
| November 2008 | Catsfield Place Farm, Catsfield | Importation and deposit of waste | Further site visit carried out and discussions held with the landowner. The waste previously identified for removal has been cleared and the importation and burning of waste has ceased. Breach of planning control remedied and no further action required. |
| November 2008 | MDJ Light Brothers, Hazelmere, Punnetts Town | Unauthorised structure | Retrospective planning application to regularise the building submitted and subsequently approved by the Planning Committee on 29 April 2009. No further enforcement action required and the site will be monitored as part of the Site Monitoring Policy. |

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| February 2009 | Mansers Yard, Southbourne Business park, Eastbourne | Importation and storage of waste | Further site visit carried out and noted that the waste materials previously stored have been removed as required. Breach of planning control remedied and no further action required. |
| March 2009 | Greystone Quarry, Southerham | Unauthorised development | The outstanding legal agreement has been completed and planning permission subsequently granted for two new buildings and an access. Breach of planning control remedied and the works will be monitored to ensure they are carried out in accordance with the approved details. |

NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE APRIL 2009 AND RESOLVED.

| DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
|---------------------------------|---|----------------------------|---|
| April 2009 | Wish Wood, Bayham Road, Bells Yew Green | Deposit of waste materials | Joint site visit carried out with Wealden District Council. The materials have been imported to facilitate a development at the site. Not a County Matter and Wealden District Council are dealing with the site. No further action required. |
| April 2009 | Land opposite Braeside, Main Street, Beckley | Deposit of spoil | Site visit carried out and discussions held with the landowner. Spoil from an adjacent development has been deposited in the field. Remedial works were agreed and a recent site visit has confirmed they have been carried out. No further action required. |
| May 2009 | Pierpoint Wood, Rocks Road, Uckfield | Deposit of waste wood | Site visit carried out. Quantity of timber stored at the site is associated with a logging business being run from the premises. Wealden District Council is dealing with the matter and no further action is required by this Authority. |
| May 2009 | Brummels, Argos Hill, Mayfield | Burning of waste | Joint site visit carried out with Wealden District Council and discussions held with the landowner. A small amount of green waste, which had originated from the adjacent garden, had been burnt. No breach of planning control and no further action required. |
| May 2009 | Land outside 117 St. Helens Park Road, Hastings | Deposit of spoil | Site visit carried out and discussions held with the landowner. Spoil originated from works to the property and deposited on the verge outside. Spoil subsequently removed in accordance with a timescale given. Breach of planning control remedied and no further action necessary. |
| May 2009 | MDJ Light Brothers, Hazelmere, Punnetts Town | Creation of hardstanding | Site visit carried out and discussions held with the operator. An area of paving has been repaired and a new guard rail installed. No breach of planning control and no further action required. |
| May 2009 | Hill Farm, Magreed Lane, Broad Oak | Importation of waste | Site visit carried out. Small quantity of soil stored at the site, with the intended purpose of improving a pond which has suffered from erosion. Not considered to be a breach of planning control and no further action |

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| | | | required. |
| May 2009 | Wivelsden Farm, North Common Road, Wivelsfield | Importation and deposit of waste | Joint site visit carried out with Lewes District Council and discussions held with the landowner and local police officer. Numerous areas of the farm holding were inspected and no breaches of planning control identified. Significant quantities of materials have been imported for various developments, but these have the benefit of permissions from Lewes District Council. No further action required by this Authority. |
| May 2009 | Rabbits Site, North Quay Road, Newhaven | Breach of conditions | Site visit carried out and discussions held with the operator. Stockpiles have since been reduced and dust suppression systems installed. No further breaches of planning control and no further action required. |
| May 2009 | Land off Whitworth Road, St. Leonards- on-Sea | Breach of conditions | Site visit carried out and discussions held with the operator. Use as a waste transfer station has not yet commenced and there no breaches of planning control. No further action required. |
| May 2009 | Honeys Green Caravan Park, Easons Green, Halland | Deposit of spoil | Site visit carried out. Spoil has originated from a development within the site and is to be used in accordance with a permission granted by Wealden District Council or it will be removed from the site. No further action required by this Authority. |
| May 2009 | The Woodlands Centre, Whitesmith | Working outside the approved hours | Site visit carried out and discussions held with the site operator. No working outside the approved hours has taken place and the activity which caused the complaint had taken place on the adjoining site. No breach of planning control and no further action required. |
| June 2009 | Land adjacent to Greenacres, Little London Road, Horam | Deposit of Waste | Site visit carried out. Hardcore from the demolition of a building within the site has been stored and is being used for track repairs within the land. No breach of planning control and no further action required. |
| June 2009 | Burghill Farm, Burghill Road, Chiddingly | Deposit of soil | Site visit carried out and discussions held with the farm manager. A small quantity of soil has been deposited, which has originated from within the farm and is to be used within the farm holding. No breach of planning control and no further action required. |
| June 2009 | Buckholt Farm, Buckholt Lane. Bexhill | Importation of waste | Site visit carried out and discussions held with the landowner. A quantity of soil has been imported to raise the levels of land to accommodate a barn approved by Rother District Council. The District Council have subsequently confirmed that the works are in accordance with the permission granted by them and no further action is required by this Authority. |
| June 2009 | Beeching Park Daycare Centre, Beeching Road, Bexhill | Erection of a fence | Site visit carried out. Fencing subject of the complaint is not at the Daycare Centre and in any event is of a size and form that does not require planning permission. No breach of planning control and no further action required. |

NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE APRIL 2009 AND UNRESOLVED.

| DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
|--|---|-------------------------------------|--|
| April 2009 | Martinland Wood, East Hoathly | Deposit of waste | Site visit carried out. Quantity of hardcore and soil imported. Letter sent to the landowner and a response is awaited. |
| April 2009 | Butchers Wood, Rocks Road, Uckfield | Importation and deposit of waste | Site visit carried out. Soil and hardcore have been deposited. Letter sent to the landowner and a response is awaited. The area is covered by a Tree Preservation Order and close liaison is being maintained with Wealden District Council. |
| May 2009 | Old Goods Yard, Western Road, Crowborough | Unauthorised Waste Transfer Station | Site visit carried out and discussions held with the operator. Waste soils are being imported to the site and screened. Planning permission is required for the use and a planning application is currently awaited. |
| May 2009 | Preston Hall Farm, Watermill Lane, Bexhill | Storage of skips and waste | Site visit carried out and discussions held with the landowner and operator. Skips have been imported to the site and the waste sorted. Timescale set for the cessation of the use of the site and the clearance of the skips and waste. Site to be monitored to ensure compliance. |
| May 2009 | Land off Darp Lane, Ripe | Deposit of Chalk | Site visit carried out. Significant quantities of chalk deposited in two fields. Land Registry search carried out to ascertain the identity of the landowner and results currently awaited. |
| May 2009 | Flitteridge Farm, Splaynes Green | Breach of Conditions | Complaint received regarding the number of vehicle movements and seepage from the lagoon. Site visited carried out and the site is to be monitored. |
| May 2009 | Old Stock Car Track, Mayfield Road, Cross-in-Hand | Importation and deposit of waste | Site visit carried out and discussions held with the operator. Works are being carried out in order to comply with the requirements of an enforcement notice from 1974. However, it is considered the works go beyond those requirements a site meeting has been arranged in order to resolve the matter. In the meantime, the operator has been required to cease the importation of any further materials. |
| June 2009 | Land adjacent to Wallace's Plants, Lewes Road, Laughton | Importation and deposit of waste | Joint site visit with Wealden District Council carried out. Quantity of waste materials found tipped at the site. Attempts being made to contact the landowner prior to any further action. |
| June 2009 | Disused Chalk Pit, Iford | Burning of waste | Site visit carried out. Evidence of burning of green and other waste. Letter to be sent to the landowner. |
| June 2009 | Land adjacent to 172 Udimore Road, Rye | Deposit of waste | Site visit carried out. Small quantity of building waste and domestic appliances deposited. Timescale for their removal given and site will be monitored to ensure compliance. |

EXISTING SITES WHICH HAVE BEEN SUBJECT TO ACTION SINCE APRIL 2009

| DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
|---------------------------------|--|---|---|
| February 2002 | Cophall Wood, Polegate | Stockpiling material in breach of condition and operating waste and ancillary use beyond the site boundary. | <p>Good progress has continued to be made and a new planning application has been submitted which will regularise the current breaches of planning control at the site. The application is currently under consideration.</p> <p>Although there have not been any complaints or breaches in terms of the volume of waste handled at the site, an application is expected shortly which will seek to bring the permitted volume of throughput at the site in line with the Environment Agency's Waste Management Licence.</p> |
| June 2003 | Field No. 5331 - opposite Preston Cottage, Watermill Lane, Bexhill | Deposit of waste (soil). | <p>Enforcement Notices were served on the landowner and Barclays Bank Plc and they took effect on 18 June 2004. No appeal lodged and time for compliance for site to be cleared was 16 July 2004. No attempt was made to remove materials from the site and a breach of the Enforcement Notice was therefore taking place. There have been two successful prosecutions of the landowner for failing to comply with the requirements of the Enforcement Notice. However, despite these two successful prosecutions, and a further exchange of correspondence with the landowner, the materials have still not been removed and alternative means of securing compliance with the Enforcement Notice are being investigated.</p> <p>In the meantime, travellers gained unauthorised access to the site, which is the subject of formal enforcement action by Rother District Council. The matter was heard at Hastings Magistrates Court and the landowner found guilty of failing to comply with the Rother District Council Enforcement Notice. Sentencing was deferred until 4 March 2009 to allow the landowner time to comply with the requirements of the notice, where the landowner was fined in respect of the failure to comply with their Enforcement Notice. The Council has since learnt that the landowner has appealed against the fine and the matter is to be heard at Lewes Crown Court.</p> <p>Prior to further action being taken regarding the waste deposited on the land, a letter was due to be sent to the landowner to address how he intends to deal with the continuing breach of the enforcement notice. This was then delayed pending the outcome of the appeal against the fine. However, as the appeal at Lewes Crown Court has not been heard, and in order to avoid any further delays, this matter will be progressed and a letter is now to be sent to the landowner. In addition, other ways of resolving this matter are also being investigated as it is not considered that a further prosecution would achieve compliance with the enforcement notice, even if it were to be successful.</p> |
| November 2004 | Telscombe Tye | Importation of chalk and creation of bunds. | <p>Part retrospective planning application submitted and subsequently refused by the Planning and Highways Sub-Committee on 6 July 2005.</p> <p>Enforcement Notice requiring the removal of the unauthorised bunding served on Telscombe Town Council and other interested parties. An appeal against the notice was made by Telscombe Town Council. However, the notice was varied and upheld and the bunds were to have been removed by 19 August 2007. Further discussions have since taken place and, as part of a cost sharing exercise, the County Council is to oversee the works for the removal of the bunding. Precise specifications and plans were drawn up for the works and a formal tendering process undertaken. Although several tenders were returned, given the delay and the fact that</p> |

| DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
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| | | | <p>the works would have been undertaken during the winter, it was decided to defer the works until late spring/early summer 2009 to minimise any damage to the Tye.</p> <p>Since then, officers have overseen the sampling of the unauthorised materials within the bunding. Forty one trenches were excavated in the bunding and the materials assessed. The purpose was to gain a better understanding of the make up of the bunding, which will enable more precise tenders to be drawn up. The exercise has proved to be very useful, particularly as it has identified that a lot of the bunding is made up of clean, inert materials, with remaining materials including small fragments of plastic pipes and sheeting and metal re-inforcing rods. Matters are progressing with regard to the findings and Members will be updated on progress in future reports.</p> |
| July 2006 | Pebsham Waste Water Treatment Works, Pebsham | Excessive odour levels emanating from works | <p>Monitoring of odour levels undertaken and breach of planning control identified. Breach of Condition Notice served on the operator. The operator subsequently applied to the High Court for a Judicial Review of the Council's decision to serve the Breach of Condition Notice. Permission was refused on the papers but granted following a hearing on 19th November 2007 when a Judge considered that there was an arguable case.</p> <p>Since the service of the Breach of Condition Notice significant works have been carried out at the site and the number of odour related complaints reduced considerably. A planning application to vary the relevant condition attached to the planning permission was submitted but was subsequently withdrawn. A meeting with the operators is to be held shortly and a revised application is expected to be submitted following that meeting. In the meantime, officers are monitoring the site for any further odour concerns.</p> |
| June 2007 | Little Exceat Farm, South Chailey | Breach of conditions and unauthorised structure/storage | <p>Retrospective planning application for the retention of two storage containers was refused by the Planning Committee on 21 January 2009. An Enforcement Notice was subsequently served on the landowner and operator. No appeal was made against the notice and the storage containers have since been de-mounted and moved to another part of the site. A site meeting has been held with the operator and his agent and it was agreed that the containers would be removed by the end of June 2009. Site to be monitored to ensure compliance.</p> |
| November 2007 | Fir Tree House, Steel Cross, Crowborough | Importation and deposit of waste materials | <p>Most of the scrap has been removed from the site and some remedial works undertaken. Further grading works are required and then the seeding of the land and the site is being monitored to ensure compliance. There is also a skip full of scrap which needs to be removed from the site. A planning application was submitted to allow the relocation of the landowner's scrap operation to a nearby industrial unit and this was approved by the Planning Committee on 21 January 2009.</p> |
| February 2008 | The Old Brick Yard, Hundredhouse Lane, Udimore | Importation and deposit of waste | <p>Significant quantities of waste, including scrap metal, wood, plastics, glass, tyres and old vehicles have been imported and stored at the site. An Enforcement Notice was served on the landowner requiring the cessation of the importation of waste and the clearance of the site. In order to ensure ongoing compliance with the requirements of the Notice, meetings are being held with the landowner and Environment Agency every month. No further materials have been imported since the Council became involved with the site. Very good progress is being made with the clearance of the site and there are now several large areas of the woodland that are completely clear of waste. Most of the scrap metal has been removed and the more "general" waste is now</p> |

| DATE LPA BECAME AWARE OF BREACH | SITE ADDRESS | NATURE OF CASE | CURRENT POSITION |
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| | | | being removed. |
| May 2008 | Scocus Farm, Five Ashes, Mayfield | Importation and deposit of waste | Various site visits carried out and discussions held with the landowner and operator. Planning Contravention Notices were served and responses received. Despite being advised to cease the importation of waste to the site, activity continued and Temporary Stop Notices were served. Subsequently, an archaeological survey has been conducted. The importation of waste has now stopped and the landowner has agreed to undertake remedial works. A further site meeting was held, which was also attended by the County Archaeologist, and a programme for the sensitive restoration of the site has been agreed. The works will be undertaken during fine weather to minimise any further disruption to the archaeological features. A date has now been agreed for the works and the County Archaeologist will be in attendance during the works to ensure the archaeological features are preserved. |
| June 2008 | Marchants Farm, Laughton | Importation and deposit of waste | A significant quantity of waste material has been imported to the site to raise the levels of the land. The landowner has been given deadlines for the removal of the materials from the site and the re-grading of the land. Regular site meetings are being held to ensure compliance and the site is being monitored. |
| June 2008 | Robins of Herstmonceux, Sandbanks, Chilsham Lane, Herstmonceux | Unauthorised use of the land as a waste transfer station. | An Enforcement Notice has been served on the owner/operator which requires the cessation of the use of the site and its clearance of all waste and associated plant, machinery and structures. The Enforcement Notice was due to take effect on 20 December 2008. However, an appeal was lodged against the Enforcement Notice and a date for a public inquiry has been set for 28, 29 and 30 July 2009. An application for a Certificate of Lawful Use has also been submitted and subsequently refused (see paragraph 4.1 of the main report). |
| December 2008 | Old Radar Station, Lampham Drove, Wartling Road, Pevensey | Storage and burning of waste | Quantities of white goods, scrap vehicles and building waste are stored at the site and there is evidence of burning. A timetable for the clearance of the site has been set and joint site meetings with the landowner, Wealden District Council and the Environment Agency are being carried out. Progress is being made with the clearance of the site and the regular site meetings will be maintained to ensure the continued clearance of the site. |
| March 2009 | The Thorne, Thorne House and Little Thorne, Ninfield Road, Bexhill | Storage and dismantling of vehicles | Further site visit carried out and discussions held with the landowner. The landowner has been advised that the use must cease and the vehicles removed. The vehicles and vehicle parts previously stored in the rear garden of the property are in the process of being removed and the site is being monitored to ensure compliance. |

Appendix 2 Progress on Paragraph 7 Consultations

TABLE 1 - PROGRESS ON PARAGRAPH 7 CONSULTATIONS - REPORTED TO PLANNING COMMITTEE (AS AT JULY 2009)

| APPLICATION NUMBER | DATE RECEIVED, SITE & PROPOSED DEVELOPMENT | COMMITTEE DATE AND SUMMARY OF ESCC REPRESENTATION | CURRENT POSITION |
|-----------------------------------|---|---|--|
| Lewes | | | |
| LW/2004/0662 And WD/04/0851 | Received: 13 May 2004 Land at Riverbanks off Exceat Bridge of A259, Seaford Parish. Raising height of flood protection banks by 300mm, relaying footpath surface material and construction of bird hide. | Planning Committee 16 June 2004 Insufficient information is available with the application for the impact on the SSSI and flood risk to be sure that proposal will be acceptable. Due to the lack of hydrological information with the application there are doubts over the claimed level of flood protection, protection of the landscape character and ecological values of the proposal. Approval of this development could be seen as pre-empting decisions on coastal protection to be made as part of the Review of the Shoreline Management Plan, but approval need not preclude applications for alternative solutions from being made and approved. | Each council has resolved to approve its respective application. However, the Secretary of State has put holding directions on the applications. This means that decision notices cannot be issued until the Secretary of State has decided whether to 'call in' the applications. The Government Office for the South East has decided that an Environmental Impact Assessment is required and has asked the applicant to undertake one. They will decide whether to call in the applications after the EIA has been considered by them and the District Councils. |
| Rother | | | |
| RR/2000/1431 | Received: 26 June 2000 Land at Worsham Farm and Glovers Farm north of Wrestwood Road, Bexhill. Outline - erection of 500 dwellings, a primary school, district centre including retail (15,000 sqms.), offices (1000 sqms.) open space and related roads. | Planning Committee on 18 April 2001 Deferred until the Traffic Impact Assessment had been assessed and the transport impacts had been clarified. | Not yet determined. Held in abeyance. (Rother District Council has been contacted regarding the latest position and we are waiting a response.) |

| APPLICATION NUMBER | DATE RECEIVED, SITE & PROPOSED DEVELOPMENT | COMMITTEE DATE AND SUMMARY OF ESCC REPRESENTATION | CURRENT POSITION |
|--------------------|---|---|---|
| RR/2007/1896 | <p>Received: 9 July 2007</p> <p>Land at Hastings Road, Battle.</p> <p>Outline erection of up to 290 dwellings: construction of new spine road from The Spinney (Hastings Road) to Harrow Lane: construction of access roads, footpaths, services, foul and surface water drainage infrastructure including tow drainage basins; provision of public open space/wildlife eco-park; provision of land for a primary school; children's play area and all ancillary works.</p> | <p>Planning Committee: 12 September 2007</p> <p>Supported in principle but should not be approved until access to and from the site can be provided in a manner which does not create new transport hazards and adversely affect the safety of road users.</p> <p>Appropriate contributions are required towards transport improvements, an early years facility and primary education.</p> | Minded to APPROVE subject to completion of a Section 106 agreement. |
| Wealden | | | |
| WD/01/1466 | <p>Received: 23 July 2001</p> <p>Ashdown Business Park, Maresfield.</p> <p>O/L application for development of a Business Park for B1 Light Industrial & Office uses with new roundabout at junction with A272 & internal Spine Road (Road 1) plus the creation & management of landscaped amenity areas.</p> | <p>Planning Committee: 12 September 2001</p> <p>The application should be approved, provided that the District Council is satisfied that appropriate mitigating and compensating measures arising from a full Environmental Impact Assessment will be provided; and, it complies with the Highways Authority's detailed requirements; and, that a landscape management plan and maintenance agreement will be provided securing continual environmental management, in particular of Calves Shaw; and, completion of an S106 Agreement to secure the above requirement.</p> | Minded to APPROVE subject to completion of a Section 106 agreement. |

| APPLICATION NUMBER | DATE RECEIVED, SITE & PROPOSED DEVELOPMENT | COMMITTEE DATE AND SUMMARY OF ESCC REPRESENTATION | CURRENT POSITION |
|--------------------|---|---|--|
| WD/2007/1054/MEA | <p>Received: 15 May 2007</p> <p>Land to the East of Shepham Lane, Polegate.</p> <p>Construction of 260 dwellings, a new roundabout access onto Dittons Road, emergency access and footway/cycleway onto Shepham Lane, internal access roads, footpaths and cycleways, open space and landscaping.</p> | <p>Planning Committee: 13 June 2007</p> <p>Principle of housing development on this site is supported as a departure from the adopted Wealden Local Plan and Structure Plan, to help achieve Structure Plan housing provision for Wealden 2006 – 2011.</p> <p>Appropriate contributions are required towards transport improvements and other County Council infrastructure including a new primary school and nursery school facility.</p> | <p>APPROVED</p> <p>The section 106 legal agreement includes appropriate contributions towards transport improvements and primary and nursery school provision.</p> |

| Kent Shepway District Council | | | |
|--|---|--|----------------------------|
| Y06/1647/SH and Y06/1648/SH | <p>Received: Dec 2006</p> <p>London Ashford Airport, Lydd, Romney Marsh, Kent.</p> <p>Erection of a Terminal Building (capable of processing 500,000 passengers per annum) and 637 car parking spaces.</p> <p>Construction of a 294m runway extension together with an additional 150m starter extension.</p> | <p>Planning Committee: 12 December 2007</p> <p>These proposals can be supported in principle as they could bring social and economic benefits to an area with a poor performing economy in need of regeneration.</p> <p>However, neither application should be permitted until the applicant has demonstrated that these proposals, either in combination or individually, will not give rise to surface access requirements which would have an adverse impact on the highway network in East Sussex, (TR1, TR3, and S1 (c) (d)).</p> | <p>Not yet determined.</p> |

TABLE 2 - PROGRESS ON PARAGRAPH 7 CONSULTATIONS – DELEGATED RESPONSES (AS AT JULY 2009)

| APPLICATION NUMBER | DATE RECEIVED, SITE & DESCRIPTION. | RESPONSE DATE AND SUMMARY OF ESCC REPRESENTATION | CURRENT POSITION |
|--------------------|--|---|---|
| Rother | | | |
| RR/2008/2471 | <p>Received: 3 September 2008</p> <p>Baldwins Farm, Mountfield.</p> <p>Redevelopment of Baldwins Farm, including new machinery store and farm office (oast), new stables and hay/feed store.</p> | <p>Response by letter: 9 September 2008</p> <p>Site is within the Brightling / Mountfield Mineral Consultation Area. However, the application raises no objection.</p> | <p>Minded to APPROVE subject to completion of a legal agreement.</p> |
| RR/2008/2930/P | <p>Received: 13 October 2008</p> <p>Crowhurst Park, Crowhurst.</p> <p>Use of Land for the siting of 49 Timber lodges for use for 10.5 months per annum and associated development.</p> | <p>Response by letter: 11 November 2008</p> <p>This application is a revision to a scheme proposed on the same site for a total of 49 timber lodges (RR/2007/3169/P) which itself was a revision of an original scheme for 69 timber lodges (RR/2005/1916/P).</p> <p>Application should not be approved. Although, this proposal goes some way to meeting the County Council's previous concerns, it has yet to provide a justification for this significant development in the AONB.</p> | <p>Minded to APPROVE subject to completion of a Section 106 agreement.</p> |
| Wealden | | | |
| WD/2008/1748 | <p>Received: 28 July 2008</p> <p>Land at Ketcham Corner, Peelings Lane, Westham.</p> <p>Residential development of 10 two bedroom and 4 three bedroom affordable units and access.</p> | <p>Response by letter: 30 July 2008</p> <p>Provided Wealden District Council is satisfied that there is a local need for affordable housing and impacts are acceptable then, this wholly affordable housing scheme falls in the rural exceptions policy and raises no strategic objection.</p> <p>Contributions would be required towards transport improvements and County Council infrastructure.</p> | <p>APPROVED</p> <p>The section 106 legal agreement includes appropriate contributions towards transport improvements and County Council infrastructure.</p> |

| APPLICATION NUMBER | DATE RECEIVED, SITE & DESCRIPTION. | RESPONSE DATE AND SUMMARY OF ESCC REPRESENTATION | CURRENT POSITION |
|---------------------------|---|---|---|
| WD/2008/2383 | <p>Received: 17 December 2008</p> <p>Land to the north of Roebuck Inn, Laughton.</p> <p>Outline application for 12 affordable dwellings.</p> | <p>Response by letter: 2 January 2009</p> <p>Provided Wealden District Council is satisfied that there is a local need for affordable housing and impacts are acceptable then, this wholly affordable housing scheme falls in the rural exceptions policy and raises no strategic objection.</p> <p>Contributions would be required towards transport improvements and County Council infrastructure.</p> | Minded to APPROVE subject to completion of a Section 106 agreement. |
| WD/2008/3035 | <p>Received: 7 January 2009</p> <p>Land to rear of Goodwin Close, Hailsham.</p> <p>Residential development of 8 apartments.</p> | <p>Response by letter: 9 March 2009</p> <p>The proposal does not raise any strategic objection as it forms part of an agreed distribution strategy in the Wealden Non-Statutory Local Plan to meet structure plan housing provision, and the principle of housing development on an adjoining site, Welbury Farm, has already been accepted by the County Council's Planning Committee.</p> <p>The application should be treated as a departure and contributions would be required towards transport improvements and County Council infrastructure.</p> | Not yet determined. |
| WD/2009/0195 | <p>Received: 12 February 2009</p> <p>Land off Park Road, Crowborough.</p> <p>Renewal of planning permission WD/2006/2060/MAJ for redevelopment to enable the construction of 15 new dwellings with associated car parking, servicing and landscaping.</p> | <p>Response by letter: 9 March 2009</p> <p>Nothing further to add to the County Council's comments on the previous application in November 2006. These were that:</p> <p>The loss of employment land could only be supported if Wealden District Council is satisfied that the market demand for industrial re-use has been suitably tested; shown not to be viable; and local business needs within the north Wealden area are generally being met.</p> <p>The recommendations of the Highways Authority and advice from the County Council's Development Contributions Co-ordinator should be taken into account.</p> | <p>APPROVED</p> <p>The section 106 legal agreement includes appropriate contributions to County Council services.</p> |