

Committee	Planning Committee
Date	29 April 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 January 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

1. Enforcement

1.1 In the three months since January 2009, sixteen new complaints have been received. This is the lowest number of new cases received compared to the last few quarters in 2008/09. All the new cases relate to waste activities and sites. Of these new cases, thirteen have been resolved within the last quarter and fourteen older cases have also been resolved. Accordingly, the number of sites currently being investigated or subject to formal action stands at thirty seven, which is a reduction of eleven in the total number of cases that were outstanding at the end of the previous quarter.

1.2 The continuing reduction in the number of outstanding cases is very encouraging, particularly as a few specific cases continue to consume large amounts of officer time. As mentioned, the last quarter has, compared to previous quarters, seen a reduction in the number of new cases, which may be indicative of the current economic climate. This slight downturn in the number of new cases received has enabled some of the older cases to be reviewed and resolved. With the lower number of outstanding cases, it is hoped that work can continue on reducing the overall case numbers, as well as increasing the site monitoring – which is mentioned in paragraph 2 of this report.

1.3 Members may recall from the last Development Control Matters and Site Monitoring report that the Council had taken the lead in setting up a local “East Sussex Enforcement Officers’ Group”, which comprises enforcement officers from all the district and borough councils in East Sussex as well as officers from Brighton & Hove City Council. A further meeting has since been held, which included a presentation from an officer from Lewes District Council and a general discussion on enforcement matters and procedures, as well as the sharing of knowledge. Future meetings will include joint training on enforcement matters.

1.4 Another group which meets on a regular basis and one which the Council is actively involved in is 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. East Sussex County Council is hosting the next meeting of the group, which will take place at County Hall in June. An Inspector from the Planning Inspectorate will be attending the meeting to give a presentation on recent appeal decisions and it is also hoped that a representative of the National Association of Planning Enforcement will attend the meeting.

1.5 With regard to particular cases, the stay on the Judicial Review hearing has been lifted regarding the odour complaints from the Waste Water Treatment Works at Pebsham. The current situation is that since the service of the Breach of Condition Notice, there have been significant improvement works carried out at the site by Southern Water. These improvements have resolved a number of issues and have resulted in a considerable reduction in the number of complaints received. The s73 planning application to vary two conditions has been withdrawn and a revised application is due to be submitted imminently.

1.6 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, 100% of site visits were carried out within five days of the complaint being received, which means this locally set target has clearly been exceeded.

1.7 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. However, given the reduction in the number of outstanding enforcement cases, it is envisaged that more officer time will be available for site monitoring in the forthcoming year. 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 January to March 2009 (inclusive) a total of twenty nine applications were determined (14 County Matter and 15 County Council applications). Of the relevant applications, 57% of County Matter applications were determined within 13 weeks, which is below the Government's targets for determining planning applications and 73% of County Council applications were determined within 8 weeks, which also unfortunately falls just below the Department's target. However, the cumulative figures for the year are 73.5% of relevant County Matter applications determined within 13 weeks and 78% of County Council applications determined within 8 weeks, both of which are above the set targets. Members were advised previously that due to the complexity of some applications and the need for legal agreements to be completed that the targets may not be met. However, although the targets for the last quarter have marginally not been met, it is encouraging that over the whole year both targets have been exceeded.

4. Appeals

4.1 In relation to the appeal against the Council's decision in January 2008 to refuse planning permission for the temporary storage of top and sub soil within school grounds at St. Bedes School, Upper Dicker, Hailsham, a public inquiry was held on 16 and 17 December 2008. The public inquiry also dealt with the appeal against the refusal by Wealden District Council for the formation of sports pitches at the site, as the two appeals were co-joined. A decision on the

appeals has been received and I am pleased to report that the Inspector agreed with the Council's decision to refuse planning permission and the appeal was dismissed. A timescale for the removal of the top and sub soil has been set and the site will be monitored to ensure compliance.

4.2 With regard to the appeal in relation to 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. The Planning Inspectorate has confirmed that the appeal is valid and the matter will be dealt with by way of a public inquiry. A date for the public inquiry is currently awaited and Members will be advised of progress in future reports.

4.3 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 has been made to the High Court. The application was initially refused but an oral hearing for application for a Judicial Review has been called and is due to be heard in the High Court on 29 April 2009.

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 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 January 2009; and
- those new consultations received since January 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 January and April 2009 we were consulted on 7 applications, 1 in Lewes District, 1 in Rother District and 5 in Wealden District. Of these, 5 applications raised no strategic planning issues (and were not treated as Paragraph 7 consultations) and 2 applications were dealt with under delegated powers. No applications were received that required reporting to Planning Committee during this quarter.

5.5 Forthcoming Issue - There is one significant application that has been received which is still outstanding. As it has not yet been commented upon, it does not appear in the schedules, but does deserve a special mention because of the circumstances surrounding it. This application is for a development of 520 dwellings at Honey Farm at North West Polegate and is one that would fall to be reported to Planning Committee. However, the Highways Agency has issued a "holding direction" on the application to permit further consideration of the timing and deliverability of the proposed A27 West of Polegate Trunk Road Improvement scheme, (the Folkington Link) which does not form part of the application. In effect, this prevents Wealden District Council from determining the application before 12 November this year or until the transport issues have been addressed. Sites are also being considered through the Local Development Framework (LDF) as part of the wider strategy for housing, employment and other uses for the Polegate/Hailsham area. A public consultation on a limited number of options for the LDF is expected in the May - July period. Strategic planning comments via the Lead Member for Transport and Environment would need to be made on the overall strategy through the LDF process where the wider context can be appreciated. This will be done before any comments are made on this specific application.

5.6 Decisions on Previous Consultations - Since the last report, no decisions have been made by the Borough and District Councils on outstanding applications that had been previously reported to this committee (Table 1).

5.7 Of the outstanding applications dealt with under delegated powers (Table 2), 1 application has been withdrawn and 1 has been approved. Three further applications, though, are "minded to approve" subject to the completion of S106 and other legal agreements. One of these - the Timber Lodges proposal at Crowhurst Park - is contrary to the County Council's view that the justification in principle had not been adequately made.

5.8 Appeal Decisions - During this reporting period, the Secretary of State's decisions on three appeals relating to previous consultations have been received.

5.9 A joint inquiry was held to hear appeals against refusal of permission for housing on 3 unallocated sites in Uckfield: Downlands Farm (750 dwellings); Bird in Eye North (300 dwellings); and Bird in Eye South (197 dwellings). All three appeals have been dismissed and planning permissions consequently refused. The County Council's views on these applications were similar - in summary, that there was no evident need for the development as they were all outside the scope of the non-statutory Wealden Plan, but if they were to be approved they should contribute towards a transport scheme designed to deal with town centre traffic congestion.

5.10 The overall conclusion reached by the Secretary of State was that all three proposals would conflict with the statutory development plan and there was no evidence on housing need grounds to justify releasing any of these three greenfield sites early. She considered it preferable for the sites to come forward via the LDF process and in tandem with a town centre traffic scheme. She also felt that the Downlands Farm proposal was unacceptable in terms of landscape and traffic impact.

5.11 The County Council was involved in the inquiry on all three appeals, both in providing advice and assistance to Wealden's planning case and also in appearing at the inquiry to protect County Council interests as a service and infrastructure provider, particularly in respect of town centre transport and education issues. It is pleasing that the Secretary of State's decisions are in line with the County Council's views.

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 on (01273 – 481708).

RUPERT CLUBB
Director of Transport and Environment
21 April 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 JANUARY 2009**

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
April 2004	A M Skips, Hazelbank, Maresfield	Operation of waste transfer station outside approved area and hours.	Site visits have been undertaken and the site monitored. Operations on site are within the approved area and no evidence of working outside the approved hours has been found. No breach of planning control and no further action required. The site will be monitored as part of the Site Monitoring Policy.
February 2006	Carewell Farm, North Street, Hellingly	Importation and deposit of soil	Site has been monitored and the importation of soil stopped. Remedial works and compensatory planting have been carried out. Breach of planning control remedied and no further action required.
November 2006	Field 5600, Land off Post Horn Lane, Forest Row	Importation, deposit and storage of waste canisters and soil.	An Enforcement Notice preventing the further importation of waste and certain remedial works was served on the landowner. No appeal was made against the notice and it was complied with in part. However, the waste canisters were not removed from the site and officers undertook direct action to remove the canisters and dispose of them at an authorised site. The notice has now been complied with and no further action is required.
January 2007	Bumpkin Shaw Yard, Guestling	Importation and deposit of waste	Further site visit carried out with Rother District Council and a meeting held with the landowner. Hardcore has been imported to the site to backfill drainage works approved by Rother District Council. Spoil arising from the works is to be used on site and a planning application is being submitted to Rother District Council. Small quantities of building materials are also stored at the site in association with the authorised use of the site. No further action required by this Authority.
March 2007	Wellshurst Golf Club, North Street, Hellingly	Importation and deposit of waste	Quantity of soil and hardcore imported to create new tracks and tees. Various meetings held with the landowner and Wealden District Council and the site has been monitored. No further materials have been imported and the landowner has been advised that planning permission will be required for the creation of a bund at the end of the driving range. No current breach of planning control and no further action required.
June 2007	Meres Farm Sewage Works, Meres Lane, Mayfield	Erection of various structures and earthworks	Site has been monitored. New pump and sludge storage installed, which are considered to be permitted development. No breach of planning control and no further action required.

September 2007	Boathouse farm, Isfield	Breach of conditions	Retrospective planning application to vary the permitted number of vehicle movements submitted and subsequently approved by the Planning Committee on 25 March 2009. No further enforcement action required and the site will be monitored as part of the Site Monitoring Policy.
May 2008	Units 25-26, Cliffe Industrial Estate, Lewes	Breach of Conditions – Outside storage of skips	Skips and waste were being stored on the forecourt outside the approved hours of operation, which is in breach of the conditions of the planning permission for the site. A retrospective planning application was submitted and was subsequently approved by the Planning Committee on 26 February 2009. The breach of planning control has been regularised and no further action is required. The site will be monitored as part of the Site Monitoring Policy.
June 2008	The Old Library, Albion Street, Lewes	Breach of condition	The landscaping condition attached to a previous permission for the site has now been partially implemented. However, planning permission for the redevelopment of the site has subsequently been granted by Lewes District Council. No further action is required by this Authority.
July 2008	Cherry Garden Cottage, Fairlight	Deposit of waste	Some materials have been deposited to build up a bank adjacent to an area of hardstanding. Further importations have stopped and no further action is considered necessary.
August 2008	Ripley's Scrapyard, Hole Farm, Westfield	Unauthorised building	An extension to the existing building was constructed without planning permission. An application for a Certificate of Lawful Development was subsequently submitted and approved under delegate powers on 13 March 2009. Breach of planning control remedied and no further action required.
October 2008	Batts Bridge Park, Down Street, Fletching	Importation and deposit of waste.	Further site meeting held with the landowner and Wealden District Council. Remedial works have been carried out and a planning application is being submitted to Wealden District Council to regularise the creation of an area of hardstanding. No further action required by this Authority.
November 2008	Land adjacent to Beech Cottage, Hartfield Road, Forest Row	Importation and deposit of waste	Further site visit carried out with Wealden District Council. No further waste has been imported to the site but the property is being used for business purposes. Wealden District Council are dealing with the matter and no further action is required by this Authority.
December 2008	Land adjacent to 121 Rattle Road, Westham	Deposit of soil	Site visit carried out and discussions held with the contractor and Wealden District Council. Spoil has originated from the redevelopment of the adjoining site and has been used to infill a small depression. Draining and remedial works have been carried out and the breach of planning control remedied. No further action required.

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

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
January 2009	Hill Farm, Broad Oak	Importation and deposit of waste	Joint site visit carried out with Wealden District Council. Four or five loads of hardcore and soils have been imported to the site to repair a driveway. Remaining soil has originated from within the site and is being used to

			remodel the garden. Wealden District Council are dealing with the matter and no further action is required by this Authority.
January 2009	Pooh Bridge Car Park, Chuck Hatch Lane, Hartfield	Deposit of soil	Site visit carried out. A quantity of soil, which originated from within the site, has been deposited. Discussions held with Wealden District Council who confirmed that the works were in association with a permission granted by them. Not a County Matter and no further action required.
January 2009	Fairlight WWTW, Fairlight	Breach of conditions	Site visit carried out. Temporary compound had not been removed and spoil was being stored in the area. Discussions held with the applicant. Further site visit carried out which confirmed that the compound had been removed and the area restored and seeded. Breach of planning control remedied and no further action required.
January 2009	The Woodlands Centre, Whitesmith	Breach of Conditions	Complaints received regarding working outside the approved hours. Site visit carried out and discussions held with the operator. Approval had been given for the extended working and no breach of planning control had occurred. No further action required.
January 2009	Old Goods yard, Crowborough	Storage of skips and waste	Site visit carried out and discussions held with the operator. Site has now been cleared of all waste and skips and no further breach of planning control occurring.
February 2009	Old Lewes Racecourse, Lewes	Importation of waste	Site visit carried out and discussion held with the landowner and Lewes District Council. Woodchips have been imported to repair and maintain the existing gallops. No breach of planning control and no further action required.
February 2009	Cherry Tree Nursery, Flimwell	Importation and deposit of waste	Site visit carried out and discussions held with the landowner. The site is a small market garden enterprise and a small quantity of topsoil has been imported to improve the quality of the soil. Not considered to be in breach of planning control and no further action required.
March 2009	Sackville, Foul Mile, Cowbeech	Importation and deposit of waste	Site visit carried out and discussions held with the landowner and Wealden District Council. Materials imported are reclaimed/salvaged building materials which are stored for re-use. Not a County Matter and no further action required.
March 2009	Land at Broom Lane, Langton Green	Importation and deposit of waste	Joint site visit carried out with Wealden District Council. Fly tipping appears to have taken place and Wealden District Council is dealing with the matter as an untidy site. No further action required by this Authority.
March 2009	Whiteshaw House, Cat Street, Hartfield	Importation of hardcore to create a hardstanding.	Joint site visit carried out with Wealden District Council. A small quantity of hardcore has been imported and a new area of hardstanding created. Wealden District Council is dealing with the matter and no further action is required.
March 2009	Chelwood Farm, Chelwood Gate	Importation and deposit of waste	Joint site visit carried out with Wealden District Council. Hardcore imported to repair existing tracks around the farm, which is considered to be permitted development. Remaining breaches at the site relate to permissions granted by Wealden District Council. No further action required by this Authority.
March 2009	Wivelsden Farm, Wivelsfield	Importation and deposit of waste	Joint site visit carried out with Lewes District Council. Materials imported are in connection with developments approved by Lewes District Council. Not a County Matter and no further action required.

March 2009	Broadacre, Yew Tree Wood, Wivelsfield	Storage of abandoned fairground equipment and deposit of waste	Joint site visit carried out with Lewes District Council. Fly-tipping has taken place at the site and evidence of burning. Lewes District Council are pursuing the matter as an untidy site and no further action is required by this Authority.
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NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2009 AND UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
February 2009	Mansers Yard, Southbourne Business park, Eastbourne	Importation and storage of waste	Site visit carried out and discussions held with the landowner. The site has been used for the storage of household items and waste. Timescale for the clearance of the site agreed and the site is being monitored to ensure compliance.
March 2009	The Thorne, Thorne House and Little Thorne, Ninfield Road, Bexhill	Storage and dismantling of vehicles	Site visit carried out and discussion held with the landowner. A large number of vehicles are being stored and dismantled in the rear garden of the property. The landowner has been advised to cease the activity and clear the site. The site is being monitored to ensure compliance.
March 2009	Greystone Quarry, Southerham	Unauthorised development	A legal agreement is outstanding before planning permission can be granted for two new buildings and an access. However, works have commenced at the site prior to planning permission being granted. Works have subsequently ceased pending the signing of the legal agreement and the site is being monitored to ensure no further works are carried out.

EXISTING SITES WHICH HAVE BEEN SUBJECT TO ACTION SINCE JANUARY 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.	A further meeting has been held with the operator and agent. Positive progress has been made with regard to the validation of a planning application which seeks to regularise the current breaches at the site. An application seeking the variation of conditions was withdrawn and it is anticipated this will be resubmitted shortly. Overall, it is felt that good progress has been made towards regularising the breaches of planning control at the site.
June 2003	Field No. 5331 - opposite Preston Cottage, Watermill	Deposit of waste (soil).	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

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
	Lane, Bexhill		<p>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 and Rother District Council have now confirmed that the landowner was fined in respect of the failure to comply with their Enforcement Notice. This Council is now liaising closely with Rother District Council in order to achieve compliance with the outstanding issues and a number of different options are being considered.</p>
November 2003	Crockstead Equestrian Centre, Halland	Importation and deposit of waste	The site has been repossessed and several meetings have taken place with the financial company who currently have ownership of the site. A landscaping scheme has been drawn up by the appointed landscape architects, which takes into account concerns previously raised with the unauthorised development. A full and comprehensive planning application to regularise the works has now been submitted and is currently under consideration.
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 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 recently overseen the sampling of the unauthorised materials within the bunding. The purpose of this 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 will now be progressed in the light of this sampling 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	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 19 th November 2007 when a Judge considered that there was an arguable case.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
			A planning application to vary the relevant condition attached to the planning permission was submitted but has subsequently been withdrawn. A revised application is expected shortly. In the meantime, significant works have been carried out at the site and the number of odour related complaints reduced considerably.
June 2007	Little Exceat Farm, South Chailey	Breach of conditions and unauthorised structure/storage	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. The agent for the landowner has proposed an alternative location for the storage containers and discussions are currently ongoing regarding their retention.
November 2007	Fir Tree House, Steel Cross, Crowborough	Importation and deposit of waste materials	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. 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.
February 2008	The Old Brick Yard, Hundredhouse Lane, Udimore	Importation and deposit of waste	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. 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.
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 will also be 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 and the County Archaeologist will be in attendance during the works.
June 2008	Land at Sellars Brook, Spring Lane, Burwash	Importation and deposit of waste	A large quantity of spoil from a nearby development has been deposited in a field. The landowner intended to use this material for various works on his property. The majority of the materials have been removed and further remedial works and planting have been specified with the remaining materials on site and the site is being monitored to ensure compliance
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. Site meetings have been held with the landowner and deadlines set for the removal of the materials from the site. Further site meetings have been held and it was noted that some materials have been removed and the area

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
			regraded. Further removal and works have been specified and the site is being monitored to ensure compliance.
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 has been lodged against the Enforcement Notice and a date for a public inquiry is currently awaiting agreement with the Planning Inspectorate. In addition, an application for a Certificate of Lawful Use has also been submitted and is currently under consideration.
October 2008	Moorhurst Road, Castleham Industrial Estate, St. Leonards	Importation, sorting and bulking up of waste	Site visit carried out and discussions held with the operator. Waste is collected and taken to the site where it is sorted and bulked up before being removed. A planning application to regularise the use has been submitted and it to be considered by the Planning Committee under Agenda Item 5C.
November 2008	Catsfield Place Farm, Catsfield	Importation and deposit of waste	Joint site visit with the Environment Agency carried out and discussions held with the landowner. A large amount of waste has been tipped in an area of woodland. Programme and timescale for the removal of the waste agreed with the landowner and the site is to be monitored to ensure compliance.
November 2008	MDJ Light Brothers, Hazelmere, Punnetts Town	Unauthorised structure	Site visit carried out and discussions held with the operator. A new building has been erected, which the operator considered to be a temporary structure. However, the Council's view is that planning permission is required and a planning application to regularise the building has been submitted and is to be considered by the Planning Committee under Agenda Item 5A.
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 regular joint site meeting with the landowner, Wealden District Council and the Environment Agency are being carried out to ensure compliance.

Appendix 2 Progress on Paragraph 7 Consultations

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

APPLICATION NUMBER	DATE RECEIVED, SITE & PROPOSED DEVELOPMENT	COMMITTEE DATE AND SUMMARY OF ESCC REPRESENTATION	<u>CURRENT POSITION</u>
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.

APPLICATION NUMBER	DATE RECEIVED, SITE & PROPOSED DEVELOPMENT	COMMITTEE DATE AND SUMMARY OF ESCC REPRESENTATION	<u>CURRENT POSITION</u>
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	<u>CURRENT POSITION</u>
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>	Minded to APPROVE subject to completion of a Section 106 agreement.

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>	Not yet determined.

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

APPLICATION NUMBER	DATE RECEIVED, SITE & DESCRIPTION.	RESPONSE DATE AND SUMMARY OF ESCC REPRESENTATION	CURRENT POSITION
Rother			
RR/2008/202	<p>Received: 20 February 2008</p> <p>Simpson Rye Harbour Industrial Park, Rye Harbour, Icklesham.</p> <p>Construction of earth berm to improve security and reduce noise/dust to surrounding area.</p>	<p>Response by letter: 3 March 2008</p> <p>The County Council was consulted because the application site is within the Rye Harbour Minerals Consultation Area. However, the application raises no strategic planning issues.</p>	APPROVED
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>	Minded to APPROVE subject to completion of a legal agreement.
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>	Minded to APPROVE subject to completion of a Section 106 agreement.

APPLICATION NUMBER	DATE RECEIVED, SITE & DESCRIPTION.	RESPONSE DATE AND SUMMARY OF ESCC REPRESENTATION	CURRENT POSITION
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>	Minded to APPROVE subject to completion of a Section 106 agreement.
WD/2006/2750/MAJ	<p>Received: 24 October 2008</p> <p>Wadhurst College, Mayfield Lane, Wadhurst.</p> <p>Conversion of dwelling and stables to provide 22 residential units. Demolition of all other existing buildings and erection of 26 new dwellings with associated access and other facilities.</p>	<p>Response by letter: 13 November 2008</p> <p>This is a revision to a 2006 application that the County Council previously commented upon in November 2006. The strategic planning views expressed on the earlier scheme remain valid - i.e.:</p> <p>Provided Wealden District Council is satisfied that redevelopment, including purely or partly employment and/or institutional use is not viable, and that impacts are acceptable then the residential proposal for the site can be supported.</p> <p>The views of the Highways Authority and advice from County Council's Development Contributions Co-ordinator should be taken into account.</p>	WITHDRAWN
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.

APPLICATION NUMBER	DATE RECEIVED, SITE & DESCRIPTION.	RESPONSE DATE AND SUMMARY OF ESCC REPRESENTATION	CURRENT POSITION
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>	Not yet determined.