

DR/27/23**Report to:** DEVELOPMENT & REGULATION (28 July 2023)**Enforcement:** UNAUTHORISED MINERALS AND WASTE DEVELOPMENT – The use of the land for importation, deposition, storing, and spreading of waste materials (including soils, and other similar waste materials), subsequently raising the levels of the land**Ref:** ENF/1153**Location:** Land on the south western side of Ashwells Road, Pilgrims Hatch, Brentwood**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shaun Long Tel: 03330 322837

1. BACKGROUND

In February 2022, the Waste Planning Authority (WPA) was notified about the potential importation, deposition, storing, and spreading of waste materials (including soils, rubble, mixed waste and other similar waste materials) on land at Ashwells Road, Pilgrims Hatch, Brentwood. Following a site visit, the WPA noted unauthorised waste activities were occurring without the benefit of planning permission.

Initially, in accordance with the ECC Local Enforcement and Site Monitoring Plan, the WPA attempted to remedy the breach of planning control informally and requested cessation of activities and clearance of land by 09 March 2022. This deadline however passed with activities continuing.

The landowner requested additional time to remove the waste, suggesting works being witnessed actually related to clearance of the site. A short extension was therefore agreed. However, this deadline (end of March 2022) came and passed without any significant change to the site.

In consideration of this, and the on-going harm being caused, it was considered expedient to serve an Enforcement Notice (EN) in an attempt to formally remedy the situation. The EN was served 01 June 2022 and this took effect on 05 July 2022. The EN required the landowner to:

- Cease and do not resume the importation, deposition, storing, treating and spreading of waste materials on the land within 1 day from the date the EN took effect;
- Remove from the Land all waste materials including soils, rubble, trommel fines and other similar/mixed waste within 3 months from the date the EN took effect; and
- Restore the land to its condition prior to the commencement of the unauthorised development within 4 months from the date the EN took effect.

The WPA conducted an unannounced visit in December 2022, which confirmed no further waste had been imported. It appeared that potentially a limited amount of waste had been removed but the majority that had been imported still remained on-site. As such it was considered, as part of this visit, that the EN had not been fully complied with.

2. SITE

The area to which this unauthorised development relates measures approximately 0.9 ha. The area is accessed off Ashwells Road, which connects Crows Green Road/Days Lane in Pilgrims Hatch, Brentwood. The land from historical aerial photographs, available to the WPA, appears to be a grassed area, consisting of small area of hardstanding and track leading to the building/barn.

The area of land is adjacent to residential properties, with further residential properties to the west, east and south east of Ashwells Road. There is a former Sports and County Club located 90m to the north and Bentley St Paul Primary School located 700m to the west.

In terms of designations, the site is located within Metropolitan Green Belt as detailed within the Policies Map of the Brentwood Borough Council Local Plan (2011-2033).

3. CURRENT POSITION

The WPA has continued to conduct site monitoring visits, since service of the Enforcement Notice, to ensure the unauthorised development has not recommenced. All of these visits have found the site in a vacant state (no activities occurring) with the access to the site off Ashwells Road secured by locked gates. The waste material imported and deposited, in the majority, remains on-site and accordingly the land has not been restored.

In January 2023, following communications to the landowner with regard to the failed compliance with the EN, the landowner stated personal events/circumstances had delayed their ability to comply. The landowner however stated that they remained committed to complying. The Waste Planning Authority, in context of the renewed willingness of the landowner, agreed not to take any further action in respect of the EN until after 31 March 2023, as another opportunity for the landowner to rectify the breach. This window however passed without any meaningful progress on-site.

The WPA consider the landowner has had more than ample time and opportunity to comply with the requirements of the EN and it is as such considered that the WPA could seek to advance a prosecution.

That said, in consideration of the Prosecution Policy appended to the Local Enforcement and Site Monitoring Plan concerns are raised as to whether such action would be in the public interest. It is accepted that the breach of planning control continues to cause harm to the Green Belt and the landscape character and appearance of this area. However, the situation on-site is stable, in that no additional material is being imported, and the outstanding harm caused by the waste material in-situ is considered only of local significance. The waste materials on-site are not considered to pose a significant environmental risk and a prosecution would not assist the WPA's main aspiration here, which is for the remaining waste to be removed and the site restored.

4. RECOMMENDED

That, at the current time, no further action is taken by the Waste Planning Authority in respect of the breach of planning control and extant Enforcement Notice relating to this subject to no further importation taking place.

The Enforcement Notice will remain on the land and the WPA will continue to monitor the site and proactively work towards compliance with the extant requirements of the Enforcement Notice with the parties involved.

LOCAL MEMBER NOTIFICATION

BRENTWOOD – Brentwood North