

DR/55/13

committee DEVELOPMENT & REGULATION

date 22 November 2013

**MINERALS AND WASTE DEVELOPMENT
ENFORCEMENT OF PLANNING CONTROL**

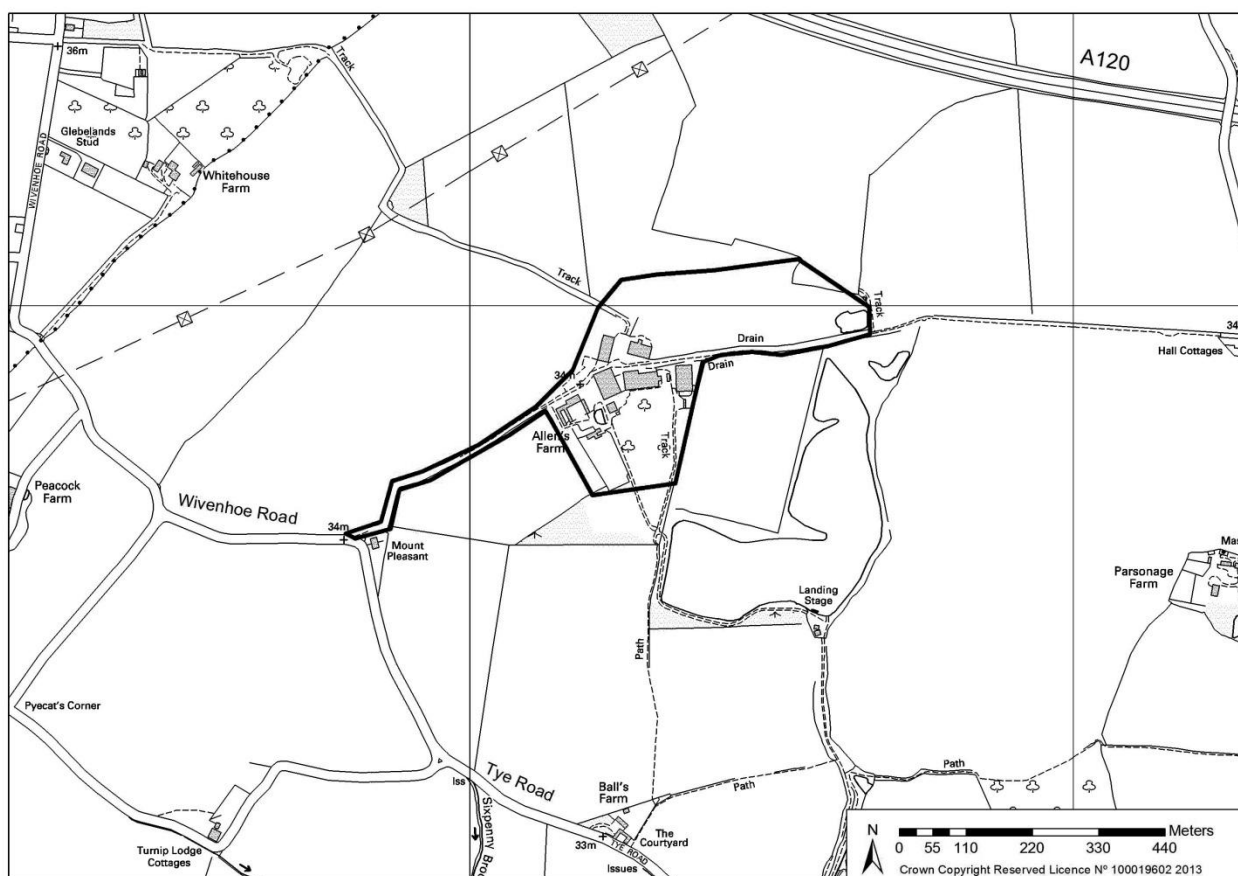
**The unauthorised extraction and exportation of sand and gravel from the land and
the importation and deposition of waste materials on to the land for refilling**

Location: Land at Allens Farm, Tye Road, Elmstead, Colchester, Essex. CO7 7BB

Ref: ENF/SA

Report by Director for Operations, Environment and Economy

Enquiries to: Suzanne Armstrong 01245437556



Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office, Crown Copyright reserved Essex County Council, Chelmsford Licence L000 19602

1. BACKGROUND AND SITE

On 24 September 2013 the Waste Planning Authority became aware of alleged unauthorised mineral extraction, exportation and importation and deposition of waste materials for landfilling.

On 2nd October 2013 the Waste Planning Authority issued a Temporary Stop Notice (TSN) alleging that there had been a breach of planning control relating to the unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials, (the unauthorised development).

The notice took effect on the 2nd October 2013 and remained in force for 28 days.

The land owner immediately ceased all activities on the land.

Allens Farm is located set back from Tye Road, Elmstead Colchester. The agricultural holding is approximately 480 hectares of grade 1 and grade 2 agricultural land in arable operation with average field sizes of around 16 hectares. Current farming activities consist mainly of growing wheat, barley, onions, potatoes and maize.

The land owner is currently implementing a planning application approved Tendring District Council for the erection of a combined heat and power bio-gas plant situated at the Farm. The anaerobic digester site is 0.36 hectares in area and lies to the east and north of existing large agricultural buildings

The land owner's primary business is that of agriculture. The extraction of sand and gravel with associated infilling with waste materials is considered an additional operation outside the permitted agricultural use.

On witnessing the extraction of sand and gravel with associated infilling it was considered that unauthorised mineral working can cause serious harm including damage to the amenity and harm to the landscape character of an area which can be caused and become irreparable very quickly.

CURRENT POSITION

Since serving the Temporary Stop Notice the landowner has ceased the unauthorised activities on the land.

A Planning Contravention Notice (PCN) was issued by the Minerals Planning Authority on the 2 October 2013 requiring the land owner/operator to provide further information relating to the unlawful activities on the land. .

The council's approach to enforcement is set out in the Local Enforcement and Monitoring Plan. Enforcement action is discretionary and the Mineral Planning Authority should act proportionately.

The land owner/operator has made contact with the Minerals Planning Authority (WPA) and negotiations are on-going in order to restore the land to its former

agricultural use and the land returned to an acceptable condition. The land owner is seeking to make a planning application to rectify the position in an agreed timescale. Should an application not be forthcoming the MPA may consider a more formal enforcement approach, if considered proportionate and in the public interest.

RECOMMENDED

That:

Subject to no further extraction and exportation of mineral taking place, no further action is taken, provided the land is restored to an acceptable standard.

LOCAL MEMBER NOTIFICATION

Tendring Rural West