

**DR/32/23****Report to:** DEVELOPMENT & REGULATION (25 August 2023)**Enforcement:** UNAUTHORISED MINERALS AND WASTE DEVELOPMENT – Without the benefit of planning permission, a material change of use of land to use for importation, deposition and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials) and the subsequent raising of land levels**Ref:** ENF/1160**Location:** Bliss Heights, 140 London Road, Abridge RM4 1XX**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shaun Long Tel: 03330 322837

## 1. SITE AND BACKGROUND

140 London Road, known as “Bliss Heights”, is located on the outskirts of Abridge on the A133 (Abridge Road). The property forms one of a small number of properties which line London Road in the location. The site itself comprises a large residential building which benefits from substantial grounds/gardens and a few outbuildings. The property curtilage extends to approximately 5 hectares.

In terms of designations, the property is located within the Metropolitan Green Belt. With regard to planning history, as a residential property, the majority of planning applications relating to this site have been submitted to and determined by Epping Forest District Council. For reference, it is nevertheless noted that in early 2014 the landowner, at the time, and a waste company were prosecuted by the Environment Agency for the illegal deposit of waste at this site.

Following a site inspection by the Waste Planning Authority (WPA), Environment Agency (EA), Epping Forest District Council and Essex Fire & Rescue Service on the 29 March 2022, it was found that roughly 10,000-15,000 tonnes of waste had been deposited on the site, namely trommel fines and soils. The waste it is understood had been brought on to the site between December 2021 and February 2022.

In consideration of unauthorised development, 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 11 April 2022 and required the landowner to:

- Cease, and do not resume, the importation, deposition, storing, processing/treating, burning 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, trommel fines, building waste, concrete, hardcore and other mixed waste within 6 months from the date the EN took effect.
- Restore the land to its condition prior to the commencement of the unauthorised development within 7 months from the date the EN took effect.

On the 17 May 2022 an appeal was submitted against the EN. However, subsequently on the 02 November 2022 the WPA received notification from the Planning Inspectorate that the appeal had been withdrawn. Upon withdrawal of the appeal the Enforcement Notice immediately took effect and full compliance with the EN was therefore due by 18 December 2022.

In December 2022, the WPA was made aware that the property and land had been sold. Dialogue was subsequently opened with the new landowner who was aware of the EN and indicated that they intended to comply fully with the requirements of it. In January 2023, the WPA attended a joint site visit with the Environment Agency and met with the new landowner and their contractors to discuss intentions. The landowner re-confirmed he intended to comply with the EN but advised he initially needed to secure some additional finances to do so. The site visit confirmed no further material had been imported however, conversely, no material/waste had been removed.

## 2. CURRENT POSITION

The WPA and Environment Agency have continued to work in partnership on this case. Whilst the Enforcement Notice was issued by the WPA, the Environment Agency (EA) have been actively involved and have requested additional information from the landowner before being content for any removal of the waste to begin. That said, the required waste removal plan was approved by the EA on the 10 March 2023 and at this point both the WPA and EA were satisfied that remediation works required could begin.

At this time, the WPA wrote to the landowner to confirm this and to outline the period of time considered acceptable for compliance to occur. In this regard, it was confirmed that potential legal proceedings (prosecution) would be held in abeyance, subject to the following:

- a) The importation, deposition, storing, processing/treating, burning, and spreading of waste materials on the land did not resume at any time;
- b) All waste materials including soils, trommel fines, building waste, concrete, hardcore and other mixed waste are removed from the land; and
- c) The land be restored to its condition prior to the commencement of the unauthorised development by 11 September 2023.

The WPA offer was nevertheless conditional. If it appeared to the WPA that progress was not being made or the aforementioned restoration deadline was unlikely to be met, the WPA reserved the right to at any point seek to re-evaluate and escalate the matter.

A site visit was conducted in August 2023 which confirmed limited progress had been made with regard to compliance with the EN. A minimal amount of material, in context of the quantity which exists/remains, had been removed, with the landowner again stating securing sufficient finances had delayed progress.

In the context of the conditional offer given to the landowner, it is considered that the WPA could seek to advance a prosecution immediately. However, it is understood that the landowner is currently in discussions with a new operator to clear the site, so as a final opportunity, it is recommended that the landowner be given to the 11 September 2023 (the conditional deadline previously given) at which time a further site visit will be undertaken to establish if any further meaningful progress has been made.

Whilst the current landowner was not responsible for the importation, deposit or spreading of waste materials on the land, they purchased the property in the full knowledge of the extant EN and its requirements. The waste materials remaining on the land, namely trommel fines, pose a risk to the environment and local amenity and although a prosecution would not necessarily assist the WPA's main aspiration, which is for the remaining waste to be removed and the site restored, if sufficient progress is not shown, it is considered that such action may be in the public interest.

### **3. RECOMMENDED**

That, at the current time, the WPA continue to monitor the site and proactively work towards compliance with the extant requirements of the Enforcement Notice with the parties involved.

If significant progress towards compliance with the Enforcement Notice is not evidenced at the next WPA site visit (mid to late September 2023) that the WPA instruct ELS to pursue a prosecution against the landowner, being in the public interest to do so.

### **LOCAL MEMBER NOTIFICATION**

EPPING FOREST – Ongar and Rural