

**DR/33/23**

**Report to:** DEVELOPMENT & REGULATION (25 August 2023)

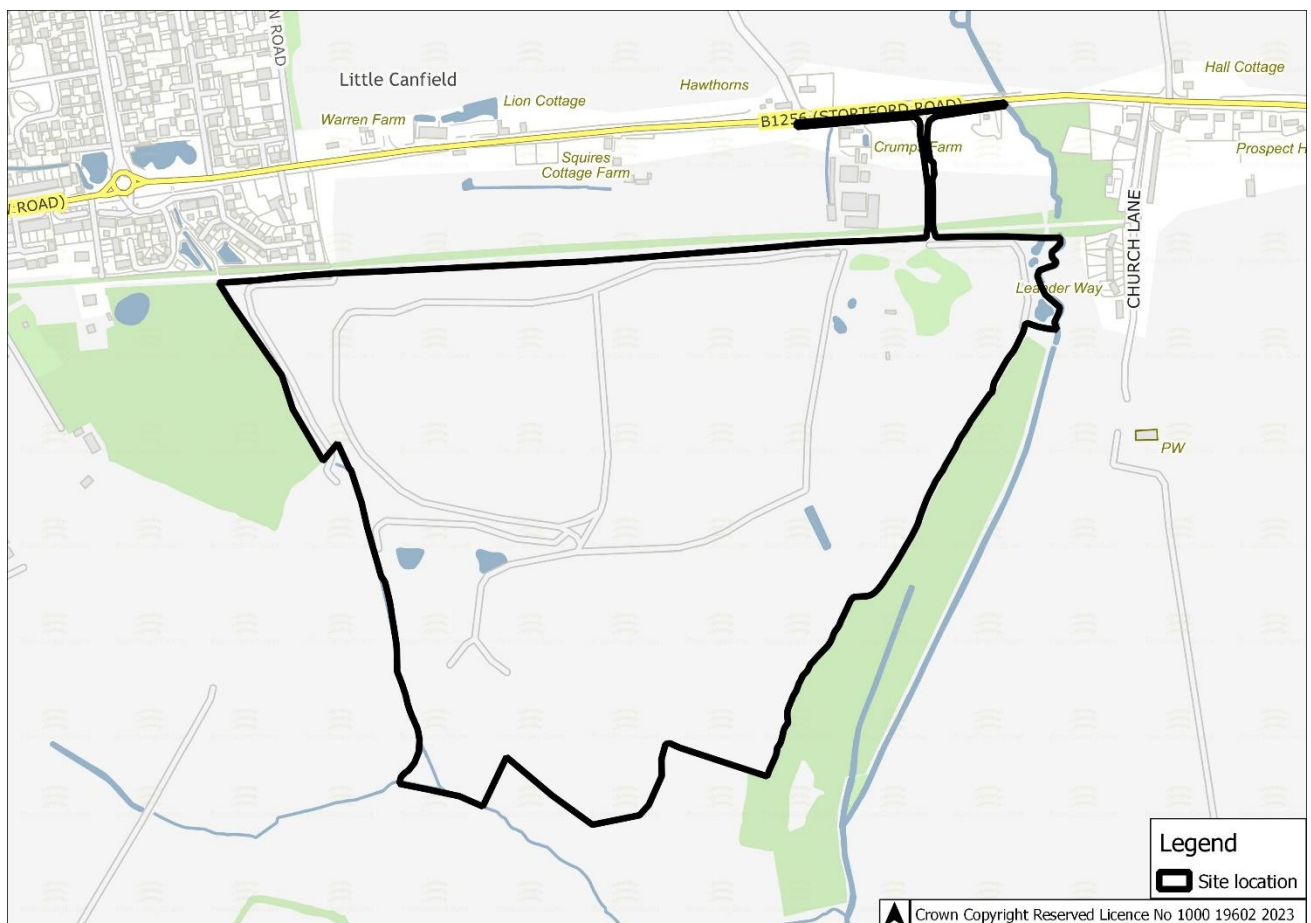
**Enforcement:** UNAUTHORISED MINERALS AND WASTE DEVELOPMENT – Breach of planning permission ref: ESS/46/08/UTT and associated legal agreement together with unauthorised landfilling and landraising

**Ref:** ENF/1163

**Location:** Crumps Farm, Stortford Road, Little Canfield, Dunmow, CM6 1DN

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## 1. SITE AND BACKGROUND

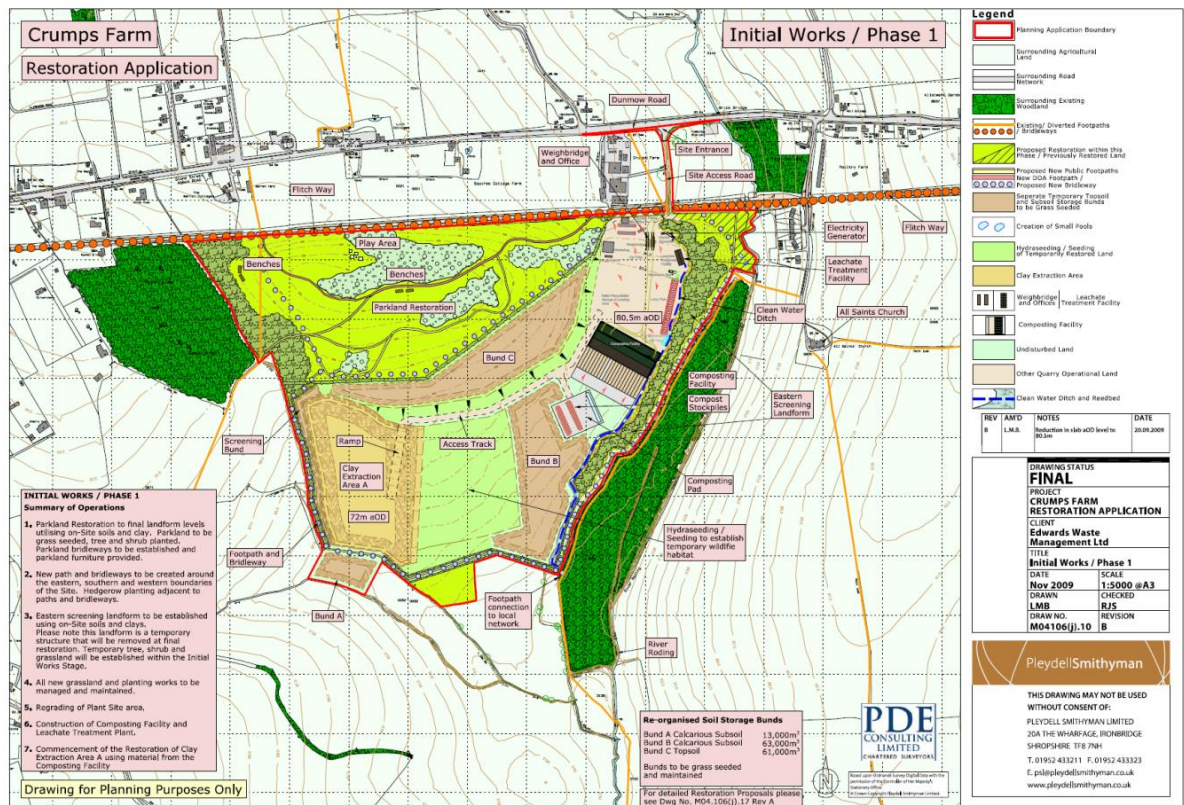
Crumps Farm site lies to the south of the B1256 Dunmow/Stortford Road between Takeley and Little Canfield, approximately 4.5km west of Great Dunmow. The site access is 1.5km west of the junction of the B1256 with the A120, with the access road crossing the Flitch Way which borders the site on its northern aspect.

The site, or the area edged black on the plan, is approximately 39.5 hectares. The nearest residential properties to the site are Crumps Farm itself to the north, the properties on Flitchside Drive to the north-west and the properties on Dunmow/Stortford Road (B1256). To the immediate east of the site is the River Roding but beyond this are properties on Church Lane and All Saints Church (a Grade II Listed Building). To the south west lies Little Bullocks Farm and properties at Hope End Green.

The site has quite a complex planning history with an Interim Development Order (IDO) for mineral extraction being granted back in 1947 and planning permission later granted for landfilling of the northern part of the site. The northern part was worked for mineral and landfilled, in accordance with the aforementioned. However, the landfill has not been deemed 'closed' by the Environment Agency with extraction and management of landfill gas still required and on-going.

In addition to this, whilst the northern part of the site has been restored, in 2012 planning permission was granted to reprofile this part of the site as part of a new comprehensive site-wide permission which also allowed the construction of a waste recycling and composting facility (application ref: ESS/46/08/UTT). The full description of development of this permission is as follows: *'Continuation of mineral extraction and development of waste recycling and composting facility, including demolition of existing mineral processing plant, construction of waste reception and sorting building enclosing sorting of domestic and commercial and industrial waste to recover recyclables, construction of in-vessel composting units for composting of sorted waste, reprofiling of levels of restored landfill site utilising on site materials, with restoration to parkland, landfilling of mineral void with composted material with progressive restoration to agriculture, widening of access road to allow 2 way traffic, installation of landfill gas and leachate management systems'.*

Operations pursuant to ESS/46/08/UTT have commenced. However, the waste recycling and composting facility permitted has currently not been built. The below is the approved initial works / phase 1 drawing of the development approved. This shows the location of the composting facility approved - to the east of the site (on the area of the former mineral processing area), the composting pad proposed to the south of this and the proposed new areas of excavation/landfill to the south, south-west. To the north of the composting facility is a large circulation and storage area, also encompassing a lorry park, workshop, weighbridge and office, leachate treatment facility and electric generation plant.



Despite the permission being issued a number of years ago, operations on-site are still within this initial works / phase 1 stage. The land levels of the former landfill have not been reprofiled and this area has not been restored to parkland as required - a breach of planning control and the associated S106. In addition, material has been moved and deposited across the northern part of the site contrary to the approved soil movements plan and stockpiles of material/waste remains in the former composting area – which as a use/activity only benefited from a temporary permission which has now lapsed.

## 2. CURRENT POSITION

In early 2019, the Environment Agency raised concerns with the Waste Planning Authority (WPA) in terms of the site and activities which potentially had occurred/were on-going. In respect of this, following a review of LiDAR surveys undertaken of the adjacent River Roding, the Environment Agency noted that land levels across the southern part of Crumps Farm were changing. The surveys undertaken appeared to show significant changes to the land levels; namely land raising presumed as a result of the importation and deposit of significant quantities (many hundreds of thousands of tonnes) of material/waste. The surveys undertaken by the Environment Agency suggest the importation occurred over a number of years between 2009 and 2018.

Whilst there is, as outlined above, an extant planning permission for Crumps Farm, the alleged importation and deposit does not form part of this. In fact, the purported activities would have serious ramifications to the extant permission – in so much that, if this has occurred, it would now be very difficult to now fully implement that permission. This is because, the clay approved to be extracted (in the south of the site) would now be overlain with waste and if extraction is therefore not possible

there would be no void to deposit the reject material from the recycling/composting facility as approved.

In terms of the material which may have been imported, the WPA are unaware of the make-up and/or classification of this. However, it is understood that gas monitoring of the site, undertaken by Environment Agency, has detected levels of some gases (hydrogen sulphide and methane) which would be considered to represent a potential health and safety concern.

The WPA and the Environment Agency have an adopted Joint Enforcement Protocol and, in this case, there is considered an overlap between the planning enforcement activities of the WPA and the regulatory responsibilities of the Environment Agency. Since, these issues were raised the WPA has been working with the Environment Agency and attended a number of meetings and site visits jointly. Given the potential scale of the breach, and with whom has the evidence to suggest there has been a breach, it has nevertheless been agreed that the Environment Agency would lead on investigations.

As alluded, the site is considered in breach of its extant planning permission and associated legal agreement – for separate reasons to the deposition which may have occurred to the south of the site. In respect of this it is considered that the WPA could potentially take enforcement action. That said, it is considered that the allegations by the Environment Agency and the potential ramifications of this are such that a resolution on this matter needs to take precedence.

There is, separate to the unauthorised importation and deposition alleged, considered to be breaches of the extant planning permission and legal agreement. That said, it is considered inappropriate to attempt to tackle these issues, at the current time, whilst investigations are on-going with regard to the illegal importation and deposition of material/waste to the south of the site.

In addition to the above, the WPA are proposing to suspend formal monitoring visits at the site until such time as further clarity is provided by the Environment Agency as to any health and safety concerns which may exist from the material on-site and the associated gas levels.

### **3. RECOMMENDATION**

Due to the complexity of issues, and the potential scale of illegal activities, the WPA continues to assist the Environment Agency with its investigations. However, at the current time, no formal enforcement action is pursued by the WPA.

And, that monitoring visits are suspended until such time as the Environment Agency confirms there would be no health and safety concerns for officers visiting the site.

### **LOCAL MEMBER NOTIFICATION**

UTTLESFORD – Dunmow