

DR/03/23

Report to: DEVELOPMENT & REGULATION (27 January 2023)
Information Item: Enforcement of Planning Control Update
Report author: Chief Planning Officer (County Planning and Major Development)
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1. PURPOSE OF THE ITEM

To update members of enforcement matters for the period 01 September to 31 December 2022.

2. DISCUSSION

Appendix 1 provides an update on cases which remained open from the previous period and outlines details of new cases investigated in this period.

A. Outstanding Cases

As at 31 December 2022 there were 28 outstanding cases.

B. Closed Cases

13 cases were either resolved or closed during this period.

Local Member notification

Countywide

District: Basildon

Location: Belvedere, Blind Lane, Billericay, Essex

Nature of problem: Burning of waste and possible ELV

Remarks: Reports relating to burning on site have been forwarded to Basildon EHO and the Environment Agency to investigate under appropriate legislation. If in the future the District or the EA consider that there is a change of use of the land they will advise ECC as WPA. No further complaints or communications received since 2021. Case closed.

District: Basildon

Location: Heard Environmental, Terminus Drive, Pitsea Hall Lane, Pitsea, SS16 4UH

Nature of problem: Stockpile heights

Remarks: Condition 17 of planning permission ESS/13/15/BAS states that no material is to be stockpiled at a height greater than 4 metres. Stockpile heights were found to be exceeding this limitation and a Breach of Condition Notice was served on 22/09/2023 requiring compliance with the relevant condition. Compliance due by 22/09/2023. Ongoing monitoring.

District: Basildon

Location: Mackers Metals, Wrexham Road, Laindon, SS16 6PX

Nature of problem: New building constructed

Remarks: Erection of a new building without the benefit of planning permission. Basildon Council initially invited a retrospective planning application to retain the building to be submitted to them. This is now however being submitted to ECC as WPA for consideration/determination. Case to remain open pending determination of aforementioned application.

District: Braintree

Location: Bluegate Farm, Braintree Road, Great Bardfield

Nature of problem: Importation of waste

Remarks: Without the benefit of planning permission a material change of use of land to inert recycling. The operators agreed to cease the use and clear the land of all waste. Importation has ceased, a large quantity of waste has been removed from the land and the operators are working with the WPA to clear the remaining material. Ongoing monitoring.

District: Braintree

Location: Bradwell Quarry

Nature of problem: PRow issues

Remarks: PRow temporarily closed by operator without permission, concerns raised about the condition of PRow and PRow Diversion Order noted as expired. Planning application and PRow diversion application submitted by operator. Case closed.

District: Braintree

Location: Land North of Bluebridge Industrial Estate, Halstead

Nature of problem: Reports of odour

Remarks: Complaints passed to the Environment Agency as the authority responsible for controlling pollution. Case closed.

District: Braintree

Location: Land to rear of Former Hanger Site, New Pastures Lane, Great Saling, Braintree, CM7 5ER

Nature of problem: Alleged waste activity specifically soil importation and skip business

Remarks: Following investigation deemed not a County Matter. It is considered that the land is being used as an extension to the existing use which operates under a Braintree District Council

permission ref: 19/01129/FUL. BDC duly advised.

District: Braintree

Location: R P Bareham, Codham Little Park Farm, Codham Park Drive, Braintree, CM7 5JQ

Nature of problem: Waste is being imported and sand is being extracted from site and sold

Remarks: Without the benefit of planning permission the importation, deposition and processing of waste (inerts). Together with the unauthorised extraction of mineral. Landowner required to cease the use, infill the void and remove the material deposited to raise the level of the land. Void has now been infilled and restored. Some waste removed from the land however, further waste still to be removed. Ongoing monitoring.

District: Braintree

Location: Straits Mill, Bocking, Braintree, CM7 9RP

Nature of problem: A material change of use of the land to a waste transfer facility, waste importation specifically wood, textiles, soils and other similar waste materials

Remarks: The importation and processing of the waste has ceased however the waste remains. The WPA served an Enforcement Notice on the 07/01/2020. An appeal was lodged against the EN served, in respect of the timeframe allowed to remove the waste. Following discussions with the landowner's agent, revised terms of compliance were agreed to the effect that the previous Enforcement Notice issued by the Council and the subsequent appeal were withdrawn and a replacement Notice issued. The new Notice took effect on 29/07/2020 and required the importation of waste to cease; the removal of all waste materials and machinery within 18 months; and the restoration of the land within 24 months. Removal of all waste was accordingly required by January 2022. A site visit has confirmed that the EN has not been complied with and statements have been prepared and are with Essex Legal Services for consideration of a prosecution in the Magistrates Court. ELS have confirmed summons have been drafted for prosecution.

District: Brentwood

Location: Ashwells Road, Pilgrims Hatch

Nature of problem: Waste operations

Remarks: Without the benefit of planning permission a material change of use of land to the use for importation, deposition and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). An Enforcement Notice was served and this took effect 05/07/2022. The EN required all imported material to be removed and the site restored to its former condition by 05/11/2022. A visit in December 2022 confirmed that whilst the use had ceased and some of the waste removed, waste still remained on the land. A letter was sent to landowner seeking to confirm EN needs to be complied with and requesting an update within 28 days. A follow up visit is scheduled.

District: Brentwood

Location: French's Farm, Wigley Bush Lane, Brentwood, CM14 5QP

Nature of problem: Waste Activity

Remarks: Planning permission ref: 20/00544/FUL was granted by BBC for the construction of landscape bunds along the A12. Land raising/bunding appears to run adjacent to Wigley Bush Lane. Information passed to BBC to check development which has occurred is in accordance with the agreed plans. Case Closed.

District: Castle Point

Location: Unit 6 Scotts Yard, Northwick Road, Canvey Island, Essex, SS8 0PU

Nature of problem: End of Life Vehicle recycling

Remarks: End of Life Vehicle facility operating without the benefit of planning. Following joint working with the Environment Agency the site has been cleared of waste and operations have

ceased. Case closed.

District: Chelmsford

Location: Dunmow Group, Regiment Business Park, Eagle Way, Chelmsford, CM3 3FY

Nature of problem: Operating hours

Remarks: Investigations ongoing following reports of early morning working and noise. Meeting held with operator to discuss next steps.

District: Chelmsford

Location: Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford, Essex, CM1 7HG

Nature of problem: Waste activities

Remarks: The unauthorised importation, deposition and spreading of waste, mainly soils and builder's waste. A Temporary Stop Notice was served on 04/11/2019 to prevent any further importation or spreading of the waste. An Enforcement Notice was served on 14/01/2020 for the removal of all waste material. The Enforcement Notice has not been complied with.

Officers are attempting to re-opening dialogue with the parties involved with the aim of providing a separate update to members in due course.

District: Chelmsford

Location: Land at Meadow Lane

Nature of problem: Waste activities specifically land raising area (classified as a platform by Chelmsford City Council) and skip business

Remarks: CCC have advised that they are considering serving an Enforcement Notice for removal of land raising area. In line with the joint working protocol with the Environment Agency, the EA are leading in relation to the skip business. ECC as WPA have confirmed to all involved that we are available to support continued investigations, if required, and/or any potential newly reported activity.

District: Colchester

Location: Colchester Skip Hire, Green Acres, Old Packards Lane, Wormingford, Colchester, CO6 3AH

Nature of problem: Early morning operating

Remarks: Since the reports in 2019/2020 about early morning operations the WPA have not received any reports alleging that the operators continue to be in breach of their working hours. Case closed. If in the future further reports are received a new case will be opened and investigated.

District: Colchester

Location: Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ

Nature of problem: Importation of waste

Remarks: The use of the land for importation, deposition, storing, processing and spreading of waste materials (including soils, and other similar waste materials), subsequently raising the levels of the land. On the 06/03/2017 ECC as WPA attended Chelmsford Magistrates Court to prosecute the landowner and tenant for failure to comply with the Enforcement Notice served. Following the prosecution this case was reported to members in October 2017 with a recommendation that no further action is taken in respect of the breach of the EN served, subject to the land being sold and any new landowners working with the WPA towards compliance with the notice. Members agreed the recommendation. A visit in January 2022 confirmed that waste remains. However, the land and residential property are not occupied and remain unsold.

District: Colchester

Location: Wormingford Airfield, Fordham Road, Colchester, CO6 3AQ

Nature of problem: Wood and metal recycling operation

Remarks: Without the benefit of planning permission a change of use of the land to a green waste composting facility. Application ESS/30/22/COL for the change of use for a composting facility to process green waste to include the provision of a weighbridge, and hardstanding for windrows and associated landscaping has been submitted to the WPA for consideration. Case to remain open pending determination of aforementioned application.

District: Epping Forest

Location: Ashlyns Farm, Epping Road, Ongar CM16 6RZ

Nature of problem: Odour and Breach of Condition

Remarks: Non material amendment ref: ESS/09/20/EPF/NMA1 was approved to allow one windrow height to be increased on a temporary basis to 4-metres. The temporary permission expired at the end October 2022 at which time the approved height of the windrow was to revert to the 3-metre limitation. An application is to be submitted for consideration by the WPA for the permanent retention of the 4-metre windrow height.

District: Epping Forest

Location: Bliss Heights, 140 London Road, Abridge RM4 1XX

Nature of problem: Alleged illegal deposit of waste

Remarks: Without the benefit of planning permission a material change of use of the land to the use for importation, deposition, and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). An Enforcement Notice was issued by the WPA, dated the 08/04/2022. The Enforcement Notice was appealed. However, on 02/11/2022 the WPA received notification, from the Planning Inspectorate that the appeal had been withdrawn. Therefore, the Enforcement Notice immediately took effect and full compliance was due by 18/12/2022. In November 2022 the WPA were informed that the land was to be sold and the new owner would be responsible for compliance with the EN. As the material imported is still on the land, and the EN not complied with, contact has been made with the new owner and a site meeting is scheduled for January 2023. Further updates will be provided in due course.

District: Epping Forest

Location: Former pet cemetery site, Claverhambury Road, Waltham Abbey

Nature of problem: Importation of waste

Remarks: Without the benefit of planning permission the importation and deposition of waste, raising the levels of the land and the erection of two new buildings for residential use. Joint investigations by ECC and EFDC. A Planning Contravention Notice issued by EFDC requires information to be provided as to the activities on the land. ECC and EFDC will continue with joint visits and await the information provided within the PCN to consider which authority will lead on this case.

District: Epping Forest

Location: Keeble Skips, Paynes Lane, Nazeing, EN9 2EX

Nature of problem: Skip company operating

Remarks: Part of the land at Paynes Lane is being used by a skip company. The company considers that the use of the use is lawful and a Certificate of Lawful Use was submitted to the WPA. The CLEUD submitted was for 'sorting and storing of skip waste from loaded skips and the importation and exportation of the same' (application ref: ESS/64/22/EPF). The application was refused as it was considered that, on the balance of probability, the use had not been taking place for a period of more than 10 years. Ongoing site monitoring and negotiation.

District: Epping Forest

Location: Land adjacent to Harvey Automobile Engineering, Paynes Lane, Nazeing, EN9 2EX

Nature of problem: Noise, dust and concrete crushing

Remarks: Waste soil being stored outside of CLEUD area. WPA working with the landowner to move material to within the certificate area. Ongoing monitoring.

District: Epping Forest

Location: Luxborough Lakes, Luxborough Hill, Chigwell, Essex, IG7 1DF

Nature of problem: Importation of waste

Remarks: Following investigation the WPA consider that this is not waste disposal but engineering/operational development and as such falls within the remit of EFDC. Case closed and passed to EFDC.

District: Epping Forest

Location: Norton Field Farm, Norton Lane, High Ongar, Ingatestone, Essex, CM4 0LN

Nature of problem: Use of land for waste recycling

Remarks: Part of the land at Norton Field Farm is currently being used as an inert transfer/recycling facility. It would appear that construction and demolition waste is imported, processed/screened/crushed on-site and exported. The landowners have a demolition/groundworkers company and consider that the use of the land for recycling is lawful. A CLEUD application (ESS/94/21/EPF) was submitted to the WPA. The application was considered and was refused. An appeal has been lodged with the Planning Inspectorate, against the refusal and further enforcement action will be held in abeyance until the outcome of the appeal.

District: Epping Forest

Location: Tile Hill Farm, Pynest Green Lane, Waltham Abbey, EN9 3QN

Nature of problem: Alleged unauthorised use of land and creation of hardstandings

Remarks: Without the benefit of planning permission a material change of use of the land to the use for vehicle recovery and storage. Importation of waste for the development of associated hard surfaces. WPA consider that this is not waste disposal but engineering/operational development and EFDC are leading on the case. TSN has been issued by EFDC to landowner.

District: Maldon

Location: Morley Skips, Park Farm, Park Lane, CM9 8HB

Nature of problem: Alleged breach of conditions

Remarks: Report received alleging breach of planning conditions relating to number of daily vehicle movements. Ongoing investigation to ensure compliance with conditions.

District: Maldon

Location: Royal Oak Quarry

Nature of problem: Breach of Conditions

Remarks: Reports received of mud on road. Ongoing monitoring to ensure compliance with planning conditions

District: Rochford

Location: Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD

Nature of problem: Unauthorised mineral extraction

Remarks: On the 17/12/2021 a Stop and Enforcement Notice was served for the unauthorised extraction of minerals from the land. The EN took effect on the 28/01/2022 and requires the void to be restored within a compliance period of 12 months. A site visit will be undertaken in January 2023 to confirm compliance with the EN served.

District: Tendring

Location: Crown Quarry, Old Ipswich Road, Tendring, CO7 7QR

Nature of problem: Mud on Old Ipswich Road

Remarks: Following alleged reports of mud on the road, operator is ensuring compliance and carrying out all necessary mitigation measures. Case closed. If new reports relating to this issue are received a new case will be opened and investigated.

District: Tendring

Location: Martells Utility Company, Martells Quarry, Slough Lane, Ardleigh

Nature of problem: Use of land by a Utility Company

Remarks: Without the benefit of planning permission the material change of use of part of the land to use for outside storage by a utility company. Letter sent to landowner as part of ongoing investigations.

District: Uttlesford

Location: Boro Farm, Newmarket Rd, Great Chesterford, Saffron Walden CB10 1NU

Nature of problem: Waste soil and aggregate operation

Remarks: A planning application for the site at Boro Farm was submitted to the WPA. The application was considered and was refused on 22/07/2022 (ref: ESS/20/22/UTT). It was subsequently considered expedient to serve an Enforcement Notice requiring the removal of the unauthorised development and the reinstatement of the land. The operator has lodged two appeals with the Planning Inspectorate: one against the refusal and one against the EN. Both appeals are currently with the Planning Inspectorate. Two new applications have now been submitted and the appeals will be held in abeyance with the Planning Inspectorate until March 2023 whilst the WPA considers the new applications submitted.

District: Uttlesford

Location: Crumps Farm, Stortford Road, Little Canfield

Nature of problem: Waste activities - unauthorised landfill and land raising

Remarks: Investigations on-going with EA as to potential unauthorised landfill and land raising. Together with breaches of extant planning permission conditions and legal agreement relating to built development, phasing and restoration. In line with our joint working protocol, the Environment Agency are currently leading investigations.

District: Uttlesford

Location: Fullers End Farm, Tye Green Road, Bishops Stortford, CM22 6EA

Nature of problem: Importation of waste

Remarks: Without the benefit of planning permission the importation and deposition of waste. The owner has ceased importation and spreading of the waste and the material will be removed from the land. Due to recent adverse weather conditions removal will commence in the drier months. No further activity and officers will agree timescales for the imported materials to be removed from the land. Ongoing monitoring.

District: Uttlesford

Location: Highwoods Quarry

Nature of problem: Relocate the access track

Remarks: Issues with relocating the access track that cuts diagonally across the site and in particular through phase E. Ongoing discussion with operator to resolve issue.

District: Uttlesford

Location: Land at Armigers Farm, Thaxted, Great Dunmow CM6 2NN

Nature of problem: Working outside of CLUED and installation of new plant

Remarks: Without the benefit of planning permission the installation of a new wash plant. An

application is to be submitted to the WPA for consideration.

District: Uttlesford

Location: Land on the South side of Mill Lane, Ickleton, Saffron Walden (part of Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden CB10 1NU)

Nature of problem: Waste soil and aggregate operation

Remarks: Without the benefit of planning permission the deposition of waste, raising the levels of the land and the creation of bunds. On the 28/10/2022 the WPA served a Temporary Stop Notice to prevent further deposition which ceased to have effect on the 25/11/2022. Following the serving of the TSN works have ceased. Planning Contravention Notices have been served for further information to be provided as to the activities on the land.

District: Uttlesford

Location: New Farm, Elsenham Road, Stansted, CM24 8SS

Nature of problem: Importation of waste

Remarks: Importation, depositing, storing and spreading of waste materials on the land. On the 05/10/2015 an Enforcement Notice was served by the WPA. The landowner and tenant appealed the Enforcement Notice. The Planning Inspectorate issued their decision in relation to the appeal on the 01/07/2016. The appeal against the Enforcement Notice was allowed on ground (g) such that 12 months was given for the removal of the waste and restore the land. The removal was required by the 01/07/2017. A site visit, after this date, confirmed that the Enforcement Notice had not been complied with. The case was passed to ELS for potential prosecution. However, due to COVID-19 all matters that were provisionally listed for prosecution were put back to a holding court. The land has now been sold. The EN remains on the land and the new owners will be responsible for compliance. Prosecution to be held until further discussions with ELS take place, following scheduled meeting with new owners.

District: Uttlesford

Location: Old House Barn, Parsonage Road, Takeley, Bishop's Stortford, CM22 6PU

Nature of problem: Waste activities

Remarks: The land is being used for storage, not waste related activities, and therefore not considered a County Matter. Case closed and information passed to UDC to investigate the current use of the land.

District: Uttlesford

Location: Widdington Recycling, Hollow Road, Widdington, CB11 3SL

Nature of problem: Working out of permitted hours

Remarks: Following alleged reports of operating outside of permitted hours, site monitoring was conducted, and this was not substantiated. Case closed. If new reports relating to this issue are received a new case will be opened and investigated.

District: Uttlesford

Location: Widdington Recycling, Hollow Road, Widdington, CB11 3SL

Nature of problem: Creation of bund

Remarks: Report received regarding the creation of bund. Condition 13 of the recent Member resolution, relating to this site, requires that all indigenous and imported topsoil, subsoil and soil making material is required to be retained on the site for use in the restoration of the site. Case closed.