

<b>DR/23/22</b>
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<b>Report to:</b> DEVELOPMENT & REGULATION (27 May 2022)
<b>Information item:</b> Enforcement of Planning control update
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)
<b>Enquiries to:</b> George Stockdale Tel: 03330137555

The full applications can be viewed at: <http://planning.essex.gov.uk/>

## 1. PURPOSE OF THE ITEM

To update members of enforcement matters for the period 01 February to 30 April 2022

## 2. DISCUSSION

### A. Outstanding Cases

As at 30 April 2022 there are 31 outstanding cases. Appendix 1 shows the details of sites (34) where, after investigation, a breach of planning control is considered to have occurred.

### B. Closed Cases

8 cases were resolved during the period 01 February to 30 April 2022

## Local Member notification

Countywide

**District:** Basildon

**Location:** Heard Environmental, Terminus Drive

**Nature of problem:** Stockpile heights

**Remarks:** Reports of the height of the material stockpiled exceeding that which is permitted. Ongoing site monitoring, further visits scheduled.

**District:** Basildon

**Location:** Belvedere Blind Lane, Billericay

**Nature of problem:** Burning of waste and possible ELV

**Remarks:** Ongoing multi-agency site monitoring, this case relates to the burning of waste and it is considered that the EA are the appropriate authority to lead in this matter.

**District:** Braintree

**Location:** Straits Mill Bocking, Braintree

**Nature of problem:** Carpet Recycling

**Remarks:** Non-compliance with Enforcement Notice requiring all waste to be removed from site. Fire at site in late December. EA considering prosecution on operators, ECC as the WPA are looking to prosecute landowners for non-compliance with the current Enforcement Notice.

**District:** Braintree

**Location:** Foxborough Hills, Halstead Road

**Nature of problem:** Soil Importation

**Remarks:** CASE CLOSURE – Following a joint site inspection in May 2022 with Braintree District Council, it was decided that this case is not a County Matter so Braintree District Council will lead with ECC providing assistance where necessary.

**District:** Braintree

**Location:** Bluegate Farm Braintree Road, Great Bardfield

**Nature of problem:** Importation of waste

**Remarks:** Land is currently being used as a material recovery/recycling facility. The current activities on the Land represent a change of use with activities principally relating to recovering, treating, storing, processing, sorting, transferring and depositing waste. Large stockpile of material on site screener in use and a crusher used as and when required a wheel washer in situ and a Permit was issued by EA in March 2020 to which the company are compliant. An application has not been submitted to retain the use of the land and a timescale has been agreed for the operators to cease activity and remove the waste from the land.

**District:** Brentwood

**Location:** Land at Beads Hall Lane, Pilgrims Hatch

**Nature of problem:** Development near a watercourse

**Remarks:** CASE CLOSED – Site to be dealt with by Brentwood District Council as the operations and past activities are not a county matter and BDC and the EA are best to deal with the site. ECC will be informed of updates and will offer assistance when necessary.

**District:** Brentwood

**Location:** Ashwells Road, Pilgrims Hatch

**Nature of problem:** Waste Operations

**Remarks:** ECC as Waste Planning Authority have conducted a number of visits to the site. The site has missed the deadline to clear the site and cease the activities. Following this, ECC as WPA will be looking to take further enforcement action.

**District:** Castle Point

**Location:** DC Donovan Ltd, Towerfield Business Park, Fane Road

**Nature of problem:** Waste Operations

**Remarks:** Environment Agency informed ECC and Castlepoint Local Council that there was going to be a new operator taking over the permit and they planned on creating a bund. Both ECC and Castlepoint have provided advice and will conduct a joint inspection.

**District:** Castle Point

**Location:** Unit 6 Scotts Yard, Northwick Road

**Nature of problem:** End of life vehicle recycling

**Remarks:** End of Life Vehicle site which does not have the benefit of planning permission or environmental permit. PCN served on the landowners. Environment Agency and ECC conducting a joint approach to the site.

**District:** Castle Point

**Location:** Adjacent Orchard Place A127, Benfleet, Essex

**Nature of problem:** Soil Importation

**Remarks:** CASE CLOSURE – Site to be dealt with by Castlepoint District Council as the operations and planning permissions are not a county matter and CDC and the EA are best to deal with the site. ECC will be informed of updates and will offer assistance when necessary.

**District:** Chelmsford

**Location:** Land at Hollow Lane, Hollow Lane, Broomfield

**Nature of problem:** Waste Operations

**Remarks:** The unauthorised Importation, deposition and spreading of waste, mainly soils and builders' waste. A TSN was served on the 4th of November 2019 to prevent any further importation or spreading of the waste. An Enforcement Notice was served on the 14th of January 2020 for the removal of all waste material. Further updates to follow in relation to the site.

**District:** Chelmsford

**Location:** Land at Meadow Lane, Runwell

**Nature of problem:** Burning of Waste and Waste Operations

**Remarks:** Joint inspections with EA, ECC, Police and CCC following cease and desist letters sent by both the EA and ECC.

**District:** Chelmsford

**Location:** Dunmow Group Metal Recycling Plant, Mid Essex Recycling Centre, 7 Regiment Business Park

**Nature of problem:** Operating hours

**Remarks:** Site monitoring following complaints of early morning working and noise. Continual monitoring to ensure the operator is complying with their planning permission.

**District:** Colchester

**Location:** Gean Trees, The Causeway, Great Horkesley

**Nature of problem:** Importation of waste

**Remarks:** No further action is taken by ECC as WPA in respect of the breach of the Enforcement Notice served, subject to the land being sold and any new landowners working with the WPA towards compliance with the notice.

**District:** Colchester

**Location:** Colchester Skip Hire, Green Acres, Old Packards Lane, Wormingford

**Nature of problem:** Early morning monitoring

**Remarks:** CASE CLOSED – Site submitted ESS/09/18/COL/20/1 which was approved.

**District:** Colchester

**Location:** Colchester Skip Hire, Green Acres, Old Packards Lane, Wormingford

**Nature of problem:** Early morning monitoring/lorry movements

**Remarks:** Application ESS/15/19/COL as approved permits a specific number of vehicles to exit the site from 6:00am. These vehicle movements are controlled by planning conditions.

Application ESS/11/21/COL was submitted to the Waste Planning Authority to vary the condition relating to the vehicle movements. This application was refused on the 22nd October 2021.

Ongoing early morning site monitoring.

**District:** Colchester

**Location:** Wormingford Airfield, Fordham Road

**Nature of problem:** Wood and metal recycling operation

**Remarks:** A wood processing and green waste site was operating without the benefit of planning permission. The operator has now applied for planning permission with Essex County Council. The site will be continued to be monitored.

**District:** Epping Forest

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

**Nature of problem:** Waste Operations

**Remarks:** A certificate of Lawfulness has been submitted to ECC, as waste planning authority, the details submitted within the application are currently being considered. An update will be provided on the outcome of this application in due course.

**District:** Epping Forest

**Location:** Land adjacent to Harvey Automobile Engineering of Paynes Lane Nazeing EN9 2EX.

**Nature of problem:** Noise and Waste Operations.

**Remarks:** Waste soil being stored outside of CLUED. ECC invited a joint inspection with the EA as it was believed stockpile was outside the EA's permitted boundary. Stockpile not compliant with Planning Permission (ECC) or Permit (EA). ECC and EA working towards a joint enforcement approach to ensure site is compliant with Planning Permission and Permit. Further inspections and monitoring necessary.

**District:** Epping Forest

**Location:** Ashlyns Farm Open Windrow Composting site, Epping Road, Ongar CM16 6RZ

**Nature of problem:** Odour and Breach of Condition

**Remarks:** Reports of non-compliance with planning permission and following a number of joint inspections with the EA, the site was still not complying with the Planning Permission (ECC) or Permit (EA). The EA and ECC are working on a joint enforcement approach to ensure the site complies with the Planning Permission (ECC) and Permit (EA).

**District:** Epping Forest

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

**Nature of problem:** Importation of Waste

**Remarks:** Following a joint site inspection with the Environment Agency, Epping Forest District Council and Essex Fire & Rescue Service on the 29<sup>th</sup> of 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. An Enforcement Notice was served on the 11<sup>th</sup> of April 2022 will take effect on the 18<sup>th</sup> of May 2022 unless an appeal is made against it beforehand.

**District:** Epping Forest

**Location:** Chase Farm, Vicarage Lane West, CM16 6AL

**Nature of problem:** Waste Operations

**Remarks:** Reports of skip business and waste transfer station being operated. Site visited with Epping Forest District Council officers. Waste transfer station being operated without the benefit of planning permission or environmental permit. Landowner has informed ECC that the site will be clear by the 30<sup>th</sup> of May 2022. A joint inspection with the EA will be conducted.

**District:** Maldon

**Location:** Bradwell Wicks Leisure Plots Maldon Road CM0 7HZ

**Nature of problem:** Importation of waste

**Remarks:** Importation, deposition, spreading and burning of waste in various locations on the Land. Multi Agency investigation, collected evidence including cataloguing the waste on site by type, volume and location. ECC as WPA did serve a TSN on the 25<sup>th</sup> of June 2020 which required to cease the importation, spreading and burning of waste. The TSN expired on the 28<sup>th</sup> of July 2020. Due to the severity of the case as environmental waste crime, it is considered that the EA are the appropriate authority to lead any action in this case.

**District:** Rochford

**Location:** Lovedown Farm, Hockley

**Nature of problem:** Deposit of waste for sea wall development

**Remarks:** No current site activity, waste importation has ceased. Spoke with the Environment Agency and they have not taken any further action currently in relation to this case, waiting on Natural England response.

**District:** Rochford

**Location:** ELIC UTILITY, Unit 3 Rawreth Industrial Estate, Rayleigh

**Nature of problem:** Noise & Waste Operations

**Remarks:** Joint inspection with Environment Agency and Rochford District Council found that there was a waste transfer station being operated. The site was given a period of time to provide evidence of planning permission and environmental permits. The site will be visited again in the near future to ensure compliance.

**District:** Rochford

**Location:** 3 Murrels Lane (Off Church Road) Hockley

**Nature of problem:** Importation of waste

**Remarks:** Extension to the EN served. The site has until 3rd June 2022 to remove the waste.

**District:** Rochford

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

**Nature of problem:** Unauthorised mineral extraction

**Remarks:** Site was served a Stop Notice and an Enforcement Notice to cease unauthorised mineral extraction and refill void created. Site is still under notice and will be monitored to ensure compliance or if further enforcement is required, void is being refilled.

**District:** Tendring

**Location:** Ragmarsh Farm, Harwich Road, Manningtree, CO11 2XW

**Nature of problem:** Agricultural land with soil stockpile.

**Remarks:** CASE CLOSED - Site visited with Tendring District Council and ECC as WPA are of the view that this operation should be considered an engineering project in relation to the planning permission rather than waste disposal and as such TDC will lead. Some of the activities will be covered under agricultural permitted development.

**District:** Tendring

**Location:** Elmstead Hall, Elmstead, Colchester

**Nature of problem:** Traffic Routing

**Remarks:** CASE CLOSURE - Application ESS/24/15/TEN approved by committee on 28 Jan 2022. The traffic routing obligation has been carried over to the new application with an expectation that the operator observe the agreement.

**District:** Tendring

**Location:** Land to the East of Martells Industrial Estate, Slough Lane, Ardleigh,

**Nature of problem:** Waste Importation

**Remarks:** CASE CLOSURE – Material has been removed by operator therefore the case has been closed.

**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. Enforcement Notice was not complied with, and the landowner was prosecuted. Land has been sold in parts, with some areas being purchased. ECC as WPA are trying to work with the new landowners to ensure compliance with the Enforcement Notice.

**District:** Uttlesford

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

**Nature of problem:** Working outside of CLUED

**Remarks:** Wash plant installed without benefit of planning permission. Pre-application discussions on-going.

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

**Nature of problem:** Operating Hours

**Remarks:** Since Summer 2021, ECC have received complaints of the site operating outside their permitted operation hours. Following a BCN being served, ECC has been conducting early morning monitoring visits to ensure compliance with BCN and current planning permission.

**District:** Uttlesford

**Location:** Boro Farm, Newmarket Rd, Great Chesterford, Saffron Walden

**Nature of problem:** Waste Soil and Aggregate Operation

**Remarks:** Soil treatment site was operating under an Uttlesford Council permission but was not compliant. The operator has now applied for planning permission with Essex County Council. The site will be continued to be monitored.

**District:** Uttlesford

**Location:** Crumps Farm, Stortford Road, Little Canfield

**Nature of problem:** Site Monitoring undertaken 18/03/2022

**Remarks:** Investigations on-going with EA as to potential unauthorised landfill and landraising. Together with breaches of extant planning permission conditions and legal agreement relating to built development, phasing and restoration

**District:** Uttlesford

**Location:** Pricklemore, Henham Road, Elsenham, CM22 6DH

**Nature of problem:** Importation of soil

**Remarks:** CASE CLOSURE - Site to be dealt with by Uttlesford District Council as the operations and planning permissions are not a county matter and UDC and the EA are best to deal with the site. ECC will be informed of updates and will offer assistance when necessary.

**District:** Uttlesford

**Location:** Parkers Farm, Smiths Green Lane, Takeley, Bishops Stortford, CM22 6NY

**Nature of problem:** Waste operations

**Remarks:** CASE CLOSED – Site operating a small waste transfer station. PCN served on landowner and operator. The site was visited a number of times, the latest May 2022, and was cleared of all waste and no further activities have been conducted.

**District:** Uttlesford

**Location:** Land off Church Lane, Elsenham

**Nature of problem:** Importation of waste

**Remarks:** CASE CLOSURE – Site to be dealt with by Uttlesford District Council as the operations and planning permissions are not a county matter and UDC and the EA are best to deal with the site. ECC will be informed of updates and will offer assistance when necessary.