

DR/36/22**Report to:** DEVELOPMENT & REGULATION (23 September 2022)**Information Item:** Enforcement of Planning Control Update**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** George Stockdale Tel: 03330 137555

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 May to 31 August 2022.

2. DISCUSSION**A. Outstanding Cases**

As at 31 August 2022 there are 25 outstanding cases. Appendix 1 shows the details of sites (36) where, after investigation, a breach of planning control is considered to have occurred or where the case has been closed following investigation.

B. Closed Cases

11 cases were resolved during the period 01 May to 30 August 2022.

Local Member notification

Countywide

District: Basildon

Location: Belvedere Blind Lane, Billericay.

Nature of problem: Burning of Waste and Waste Activities.

Remarks: Reports of burning of waste received from the Environment Agency. 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: Basildon

Location: Heard Environmental, Terminus Drive, Pitsea Hall Lane.

Nature of problem: Stockpile Heights.

Remarks: Following site monitoring, the height of the material stockpiled is exceeding that which is permitted. ECC as WPA are now considering further enforcement action in relation to this breach of planning condition in the form of a Breach of Condition 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 assisting where necessary.

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 early December and another in the summer. EA are prosecuting the operators, ECC as the WPA are looking to prosecute landowners for non-compliance with the current Enforcement Notice.

District: Braintree

Location: Codham Little Park Farm, Codham Park Drive, Braintree.

Nature of problem: Unauthorised Waste Transfer Facility and Mineral Extraction.

Remarks: Reports of Waste Transfer Facility and unauthorised extraction. Visited the site and met with the operators/landowners. Small waste transfer station operating with an area being used to extract sand. Extracted sand was still on site along with other waste for work on the land. Void has been restored using sand from the extraction. Waste has also been removed and site restored. Waste Transfer Facility still in-situ but not operating and will be removed.

District: Braintree

Location: Bradwell Quarry, Church Road, Bradwell.

Nature of problem: HGV Routing.

Remarks: Complaints received regarding HGV routing. Ongoing communications with the site and ECC as WPA to ensure that HGVs are following the planning permission.

District: Braintree

Location: Rivenhall Airfield, Coggeshall Road, Braintree.

Nature of problem: HGV Routing.

Remarks: Complaints received regarding HGV routing. Ongoing communications with the site and ECC as WPA to ensure that HGVs are following the planning permission.

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. An application was 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. The deadline has now passed, and half of the waste material has not been removed, ECC as WPA are now considering the expediency for enforcement action.

District: Brentwood

Location: Ashwells Road, Pilgrims Hatch, Brentwood.

Nature of problem: Importation of Waste.

Remarks: Following a number of visits to the site, the activities had not ceased, and waste had not be cleared as discussed with the landowner. ECC as WPA served an Enforcement Notice which took effect on 05/07/22 requiring the waste to be removed and operations ceased by 05/11/22. ECC are working with the local council to monitor the site.

District: Castle Point

Location: DC Donovan Limited, Towerfield Business Park, Fane Road.

Nature of problem: Depositing of Soil.

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. Not considered a county matter and no further complaints received. ECC to assist Castlepoint District Council and EA as WPA when necessary.

District: Castle Point

Location: Unit 6 Scotts Yard, Northwick Road, Canvey Island.

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. Site has reportedly been cleared and tenants are to be removed from land. ECC will visit and ensure site has been cleared or may consider enforcement action to be expedient.

District: Chelmsford

Location: Land at Meadow Lane, Runwell.

Nature of problem: Waste Activities.

Remarks: Joint inspections with EA, ECC, Police and CCC following cease and desist letters sent by both the EA and ECC. Further multi-agency visits planned.

District: Chelmsford

Location: Dunmow Group Metal Recycling Plant, Regiment Business Park, Eagle Way.

Nature of problem: Operating Hours and Amenity Issues.

Remarks: Site monitoring following complaints of early morning working and noise. The site has been operating outside the hours permitted by planning permission. ECC as WPA are now considering whether further enforcement action will be considered expedient. ECC are also liaising with EA and local council.

District: Chelmsford

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

Nature of problem: Importation of Waste.

Remarks: The unauthorised Importation, deposition and spreading of waste, mainly soils and

builder's waste. A TSN was served on the 4 November 2019 to prevent any further importation or spreading of the waste. An Enforcement Notice was served on the 14 January 2020 for the removal of all waste material. Further updates to follow in relation to the site.

District: Colchester

Location: Colchester Skip Hire, Green Acres, Old Packards Lane.

Nature of problem: Operating Hours.

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 refused on the 22 October 2021 and has recently been appealed, ECC are awaiting the outcome of the appeal. Ongoing early morning site monitoring to assess vehicle movements and operations.

District: Colchester

Location: Colchester Skip Hire, Wormingford Airfield, Fordham Road.

Nature of problem: Wood and Green Waste Recycling.

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: 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: Epping Forest

Location: Norton Field Farm, Norton Lane, High Ongar.

Nature of problem: Unauthorised Waste Transfer Facility.

Remarks: A certificate of Lawfulness was submitted to ECC, as WPA, which has now been refused. Land is currently being used as a material recovery/recycling facility. ECC are now liaising with the landowner to agree a timescale for the operators to cease activity and remove the waste from the land. If sufficient progress is not made, ECC as WPA are now considering the expediency for enforcement action.

District: Epping Forest

Location: Ashlyns Farm Open Windrow Composting Site, Epping Road.

Nature of problem: Odour and Breach of Condition.

Remarks: Environment Agency leading case regarding waste storage as EA have several criteria that need to be met and worked on, and due to the time constraints of the composting process, these will need to be carefully monitored. It was decided to wait to serve a BCN as this would severely impact the EA's compliance approach and potentially send regulation backwards for both ECC and EA.

District: Epping Forest

Location: Land adjacent to Harvey Automobile Engineering of Paynes Lane, Nazeing.

Nature of problem: Operating Outside of CLUED.

Remarks: Waste soil being stored outside of CLUED. Enforcement Notice served on the landowners requiring the activities ceased and waste be removed. The landowners have appealed the notice and ECC as WPA are dealing with this currently.

District: Epping Forest

Location: Bliss Heights, Abridge.

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 roughly 10,000-15,000 tons of waste had been deposited on the site, namely trommel fines and soils without the benefit of planning permission. An Enforcement Notice was served on the 11 April 2022 which has been appealed and is currently being dealt with by ECC as WPA.

District: Epping Forest

Location: Chase Farm, Vicarage Lane West.

Nature of problem: Unauthorised Waste Transfer Facility.

Remarks: CASE CLOSURE – 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. Skip operations at site have ceased and related waste removed. Small amount of waste still on site but EFDC will lead as land designated for housing.

District: Maldon

Location: Bradwell Wicks, Leisure Plots, Maldon Road.

Nature of problem: Importation of Waste.

Remarks: CASE CLOSURE: Importation, deposition, spreading and burning of waste in various locations on the Land. Following a multi-agency investigation, the Environment Agency led a successful prosecution against the individual involved which has led to a prison sentence and a court order to clear the land.

District: Maldon

Location: Land South of Maldon Road, Maldon Road, Woodham Mortimer.

Nature of problem: Importation of Waste.

Remarks: CASE CLOSED: Complaint of waste activities. Planning permission for houses on the land, work in relation to this. ECC as WPA will provide Maldon Council with further assistance where necessary.

District: Rochford

Location: 3 Murrels Lane (Off Church Road), Hockley.

Nature of problem: Importation of Waste.

Remarks: CASE CLOSURE: Landowners have complied with conditions of EN as of site visit on the 20 June 2022. Site restored and waste removed.

District: Rochford

Location: Unit 3 Rawreth Industrial Estate, Rayleigh.

Nature of problem: Importation of Waste.

Remarks: CASE CLOSURE: Site was operating a small waste transfer station without the benefit of planning permission. ECC as WPA worked with the operator to stop breaches and the site are now operating with local council and EA guidance.

District: Rochford

Location: Lovedown Farm, Hockley.

Nature of problem: Importation of Waste.

Remarks: CASE CLOSURE: Following discussions with Natural England and the Environment Agency, this case has been closed following partner agencies ceasing their investigations and taking no further action.

District: Rochford

Location: Dollymans Farm, Doublegate Lane, Rawreth.

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.

Nature of problem: Agricultural Land with Soil Stockpile.

Remarks: CASE CLOSURE: 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: Uttlesford

Location: Parkers Farm, Smiths Green Lane, Takeley, Bishops Stortford.

Nature of problem: Waste Operations.

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

District: Uttlesford

Location: Widdington Recycling, Hollow Road, Widdington

Nature of problem: Operating Hours.

Remarks: CASE CLOSURE: In March 2022, a BCN was served and ECC has been conducting early morning monitoring visits to ensure compliance with BCN and current planning permission. The site is considered to have complied with the BCN and the case has been closed, however the site will be monitored and if any breaches or complaints are received, it may be considered expedient to take further enforcement action.

District: Uttlesford

Location: Land at Armigers Farm, Thaxted, Great Dunmow.

Nature of problem: Working outside of CLUED. Installation of soil washing plant, creation of hard standings for block making and installation of ready-mix concrete plant.

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

District: Uttlesford

Location: Crumps Farm, Stortford Road, Little Canfield.

Nature of problem: Importation of Waste.

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

District: Uttlesford

Location: Boro Farm, Newmarket Road, Great Chesterford.

Nature of problem: Unauthorised Waste Transfer Facility.

Remarks: Soil treatment site was operating without the benefit of planning permission. The operator had applied for planning permission with Essex County Council, which was refused. The site has continued to operate and following the refusal, was served with an Enforcement

Notice. The operators have appealed the Enforcement Notice and ECC as WPA are currently dealing with this.

District: Uttlesford

Location: Highwoods Quarry, Stortford Road, Little Canfield.

Nature of problem: Planning Condition

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

District: Uttlesford

Location: New Farm, Elsenham Road, Stansted

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. Ongoing dialogue with new landowner and local council, if progress is not made further, the expediency for further enforcement action/prosecution will be considered.