

DR/11/22

Report to: DEVELOPMENT & REGULATION (25 February 2022)
Information item: Enforcement of Planning control update
Report author: Chief Planning Officer (County Planning and Major Development)
Enquiries to: 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 November 2021 to 31 January 2022 (Quarterly Period 3).

2. DISCUSSION

A. Outstanding Cases

As at 31 January 2022 there are 29 outstanding cases. Appendix 1 shows the details of sites (21) where, after investigation, a breach of planning control is considered to have occurred.

B. Closed Cases

5 cases were resolved during the period 01 November 2021 to 31 January 2022

Local Member notification

Countywide

District: Basildon

Location: Belvedere Blind Lane Billericay

Nature of problem: Burning of waste and possible ELV

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, Pitsea SS16 4UH

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: Braintree

Location: Straits Mill Bocking, Braintree CM7 9RP

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. EA considering prosecution on operators, ECC as the WPA are considering prosecuting landowners for non-compliance with the current Enforcement Notice.

District: Braintree

Location: Foxborough Hills, Halstead Road, Sible Hedingham CO9 3AN

Nature of problem: Land raising and waste importation.

Remarks: Reports of waste soil importation. ECC as WPA visited the site in December 2021 to discover large quantities of waste soil had been imported and land had been raised and levelled. Operations appeared to have stopped and no one contactable on site. Planning Contravention Notice served on landowners in early February. Currently waiting on response before considering enforcement response.

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: Scrapyard at Ashwells Road, Pilgrims Hatch

Nature of problem: Alleged waste activities

Remarks: Reports of waste activities, namely importation and scrap operations. Contact has been made with BBC Enforcement Team and Environmental Health Officers who have carried out site visits. ECC as WPA are scheduled to visit in February.

District: Brentwood

Location: Land development at Beads Hall Lane, Pilgrims Hatch

Nature of problem: Development near a watercourse

Remarks: Reports of land related activities. Contact has been made with BBC Enforcement Team and Environmental Health Officers who have carried out site visits. ECC as WPA are

scheduled to visit in February.

District: Castle Point

Location: Adjacent Orchard Place A127, Benfleet

Nature of problem: Depositing of soil.

Remarks: Reports of waste soil and aggregate importation. Contact has been made with CDC and site visit carried out with them. Site going to be dealt with under lead of Castle Point and potentially EA. Site a district matter. ECC as the WPA will offer assistance where necessary.

District: Castle Point

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

Nature of problem: End of life vehicle recycling

Remarks: Reports of waste activities, namely ELV and scrap operations. Contact has been made with Environment Agency who have carried out site visits. ECC as WPA are scheduled to visit in February along with EA following the ECC & EA Joint Working Protocol

District: Chelmsford

Location: Land at Meadow Lane Runwell SS11

Nature of problem: Waste activities

Remarks: Multi-agency visit on the 10/02/2022 regarding ongoing waste issues. All agencies involved discussing best course of action regarding further enforcement at the site.

District: Chelmsford

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

Nature of problem: Waste activities

Remarks: The unauthorised Importation, deposition and spreading of waste, mainly soils and builders waste. A TSN was served on the 4th November 2019 to prevent any further importation or spreading of the waste. An Enforcement Notice was served on the 14th January 2020 for the removal of all waste material, full compliance with the notice served was due by the 11th September 2020. Further updates to follow.

District: Colchester

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

Nature of problem: Early morning monitoring

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: Epping Forest

Location: Norton Field Farm, Norton Lane, High Ongar, Ingatestone 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 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: 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. ECC visited in November and found stockpile too high for planning permission. ECC gave a deadline to comply, and invited a joint inspection with the EA. During joint inspection, the stockpile heights have reduced, however, the site was still not complying with the Planning Permission (ECC) or Permit (EA). Both 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: Land adjacent to Harvey Automobile Engineering of Paynes Lane Nazeing EN9 2EX.

Nature of problem: Operating outside of their Certificate

Remarks: Waste soil being stored outside of CLUED. ECC as WPA set a deadline to clear the waste stockpile, however due to wet weather this was not achievable. 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: 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 25th June 2020 which required to cease the importation, spreading and burning of waste. The TSN expired on the 28th July 2020. Following any multi agency visit we have to consider the next steps and the best use of available powers to address any breaches of planning or environmental legislation disclosed by the site inspection. When it is apparent that enforcement action may be required by more than one body, ECC and the EA need to ensure there is no duplication of action and therefore a decision is made as to which authority has the appropriate powers to take the lead on a case. 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: 3 Murrels Lane (Off Church Road) Hockley

Nature of problem: Importation of waste

Remarks: Landowner is in the process of clearing the land to ensure compliance with the notice served. COVID restrictions and wet weather have slowed the clearance down but landowner is keen to remove all material to comply with notice served.

District: Rochford

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

Nature of problem: Unauthorised mineral extraction

Remarks: Brought to January Committee as an Enforcement Report. 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 and assess if further enforcement is required.

District: Tendring

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

Nature of problem: Agricultural land with soil stockpile.

Remarks: Reports of waste activities, namely soil importation and improvement, site visited and letter sent to landowner requiring information about the activities. Contact has been made with TDC asking for a joint inspection.

District: Uttlesford

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

Nature of problem: Operating outside permitted hours.

Remarks: Since Summer 2021, ECC have received complaints of the site operating outside their permitted operation hours. Following ECC's most recent monitoring visit, there was a breach of planning control therefore leading to the serving off a BCN. See separate information item.

District: Uttlesford

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

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

Remarks: Visit undertaken in October 2021. Progress has been made to move soil into land within the certificate. However, the operator has installed a soil washing plant, created hard standings for block making and installed a ready mix concrete plant replacing a previous plant but in a different location on the site. Monitoring on going and a request for pre-application advice suggested to the operator.

District: Uttlesford

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

Nature of problem: Potential waste recycling

Remarks: Reports of waste importation. Contact has been made with UDC regarding site and current planning permission. ECC as WPA are scheduled to visit in February.