

DR/39/20

Report to: DEVELOPMENT & REGULATION (27 November 2020)

INFORMATION ITEM – Enforcement of Planning control update

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

1. PURPOSE OF THE ITEM

To update members of enforcement matters for the period 01 July to 31 October 2020 (Quarterly Period 2).

2. DISCUSSION

A. Outstanding Cases

As at 31 October 2020 there are 37 outstanding cases. Appendix 1 shows the details of sites (10) where, after investigation, a breach of planning control is considered to have occurred.

B. Closed Cases

20 cases were resolved during the period 01 July to 31 October 2020.

LOCAL MEMBER NOTIFICATION

Countywide

Enforcement Committee Report

| <u>Location</u> | <u>Nature of problem</u> | <u>Remarks</u> |
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| Braintree | | |
| Straits Mill Bocking, Braintree CM7 9RP | Carpet Recycling | A material change of use of the land to a waste transfer facility. The importation and processing of the waste has ceased and the operators have vacated the land, however the waste remains. Whilst the EA will continue to pursue the operators under their Legislation the WPA served an Enforcement Notice on the 7th January 2020. An appeal was lodged against the notice served. With regard to this, and in particular the extant Enforcement Notice, the appellant and the Council have negotiated revised terms of compliance to the effect that the previous Enforcement Notice issued by the Council has been withdrawn and a replacement Notice issued. The new Notice which takes effect on 29 July 2020 requires 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. |
| Dig Rent Blackwell Yard Coggeshall Road Earls Colne | Inert recycling facility | This site is currently being used as an inert transfer/recycling facility. Construction and demolition waste is processed/screened on-site. These types of uses may have extant District permissions under (B2) general industrial use. I am currently looking at the site history to establish what permissions exist for the Land. It would appear that historically this was part of Old Blackwells yard and may have been used for storage and earth moving operations and we (ECC) are yet to confirm if there has been a material change of use of the Land. Dig Rent are occupying the Land and in discussions with the WPA. |
| Brentwood | | |
| Land on the South Side of Church Road, (To the rear of Lizvale Farm), Church Road, | Importation of waste | A material change of use of the land to land used for the importation, deposition, storing and spreading of waste materials. An enforcement notice has been served for the removal of the waste. The land ownership |

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| Navestock, Romford, RM4 1HB | | has changed on numerous occasions and as the notice remains with the land any new owner is ultimately responsible for complying with the notice served. The Land has been sold and the new owner has commenced waste removal, due to COVID-19 Land remediation works may not complete until 2021. |
| Chelmsford | | |
| Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford CM1 7HG | Waste activities | 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 is due by the 11th September 2020. Compliance visit scheduled. |
| Colchester | | |
| Colchester Skip Hire, Green Acres, Old Packards Lane, Wormingford, Colchester, CO6 3AH | Early morning monitoring | 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. During a visit in December 2019 it was noted that CSH were exceeding the limitations of this condition. On the 27th January 2020 ECC did serve a Breach of Condition Notice (BCN) on CSH in respect of the vehicle movements prior to 7:30am. The period for compliance with this notice is 30 days beginning with the day on which the notice is served on the company. In notifying the company of the breach of condition application ESS/04/20/COL was submitted to the Waste Planning Authority to vary the condition relating to the vehicle movements. This application was refused on the 12th March 2020. Further visits are to be carried out to ensure the company are complying with the BCN served. |
| Colchester Skip Hire, Green Acres, Old Packards Lane, Wormingford, | Breach of Condition | The development approved under reference ESS/09/18/COL has commenced. The approval is subject to a number of conditions which are required to have been submitted to and approved by |

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| Colchester, CO6 3AH | | the WPA prior to the commencement of the development. Details have now been submitted to the WPA |
| Maldon | | |
| Bradwell Wicks Leisure Plots Maldon Road CM0 7HZ | Importation of waste | 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. |
| Rochford | | |
| 3 Murrels Lane (Off Church Road) Hockley | Importation of waste | The unauthorised Importation, deposition and spreading of waste, mainly mixed soils and builders waste, raising the levels of the Land. An Enforcement Notice was served on the 23rd October 2019 and took effect on the 5th December 2019. Full compliance with the EN served was required by the 5th July 2020. Works had commenced on the Land clearance, however due to COVID-19 works stopped. Remediation works to comply with the Notice served are once again continuing and a compliance visit will be carried out. |
| Uttlesford | | |
| New Farm, Elsenham Road, Stansted, CM24 8SS | Importation of waste | Importation, depositing, storing and spreading of waste materials on the land. On the 5th October 2015 an enforcement notice was served. The landowner and |

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| | | <p>tenant appealed the enforcement notice. The Planning Inspectorate issued their decision in relation to the appeal on the 1st July 2016. The appeal against the enforcement notice was allowed on ground (g) such that 12 months has been given for the removal of the waste and restore the land, which commences from the 1st July 2016. The removal was required by the 1st July 2017. A site visit confirmed that the enforcement notice had not been complied with. The case remained with ELS due to new information that came to light. Following on from this the case was, once again, listed for prosecution in July 2020. Due to COVID-19 all matters that were provisionally listed for prosecution have now been put back to a holding court, ELS currently awaiting further information.</p> |
| Land at Armigers Farm, Thaxted, Great Dunmow CM6 2NN | Working outside of CLUED | <p>Waste soil stored outside the permitted area. Some material had been processed ready to be removed, in accordance with ECC and the EA's joint working protocol the EA have agreed a suitable timescale in order for the waste to be removed and the land remediated. A timeframe of 6 months was agreed by the EA as a realistic amount of time to remove the waste soil, taking into consideration the winter weather. Due to COVID-19 the EA have extended the timescale for the removal of the waste. A site meeting has been scheduled.</p> |