

DR/09/21**Report to:** DEVELOPMENT & REGULATION (25 June 2021)**Information Item:** – Enforcement of Planning control update**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Suzanne Armstrong – Telephone: 03330 136 823The 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 2020 to 31 March 2021 (Quarterly Period 4).

2. DISCUSSION**A. Outstanding Cases**

As at 31 March 2021 there are 33 outstanding cases. Appendix 1 shows the details of sites (14) where, after investigation, a breach of planning control is considered to have occurred.

B. Closed Cases

21 cases were resolved during the period 01 November 2020 to 31 March 2021

Local Member notification

Countywide

District: Braintree

Location: Straits Mill Bocking, Braintree CM7 9RP

Nature of problem: Carpet Recycling

Remarks: 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revised terms of compliance to the effect that the previous enforcement notice issued by the Council has been withdrawn and a replacement Notice issued.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.

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 stockpiles of material on site, screener in use and a crusher used as and when required, a wheel washer in situ. An environmental Permit was issued by the EA in March 2020 to which the company are compliant. Landowner and operator advised that planning permission is required, and they are currently considering their options, i.e. to submit a retrospective application or to cease the use and remove all material from the Land. Ongoing negotiations.

District: Brentwood

Location: Land at Fingrith Hall Lane High Ongar

Nature of problem: Importation of waste

Remarks: Importation of waste. Multi Agency investigation ECC and EA. A PCN was issued on the 22nd February 2021 for further information as to activities on the Land.

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 builder's 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: Chelmsford

Location: Land at Meadow Lane Runwell SS11 (Various plots G T)

Nature of problem: Waste activities

Remarks: Multi Agency investigations ECC, EA and CCC. Importation and deposition of mixed waste on various plots of Land.

District: Chelmsford

Location: Laceys Farm, Old Barn Lane, Rettendon, Chelmsford CM3 8HA

Nature of problem: Importation of waste

Remarks: Importation of waste. The Land at Laceys Farm is adjacent to Morelands Industrial Estate and the waste is to be removed as part of the redevelopment of the site. Ongoing monitoring.

District: Chelmsford

Location: Morelands Industrial Estate Tile Works Lane Rettendon Chelmsford CM3 8HA

Nature of problem: Importation of waste

Remarks: Unauthorised importation of a large quantity of waste. Outline planning permission was granted in 2020 by Chelmsford City Council for the construction of 92 homes. There are a number of conditions attached to the application that have not yet been discharged. The Land was formerly Industrial use and a contamination report, as required by condition, has been submitted to CCC for consideration. The waste is to be removed as part of the residential development. Ongoing monitoring ECC and EA to ensure all waste is removed from the Land.

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: Maldon

Location: Lower Barn farm Lower Burnham Road Latchingdon CM3 6HQ

Nature of problem: Importation of waste

Remarks: Without the benefit of planning permission, a material change of use of the Land to use for the importation, deposition, processing/treating, burning, and spreading of waste (including soils, wood, building waste, concrete, hardcore and other mixed waste). On the 3rd December 2020 ECC did serve a TSN on the Land. Following the expiry of the TSN ECC did on the 26th January 2021 serve an enforcement notice. The notice requires to Cease, and do not resume the importation, deposition, storing processing/treating, burning and spreading of waste materials on the Land, remove from the Land all waste materials including soils, wood, building waste, concrete, hardcore and other mixed waste, remove from the Land all plant and machinery associated with the unauthorised development and to restore the Land to its condition prior to the commencement of the unauthorised development. Full compliance with the notice is required by 24th July 2021. Site continues to be monitored.

District: Maldon

Location: Wicks Manor Farm Tolleshunt Major Maldon CM9 8JU

Nature of problem: Inerts recycling facility

Remarks: A material change of use of the Land to Land used for the importation, deposition, and processing of waste. On the 10th March 2021 ECC as Waste Planning Authority did serve a TSN on the Land to prevent further importation and processing of waste. The TSN expires on the 7th April 2021. A timescale has been agreed with the Landowner and operator to cease the use and remove all waste from the Land. A further visit is scheduled.

District: Rochford

Location: Urban Environ Unit 2 Plot C Rochehall Way, Purdeys Industrial Estate, Purdeys Way, Rochford SS4 1ND

Nature of problem: Skip Company

Remarks: Multi Agency visit. Skip Company operating from Land. This site appears to have general B2 use and a waste transfer facility is a sui generis (Waste)use. It is considered there is a material change of use of the Land and planning permission is required. Landowner and Operator advised. Follow up visit scheduled.

District: Rochford

Location: 3 Murrels Lane (Off Church Road) Hockley

Nature of problem: Importation of waste

Remarks: Works have commenced to clear the Land. Material are continuing to be removed to ensure compliance with the notice served. Due to COVID restrictions and wet weather there have been a number of occasions where works have stopped. Whilst compliance was due some months ago COVID restrictions and the winter months have restricted full compliance, however the Landowner is in regular contact with ECC and updating on progress. Further visits are scheduled.

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 5th October 2015 an enforcement notice was served. The landowner and 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. Case remains with ELS.

District: Uttlesford

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

Nature of problem: Working outside of CLUED

Remarks: 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. Deadline being the 19th May 2021.