

DR/14/24**Report to:** DEVELOPMENT & REGULATION (24 May 2024)**Information Item:** Enforcement of Planning Control Update**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shaun Long (Planning Enforcement Officer) – Telephone: 03330 322837**1. PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 01 January to 31 March 2024.

2. DISCUSSION

Appendix 1 provides an update on cases which remained open from the previous period and outlines details of new cases investigated in this period.

A. Outstanding Cases

As at 31 March 2024 there were 18 outstanding cases.

B. Closed Cases

4 cases were either resolved or closed during this period.

Local Member notification

Countywide

APPENDIX 1**District:** Braintree**Location:** Colemans Quarry, Little Braxted, CM8 3EX**Nature of problem:** Alleged breach of condition: Mud/debris being deposited on public highway.

Remarks: The CPA have been liaising with the operator of Colemans Quarry following complaints regarding deposits of mud on Little Braxted Lane which were received on 23rd January and 15th February 2024. Subsequent site visits confirmed the wheelwash was operational, and commercial vehicles leaving site were being cleaned prior to exiting the site. In this regard the site was considered compliant with the associated condition of the extant planning permission. That said, the CPA did raise concerns regarding the efficiency of the wheelwash noting some minor staining and mud on the public highway. The operator subsequently implemented remedial actions, including additional sweepers, in an attempt to resolve the issue. The operator has also advised that they are in the process of installing additional equipment to improve the overall efficiency of wheel washing of commercial vehicles leaving the site.

District: Braintree**Location:** Rivenhall IWMF**Nature of problem:** HGV Routeing

Remarks: The CPA were notified of a breach of planning permission (ESS/39/23/BTE) related to HGV routing, in which abnormal loads tried to access the site via The Street/Church Road, Bradwell. The CPA have engaged with the operator in this regard and subsequently they have confirmed additional measures will be implemented going forward. The CPA issued a warning letter to operator and the case was closed. In the event further complaints are received this will be investigated and a new case opened.

District: Braintree

Location: Straits Mill, Bocking, Braintree, CM7 9RP

Nature of problem: A material change of use of the land to a waste transfer facility, waste importation specifically wood, textiles, soils and other similar waste materials

Remarks: The importation and processing of the waste has ceased however the waste remains. The CPA served an Enforcement Notice on the 07/01/2020. An appeal was lodged against the EN served, in respect of the timeframe allowed to remove the waste. Following discussions with the landowner's agent, revised terms of compliance were agreed to the effect that the previous Enforcement Notice issued by the Council and the subsequent appeal were withdrawn and a replacement Notice issued. The new Notice took effect on 29/07/2020 and required 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. Removal of all waste was accordingly required by January 2022. A site visit has confirmed that the EN has not been complied with and statements have been prepared and are with Essex Legal Services for consideration of a prosecution in the Magistrates Court. ELS have confirmed summons have been drafted for prosecution. The Environment Agency prosecuted the operators at the Crown Court in April 2023, sentencing included fines and an order requiring the land to be cleared within 6 months. ECC have since been advised the operators applied for an extension to the court order, the deadline is now 31 March 2024. ECC's plea hearing against the landowners, originally scheduled for June 2023, has been adjourned until after the compliance date set within the order made against the operators.

District: Brentwood

Location: Ashwells Road, Pilgrims Hatch

Nature of problem: Waste operations

Remarks: Without the benefit of planning permission a material change of use of land to the use for importation, deposition and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). The requirements of the Enforcement Notice have not been met; and as per members resolution, the CPA have instructed ELS to seek prosecution.

District: Chelmsford

Location: Dunmow Group, Regiment Business Park, Eagle Way, Chelmsford, CM3 3FY

Nature of problem: Operating hours

Remarks: Meeting was held with the operator in October 2023. The CPA consider there is a breach of planning control as the site is operating outside the permitted hours specified within the extant planning permission. Dunmow Group indicated they would submit a planning application in an attempt to vary the permitted hours of operation, with it likely that this application would also propose further development/changes of the site (in comparison to that currently approved). Two applications has now been submitted to ECC as CPA for consideration/determination. Case to remain open pending determination of aforementioned applications.

District: Chelmsford

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

Nature of problem: Waste activities - unauthorised importation, deposition and spreading of waste

Remarks: Case remains open, but no further action at the current time as approved by members. In the event the case status changes a separate update will be provided.

District: Chelmsford

Location: Land on south of Ivy Barn Lane, Margaretting, Ingatestone, CM4 0EW

Nature of problem: Waste activities - unauthorised importation, deposit, storage and spreading of waste, raising the levels of the land.

Remarks: Without the benefit of planning permission a material change of use of the land from agricultural to land used for the importation, deposit, storage and spreading of inert waste materials, trommel fines and soils, raising the levels of the land. Following initial site visit on the 29 August 2023 the landowner requested a two-week period to remove the waste, the CPA allowed the landowner this opportunity. A subsequent visit on 13 September 2023 confirmed no progress had been made, with no material/waste being removed. As such, in context of the nature of the breach and harm identified, the CPA considered it expedient to serve an Enforcement Notice which took effect on 3 November 2023. Full compliance is required by 03 March 2024. A visit in March 2024 confirmed that while importation had ceased but the waste remained in-situ and the land has not been remediated, such that the requirements of the EN have not been complied with in full. Following discussions, the landowner confirmed they remain committed to complying with the Notice, however, some personal circumstances and the wet weather, had restricted ability to meet the deadlines. While CPA consider the EN timeframes were reasonable and ample time afforded, the CPA note the personal circumstances which have been advanced and accept that these may have impacted site works. As such, the CPA have allowed the landowner final opportunity to fully comply with the Enforcement Notice. Full compliance is now required by 31 July 2024.

District: Colchester

Location: Agri-Mix Site, Land lying west of Ipswich Road, Langham, Colchester, CO4 5LZ

Nature of problem: Waste activities - waste recycling, namely waste road materials

Remarks: Without the benefit of planning permission a material change of use of land for waste recycling, namely waste road materials involving the importation, deposit, storage and treatment of waste. Following discussions, the operator intends to submit a retrospective application in an attempt to regularise the unauthorised development. That application was submitted to ECC as CPA for consideration/determination. ESS/79/23/COL was presented and subsequently approved by ECC Members at committee in January 2024, as such the activity has been regularised/permission granted and the enforcement case closed.

District: Colchester

Location: Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ

Nature of problem: Waste activities - use of the land for importation, deposition, storing, processing and spreading of waste materials, subsequently raising the levels of the land

Remarks: Case remains open, but no further action at the current time as approved by members. In the event the case status changes a separate update will be provided.

District: Colchester

Location: Wormingford Airfield, Fordham Road, Colchester, CO6 3AQ

Nature of problem: Wood and metal recycling operation

Remarks: Without the benefit of planning permission a change of use of the land to a green waste composting facility. Application ESS/30/22/COL for the change of use for a composting facility to process green waste to include the provision of a weighbridge, and hardstanding for

windrows and associated landscaping was submitted to the CPA for consideration. This application was refused by members in April 2023 with the resolution also being that enforcement action was taken to remedy the breach of planning control. An Enforcement Notice was issued on 19 May 2023, and this would have taken effect on 25 June 2023 had an appeal not been lodged against the notice prior to this date. An appeal against the Enforcement Notice was however lodged with the Planning Inspectorate, and further enforcement action will be held in abeyance pending the outcome of the appeal.

District: Epping Forest

Location: 140 London Road, Abridge RM4 1XX

Nature of problem: Alleged illegal deposit of waste

Remarks: Without the benefit of planning permission a material change of use of the land to the use for importation, deposition, and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). An Enforcement Notice was issued by the CPA, dated 08/04/2022. As per members resolution the CPA allowed the landowner an additional period of time, beyond that outlined within the Enforcement Notice, until 11 September 2023 to make significant progress with regard to the requirements of the Enforcement Notice. If progress was not evidenced, members resolved that the CPA should seek prosecution in view of the continued harm. A site visit 13/09/2023 confirmed no progress with the waste remaining in-situ, as such the CPA have instructed ELS to seek prosecution.

District: Epping Forest

Location: Norton Field Farm, Norton Lane, High Ongar, Ingatestone, Essex, 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 are 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 CLEUD application (ESS/94/21/EPF) was submitted to the CPA. The application was considered and refused. An appeal has been lodged with the Planning Inspectorate, against the refusal and further enforcement action will be held in abeyance until the outcome of the appeal.

District: Tendring

Location: Brightlingsea Quarry, Moverons Lane, Brightlingsea, CO7 0SB

Nature of problem: Alleged breach of condition: Mud/debris being deposited on public highway.

Remarks: The CPA received several complaints between January-March 2024 relating to mud/debris being deposited on B1029 Brightlingsea Road and Moverons Lane. The CPA subsequently conducted unannounced site visits and monitoring during this period, which considered all vehicles leaving the site appeared clean/free of mud/debris, and wheel washing was fully operational. In context and without prejudice, the CPA did not substantiate a breach of planning control (condition 25) associated with the extant planning permission, in that all commercial vehicles are being cleaned prior to exiting site, and the case has been closed.

District: Uttlesford

Location: Boro Farm, Newmarket Rd, Great Chesterford, Saffron Walden CB10 1NU

Nature of problem: Waste soil and aggregate operation

Remarks: A planning application for the site at Boro Farm was submitted to the CPA. The application was considered and was refused on 22/07/2022 (ref: ESS/20/22/UTT). It was subsequently considered expedient to serve an Enforcement Notice requiring the removal of the unauthorised development and the reinstatement of the land. The operator has lodged two appeals with the Planning Inspectorate: one against the refusal and one against the EN. Two

new applications were subsequently submitted to the CPA (refs: ESS/109/22/UTT and ESS/112/22/UTT) for consideration/determination. These applications were both refused, and the appeals previously lodged re-started by the Planning Inspectorate. The three appeals lodged were considered by way of hearing in February and March 2024, the CPA are currently awaiting the decision/outcome from the Planning Inspectorate.

District: Uttlesford

Location: Crumps Farm, Stortford Road, Little Canfield

Nature of problem: Waste activities - unauthorised landfill and land raising

Remarks: As approved by members, the CPA continues to assist the Environment Agency with its investigation regarding the unauthorised landfill and land raising. While the CPA consider there are breaches of extant planning permission conditions and legal agreement relating to built development, phasing and restoration, it is considered inappropriate to attempt to tackle these issues whilst the aforementioned investigations are on-going. The Environment Agency are leading investigations regarding the illegal importation and deposition of material/waste.

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. Following discussions with the operator, the CPA have now received confirmation an agreement has been reached to resolve the access issues. This should allow progressive working and restoration of the site in accordance with the extant planning permission. Case will remain open; the CPA will continue to monitor the site to ensure progress is being made.

District: Uttlesford

Location: Home Farm Yard, Gaunts End, Elsenham, Essex, CM22 6DR

Nature of problem: Alleged breach of planning control namely expansion of site/operations outside the extant permission, in addition to the creation of earth bunds.

Remarks: Investigations ongoing, the CPA conducted a site visit in March 2024 following the complaint. The site operates under extant permission issued by issued by Uttlesford District Council (UDC), as such the CPA have arranged a meeting with UDC to discuss findings before we can formally clarify our position/confirm if a breach of planning control has occurred.

District: Uttlesford

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

Nature of problem: Working outside of CLUED and installation of new plant

Remarks: Without the benefit of planning permission the installation of a new wash plant. The CPA received a second request for pre-application advice and attended a site meeting with Essex Highways in March 2024. An application is expected to be submitted within the coming months which will (amongst other things) attempt to regularise the wash plant which has been installed. If an application is not received the CPA will re-consider the expediency of formal enforcement action in due course.

District: Uttlesford

Location: Land to east of M11, Howe Green Road, Great Hallingbury, Bishop's Stortford

Nature of problem: Unauthorised importation and deposit of waste.

Remarks: Without the benefit of planning permission the importation and deposition of waste, namely mixed waste and trommel fines. Following joint site visit with UDC it was agreed ECC as CPA were best placed to lead. Investigation and land registry searches confirmed the landowner is a registered limited company, with information held on companies' house stating status of 'administration'. The CPA subsequently issued letters to landowner/administrator(s)

requiring response and information to be provided. The joint administrators have since confirmed they are aware of the illegally deposited waste, with person(s) responsible unknown. The administrators are in the process of trying to remove the waste and secure the land.

District: Uttlesford

Location: Land on the South side of Mill Lane, Ickleton, Saffron Walden (part of Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden CB10 1NU)

Nature of problem: Waste soil and aggregate operation

Remarks: Without the benefit of planning permission the deposition of waste, raising the levels of the land and the creation of bunds. On the 28/10/2022 the CPA served a Temporary Stop Notice to prevent further deposition which ceased to have effect on the 25/11/2022. Following the serving of the TSN works ceased. Planning Contravention Notices were subsequently served in an attempt to ascertain further information as to the activities occurring on the land. A site visit was conducted in March 2023 and this case remained ongoing. An update to members was provided in May 2023 to confirm the CPA issued an Enforcement Notice on 26 April 2023 which took effect on 31 May 2023 in respect of the unauthorised development. The CPA conducted a visit on 2 November 2023 to check compliance with the requirements of the EN, which confirmed the EN has not been fully complied with. In context of this, the CPA have instructed ELS to seek prosecution.

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 05/10/2015 an Enforcement Notice was served by the CPA. The landowner and tenant appealed the Enforcement Notice. The Planning Inspectorate issued their decision in relation to the appeal on the 01/07/2016. The appeal against the Enforcement Notice was allowed on ground (g) such that 12 months was given for the removal of the waste and restore the land. The removal was required by the 01/07/2017. A site visit, after this date, confirmed that the Enforcement Notice had not been complied with. The case was passed to ELS for potential prosecution. However, due to COVID-19 all matters that were provisionally listed for prosecution were put back to a holding court. The land has now been sold. The EN remains on the land and the new owners will be responsible for compliance. A site meeting with some of the new landowners was held on 22 March 2023, and a subsequent letter was issued seeking to confirm the new owner's intents. Following further investigation, the CPA has obtained ownership information including the additional new landowner details. The CPA is attempting to open dialogue with all parties with an interest in the land. A further update will be provided to members in due course.

District: Uttlesford

Location: Widdington Recycling, Widdington Pit, Hollow Road, Saffron Walden, CB11 3SL

Nature of problem: Breach of highway condition pursuant to Schedule 3 of S106 legal agreement

Remarks: In accordance with obligation 1.2 of Schedule 3, a Highway Works Scheme (Commencement) was required to be submitted to the CPA for review, within three months of approval of Schedule 3 obligation 1.1 – Highway Condition Survey (Commencement) which was approved on the 8 November 2023. No submission pursuant to this was made to the CPA by 8 February 2024 and as such it is considered that there has been a breach of the Section 106 agreement. The CPA issued a letter to the applicant requiring a formal update and more specifically confirmation as to if/when such a submission would be made. The CPA subsequently received a submission pursuant to the S106 obligation on 8 March 2024 and this is now being considered by officers. If the details submitted are determined insufficient or the submission refused a new enforcement case will likely be opened. Case closed.

