



**2 June 2015**

**Agenda Item:**

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES**

**ANNUAL REPORT ON PLANNING MONITORING AND ENFORCEMENT  
WORK – 1 APRIL 2014 TO 31 MARCH 2015**

**Purpose of Report**

1. To update Members on the monitoring and enforcement work carried out during the financial year 2014/15 and to provide updates regarding notices served.

**Enforcement and Monitoring Work 1 April 2014 – 31 March 2015**

2. Details of the enforcement and monitoring work for the report period are set out in Appendix 1 and details of notices served in Appendix 2. The number of inspections carried out during the report period (previous years figures in brackets) was **342** (436), of which **335** (423) related to 'County Matter' development (minerals and waste) and **7** (13) were related to County Council Development sites. Of the County Matter development monitoring visits **147** (159) were undertaken to mineral and waste sites and charged under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006. The fees generated from these inspections was **£48,326**. This compares with figures of £52,462 for 2013/14, £49,765 for 2012/13, £48,118 for 2011/12.
3. The drop in the overall number of inspections over the last year and previous years reflects the reduction in capacity arising from the reduction of a post within the monitoring and enforcement team. The situation has been further exacerbated in this financial year due to a member of staff leaving and a vacancy running for over 4 months of the report period. The reduction in monitoring staff has also resulted in staff being directed to specific problem sites and thereby dropping a considerable amount of routine monitoring of sites. Staff also assist with planning applications, amendments and submissions made under condition to ensure that statutory timescales and nationally set performance indicators are met.
3. In the last year a total of **65** complaints were received alleging breaches of planning control. **88%** (57) of these were acknowledged within 3 working days, below the local performance indicator of 95%. **77%** (50) of these complaints were the subject of a site inspection within 3 days (where necessary), again below the local indicator of 90% and **69%** (45) of complainants were notified of

progress relating to their complaints within 15 working days. Of the **65** complaints received during the report period **55** related to County Matter development and **10** related to the County Council's own development. A breakdown of the distribution of complaints by District is set out in Appendix 1. The development involving an extension to Gamston Pierrepont School accounts for seven of the complaints in Rushcliffe and the Quarry Farm Waste Transfer station accounts for six in Newark and Sherwood. The Quarry Farm site has been subject to formal enforcement action and this is detailed below.

### **Notices Served During Report Period 1 April 2014 – 31 March 2015**

4. Details of the various statutory notices served during the report period are set out in the appendices. In summary **one** enforcement notice and **10** Planning Contravention Notices were served during the report period. Details of the enforcement notice served are outlined below and a resume of all notices is contained in Appendix 2.

### **Enforcement Notice**

#### **Land at Waste Transfer Station, Unit 6, Quarry Farm, Bowbridge Lane, Balderton**

5. This waste transfer station is located in the small industrial area at Quarry Farm to the south of Newark, there are however three residential properties in the locality. The site has a long and chequered history in terms of waste development and compliance with planning control and a number of planning permissions have been granted in the past for the erection of waste buildings, offices, fencing and other associated infrastructure extending the original site. The current controls on the site are now under a single planning permission granted in May 2012 which regularised ongoing development and brought together control under a single planning permission
6. The operations at the site have been subject to regular complaints in the past. The site has been operated by a number of companies over the years and more recently by RWR Recycling. RWR ceased operating the site in late 2013/early 2014 and the site was left clear of waste and inactive. However the site was sub-let to a company called Recoverable Energy Solutions (RES) in late 2014. Complaints were received alleging various breaches of planning control including out of hours operation and other issues associated with the waste types being imported and the parts of the site being used for waste storage. These issues were raised with RES and whilst some steps were taken to resolve the breaches they were not entirely resolved. Planning Contravention Notices were served on the owner (RWR) and operator (RES). Despite this the breaches of planning control continued. It should be noted that following liaison with the Environment Agency (EA) and in response to information collected by enforcement and monitoring staff that this site and another in the locality became the subject of an investigation by the EA's National Crime Team. In order to allow the EA's investigations to continue, enforcement of the waste types was not pursued at the time. As a result of the EA's operation arrests were subsequently made. The EA's investigation is still ongoing.

7. In light of the continuing failure of the operator to take steps to comply with the permitted hours and the ongoing complaints it was considered expedient to serve an enforcement notice to secure compliance with the permitted hours. The service of this notice was discussed with the EA to ensure that this did not impact on their ongoing investigation. The enforcement notice was served and steps were taken immediately to stop the out of hours operations. Shortly after this the ongoing operations on the site ceased when RES's site manager was arrested as part of the EA investigation. The enforcement notice has now taken effect. Discussions are ongoing with the RWR to secure the removal of the waste left on site by RES and another waste haulier. RWR as landowner have removed the majority of the unacceptable mixed waste brought onto the site and are in the process of arranging for a large amount of pelletised plastic retained in bags to be removed.

## **UPDATE ON PREVIOUS ENFORCEMENT NOTICES**

### **Sandy Lane Waste Transfer Facility, Sandy Lane, Worksop**

8. The site at Sandy Lane was operated by Worksop Waste Services and is effectively a single site operated under two permissions one for a materials recycling facility on one side and inert recycling facility on the other. There had been issues with the operation of the site for some time, but some progress was made to bring matters back into compliance. However, throughout 2013 it appeared that the operator of the site had been importing more waste than it could reasonably handle at the facility and as a result excess material was stockpiled on both parts of the site. The efficient operation of the site had been severely restricted by the volume of material on site and various conditions breached. The site had generated complaints in terms of visual impact and dust.
9. The site continued to operate, but the operator did not take any steps were taken to address the ongoing breaches of planning control. As a result two enforcement notices were issued on 5 November 2013 requiring compliance with various conditions attached to each of the two planning permissions. One relating to the materials recycling site required the deposit of waste materials outside the building to cease, the processing of material outside the building to cease, the storage of waste materials outside the building to cease, for waste to be stored in designated bays and for measures to be employed to control litter and dust. The second notice related to the inert recycling area required the import of non-inert waste to this land to cease, for all non-inert waste to be removed, for waste to be stored in the approved area, for waste to be removed from adjacent to the railway boundary, for various surface and drainage features to be provided, for the construction and seeding of a screening bund and reduction of the stockpile heights.
10. Following the service of the enforcement notices Worksop Waste Services Limited went into administration. However, the assets of the company were bought back by those previously involved in the operation of the site and the site was operated under the new name of Worksop Waste Limited.
11. Negotiations to secure compliance with the enforcement notices continued and a limited amount of progress was made. In September 2014 a new company

Tees Valley Recycling became involved in the site with a view to operating it in conjunction with Worksop Waste Limited initially and then taking the site over. Tees Valley Recycling gave a commitment to work to secure compliance with the enforcement notices. Tees Valley undertook works to comply with the enforcement notice relating to the material recycling building by removing the waste and this part of the site was brought back broadly into compliance with the planning permission in December 2014.

12. Worksop Waste Limited no longer have any involvement in the site and it is now operating under the name of Trent Valley Recycling. Works are currently ongoing to comply with the enforcement notice relating to the inert site. However, problems have begun to reoccur on the material recycling site and complaints about the operation have started to be received again. This remains under investigation and review.

### **Land at Henning Lane, Sutton in Ashfield**

13. Complaints were received about the unauthorised use of land situated off Henning Lane, Sutton in Ashfield for the importation, storage, processing, breaking, treatment and dismantling of vehicles and vehicle parts. The land lies immediately adjacent to a public right of way off an unsurfaced track which then links to the drive running past Mapplewells School. The land is owned by the County Council, but is included within the land which is leased to FCC Environment Limited as part of the nearby closed Sutton Landfill site. The activity had been carried out by a Mr Marriott without the approval of either the Council as landowner or FCC as holder of the lease for the land. It is understood that this activity has been ongoing for a number of years and had increased in scale over the last 2 years.
14. This breach of planning control was raised with Mr Marriott and assurances were given that the vehicles and their parts would be removed within an agreed timescale. The land was not cleared within the agreed timescale and as such an enforcement notice was served in December 2013 requiring the importation of vehicles and vehicle parts to cease, for the treatment and dismantling of the vehicles to cease and for the vehicles and the associated vehicle parts to be cleared from the land.
15. The enforcement notice has taken effect and to date no evidence of further vehicles having been brought to the site has been collected. The clearance of the site was not undertaken within the specified timescales. However, after further discussions with Mr Marriott, the site has been cleared of end of life vehicles and vehicle parts. A number of structures/sheds and caravans remain on the land which are used by Mr Marriott to house chickens and goats as he uses the land for grazing animals. Whilst this is not particularly tidy it is an agricultural activity and not part of the waste activity subject to the enforcement notice.
16. The site will be kept under review to confirm that the notice continues to be complied with.

### **Land at Twitch Farm, Hollowdyke Lane, Balderton**

17. The enforcement notices relating to the above land were upheld on appeal in 2009 and required the use of the land as a scrapyards to cease. The requirements of the enforcement notice were not met within the compliance period. This matter was being pursued with the company owning the land but they went into administration in 2011. The land was subsequently bought from the liquidators by another company, Jojo Properties in June 2012. Contact was made with the new owner who has given a commitment to comply with the requirements of the enforcement notice. Whilst some progress has been made to clear the site, including the removal of the majority of the complete vehicles and a number of the vehicle parts, the notice has not yet been complied with. More recently complaints have been received alleging that the site is being brought back into use. Efforts have again been made to contact the owner but they have not responded to any correspondence. In light of the lack of response and progress and the more recent concerns a decision will need to be made shortly on how best to take matters forward to finally secure compliance with the enforcement notice.

### **Shireoaks Road Waste Transfer Station, Worksop**

18. Members will recall that the above site was subject to enforcement action after a series of fires at the site in 2013. In early 2014 the operator, NRL, went into administration. The externally stored non-inert waste had not been removed as required by the enforcement notice.
19. The operations of the site were discussed at length with the Administrators and during their period of operation they undertook ongoing monitoring of the retained non-inert waste to reduce the potential for a further fire and also managed runoff from the material. The site was sold by the Administrators in January 2015 to a company belonging to the Associated Waste Group. Meetings have taken place with the new owners and the EA. The new company has indicated that they intend to recommence operations on the site and to comply with enforcement notice. However, this work is subject to being able to operate the site in the intervening period and will require the removal of the suspension notice placed on the site by the EA. Requests have been made to the new operator to detail how they intend to comply with the enforcement notice and the timescales, a response is awaited. Separately some further waste has also been brought onto the site and stored outside the permitted area, this is also subject to ongoing investigation.

### **Statutory and Policy Implications**

35. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Equal Opportunity Implications**

36. Enforcement and monitoring works takes into account equal opportunity issues.

### **Crime and Disorder Implications**

37. Enforcement and monitoring work takes into account issues relating to crime and disorder

### **RECOMMENDATIONS**

36.

It is RECOMMENDED that the report and accompanying appendices be noted.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

### **Constitutional Comments**

[.]

### **Comments of the Service Director - Finance (SES 20/05/15)**

There are no specific financial implications arising directly from this report.

### **Background Papers Available for Inspection**

None

### **Electoral Division(s) and Member(s) Affected**

All

**For any enquiries about this report please contact:**

Report Author / Case Officer

Tim Turner

0115 993 2585

For any enquiries about this report, please contact the report author.

18 May 2015

**ENFORCEMENT AND MONITORING**

**SUMMARY OF STATUTORY NOTICES SERVED AND ENVIRONMENTAL COMPLAINTS  
RECEIVED 01/04/14 - 31/03/15**

<u>Statutory Notices</u>		<u>Environmental Complaints received within the report period</u>	
Planning Contravention Notices served in report period	10	Bassetlaw	6
Breach of Condition Notices served in report period	0	Mansfield	8
Enforcement Notices served in report period	1	Newark and Sherwood	14
Stop Notices served in report period	0	Ashfield	5
Temporary Stop Notices served in report period	0	Broxtowe	6
		Gedling	7
		Rushcliffe	19
		<b>Total:</b>	<b>65</b>



**ENFORCEMENT NOTICES SERVED 01/04/14 – 31/03/15**

<b>Site</b>	<b>Summary of Alleged Breach</b>	<b>Date of Issue</b>	<b>Summary of Steps</b>
Land at Waste transfer Station, Unit 6, Quarry Farm, Bowbridge Lane, New Balderton	Non-compliance with condition relating to the permitted hours of operation	4 March 2015	The notice requires the permitted hours to be complied with. Since the service of the notice the tenant who breached the permitted hours has been removed from site and the condition has been complied with.

**NO BREACH OF CONDITION NOTICES SERVED DURING PERIOD 01/04/14 – 31/03/15**

**PLANNING CONTRAVENTION NOTICES SERVED 01/04/14 – 31/03/15**

<b>Site</b>	<b>Summary of Alleged Breach</b>	<b>Date of Issue</b>	<b>Summary of Steps</b>
Land at Bentinck Colliery Spoil Heap. Park Lane, Bentinck, Kirkby in Ashfield	Without planning permission making a material change in the use of the land for a use for the importation and deposit of waste	6 June 2014	The notice was returned by the recipient and condition precedents for tipping permission granted on the site were subsequently submitted and approved.
Land at Woburn Lane, Pleasley, Mansfield	Without planning permission carrying out mining operations involving the winning, working and processing of minerals	24 June 2014	The notice was returned by the recipient, works stopped and an application has been submitted and is currently under consideration.

**APPENDIX 2**

**PLANNING CONTRAVENTION NOTICES SERVED 01/04/14 – 31/03/15 (CONT.)**

Site	Summary of Alleged Breach	Date of Issue	Summary of Steps
Land at Scotland Farm, Ollerton Road, Carburton, Worksop	Without planning permission making a material change in the use of the land to a mixed use of waste development and general storage	27 June 2014	The notice was returned by the recipient. Works to remove the waste use at the site as now largely complete and a LDC application has been submitted to regularise the 'district matter' breaches.
Land at Bilsthorpe Landfill, Bilsthorpe	Non-compliance with restoration conditions attached to the landfill planning permission	8 July 2014	The notice was returned by the recipient. A planning application was submitted to address the breaches and revise restoration. This has now been granted.
Land at Patchwork Farm, North Scarle Road, Wigsley	Without planning permission making a material change in the use of the land for the importation and deposit of waste	17 December 2014	The notice was returned by the recipient. No further waste development has taken place and the land is currently for sale.
Land at waste Transfer Station, Unit 6, Quarry Farm, Bowbridge Lane, New Balderton (sent to 2 recipients)	Non-compliance with planning conditions attached to planning permission	21 January 2015	The notice was returned by the recipient. An enforcement notice has now been served against the breach of the permitted hours and steps are ongoing to remove waste stored outside the permitted areas.
Land at 293 Bowbridge Road, Balderton	Without planning permission making a material change in the use of the land to the deposit and storage of waste materials	19 January 2015	The notice was returned by the recipient and advising they had no interest in the land but provided details of other parties.
Land at 293 Bowbridge Road, Balderton (sent to 2 recipients)	Without planning permission making a material change in the use of the land to the deposit and storage of waste materials	25 February 2015	The notices have not been returned and warning letter sent. Enforcement action is currently under preparation.

**Appendix 2**