

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	23 October 2013
Title:	Monitoring and Enforcement
Reference:	5285
Report From:	Head of County Planning

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1. Executive Summary

- 1.1. This report is to provide information to the Regulatory Committee on the Monitoring and Enforcement work undertaken by County Planning during the period April–October 2013.
- 1.2. The report details the number of complaints on authorised and unauthorised sites, and the various enforcement actions taken, including the Enforcement Notices (EN) served throughout this period. It also details the routine monitoring of chargeable and non-chargeable sites and development control work dealing with Article 30 applications and Non-Material Amendments.

2. Complaints

- 2.1. The vast majority of the complaints received during the period April–October 2013 refer to unauthorised waste development (18 sites) and breaches of operational planning conditions on existing mineral and waste sites (11 sites). On seven of these sites enforcement action was required to secure planning control and complaints or site inspections have resulted in 13 planning applications being submitted or under pre-app discussion. The remainder were enquiries made about general site operations, fly-tipping, odour and waste related development that were dealt with in-house or referred to either the Environment Agency (EA) or Local Planning Authorities as non-County matters.

3. Enforcement Actions

- 3.1. The following paragraphs set out the actions taken for the period April–October 2013.
- 3.2. **Planning Contravention Notices** - these are first stage in enforcement action and are served to establish facts in terms of land ownership, who is responsible, what activity is being undertaken and what permissions in place.
- (a) Hillview Farm, Mayles Lane, Knowle - unauthorised landfilling and mineral extraction.
 - (b) Selborne Brickworks, Selborne – haul road construction, soil stripping and clay extraction.
- 3.3. **Breach of Condition Notices** – these are served requiring compliance with conditions of existing planning permissions when there has been a breach identified.
- (a) Former Pinks Sawmill, Wickham Road, Wickham – outside storage of materials.
 - (b) Unit 20, Quay Lane Industrial Estate Gosport – external storage of loose waste.
- 3.4. **Temporary Stop Notices** – these are served to immediately stop activities on site when it is considered they are unauthorised and causing harm. They are for a period of 28 days, to provide time to sort out action to be taken.
- (a) Selborne Brickworks, Selborne – action taken to stop haul road construction, soil stripping and clay extraction. Case ongoing, with meeting to be arranged to discuss planning status and submission of new application which would involve South Downs National Park Authority.
- 3.5. **Enforcement Notices/Stop Notices** – these are served to remedy clear identified breaches of planning control. There is a right of appeal to Secretary of State against these notices.
- (a) Land south of Hallsfield Farm, Sheepwash Lane, Denmead (EN) – storage of inert construction and demolition (C&D) waste. Appeal lodged.
 - (b) Meadow Farm Plot 2, Menslands Lane, Hambledon (EN and Stop Notice) - importation, storage and disposal by burning of waste.

- (c) Rear of Shedfield Nursery (EN) - importation, storage and treatment of C&D waste and production of ready mixed concrete.
- (d) Knowle Farm, Mayles Lane, Wickham (EN) - importation of green waste, C&D waste and screening/crushing on site.

3.6. Results of Appeals against Enforcement Notices –

- (a) Unit 1A Hollybush Industrial Estate, Hollybush Lane, Aldershot – planning application to extend site following site visit refused by Regulatory Committee and EN issued. Subsequent appeal against the EN. Appeal dismissed by planning inspector following a hearing and notice upheld, although time period for compliance extended.
- (b) Barton House, Upper Wield – appeal against EN following refusal of Certificate of Lawful Use for skip waste transfer operations. Appeal dismissed by planning Inspector following hearing and notice upheld in its entirety; operations to cease and site to be cleared.

3.7. Compliance with Enforcement Notices secured –

- (a) EN at Sickles Lane, Kingsley - secured clearance and reinstatement of land. Parcel of land occupied by skip company and used for importation, sorting and burning of waste. Small scale operation allowed to continue whilst planning application elsewhere on the farm was determined. Application refused, so EN served and land cleared. The EA are pursuing prosecution for original activity involving statements and Court attendance by Hampshire County Council officers.
- (b) EN at Unit 1A Hollybush Industrial Estate – appeal dismissed (see above). Area cleared and landscape scheme agreed to be undertaken this planting season.
- (c) EN at Oak Tree Farm, Shortheath Common – waste activities ceased, however occupier has left land and moved out of the County. Site clearance will require direct action, but resources not available so investigating possibility of tying in with action by Hampshire County Council on adjacent land, which is an ongoing legal matter.
- (d) EN at Knowle Farm, Mayles Lane, Wickham - importation of green waste, C&D waste and screening/crushing on site. Operations ceased and site cleared. Subsequent pre-application discussions on application to develop the site for similar activities.

3.8. Joint enforcement action with the Environment Agency –

- (a) Importation and burning of waste the Old Piggery, Firgrove Lane, North Boarhunt – part of investigation by the EA's Crime Investigation Team.
- (b) Waste tipping and transfer Coxford Farm, Micheldever – part of larger investigation by the EA.

3.9. Joint work with South Downs National Park Authority and East Hampshire District Council –

- (a) Bordean Nursery – outstanding ENs served by both Hampshire County Council and East Hampshire District Council and preparatory work for injunction drafted. Recent appeal against the latest of the East Hampshire District Council Enforcement Notices dismissed and remedial work required to satisfy all outstanding ENs being discussed. Injunction held in abeyance unless waste activities recommence.

4. Site Monitoring

- 4.1. Chargeable sites – under the Town and Country Planning (Fees for Applications and deemed applications) (Amendment) (England) Regulations 2006 the County Council is able to charge fees for the monitoring of quarries and landfill sites in the County. Fees are charged for a set number of monitoring visits, the number of visits being dependent on the stage of operations at each site; whether operational, in aftercare or inactive. The number of visits is agreed with each operator and is in line with an assessment of each site made by the County Council. Active sites are charged at £331 per visit for between four and eight visits per year. Sites in aftercare are charged at £331 for one visit per year. Inactive sites are charged £111 for one annual visit.
- 4.2. There are 21 active sites, 12 in aftercare and 11 dormant sites liable for chargeable visits.
- 4.3. During this period all chargeable visits were undertaken, bringing in approximately £18 000 in fees.
- 4.4. Non-chargeable sites – these include waste processing sites, wastewater and treatment works and metal recyclers. These vary from the large Energy Recovery Facilities (ERF) and Materials Recovery Facilities (MRF) to the smaller scale recycling and transfer facilities and updating existing wastewater treatment works. The larger developments attract much attention in their locality and require regular monitoring to ensure that the local amenity is not impacted, whereas the smaller, built developments require monitoring during construction and implementation, but once up and running need less regular attention and resources dictate these sites only get further visits should complaints be received.

5. Liaison Panels

5.1. During this period Liaison Panel meetings were held for the following sites:-

- (a) New Forest Environmental Protection Committee;
- (b) Carousel Dairy, Farleigh Wallop;
- (c) Plumley, Harbridge;
- (d) Yokesford Industrial Estate, Michelmersh;
- (e) Lee Lane, Nursling.

6. Development Management

6.1. Article 30 – where conditions of new permissions require details to be submitted and approved for the proper implementation and control of the development, Article 30 applications are required. Under the Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012, a fee of £97.00 per submission is required for the discharge of any details submitted. During the period, Article 30 applications were received and approved for eight planning permissions on six sites, whilst two more sites within the South Downs National Park are under negotiation.

6.2. Non-Material Amendments (NMAs) – minor changes to the operation of authorised sites can be agreed by an application for non-material amendment if the change has no substantial impact on the local amenity. Such an application requires a fee, but does not involve general consultation and determination by Committee. Over the period NMAs were agreed at:-

- (a) Rookery Farm Aggregates Facility - minor plant modification to include a sand processing unit to the existing plant;
- (b) Proposed HWRC Stoneycroft Rise, Eastleigh - site levels lowered by approximately one metre, infiltration basin shape and size changed, changes to access to phone mast, amendment to eastern bund and mound adjacent to the entrance;
- (c) Solar Farm, Marchwood Quarry, Tavells Lane, Marchwood – change to colour of the substations and communications building, satellite dish installed on the communication building, two satellite dishes on invert buildings, reduction in Closed Circuit Television (CCTV) infrastructure on site.

- (d) Marchwood ERF, Marchwood – proposed cycle shelter/rack.

7. Recommendation

- 7.1. That the contents of the report are noted.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None.