

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	22 October 2014
Title:	Minerals and Waste Site Monitoring and Enforcement
Reference:	6195
Report From:	Head of County Planning

Contact name: David Smith

Tel: 01962 845891

Email: david.smith@hants.gov.uk

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 2014. The report details the number of complaints on authorised and unauthorised sites, and the various enforcement actions taken, including the Enforcement Notices 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 2014 refer to unauthorised waste development (14 sites) and breaches of operational planning conditions on existing mineral and waste sites (11 sites). On five of these sites enforcement action was required to secure planning control and complaints or site inspections have resulted in 14 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 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 2014.

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 are in place.

- (a) Mill View Farm, Old Mill Lane, Denmead - importation, storage, tipping and burning of trade waste, inert waste, vehicles and WEEE.
- (b) Parson's Yard, Knowle Lane, Fair Oak – exportation of soils.
- (c) Land to the west of Firgrove Lane, North Boarhunt - importation, tipping and spreading of trommel fines.
- (d) Land to the east of Firgrove Lane, North Boarhunt – importation of waste, burning and tipping into woodland, and the storage and spreading of trommel fines.
- (e) Land off M3 Junction 9 – Importation of waste and sandbags.

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) Parson's Yard, Knowle Lane, Fair Oak – exportation of soils.
- (b) Double H Nurseries, Gore Road, New Milton – commencement of development without providing details required under Article 30.

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) Church Copse, Greenwood Lane, Durley – action taken to stop the tipping of waste into woodland.

3.5. **Enforcement Notices/Stop Notices** – these are served to remedy breaches of planning control. There is a right of appeal to the Secretary of State against these notices.

- (a) Shedfield Nursery & Equestrian Centre, Botley Road, Shedfield (Enforcement Notice) -change of use of land, without planning permission, to importation, storage and treatment of waste, exportation of screened soils, crushed concrete and other recycled aggregates. Enforcement Notice served following refusal of application for Lawful Development Certificate. Appeal lodged.

- (b) Ashfield Tyre Recycling Facility, Romsey (Enforcement Notice) - unauthorised night watchman's caravan.
- (c) Church Copse, Greenwood Lane, Durley (Enforcement Notice) - disposal of inert waste in to woodland. Appeal lodged.
- (d) Church Copse, Greenwood Lane, Durley (Enforcement Notice) - creation of new access from Greenwood Lane. Appeal lodged.

3.6. Results of Appeals against Enforcement Notices –

- (a) Unit 1A Hollybush Industrial Estate, Hollybush Lane, Aldershot – planning application to extend site refused by Regulatory Committee and Enforcement Notice issued. Subsequent appeal against the Enforcement Notice dismissed by planning inspector following a hearing and notice upheld, although time period for compliance extended. Skips and vehicles removed from land and approved landscaping undertaken.
- (b) Barton House, Upper Wield – appeal against Enforcement Notice 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 ceased and site substantially cleared. Final clearance of material underway.

3.7. Compliance with Notices secured –

- (a) Enforcement Notice 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 Enforcement Notice served and land cleared. The Environment Agency pursued prosecution for original activity involving statements and Court attendance by Hampshire County Council officers. Defendant found guilty and sentence added to offences prosecuted by the Police leading to custodial sentence of 5.5 years.
- (b) Enforcement Notice at Oak Tree Farm, Shortheath Common – waste activities ceased, however occupier has left land and moved out of the County. Site clearance would have required direct action, but resources not available so investigation into possibility of tying in with action by Hampshire County Council on adjacent land, which is an ongoing legal matter. However, in recent months the land has changed hands several times and is now owned by the adjacent landowner who is looking to clear for his own recreational use.
- (c) Planning Contravention Notice at Hollybush Lakes, Hollybush Lane, Aldershot – following refusal of planning permission for ELV and continued use of site for unauthorised development a Planning Contravention Notice was served to determine the extent and exact nature of the works and activities on the land. The responses indicated

that, although there had been development, there were no waste activities and no waste had been imported. Therefore Hampshire County Council had no control over the development which was thus a matter for Rushmoor Borough Council. The information gathered was passed to Rushmoor for it to consider the how to secure planning control.

3.8. Joint enforcement action with the Environment Agency –

- (a) Importation and burning of waste at the Old Piggery, Firgrove Lane, North Boarhunt – part of investigation by the Environment Agency's Crime Investigation Team.
- (b) Importation, storage and burning of waste at Mill View Farm, Old Mill Lane, Denmead - part of investigation by the Environment Agency's Crime Investigation Team.

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

- (a) Bordean Nursery, Froxfield – outstanding Enforcement Notices served by both Hampshire County Council and East Hampshire District Council and preparatory work for injunction drafted. Recent appeal against the last of the East Hampshire District Council Enforcement Notices dismissed. East Hampshire District Council seeking direct action to satisfy all outstanding requirements of Enforcement Notices. Injunction held in abeyance unless waste activities re-commence.
- (b) Selborne Brickworks/Chapel Farm – joint working with South Downs National Park Authority and East Hampshire District Council as land partly in Hampshire County Council's jurisdiction and partly in South Downs National Park. Unauthorised works including track construction, soil stripping, excavations and clay extraction in both areas. Hampshire County Council has served a Planning Contravention Notice and arranging meeting with landowner's solicitor to discuss remediation, with Enforcement Notices drafted. East Hampshire District Council and South Downs National Park Authority taking same actions in their areas under their control.

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 a maximum of 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 29 active sites, 16 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 upgrading 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. Matrix working arrangements have been set up with Waste & Resource Management so that their officers, undertaking visits to waste sites operating under the County's waste contract, also look at planning issues to provide greater coverage.

5. Liaison Panels

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

- (a) Chineham ERF;
- (b) Carousel Dairy, Farleigh Wallop;
- (c) Bleak Hill Quarry
- (d) Lee Lane, Nursling
- (e) A303 Recycling Facility and IBAA plant.
- (f) Humbly Grove Oilfield
- (g) Kingsley Quarry
- (hi) Rookery Farm, Fareham

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 sites, with two more sites within the South Downs National Park approved or with the Park Authority.

6.2. Non-Material Amendments – 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 Non-Material Amendments were agreed at:-

- (a) Avington WWTW - minor kiosk modification for upgrade to wastewater treatment works. Application dealt with on behalf of South Downs National Park Authority.
- (b) A303 Recycling Facility - variation to standardise hours of working;
- (c) Farleigh Wallop AD Facility – Minor changes to layout within the plant site, in particular relocation of buffer tank and flare stack, and addition of a fire fighting water tank and external fire escape to 1st floor offices.
- (d) Efford Household Waste Recycling Centre - slab extension to store 4 bins including supplemental planting.
- (e) Lee Lane, Nursling – minor amendments to site layout.
- (f) Double H Nurseries - change of design of enclosure building for biomass plant and fuel store under consideration.

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:	N/A
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	N/A
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	N/A
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:	
The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.	

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.)

<u>Document</u>	<u>Location</u>
Monitoring and enforcement files	County Planning ETE Dept QEII Court West The Castle Winchester