

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	20 May 2015
Title:	Minerals and Waste Site Monitoring and Enforcement
Reference:	6666
Report From:	Head of Strategic 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 Strategic Planning during the period October 2014 – March 2015.
- 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 27 (formerly Article 30) applications and Non-Material Amendments.

2. Complaints

- 2.1 The vast majority of the complaints received during the period October 2014 – March 2015 refer to unauthorised waste development (16 sites) and breaches of operational planning conditions on existing mineral and waste sites (11 sites). On one of these sites enforcement action was required to secure planning control and complaints or site inspections have resulted in 6 cases being the subject of planning applications or pre-application 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 October 2104 – March 2015.

- 3.2 Enforcement Notices (EN)/Stop Notices (SN) - these are served to remedy clear identified breaches of planning control. There is a right of appeal to the Secretary of State against these notices.
- (a) Homestead Farm, Penton Corner, Andover (EN) – three Enforcement Notices served against oversized replacement waste handling building and site offices, extension to the site area, and stockpile heights in excess of permitted levels following the refusal of planning application on 23 September 2014. Appeals against all three Notices lodged, with Hearing to be held 27 May 2015.
- 3.3 Results of Appeals against Enforcement Notices –
- (a) Shedfield Nursery – Appeal heard by Public Inquiry in January 2015. Enforcement Notice served following refusal of application for Lawful Development Certificate due to insufficient evidence of operations for 10 years. The Inspector allowed the Appeal after the appellant supplied further evidence and witnesses.
- (b) Church Copse, Greenwood Lane, Durley – appeal against two Enforcement Notices against the importation of waste and the construction of an access for waste disposal operations. Appeal against the first EN (importation of waste) dismissed by planning Inspector following hearing and notice upheld in its entirety. The Appeal against the second EN (access for waste disposal operation) was allowed and the Notice quashed. The Inspector concluded the access was for forestry purposes, but agreed with Hampshire County Council that it needed planning permission. This is a District matter so has been passed to Winchester City Council to address. The appellant has now decided to challenge the Inspector’s Decision in the High Court under Section 289 of the Town & Country Planning Act.
- 3.4 Compliance with Notices secured –
- (a) EN at Oak Tree Farm, Shortheath Common – waste activities ceased, and occupier left the land and moved out of the County. The land then changed hands and is now owned by the previous occupier’s daughter. The waste has subsequently been cleared and the land part reinstated. Final restoration works and seeding required.
- (b) Planning Contravention Notice (PCN) at Hollybush Lakes, Hollybush Lane, Aldershot – following refusal of planning permission for an End of Life Vehicles (ELV) operation and continued use of site for unauthorised development a PCN 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 a matter for Rushmoor Borough Council. The information gathered was passed to Rushmoor for it to consider how to secure planning control. Rushmoor sought authorisation to take enforcement action at the beginning of this year, and a planning application for an ELV operation was subsequently re-submitted to Hampshire County Council.

- 3.5 Joint enforcement action with the Environment Agency –
- (a) Importation of waste and operation of Waste Transfer Station without Permit at Barton House Industrial Estate, Upper Wield – providing evidence and acting as witness in prosecution by the EA’s Crime Investigation Team. Court proceedings commenced on 30 April 2015.
 - (b) Importation, storage and burning of waste at Mill View Farm, Old Mill Lane, Denmead - part of investigation by the EA’s Crime Investigation Team.
 - (c) Importation and burning of waste at Peststead Lane, Soberton - part of investigation by the EA’s Crime Investigation Team.
 - (d) Importation and burning of waste at Kingswood Farm, Lovedean Lane, Waterlooville - part of investigation by the EA’s Crime Investigation Team.
 - (e) Oaklands Farm, East Worldham – unauthorised inert recycling facility requiring Permit.
- 3.6 Joint work with South Downs National Park Authority and East Hampshire District Council –
- (a) Bordean Nursery, Froxfield – outstanding ENs served by both Hampshire County Council and East Hampshire District Council and preparatory work for injunction drafted. Recent appeal against the last of the District Council Enforcement Notices dismissed. East Hampshire District Council seeking direct action to satisfy all outstanding requirements of ENs. 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 the 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 PCN and tried to arrange a meeting with landowner’s solicitor to discuss remediation. Enforcement Notices drafted, but further action held in abeyance whilst planning permission for the Anaerobic Digestion (AD) Plant is implemented. The District Council and National Park Authority are considering actions in their areas.
 - (c) Oaklands Farm, East Worldham – unauthorised inert recycling facility requiring application for Lawful Development Certificate to be submitted to South Downs National Park Authority.

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 30 active sites, 7 in aftercare and 7 dormant sites liable for chargeable visits.
- 4.3 During this period all chargeable visits were undertaken, bringing in approximately £20,000 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. Matrix working arrangements have been made with Waste & Resource Management 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) New Forest Environmental Protection Committee.
 - (b) Carousel Dairy, Farleigh Wallop.
 - (c) Marchwood ERF.
 - (d) Yokesford Industrial Estate, Michelmersh.
 - (e) Lee Lane, Nursling.
 - (f) A303 Recycling Facility and IBAA plant.
 - (g) Humbly Grove Oilfield.
 - (h) Rookery Farm, Swanwick.

6. Development Management

- 6.1 Article 27 applications – where conditions of new permissions require details to be submitted and approved for the proper implementation and control of the development, Article 27 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 27 applications were received and approved for seven planning permissions. Four more are being chased or 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) Veolia Transfer Station, Normandy Way, Marchwood – revised glass bay.
 - (b) A303 Recycling Facility – change to site layout of IBAA Plant.
 - (c) Lee Lane, Nursling – minor amendment to site layout.

7. Recommendation

- 7.1 That the contents of this report are noted.