

**ENFORCEMENT UPDATE REPORT
1 NOVEMBER 2014 – 30 APRIL 2015**

To: **Planning Committee**

Date: **18 June 2015**

From: **Head of Growth and Economy**

Electoral division(s): **N/A**

Purpose: **To consider the following report**

Recommendation: **The Planning Committee is requested to note the content of this report.**

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1. INTRODUCTION

- 1.1 The purpose of this report is to brief the Planning Committee members on the planning enforcement and monitoring work being undertaken by the County Planning, Minerals and Waste team within the Growth and Economy service.
- 1.2 The requirement to produce the report is set out in section 17, Monitoring Performance, of the Local Enforcement Plan for Minerals, Waste and County Development in Cambridgeshire - Version 3 December 2014. Unless otherwise stated the report covers the period 1 November 2014 to 30 April 2015 and summarises the following information.
- Complaints received and their current status
 - New enforcement cases
 - Ongoing enforcement cases
 - Ombudsman complaints received
 - Site monitoring visits completed
- 1.3 Updates are provided for the ongoing issues at Must Farm and Bridgefoot Farm. Information has also been provided about ongoing work to clear waste wood from land at Staughton Moor, Great Staughton.

2. COMPLAINTS RECEIVED

- 2.1 Sixteen new complaints were received. Table 1 summarises their status at the time of writing.

Table 1 - Complaint Status

Complaint Type	Number
No breach established	7
Breach established and resolved	4
Breach established. Investigation on-going.	4
Not a county matter	1
Total	16

3. NEW ENFORCEMENT CASES

- 3.1 One Breach of Condition Notice was served during the reporting period. A summary of the case is set out in Appendix 1.

4. ONGOING ENFORCEMENT CASES

- 4.1 Eight enforcement cases are on-going and two cases have been closed. A summary of each case is set out in Appendix 2

- 4.2 For the purposes of the Town and Country Planning Act 1990 the issue of an Enforcement Notice (EN) or the service of a Breach of Condition Notice (BCN) constitutes taking enforcement action.

5. OMBUDSMAN COMPLAINTS

- 5.1 No Local Government Ombudsman complaints were received.

6. SITE MONITORING VISITS 1 APRIL 2014 – 31 MARCH 2015

- 6.1 The Authority also carries out proactive monitoring visits. The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 enable the Authority to levy specified fees for inspecting quarries and landfill sites for compliance with the conditions set out in the grant of planning permission. The fees are intended to cover the cost of conducting the visits and are set out below.

- Actives sites £331
- Inactive or dormant sites £110

- 6.2 Income from monitoring fees for the period 1 April 2014 to 31 March 2015 was £20,078.50.

- 6.3 Other waste activities such as waste transfer stations, waste recycling sites and scrap yards are also visited to assess compliance with the conditions set out in the grant of planning permission. However, the cost is borne by the Authority. A summary of the number and type of monitoring visits carried out during the monitoring year is set out in Table 2.

Table 2 - Site visits by type 1 April 2014 - 31 March 2015

Site Type	Visits
*Landfill	26
*Quarries	41
Scrap metal and end of life vehicles	1
Non-hazardous material recycling facility	3
Hazardous waste transfer and recycling	2
Non-hazardous waste transfer and recycling	7
Inert waste transfer and recycling	3
Waste Electrical & Electronic Equipment Recycling	3
Granulation and Bailing of Plastic Waste	1
Waste wood recycling	6
Total	93

*Chargeable site visits

- 6.4 The total number of visits completed between 1 April 2013 and 31 March 2014 was 64, of which 56 were chargeable. The reduction in the number of visits was

due to both Monitoring and Control Officers resigning on the same day in August 2013. It was several months before suitable replacement staff were recruited.

- 6.5 By comparison 67 chargeable visits were completed between 1 April 2014 and 31 March 2015 despite one Monitoring and Control Officer (MCO) being signed off on long term sick leave on 19 December 2014 and the other MCO being on a part time secondment to the Floods and Water team for several weeks. Additional monitoring visits were completed by Development Management Officers.

7. MUST FARM TIMBER PLATFORM SITE UPDATE

- 7.1 Heritage England and HBP Building Products (formally Hanson Building Products Limited) have now signed the financial agreement which will provide the necessary funding to allow the Timber Platform Site to be excavated in full. HBP have advised the Council in writing that the initial earth moving operations will commence on 15 June 2015. A large temporary building will be erected over the site before Cambridge Archaeological Unit begins excavating the site.

8. BRIDGEFOOT FARM

- 8.1 The Environment Agency (EA) has served an enforcement notice on the operator, Akhtar Waste and Energy Development Ltd, requiring them to remove all the waste material remaining on site after the fire, including the ash. The notice suspended all permitted operations until 13 April 2015. The operator failed to meet this deadline and the EA is now considering further enforcement action.
- 8.2 The position of the County Council remains unchanged in that we will not be seeking an order to discontinue the use of the land although this position will be kept under review.

9. LAND NEAR LITTLE AMERICA INDUSTRIAL ESTATE, STAUGHTON MOOR, GREAT STAUGHTON

- 9.1 On 12 September 2014 the County Council received a report that a significant quantity of waste wood was being deposited and processed on the above land. Officers visited the land on 15 September 2014 and measured the extent of the deposited waste which was estimated to weigh approximately 10,000 tonnes. The site operators were advised they were operating without the necessary planning permission and the findings from the visit were shared with the EA.
- 9.2 On 22 September 2014 the EA issued a notice requiring the operators to cease the importation, deposit and treatment of the waste. The notice also required that all the waste was removed by 17 November 2014. The WPA considered issuing an EN but this option was not pursued because it would effectively duplicate the requirements of the EA's notice.
- 9.3 As no waste was removed from the land by the 17 November 2014 the EA began a criminal investigation into the offence. Despite this the operators still did not remove any waste from the site.

- 9.4 On 24 February 2015 officers from the County Council and the EA met with the landowner and his planning agent and advisers to discuss the removal of the waste. Shortly after the meeting the landowner agreed a plan for removing the waste without the need for enforcement action being taken. Waste removal commenced on 12 May 2015 and should be completed before the end of June. The waste is being taken to a permitted facility at Ellington.
- 9.5 The County Council's Emergency Planning Team has prepared an Emergency Plan which sets out the actions that will be taken should the site catch fire.

APPENDIX 1 - NEW ENFORCEMENT CASES

Description of Alleged Breach	Location	Date Notice Issued	Comments
<p>1. RED</p> <p><u>Condition 8 – Environmental Protection</u></p> <p>No processing or storage of waste including plastic materials whether in a raw or processed form shall be permitted at the site unless within the confines of the approved buildings shown as Unit 1 and Unit 2 on the approved Site layout Plan Drawing Ref 261/03A.</p>	<p>Land off Bridge Lane Wimblington March</p>	<p>13/02/2015</p>	<p>A BCN was served on the operator in response to complaints alleging that waste was being stored outside contrary to condition 8. The notice requires that the storage of waste outside ceases by 27 March 2015. However, the operator has started discussions with the WPA about an application to vary the wording of condition 8. Pre-application advice was issued on 30 April 2015 and we are awaiting receipt of an application.</p>

APPENDIX 2 - ON GOING ENFORCEMENT CASES

Description of Alleged Breach	Location	Notice Issued	Comments
<p>1. RED</p> <p>Failure to comply with condition 6 of planning permission F/02017/08/CM and E/03008/08/CM.</p> <p><u>Condition 6</u></p> <p>No development shall commence until a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the A142 to its junction with the private haul road referred to in condition 4 has been submitted to and approved in writing by the MWPA in consultation with the local highway authority. The submitted scheme shall include a programme of implementation and shall be fully completed by 5 August 2012.</p>	<p>Mepal Quarry Block Fen Drove Mepal</p>	<p>BCN 06/01/14</p>	<p>Planning permission F/02017/08/CM and E/03008/08/CM permit an extension to Mepal Quarry. The operator of the quarry failed to implement the scheme approved by the Council on 3 March 2011 in accordance with condition 6. A BCN was issued and served on the site operator on 6 January 2014. The notice required that the approved scheme was implemented in full by 14 March 2014.</p> <p>Before work on Block Fen Drove can commence the Local Highways Authority (LHA), and the site operator must enter into a legal agreement under section 278 of the Highways Act 1980. The operator initially advised the Mineral Planning Authority (MPA) on 9 April 2014 that the Council had the information needed complete the section 278 agreement. In response the LHA asked the operator to provide a revised engineering drawing based on an up to date survey plan of Block Fen Drove. The survey has been completed and the revised engineering drawings have been provided and included in the agreement. The fee for drafting the agreement has been paid and the section 278 agreement was completed on 22 December 2014. The company booked road space 2 March - 29 May to carry out the work overnight at weekends only. Work has not started so this will need to be extended.</p>
<p>2. RED</p> <p>Failure to comply with condition 9 of planning permission F/02013/07/CW.</p> <p><u>Condition 9</u></p> <p>Within 3 months of the date of this permission a scheme for the phased improvement of the public highway known as Block Fen Drove from its</p>	<p>Witcham Meadlands Quarry Block Fen Drove Mepal</p>	<p>BCN 16/12/13</p>	<p>Planning permission F/02013/07/CW permits the use of part of the land at Witcham Meadlands Quarry as a waste transfer station and a skip storage area and associated traffic. The operator failed to submit and implement the scheme required under condition 9 of the permission. A BCN was issued on 16 December 2013 and served on the site operator.</p> <p>The BCN requires that within 30 days of service the operator must submit for approval a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the</p>

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<p>junction with the A142 to its junction with the private haul road referred to in condition 4 shall be submitted to the Waste Planning Authority for approval. The submitted scheme shall include a programme of implementation and shall be fully completed within 2 years of the date of this permission.</p>			<p>A142 to its junction with the private haul road. The scheme will achieve the same specifications as the highway scheme submitted by Aggregate Industries on Drawing No. 1 dated February 2011.</p> <p>The operator submitted a scheme to the WPA on 8 April 2014 but it was refused on 2 May 2014 because it did not refer to the required works between the Lafarge Tarmac access and the junction with the public highway (the A142). The operator was invited to resubmit the scheme and a chase up letter was sent on 28 October 2014. A revised scheme was submitted on 18 November 2014 but this was only accepted in part as it still does not relate to all of the relevant parts of Block Fen Drove. A scheme that addresses the remaining part of Block Fen Drove has been requested but has not yet been received.</p>
<p>3. RED</p> <p>Failure to comply with Condition 4 of planning permission S/00060/10/CW - Variation of Conditions 2, 7, 8, and 9 of planning permission S/0203/05/CW to extend the period of land filling until 30 September 2011 and be consistent with planning permission S/2073/07/CW; deletion of conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning)</p> <p><u>Condition 4</u></p> <p>4) The site shall be restored to the pre-settlement contours shown on drawings no WIS/MSE/2740-12A dated 30-11-09 and WIS/MSE/2740-13 dated 20-07-07 by 30 September 2011.</p>	<p>Wilbraham Quarry Mill Lane Great Wilbraham</p>	<p>EN 01/05/12</p>	<p>Great Wilbraham quarry is an active chalk quarry which has planning permission to be restored by landfilling with inert waste (for example soil, sub soils, clay and demolition rubble). Approximately half the site is still an active chalk quarry whilst the remainder has been landfilled. The active chalk quarry and the landfill are under separate ownership.</p> <p>Two BCN's were served on the landfill owners on 2 June 2011 (see items 5 and 6 of this appendix) which required them to reduce the height of the waste stockpiles on the landfill and to submit a scheme for wheel cleaning. However, a more serious breach occurred when the deadline for achieving the final restoration levels for the landfill expired on 30 September 2011.</p> <p>The WPA issued an Enforcement Notice on 1 May 2012 because the landfill owners and operators, Holeworks (Management) Limited (HML), had exceeded the restoration levels permitted by condition 4 of planning permission S/0060/10/CW by over 20 metres. The notice required that HML ceased the importation of waste and removed a</p>

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			<p>specific amount of waste each month until the approved restoration levels were achieved. The notice was not appealed and became effective on 4 June 2012.</p> <p>On 4 October 2012 officers from the WPA met with the landfill owners and their representatives to discuss a proposed timetable for compliance. The proposal was reviewed and amended by officers before being approved by the Development Control Committee on 8 November 2012. In the subsequent months a small amount of waste was removed from the land but the breach was not addressed. The WPA therefore conducted a criminal investigation into the breach and a case file was passed to the legal team. The file recommended that HML and one of the company directors, Daniel Meads, were prosecuted for failing to comply with the notice. Both parties were summonsed to appear before Cambridge Magistrates' Court on 6 June 2014 but the case was adjourned until 17 July 2014 to allow the defendants further time to consider the evidence against them.</p> <p>At the hearing on 17 July 2014 at Cambridge Magistrates' Court the defendants chose not to enter a plea against any of the charges laid before the court. Having listened to the facts the judge decided that the alleged offence was so serious that it should be passed to Cambridge Crown Court. A Plea and Case Management Hearing (PCMH) was scheduled at Cambridge Crown Court for 3 October 2014 but was adjourned until 10 November 2014 to allow the defendant's further time to consider their basis of plea.</p> <p>At the Crown Court hearing on 10 November 2014 HML and Mr Daniel Meads pleaded guilty to failing to comply with the notice. Sentencing was adjourned until 8 May 2015 to allow the defendants time to implement the mitigation measures they now proposed to comply with the notice. In essence the defendants had purchased additional land within the adjacent chalk quarry and they proposed to</p>

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			<p>use this land to dispose of most of the excess waste.</p> <p>The sentencing hearing scheduled for 8 May 2015 was adjourned to 29 May 2015 because Mr Meads had to attend hospital with his wife.</p> <p>Unfortunately, sentencing has been adjourned again for three months (despite very strong objections from the County Council) to allow the defendants time to comply with the notice and to provide the court and the prosecution with a report which sets out the costs of remediating the breach. The latter will help the judge to decide the financial benefit the defendants have gained in failing to comply with the notice. The date of the hearing will be confirmed shortly and it is also hoped that the defendants will have finally complied with the notice in full by this date. The County Council will apply for the costs incurred in bringing the prosecution at the end of the next hearing.</p> <p>At the time of writing HML were continuing with engineering works to stabilise the stockpile in preparation to begin moving the waste into the next cell. The company was also in discussions with the EA about the engineering works required to line the next cell before waste can be deposited.</p>

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<p>4. RED</p> <p>Without planning permission, the change of use of the land from agricultural land to a mixed use comprising of agricultural and the importation and disposal of waste material and raising the level of part of the land by the depositing of waste materials.</p>	<p>First Drove Little Downham Ely</p>	<p>EN 17/01/12</p>	<p>In 2005 a prior notification application (PNA), for a steel framed agricultural building, was submitted by the landowner to East Cambridgeshire District Council under planning reference 05/00014/AGN. The application was approved but the building has not been completed.</p> <p>The landowner excavated a series of holes in the land adjacent to the building footprint and spread the resulting material across a nearby field. The holes were then back filled with imported inert waste to create a raised area. The WPA took the view that the importation and deposit of waste required planning permission and that a breach of planning control had occurred.</p> <p>Despite repeated attempts to resolve the matter by negotiation the landowner continued to fill the excavated holes with inert waste. An EN requiring the landowner to cease the importation of waste, remove all deposited waste and restore the land to agricultural use was issued on 17 January 2012.</p> <p>The landowner appealed the EN on all the available grounds. The appeal was heard by a planning inspector at a Public Inquiry held in Ely. The Inquiry sat for six days in July 2012. The decision notice was issued on 7 September 2012 and confirmed the appeal was dismissed and the EN, as corrected and varied by the planning inspector, was upheld. The corrected and varied notice required the landowner to remove all the waste from land to the level of the adjoining field by 7 November 2012 and to return the land to its former condition (i.e. fit for agriculture) by 7 September 2013.</p> <p>Officers from the WPA visited the site on 6 December 2012 to determine whether the land had been reduced to the level of the adjoining field. A topographical survey of the land was undertaken during the visit and a series of trial pits were excavated. The results of the survey and the trial pits confirmed the level of the land had not</p>

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			<p>been reduced in accordance with the requirements of the varied EN.</p> <p>A second site visit was undertaken on 7 September 2013 during which officers established that all the waste had still not been removed and the land had not been restored to a condition suitable for agriculture.</p> <p>A third site visit was scheduled for 13 August 2014. However, the landowner wrote to the WPA shortly beforehand and requested a meeting with the Head of Service (HoS) and a representative from legal. The WPA agreed to the request and the site visit was put on hold.</p> <p>The meeting with the landowner and his daughter took place on 26 September 2014. The landowner was advised that officers wished to enter the land and that if the Council's assessment was that the varied notice had still not been complied with one option was prosecution. As the landowner did not give unequivocal consent to the request to enter land the WPA applied to the Magistrates' Court for a warrant. The application was successful and a warrant to enter the land was issued by the Court on 30 September 2014.</p> <p>Officers and their contractors entered the land on 2 October 2014. A further topographic survey was undertaken together with a further assessment of the land. The results of the visit confirmed the level of the land had not been reduced and the land had not been restored in accordance with the varied EN. A case file was passed to legal and is currently being reviewed by Counsel.</p>

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<p>5.RED</p> <p>Breach of Condition 5 of planning permission S/00060/10/CW - Variation of Conditions 2, 7, 8, and 9 of planning permission S/0203/05/CW to extend the period of land filling until 30 September 2011 and be consistent with planning permission S/2073/07/CW; deletion of conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning)</p> <p><u>Condition 5</u></p> <p>Temporary stockpiles shall not exceed 2 metres in height.</p>	<p>Wilbraham Quarry Mill Road Great Wilbraham</p>	<p>BCN 02/06/11</p>	<p>Officers visited the site on 24 February and 25 May 2011. During the visits it was again noted that the heights of the stockpiles of waste, which had been deposited on the landfill site, were considerably in excess of the maximum permitted height of 2 metres and were several metres above the height of the surrounding land. The deposited waste was visually intrusive and was hindering the restoration of the landfill site. There was no void space within the red line of planning permission S/0060/10/CW into which the additional waste could be deposited.</p> <p>The landowner was advised on 1 April 2011 that they had until 1 June 2011 to comply with condition 5 or a BCN would be served. As the height of the stockpiles was not reduced by the deadline the WPA had no option but to serve the notice. The landowner had until 30 September 2011 to comply with the notice.</p> <p>At the time of writing the landowner remains in breach of condition 5. However, the WPA is now taking further enforcement action to reduce the height of the waste deposited on the land via the EN referenced under item 3.</p>
<p>6. RED</p> <p>Breach of Condition 12 of planning permission S/00060/10/CW - Variation of Conditions 2, 7, 8, and 9 of planning permission S/0203/05/CW to extend the period of land filling until 30 September 2011 and be consistent with planning permission S/2073/07/CW; deletion of conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning)</p>	<p>Wilbraham Quarry Mill Road Great Wilbraham</p>	<p>BCN 02/06/11</p>	<p>Officers visited the site on 24 February and 25 May 2011. During the visits it was noted that the wheel wash was not operational and that it had not been installed in accordance with the requirements of the planning permission.</p> <p>The landowner was advised on 1 April 2011 that they had until 1 June 2011 to comply with condition 12 or a BCN would be served. As the required scheme was not submitted by the deadline the WPA had no option but to serve the notice.</p> <p>The required scheme was not submitted by the 11 July 2011 deadline. At the time of writing the landowner remains in breach of this condition.</p>

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<p><u>Condition 12</u></p> <p>12) Within 1 month of the date of this permission a scheme for the improvement of vehicle wheel cleaning facilities shall be submitted to and approved in writing by the Waste Planning Authority. The submitted scheme shall make provision for the following matters:</p> <ul style="list-style-type: none"> - The pressure washing of vehicle wheels before they leave the site. - Provision for the supply and storage of adequate volumes of water for use in the cleaning of vehicle wheels. - Provision of a hard surfaced roadway capable of being mechanically swept between the wheel cleaning facility and the public highway. - Arrangements on site to ensure that all HCV vehicles leaving the site pass through the wheel cleaning facility before entering the public highway. - A maintenance scheme for the wheel cleaning facilities. - The provision for under chassis cleaning. - The approved scheme shall be implemented in full and thereafter maintained in an operational condition for the duration of the landfill development. 			<p>However, the approved timetable for compliance with the EN issued on 1 May 2012 (see item 3), includes a section which requires the landowner to keep Mill Road free of mud and debris whilst the waste is removed.</p>

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<p>7. AMBER</p> <p>Failure to comply with condition 7 of planning permission S/01556/10/CW - Extension to existing waste transfer station including; rear stockyard and screening area; change of use of stables to office, toilet, rest room and store; plastic and cardboard storage area within existing building; tree planting at rear paddock.</p> <p><u>Condition 7 - Surfacing of Site</u></p> <p>Within 2 months of the date of this permission details shall be submitted to the Waste Planning Authority, for approval in writing, of the hard surfacing of the rear yard/working area. No operations are to take place until the concrete surfacing has been completed. The finished level of the new concreted area is to be constructed no higher than 4.90 metres above ordnance datum as detailed in the addendum to the flood risk assessment dated February 2010 unless otherwise agreed in writing with the Waste Planning Authority. A topographical survey of the completed concreted area is to be provided to the Waste Planning Authority within 1 month of the completion of the concreting.</p>	<p>Long Acre Farm Fen Road Chesterton Cambridge</p>	<p>BCN 08/10/13</p>	<p>The site is a waste transfer station located at the north western end of Fen Road. The operator has been using the rear yard to process a mixture of inert and non-hazardous waste and to store processed inert waste.</p> <p>The BCN requires that:</p> <ul style="list-style-type: none"> - The importation, storage and processing of waste material, and - all other operations within the rear yard, cease; - A scheme for the surfacing of the yard is submitted for the written approval of the waste planning authority; and - All the deposited waste is removed from the rear yard until such time as this area has been concreted in accordance with the scheme approved by the WPA. <p>The deadline for compliance was 31 May 2014. The landowner has confirmed that he has rented the site out to a third party in the short term and that he will not be concreting the rear yard as he intends to redevelop the site.</p> <p>The site was formally inspected on 26 September 2014. At the time of the visit the processing of waste material had ceased and some of the waste had been removed from the land. The remaining waste consists mostly of soil, sub soil and hardcore. The landowner agreed to remove some more of this waste but states that he intends to use the hardcore to redevelop the land. He also argues that the remaining waste and hardcore prevents the tenant from recommencing processing activities in the rear yard.</p> <p>A joint visit with the EA on 26 May 2015 confirmed that the majority of the waste has now been removed. Some hardcore and soils</p>

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			remain on site but they do not represent a pollution risk.
8. AMBER Without planning permission, the importation and deposit of waste materials.	Block Fen Drove Chatteris	EN 21/01/03	An EN was served on the landowner on 21 March 2003 requiring that waste ceased to be deposited on the land. Since then waste has been intermittently deposited. However, no further tipping appears to have taken place since May 2010. The site continues to be monitored on an occasional basis.
9. GREEN Failure to comply with condition 3, hours of operation, of planning permission S/00795/11/CW. <u>Condition 3</u> Unless otherwise previously approved in writing with the Mineral and Waste Planning Authority operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following durations; 07:00 to 18:00 hours Monday to Friday 07:00 to 13:00 hours Saturday, and shall not take place on Sundays or Bank or Public Holidays, unless previously agreed in writing with the Mineral and Waste Planning Authority.	254a Cottenham Rd Cottenham Cambridge	BCN 15/07/14	A BCN was served in response to a complaint from a local resident alleging that vehicles have been regularly leaving and entering the site outside of the permitted hours over a period of several months. The complaint was supported by extensive written and photographic evidence. The notice took effect on 13 August 2014. The WPA has not received any complaints alleging the site is still operating outside of the permitted hours since the notice took effect.

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<p>10. GREEN</p> <p>Without planning permission, the material change of use of the land from agricultural land to a mixed use comprising of agriculture and the importation, deposit, and storage of non-agricultural waste wood materials and processed wood materials.</p>	<p>Dottrell Hall Farm Newmarket Road Fowlmere</p>	<p>EN 24/01/13</p>	<p>A significant quantity of waste timber had been deposited on the land by a third party. It was alleged the wood was going to be shredded at the farm before being transported to a power station in the midlands where it would be used as a fuel. The farm buildings are surrounded by a number of residential properties.</p> <p>The unauthorised use was considered unsightly and detrimental to the amenities of the area. It was also not necessary for agriculture or any other lawful use of the land. Shredding the waste wood had the potential to generate very significant levels of noise which would disturb the local residents.</p> <p>The landowners were repeatedly advised that the waste wood should be removed from the land and taken to a suitably permitted waste management facility. As none of the waste was removed and further waste continued to be deposited the WPA had no option but to commence enforcement action.</p> <p>On 24 January 2013 an EN was served on all the parties who had a material interest in the land. The EN was not appealed and took effect on 24 February 2013. The EN required that:</p> <ul style="list-style-type: none"> - the use of the land for the importation, deposit and any processing of waste wood materials and the storage of any processed or unprocessed waste wood materials ceases. - all the deposited wood waste is removed from the land by 24 May 2013. - the land is returned to its former condition prior to the breach of planning control, namely a state fit for agriculture, by 24 June 2013. <p>No further waste was deposited on the land after the EN took effect</p>

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			<p>but less than one third of the wood was removed before the 24 May 2013 deadline. A criminal investigation into the breach was completed and the case file was passed to legal with the recommendation that the landowners were prosecuted for failing to comply with the EN.</p> <p>The landowners appeared at Cambridge Magistrates Court on 17 April 2014 before a district judge and pleaded guilty to failing to comply with the EN. The WPA advised the judge that the estimated cost of removing the waste wood was approximately £97,000 and that as the landowners had failed to remove the waste they had gained a financial benefit of the same value. The WPA also advised the judge that an application would be made to confiscate this benefit under the terms of the Proceeds of Crime Act 2002. The case was referred to Cambridge Crown Court for sentencing.</p> <p>The waste was removed in July 2014 by a contractor acting on behalf of the landowners. The reported cost of removing the waste was £160,000 plus VAT. The land has now been returned to its previous agricultural use but the EN will remain in place.</p> <p>The landowners, Mr and Mrs Akhtar, were sentenced at the Old Bailey on 23 February 2015. His Honour Judge Lucraft imposed a joint fine of £1,000 (i.e. £500 each) and awarded the County Council costs of £5,000. Both defendants had to pay a victim surcharge of £50 each. The following factors were taken into consideration before sentencing.</p> <ul style="list-style-type: none"> - The defendants had entered guilty pleas at the first available opportunity; - Neither had any previous criminal convictions and were of previous good character;

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			<ul style="list-style-type: none"> - Mr Akhtar is now 72; - The waste had been removed by the defendants at a cost of £192,000 (including VAT) and the EN had been complied with in full; - Mrs Akhtar was a defendant merely by virtue of being named in the deeds to the land; - Mr Akhtar had leased land on the basis that the tenant would comply with any planning requirements their activities required; and - Mr Akhtar had essentially been the victim of fly tipping, albeit with the complicating factor that he had leased the land to the company depositing the waste.