

**To: Planning Committee**

**From: Deborah Jeakins, Principal Enforcement and Monitoring Officer**

**Date: 19 July 2018**

**Enforcement updates:**

**1. Application to court for Injunction - importation of waste at First Drove and Black Bank, Little Downham**

On 12 June 2018 a Case Management Conference took place at the High Court in London in respect of the Council's application for an Injunction to prevent any further importation of waste onto agricultural land at Black Bank and First Drove, Little Downham. A hearing was set for 23 and 24 July 2018 for the High Court to decide whether to grant the Council's request for an injunction with an additional penal notice in the event that the injunction is breached.

At the case management conference, the defendants agreed to a formal undertaking that *'until conclusion of the trial or further order they shall not whether by themselves, or instructing, encouraging or allowing another import any material on to the Land'*. The signed and sealed undertaking is a legally binding agreement, breach of which is contempt of Court that is taken very seriously.

We were fortunate that the hearing has been listed so soon, particularly as the judge had mentioned possible court dates in February to April 2019.

**2. Appeal against service of Enforcement Notices – EARL, Whittlesey**

On 7 November 2017 and 4 May 2018, Enforcement Notices were served on East Anglian Resources Limited (EARL) wood waste processing yard at Benwick Road, Whittlesey for the breach of planning conditions that restricted hours of operation at the site. The breach that the Notices intended to address was the overnight movement of HGVs to and from the site, which is having a detrimental effect on residential amenity.

EARL appealed the service of the Notices to the Planning Inspectorate who scheduled a Public Inquiry for 10 July 2018 to hear the evidence relating to the Grounds for Appeal.

The planning permissions that the Notices relate to were for a temporary period, which expired on 30 June 2018. On 23 May 2018, EARL submitted new planning applications to extend the life of the wood waste development for a further 5 years until June 2023. These applications do not seek to change the working hours conditions at the site and so, if they are granted, the issue of working hours may still need to be addressed.

Taking into account the fact that the planning permissions to which the Notices relate have now expired (and therefore the recipients cannot be made to comply with the conditions), the Inspector has decided to cancel the Inquiry and proceed to a written decision.