

ENFORCEMENT UPDATE REPORT 2018

To: **Planning Committee**

Date: **17 May 2018**

From: **Assistant Director of Environment & Commercial Services**

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

Purpose: **To consider the following report**

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

<i>Officer contact:</i>
Name: Deborah Jeakins
Post: Principal Enforcement and Monitoring Officer, County Planning, Minerals and Waste
Email: Deborah.Jeakins@cambridgeshire.gov.uk
Tel: 01223 715544

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 Environment and Commercial service.
- 1.2 The Enforcement update report is usually prepared and presented to members quarterly. However, no Planning Committees were held in March or April 2018 which meant that the Committee has not been presented with an update report since December 2017. Therefore, this report covers the work of the team in the period 1 December 2017 to 30 April 2018 which is a five month reporting period.
- 1.3 The Enforcement and Monitoring team consists of the Principal Enforcement and Monitoring Officer, a Monitoring and Control Officer and a Senior Compliance Officer whose time is shared with the Flood and Water team.
- 1.4 Paragraphs 2 to 5 of the report summarise the following information:
- Complaints received and their current status;
 - Number of ongoing investigations;
 - Appeals;
 - Ombudsman complaints received.
- 1.5 Paragraph 6 of this report details site monitoring visits undertaken between 1 December 2017 and 30 April 2018 along with the chargeable income received from chargeable visits during the last financial year (1 April 2017 to 31 March 2018).
- 1.6 Paragraphs 7 to 18 of the report provide updates on a number of key ongoing Enforcement investigations.

2 COMPLAINTS RECEIVED

- 2.1 21 new complaints were received between 1 December 2017 and 30 April 2018. Table 1 summarises the status of these complaints at the time of writing.

Table 1 - Complaint Status

Complaint Type	Number
Under investigation	4
Breach established and resolved	3
Breach established. Investigation on-going	4
No breach established, case closed	8
Not a county matter	2
Total	21

- 2.2 At the time of writing, of the 21 complaints received between December 2017 and April 2018:
- 13 cases have been investigated and closed;

- 8 cases remain open and under investigation;
- 10 pre-existing complaints (received before 1 December 2017) also remain under investigation.

3 NOTICES SERVED

- 3.1 One new Enforcement Notice (EN) has been served in this period, the details can be found in paragraph 4.6 below.
- 3.2 No new Breach of Condition Notices (BCNs) have been served in this period.
- 3.3 One new Planning Contravention Notice (PCN) was served on 25 April 2018, the details of the investigation can be found in paragraph 17 below.

4 APPEALS

4.1 Appeal site: Mill Road, Fen Drayton

On 5 October 2017 the appeal to the Planning Inspectorate against the refusal to grant a Certificate of Lawful Development for use of the above land for the processing of inert waste was withdrawn. The agent acting for the landowner has recently submitted a request for pre application advice relating to a waste use on the land and officers have provided an initial response referring to the reasons that the two previous Certificate applications were refused. Noting the Council's refusal to grant the two previous Certificates, officers have begun discussions with legal services regarding the unauthorised waste uses that continue to take place on the land.

4.2 Appeal site: East Anglian Resources Limited (EARL), Whittlesey

On 7 November 2017, officers served the following formal notices on EARL at Unit 1, Benwick Road Industrial Estate, Whittlesey for breaches of planning conditions that restrict hours of operation at the site:

- Enforcement Notice for breach of condition 6 of F/2008/16/CW
- Enforcement Notice for breach of condition 5 of F/2009/16/CW (for the same breach but within the extension to the site area)
- Breach of Condition Notice for breach of condition 6 of F/2008/16/CW
- Breach of Condition Notice for breach of condition 5 of F/2009/16/CW (for the same breach but within the extension to the site area).

- 4.3 All of the notices relate to the same breaches of planning control, Heavy Goods Vehicles entering and leaving the site outside of the hours of 7am to 7pm which is contrary to planning conditions imposed on the site and detrimental to the amenity of local residents.

- 4.4 The operator has lodged an appeal against the service of the Enforcement Notices with the Planning Inspectorate on the grounds that:

- (b) the breach of control alleged in the enforcement notice has not occurred as a matter of fact;
- (c) there has not been a breach of planning control;

- (d) at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice;
- (e) the notice was not properly served on everyone with an interest in the land; and
- (f) the steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections.

- 4.5 The appeal was initially to be determined through the written representations procedure however following submission of the appeal statements the Planning Inspectorate noted that the appellant and the Council do not agree on matters of fact and decided that the appeal is best determined by way of a Public Inquiry where the evidence, including witness statements, can be properly examined.
- 4.6 The appointed Inspector has also advised that he has noted an issue relating to the validity of one of the Enforcement Notices that was raised in the appeal documentation. Therefore, following legal advice from Counsel, on 4 May 2018 an additional and alternate Enforcement Notice relating to the same breach of planning control at the site was served. In the event an appeal is made against the service of this new notice, legal advice is that it could sensibly be incorporated into the present Inquiry, which would be proportionate to the issues raised, and save time and expense. The Council will seek to rely on this new enforcement notice only if and insofar as any issue as to the validity / nullity of the earlier enforcement notice is made out.
- 4.7 The Inspectorate has provisionally allocated one day for the inquiry and it is currently scheduled to take place on 10 July 2018. The location of the Inquiry has not yet been agreed but officers will update members as and when more information becomes available.
- 4.8 EARL have not challenged the validity of the BCNs, and the propriety of the local planning authority's decision to serve them by an application to the High Court for judicial review and therefore they remain extant.

5 OMBUDSMAN COMPLAINTS

- 5.1 No Local Government Ombudsman (LGO) complaints were received during the period 1 December 2017 to 30 April 2018.

6 SITE MONITORING VISITS 1 DECEMBER 2017 – 30 APRIL 2018

- 6.1 The Authority carries out proactive monitoring visits to check compliance with the conditions set out in the grant of planning permissions for quarries and landfill sites. The Authority levies fees for these visits, which are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

The national fees for conducting the visits increased in January 2018 to:

- Actives sites £397
- Inactive or dormant sites £132

- 6.2 The amount of chargeable monitoring visits scheduled to be conducted within each financial year is agreed in advance and all operators are notified of the proposed number of visits.
- 6.3 Other waste activities such as waste transfer stations, waste recycling sites and scrap yards are also visited by officers in order to assess compliance with the conditions set out in the grant of planning permission. However, the cost of these visits is borne by the Authority.
- 6.4 A summary of the number and type of chargeable monitoring visits, non-chargeable monitoring visits and complaint site visits carried out during the monitoring period is set out in Table 2 below.

Table 2 – Chargeable Site visits by type 1 December 2017 to 30 April 2018

Site Type	Visits
Landfill	12
Quarries	19
Non chargeable sites	9
Complaint site visits	18
Total	58

- 6.5 Chargeable site visits have priority as they generate a small but significant income stream for the Council.
- 6.6 The enforcement and monitoring team were able to complete all the agreed monitoring visits for the last financial year (excluding one of the four for Barrington which was due to operator availability). The team also visited one additional monitoring site (Harlocks farm) and increased their monitoring visits to Little Paxton and Grunty Fen as they became active again in within the last financial year.
- 6.7 The total income for the chargeable monitoring visits for the 2017 to 2018 financial year was £22,724.00.

7 ENFORCEMENT CASES

- 7.1 There are currently 4 active enforcement cases where formal enforcement action has been taken and investigation and monitoring is on-going. A summary of each case is set out in Appendix 1. However, Appendix 1 does not include notices served within this period that are referred to in paragraphs 4.2 to 4.8 above because the Enforcement Notices are subject to the appeal process and so are not yet in force.
- 7.2 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 formal enforcement action.
- 7.3 Appendix 2 contains a list of enforcement investigations where formal action has been taken and the notices remain extant. Unless there are other issues or reports of development on these sites then no further investigation or action will be required.

8 WILBRAHAM LANDFILL

- 8.1 The Great Wilbraham active chalk quarry has planning permission to be restored by landfilling the void with inert waste. The Waste Planning Authority (WPA) issued an Enforcement Notice in May 2012 to address the restoration levels of the land which exceeded what had been agreed and approved.
- 8.2 In May 2016 the site operators were convicted of failing to comply with the notice and ordered to pay a fine and the Council's legal costs, totalling £23,969.00. The costs were paid in full within the 12 month period set by the Court.
- 8.3 Officers undertake regular chargeable monitoring visits to the site and have confirmed that the height of the waste pile is now almost level with the adjoining land. The operator is continuing to work towards achieving the agreed restoration contours for the site and officers will ask for a topographical survey of the land to be undertaken once the operator considers that the restoration levels are complete.

9 PLASGRAN, MANEA ROAD, WIMBLINGTON

- 9.1 In November 2016 the County Waste Planning Authority provided pre application advice in relation to a number of planning matters at Plasgran plastic Waste recycling facility at Manea Road, Wimblington. The advice covered both retrospective and prospective development at the site.
- 9.2 Members have been asked to consider an officer report relating to the development at the site at today's Planning Committee and there is a further planning application which is out to consultation. If both applications are able to be approved in due course then this should resolve all the outstanding unauthorised development at the site.

10 LAND ADJACENT TO ROYSTON RECYCLING CENTRE

- 10.1 In February 2015 approximately 20,000 bales of refuse derived fuel (RDF) waste was deposited on the above land. A multi-agency approach produced an emergency plan taking into account of the sites proximity to the Cambridgeshire and Hertfordshire county border, the fire risk associated with the stored waste and the possible implications that the amount and type of waste had on the presence of an aquifer.
- 10.2 A topographic survey showed that approximately 13,952 tonnes of waste material had been deposited, raising the level of the land across roughly two thirds of the site. A condition survey, drilling of boreholes and modelling work were undertaken to inform the standard of clean up required by the Environment Agency (EA) to minimise the risk to groundwater. The operator provided the EA with a remediation proposal which did not target all of the waste deposits buried across the site.
- 10.3 On 25 May 2017 the EA served a Section 161A Works Notice under the Water Resources Act 1991 (the Notice) requiring the operator to remediate the land in 16 stages, with full compliance to be achieved by 11 April 2018.

- 10.4 The EA has inspected the site regularly and determined that insufficient progress has been made in remediating the land and the EA is currently considering what action to take in respect of the failure to comply with the Notice.
- 10.5 In addition, the EA is seeking to prosecute the land owner, Winters Haulage Limited, and one of its Directors for the alleged deposition and storage of controlled waste in or on land. The court date for the initial hearing is set for 14 June 2018.

11 FIELD 6184 / BLACK BANK, LITTLE DOWNHAM

- 11.1 In July 2015 the County Council confirmed that clay extraction was taking place on a parcel of land at Little Downham, that the clay was being spread to raise the land levels and that imported waste materials were being used to infill the excavations. There were EA exemptions in place for the importation of waste onto the land in question.
- 11.2 In December 2016 a topographical survey of the land levels was undertaken. Following the survey, officers continued to receive allegations about further importation of waste material onto part of the land and gathered evidence confirming this was taking place. The land owner advised he considered that he is using his permitted development (PD) rights to import waste to create hardstanding on the agricultural unit. The conditions and prior notification requirement for these PD rights had not been met and so this was considered to be a breach of planning control that was within the jurisdiction of East Cambridgeshire District Council (ECDC), as the relevant district planning authority.
- 11.3 On 5 April 2017 County officers wrote to the owners of the land and the tenant farmer to set out the PD rights for waste that apply to the agricultural unit and to advise that if the importation of waste continued or resumed on the agricultural unit, which comprises of field 6184 and a piece of land at First Drove (which is the subject of an extant enforcement notice and in the same ownership), then the County Council now had clear evidence of the land levels should enforcement action become necessary.
- 11.4 On 16 October 2017 officers received a legal view from Counsel that the County Council should seek a prohibitory injunction from the High Court with a penal notice attached which, if granted, would make it a criminal offence to import any further waste material onto any part of the agricultural unit.
- 11.5 An application for an injunction was prepared and submitted to the High Court in London and a case conference meeting is scheduled to take place with all parties on 12 June. The conference will outline the skeleton arguments so that the court can decide how much time will need to be allocated to hear the case.
- 11.6 If the Court agrees to grant the prohibitory injunction, and then there is clear evidence that it has not been complied with, the County Council will need to carefully consider whether the evidential and public interest tests for initiating prosecution proceedings are met.

12 BLOCK FEN

- 12.1 Aggregate Industries (AI) completed work to upgrade the first half of Block Fen Drove up to the Tarmac quarry access in accordance with their approved scheme.
- 12.2 In February 2016 Mick George Ltd (MGL) proposed a scheme for the second half of the Drove upgrade, on the understanding that all the operators with active development sites on Block Fen contributed to its cost.
- 12.3 A formal Section 278 (S278) agreement from the Highway Authority was required for the works and the application for the agreement needed to be accompanied by 50% of the application fee. In September 2016 the sharing of the costs for the scheme was agreed and all the operators sent in their share of the formal S278 agreement application fee.
- 12.4 Discussions are still taking place between MGL as the lead operator and the Highway Authority on the final design. Once the design is agreed, an agreement to deliver the works on the second half of Block Fen Drove can be completed. The council has a planning application before it from MGL for continued and new waste management uses. The developer has been advised that should permission be granted it would be dependent on the road improvements being secured through a Section 278 agreement with highways colleagues.
- 12.5 Members have been provided with an update on this issue within the officer report on the earlier agenda item relating to Witcham Meadlands, planning application reference F/2000/17/CW.

13 LAND AT WARBOYS AIRFIELD INDUSTRIAL ESTATE

- 13.1 The land at Warboys Airfield Industrial Estate had planning permission for the storage and processing of waste electrical and electronic equipment, subject to conditions, one of which restricted the location and amount of waste stored outside the buildings.
- 13.2 In January 2015 the waste operator was put into administration, leaving several thousand tonnes of cathode ray tube (CRT) waste on the land. The landowner began removing the waste but the rate of removal was unacceptably slow and so a BCN was served in October 2015. The compliance period on the notice was not sufficient to allow for the removal of the CRT waste to permitted specialist waste sites and so officers monitored the site throughout 2016 and 2017 to check the removal of the specialist waste from the site.
- 13.3 Officers have confirmed the removal of all the remaining waste has been completed and there is no further breach of planning control on the site to pursue.

14 BARRINGTON QUARRY

- 14.1 Officers are continuing to investigate the alleged breach of a condition attached to the planning permission allowing the importation of waste by rail into the former Cemex Quarry site at Barrington. The condition in question relates to the noise from

rail movements at Foxton Sidings between 11pm and 7am and disturbance to local residents caused by engines idling on the track.

- 14.2 A PCN was served on Cemex on 11 May 2017 to gather further evidence relating to the breach and legal advice has been obtained in relation to the noise limit set in the condition. The breach is intermittent and no further action has been taken whilst the rail operations are under investigation.
- 14.3 In addition, the Rail Management Scheme approved as part of the S106 legal agreement for the site specifies that the maximum idling time for rail engines is 15 minutes and the operator has confirmed that there have been a number of occasions when this has been exceeded. As with the breach of condition detailed above, officers continue to monitor the situation and may need to address these non compliances formally if they cannot be resolved by Cemex and the rail operator.

15 SAXON PIT, PETERBOROUGH ROAD, WHITTLESEY

- 15.1 In January 2018 the Environment Agency (EA) received a number of odour complaints associated with inadequate waste acceptance procedures taking place at Saxon Pit as part of filling the excavation void which is covered by a County Council waste planning permission.
- 15.2 Investigations undertaken by the EA have revealed a large scale problem regarding the acceptance and depositing of nonconforming material containing shredder residue and trommel fines mixed with clay and lime covering a large area down to an approximate depth of 2 metres.
- 15.3 The EA is continuing to gather evidence and work with the operator to remediate the site accordingly. The operator has submitted a voluntary action plan for consideration but before any further depositing or re-depositing of material takes a place, the operator will have to undertake testing (including leachate testing) to demonstrate the materials' suitability both from a geotechnical and environmental perspective.
- 15.4 The planning permission for the site prevents the operator from accepting non-conforming waste (namely scrap metal) but the EA are leading on this investigation because there are multiple breaches of the operator's environmental permit including the mixing and blending of waste.
- 15.5 The agent has recently advised that all work on site has stopped whilst the operator voluntarily comes up with a remediation strategy to be agreed by EA. The net result of the unauthorised activity is that the stabilisation project will not be completed by November 2018 as originally intended. Therefore, it is likely that a S73 application will be submitted to extend permission for the development by one year and the operator is still preparing a planning application to buttress the southern face of the old quarry.

16 FORMER QUARRY AT LONG DROVE, SOMERSHAM

- 16.1 In June 2005 planning approval, reference H/05040/03/CM, was given for 'Variation of Planning Condition 3 of Planning Permission H/0641/89 to extend the duration of the permission period from 2005 to 2013 for the completion of extraction and restoration at Somersham quarry, Long Drove, Somersham. Condition 3 of the amended permission required that the land be reinstated to a condition suitable for informal recreation and agricultural use by 31 December 2013. The details of the restoration of the land to provide farm land and a Pocket Park were set out in approved plans and the terms of a S106 agreement (and subsequent variation).
- 16.2 The Pocket Park has not yet been completed and made accessible for the public owing to issues with flooding on the land and the need to finalise some of the specifics of the Pocket Park and associated footpaths and bridleways. Officers hope to be able to update members on the opening date for the Pocket Park later this year.

17 RECYPLAS, WIMBLINGTON

- 17.1 On 16 February 2017 Planning Committee approved a Section 73 application to vary the planning conditions associated with Recyplas at Unit 1, Eastwood End Industrial Estate, Eastwood End, Wimblington, reference F/2010/16/CW. The application was implemented.
- 17.2 In July 2017 officers received an allegation that work was taking place at the site on a Sunday, outside of hours of operation restricted by condition 7 of the permission. The operator confirmed that work to clean machinery did sometimes take place on a Sunday and so officers advised, in writing, that if machinery was turned on to undertake this task then they considered that this was a breach of condition 7 of F/2010/16/CW.
- 17.3 In August and September 2017 the complainant submitted further allegations regarding a breach of condition 7 of F/2010/16/CW at Recyplas, this time relating to work taking place after 7pm. On 11 October 2017 officers undertook unannounced out of hours monitoring of the site and on arrival at 7.59pm found no work taking place on site. The complainant was advised accordingly
- 17.4 The complainant continued to allege that work was regularly taking place in the evenings and overnight at the site. Officers advised the complainant that sound testing had been taking place in connection with the production of a noise report to support a planning application to vary the condition restricting working hours. The complaints continued to be submitted.
- 17.5 On 22 March 2018 officers undertook further unannounced out of hours monitoring of the site and on arrival at 8.04pm they confirmed that machinery was being operated outside of the permitted working hours and that a breach of condition was taking place.
- 17.6 On 25 April 2018 officers served a Planning Contravention Notice (PCN) on Recyplas to gather further evidence in relation to land ownership and the breaches of planning control. The response to the PCN is a formal legal document which can

be used in evidence if the breaches of condition continue and it becomes necessary to initiate formal enforcement action.

18 COLNE FEN, EARITH

- 18.1 In February 2016 a Freedom of Information (FOI) request was submitted to the Council regarding the Heavy Goods Vehicle (HGV) movements associated with Bridge Farm, Colne and Colne Fen quarries.
- 18.2 In order to respond to the FOI request Mick George Limited (MGL) were asked to confirm that the number of HGV movements associated with the site were within the limits set out in the respective planning conditions for the site.
- 18.3 The figures provided by MGL confirmed that regular breaches of the conditions restricting the number of HGV movements from the Colne Fen site had regularly been breached throughout July and August 2017. The HGV movements from Bridge Farm were within the limits set out in the condition imposed on the planning permission for that site.
- 18.4 MGL were asked to provide further records of HGV movements associated with Colne Fen to provide a six month period and these figures confirmed that the number of HGV movements had reduced and were back within the limits set out in the planning conditions.
- 18.5 MGL have been advised that the records of HGV movements associated with Colne Fen will now be requested on at least a quarterly basis and that further confirmed breaches of these conditions could result in formal enforcement action being initiated.

APPENDIX 1 - ENFORCEMENT CASES WHERE ACTION HAS BEEN TAKEN AND MONITORING IS ONGOING

KEY: RED = HIGH PRIORITY AMBER = MEDIUM PRIORITY GREEN = LOW PRIORITY

Description of Alleged Breach	Location	Notice Issued	Comments
<p>1. AMBER Failure to comply with condition 6 of planning permission F/02017/08/CM and E/03008/08/CM.</p> <p><u>Condition 6</u> 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>	Mepal Quarry Block Fen Drove Mepal	BCN 06/01/14	<p>Planning permission F/02017/08/CM and E/03008/08/CM permit an extension to Mepal Quarry.</p> <p>A BCN was served on the site operator for failing to implement the approved scheme to improve the public highway</p> <p>At the July 2014 meeting Planning Committee authorised officers to employ Counsel to explore the courses of action available to the Authority to secure compliance with the planning conditions.</p> <p>Officers are working with the operators to move the implementation of the scheme forward.</p> <p>See section 12 on Block Fen in the main body of the report for a further update.</p>
<p>2. AMBER Failure to comply with condition 9 of planning permission F/02013/07/CW.</p> <p><u>Condition 9</u> 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 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>	Witcham Meadlands Quarry Block Fen Drove Mepal	BCN 16/12/13	<p>Planning permission F/02013/07/CW permits the use of part of the land at Witcham Meadlands Quarry as a waste transfer station with skip storage area and associated traffic. A BCN was served 16 December 2013 requiring the submission of a scheme for the phased improvement of Block Fen Drove, from its junction with the A142 to its junction with the private haul road, within 30 days.</p> <p>In April 2014 the operator submitted an incomplete scheme which was refused. A revised scheme, submitted in November 2014, was accepted in part but did not relate to all of the relevant parts of Block Fen Drove. A scheme that addressed the remaining part of the Drove was therefore requested. See section 12 of this report for a further update.</p>

Description of Alleged Breach	Location	Notice Issued	Comments
<p>3. AMBER Failure to comply with condition 7 of planning permission S/01556/10/CW regarding surfacing of the site.</p>	<p>Long Acre Farm Fen Road Chesterton Cambridge</p>	<p>BCN 08/10/13</p>	<p>A joint visit with the EA on 26 May 2015 confirmed that the majority of the waste had been removed from the site, the hardcore and soils that remained on site did not represent a pollution risk. Recent visits to the site indicted that the site was no longer a waste transfer station and that the site was being cleared. On 10 August 2017 the land owner advised that all remaining waste had been cleared from the site in advance of a South Cambs (SCDC) planning application being granted. However, on 19 October 2017 SCDC refused planning application reference S/0831/17/FL for the change of use of the land to a site for mobile homes. Officers will continue to monitor activity at the site and check whether the waste use has resumed in the near future.</p>
<p>4. GREEN Breach of Condition 12 of planning permission S/00060/10/CW</p> <p><u>Condition 12</u> 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 WPA</p>	<p>Wilbraham Quarry Mill Road Great Wilbraham</p>	<p>BCN 02/06/11</p>	<p>In June 2011 the WPA served a BCN in respect of the failure to install the wheel wash in accordance with the planning condition.</p> <p>The landowner remains in breach of this condition. However, the steps for compliance with the EN issued on 1 May 2012 include a requirement to keep Mill Road free of mud and debris.</p> <p>During recent visits to the site, officers have not seen any mud or debris on the road.</p>

APPENDIX 2 – EXTANT NOTICES

This appendix contains information on formal notices which have been served and remain in force.

Description of Breach	Location	Notice Issued	Current position
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.	First Drove Little Downham Ely (This is <u>NOT</u> the site referred to in section 11 above, although it is part of the same agricultural unit)	EN 17/01/12	<p>An EN for unauthorised change of use was served on 17 January 2012. The EN was upheld but varied at appeal. The amended notice required the removal all the waste from land to the level of the adjoining field and to return the land to its former condition. Topographical surveys of the land confirmed that the level of the land had not been reduced and the EN had not been complied with. However, Counsel has advised that the case did not meet the public interest test for a prosecution.</p> <p>The enforcement case remains subject to review and, as detailed in section 11 above, a case conference meeting will be held at the High Court on 12 June in relation to the application for a prohibitory injunction to prevent any further importation of waste onto the land.</p>
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. No further tipping appears to have taken place since May 2010.