

Agenda Item No: 8

**Update on Investigation into Importation of Waste at First Drove and Black Bank,
Little Downham**

To: **Planning Committee**

Meeting Date: **16th February 2017**

From: **Principle Enforcement and Monitoring Officer**

Electoral Divisions: **Sutton**

Purpose: **To consider the above**

Recommendation: **To note the contents of the report**

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1. Officers met with Senior Management on 23 January 2017 to discuss the planning enforcement investigation into the activities at field 6184, Black Bank, Little Downham and can now provide a further update on the investigation.
- 1.2 The owners and tenant farmer of the land known as field 6184 have repeatedly referenced the ability to bring waste materials onto the land under Permitted Development rights 'reasonably necessary for the purposes of agriculture' and so officers have carefully considered what permitted development rights apply in this case.
- 1.3 Officers now need to meet with officers from East Cambridgeshire District Council (ECDC) to discuss the County Council's assessment of the permitted development rights for agriculture (which can include engineering operations and the construction of agricultural buildings).
- 1.4 Officers will also discuss the current land levels at First Drove in relation to the extant enforcement notice on the land with ECDC and then advise the landowners that the decision not to pursue this, based on Counsel advice, will be reviewed if any further waste materials are brought onto the land or activities take place that require planning permission from the County Council

2. Topographical survey

- 2.1 The Topographical Survey results of field 6184 from December 2016 have been received and the survey company have been asked to provide further technical input to help interpret the data and seek clarification of the variation in land levels that has taken place. The Council has the results of a previous survey of the 'Asgard' part of the field but this is the first time that the land levels of the 'new' field have been taken.

3. Next Steps

- 3.1 Following the meeting with officers at ECDC, and the interpretation of the survey results, officers will write to the landowner / those with an interest in field 6184 clearly setting the findings of the survey and formal advice on which Permitted Development (PD) rights apply. The letter will also advise that if any waste material is brought on to either field 6184 or First Drove officers will review whether it is PD and if it is not we will refer to the evidence from the appeal decision (in relation to First Drove), the Waste Transfer Notes and the updated land levels and are likely to conclude that this has caused a change of use of the wider agricultural unit to landfill that would require county permission.

4. Recommendation

- 4.1 Members are recommended to note the contents of the report.