

Enforcement and Monitoring Update Report 2025

To: Planning Committee

Date: 12 February 2025

From: Head of Planning

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 and formal action undertaken by the County Planning, Minerals and Waste (CPMW) team within the Environment, Planning and Economy service.
- 1.2 The Council's Scheme of Authorisation to Officers gives delegated authority to officers to issue planning contravention notices, enforcement notices, stop / temporary stop notices and breach of condition notices, relating to breaches of planning control for mineral and waste development, provided that any action taken is reported to the Planning Committee thereafter. The Scheme of Authorisation can be found on the Council's webpages: [Place and Sustainability Scheme of Authorisation - 11 October 2024](#)
- 1.3 The full update report is usually prepared and presented to Planning Committee on a quarterly basis, unless there are no items on the Committee agenda in which case the Chair approves postponing the update report until the Committee next convenes.
- 1.4 The last full Enforcement and Monitoring update report was presented to members on 20 March 2024 and covered the period 1 April 2023 up to 31 January 2024. A shorter enforcement update report was brought before members on 17 July 2024 which only provided updates on formal enforcement action taken by the team, in line with the reporting requirements in the Scheme of Authorisation to Officers.
- 1.5 Section 2 of the report covers the complaints received and investigated by the team between 1 January 2024 and 31 December 2024. Sections 3 and 4 of the report refer to formal Notices served and ongoing appeals, section 5 relates to the proposal to serve an Enforcement Notice and Stop Notice, subject to legal advice. Sections 6 to 8 provide updates on Planning Contravention Notices (PCN) that have been served in the period sections 9 and 10 detail PCNs that have been authorised and not yet served.
- 1.6 Section 11 of the report provides an update on the monitoring visits conducted by the team between 1 January 2024 to 31 December 2024. These dates account for the date of the drafting of the reports and the fact that there has not been an opportunity to bring an update report before members in the intervening period.

2 Complaints

- 2.1 At the time of writing this report County Planning Minerals and Waste (CPMW) have 28 active complaints under investigation. Of the current complaints:
 - 4 are the subject of formal enforcement action
 - 4 are awaiting the submission or determination of a planning application
 - 2 relate to a breach where a report recommending formal enforcement action is currently being prepared or reviewed by Pathfinder Legal
 - 5 relate to the preparation or service of a PCN
 - 13 remain under investigation.

- 2.2 Between 1 January 2024 and 31 December 2024, the team received 33 new complaints.
- 2.3 At the time of writing this report, 16 of the 33 complaints received were investigated and closed, the resolutions being:
- 7 not a County matter
 - 6 breaches remedied
 - 2 no breach of planning control established
 - 1 planning permission granted to address breach.
- 2.4 A further 8 pre-existing complaints were also closed in the period.

3 Notices Served

- 3.1 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.
- 3.2 Since the last update report to members no new formal ENs or BCNs have been served, however the CPMW team are awaiting legal advice in connection with a recommendation to serve an EN accompanied by a Stop Notice for unauthorised waste uses taking place at Beats Lodge, Murrow. Details of the investigation that led to this recommendation can be found in section 5 below.
- 3.3 A BCN remains in effect in relation to the failure to comply with planning conditions restricting working hours and site operations at Allen's Skips, Willow Row Drove, Littleport and officers are monitoring compliance with the Notice. Details of the investigation can be found in Appendix 1, along with the information relating to other formal notices that have been served and are at appeal.
- 3.4 Planning Contravention Notices (PCN's) are a formal legal questionnaire that is used to gather evidence of land ownership and information relating to alleged breaches of planning control. Since the last update report on enforcement action, three PCNs were served, the details of which can be found in section 6 to 8 below.
- 3.5 In addition, at the time of drafting this report, the team have the authorisation to serve two further PCN's and are preparing them for service. Details of these PCNs and the investigations that led to them can be found in sections 8 and 9 below and members will be provided with an oral update on their service at Committee.

4 Appeals

- 4.1 The Council continues to await the determination of three appeals against the service of enforcement notices. The appeals all relate to the unauthorised use of land for waste activities that need planning permission.
- 4.2 The appeals, which are yet to be decided by the Planning Inspectorate (PINS) and relate to:
- Land adjacent to Sandfield Bungalow, Mill Road, Fen Drayton (notice served 5 June 2024 and appealed 11 June 2024)
 - Land behind Corkers Crisps, Willow Farm, Pymoor, Ely

(notice served 16 November 2023 and appealed 13 December 2023)

- Land at The Pig Unit, Harthay Farm, Thrapston Road, Ellington
(notice served 5 October 2023 and appealed 4 November 2023).

4.3 Further information on these Notices and the Appeals can be found in Appendix 1.

5 Enforcement Notice and Stop Notice: Beats Lodge, Murrow

- 5.1 Between August 2020 and August 2023 officers investigated waste uses taking place at the site and a planning application for “Continued use of land for recycling inert waste including use of a screener; construction of an earth bund and material storage bays; and erection of a demountable building” was refused on 14 April 2022. The investigation by the CPMW team was closed in September 2023 when Fenland District Council granted planning permission for use of the land as a builder’s yard.
- 5.2 On 5 July 2024, the Environment Agency (EA) made the CPMW team aware that waste was being brought on to the site and put through a grading machine. On 9 July 2024 a joint visit by the CPMW team and the EA confirmed that a crusher had been brought on to site for processing waste.
- 5.3 On 25 July 2024, a letter was sent to the operator advising that further complaints had been received about activity at the site and that the importation, storage, processing of waste at the site should cease within 28 days otherwise officers would seek authority to serve an Enforcement Notice. On 1 September 2024 a further complaint was received about noisy activity at the site and the processing of waste material using a crusher.
- 5.4 On 3 September 2024, officers received an email from a representative for the site commissioned to assist with waste/environmental permit matters. The email listed a number of materials imported onto to the site and defined their status under waste exemptions. On 4 September 2024, officers wrote to the operator to advise that they were now seeking authority to serve an Enforcement Notice.
- 5.5 At the time of drafting this report, the CPMW team are awaiting legal advice on draft Enforcement and Stop Notices.

6 PCN served: Land behind 7-9 Main Street, Yaxley

- 6.1 In November 2022, officers began an investigation into allegations that waste activities were taking place at the site. In December 2022, officers visited the site and saw a large number of vehicles, boats, caravans and two vans with sign-writing advertising house clearance. There were also stockpiles of household and other waste items, including Waste Electrical Equipment (WEE), paint cans, and Construction and Demolition (C&D) waste on the site. The operator explained that the site was divided into several plots and that they were not responsible for all the items.
- 6.2 Following further investigation, it was confirmed that there was no planning permission for waste uses on the site and the operator was advised that all waste uses should cease. Over the following eighteen months officers had discussions with the operators and owners of the site to establish areas of responsibility, the types of

activity being conducted, what activities would constitute waste planning matters and what would be matters for the district planning authority.

- 6.3 In June 2024, having visited the site several times and seen little reduction in the waste materials on site, a report was drafted seeking authority to serve a PCN. The PCN was served in August 2024.
- 6.4 The response to the PCN and subsequent meetings resulted in an agreed timescale for the removal of waste accumulated and unauthorised activity to cease. Officers will continue to monitor the site until the breach is resolved.

7 PCN served: Saxon Pit, Peterborough Road, Whittlesey

- 7.1 In early October 2024, the CPMW team along with the Environment Agency (EA) and Fenland District Council (FDC) Environmental Health (EH) started to receive numerous complaints from Whittlesey residents about a putrid odour which was emanating from the Saxon Pit former quarry.
- 7.2 The multi-agency investigation indicated that the odour was likely to be as a result of soils being imported for use in the restoration of the buttressing of the eastern face of the former quarry, authorised under the county planning permission reference CCC/22/092/VAR. The approved restoration scheme for the site stated that all restoration soils would be inert and sourced from construction and demolition sites within as close proximity to Saxon Pit as possible. However, a new soil type had recently been approved by the EA for use at the site and this soil was classified as a wider waste type that included food waste, which is not inert.
- 7.3 The site operator rejected the suggestion that the new material was the source of the odour that was being widely reported. However, FDC EH officers went to site and were of the view that the new soils were the source of the odour. Officers from CPMW requested that the importation of the soils ceased and the operator agreed, pending the result of further investigation.
- 7.4 A PCN was served on 23 October 2024 in order to establish more details on the type and origin of the material being used in the restoration work, whether it complied with that approved as part of the planning permission and whether it could be established that this material could cause unpleasant odour.
- 7.5 Following discussions around the PCN with the operator of the eastern buttressing planning permission and the responses provided to the PCN, officers were able to confirm that the new material was definitely the source of the odour. As a result of the intervention and the service of the PCN, the operator agreed that the new alternate soils are not suitable for use in the restoration and would not be used going forward.

8 PCN served: Old Grain Silo, Flaggrass Hill

- 8.1 Between April 2021 and February 2022 an investigation was conducted into waste processing taking place at the Old Grain Silo, Flaggrass Hill. The investigation was closed after a site visit by officers during which established that no further waste would be brought to site.

- 8.2 On 28 February 2024 officers conducted an unannounced visit to the site, having received complaints about a neighbouring site linked to the same operator. Several stockpiles of processed and unprocessed waste were noted on site, including construction and demolition waste and green waste. Several skips containing scrap metal were also noted. The operator was reminded that planning permission is required for waste activities.
- 8.3 A follow up visit on 6 March 2024 confirmed that no further waste had been imported to the site. However, site visits on 18 June 2024 and 31 July 2024 found evidence that further waste was being processed on site and the unauthorised waste uses were continuing.
- 8.4 On 21 October 2024, a joint visit between the EA and officers from the CPMW team confirmed that the operator had a waste permit from the EA for the site, however the planning permission necessary to operate a waste business had not been obtained. The operator advised that they had commissioned an agent to prepare and submit a planning application.
- 8.5 The service of PCN was recommended in order to gather formal, legal confirmation of the operator's intention and timescales for the submission of any planning applications. PCNs were served on the operator and landowner on 9 January 2025. Members will be provided with an oral update on this case at Committee.

9 PCN Pending: Goslings Drove, Farcet

- 9.1 On 6 November 2024, the CPMW team received an allegation that a site at Goslings Drove, Farcet was operating as a waste transfer station. A search of planning records confirmed there was no waste planning permissions in place and an unannounced site visit took place on 13 November 2024.
- 9.2 The site visit confirmed that large scale and organised processing of inert construction and demolition waste was taking place and whilst the onsite operatives confirmed that they had a permit from the Environment Agency for these waste activities, there is not planning permission for waste uses at the site.
- 9.3 A report recommending that a PCN is served has been approved, so that officers can establish all those with interest in the land and gather further information about the breach of planning control. At the time of writing this report the PCN is being drafted for service and members will receive an oral update at Committee.

10 PCN Pending: Station Quarry, Steeple Morden

- 10.1 Station Quarry in Steeple Morden is one of two joined quarries which have planning permission to extract and export chalk. The most recent, and extant permission for the quarry was issued on 31 January 2024, under planning permission reference CCC/23/034/VAR. Condition 25A of the permission relates to the phased restoration and management of the quarry and requires:

“Within 6 months from the date of this decision, full details of the first phase of the restoration scheme, in so far as it relates to the application area relating to Station Quarry shown edged red on drawing number CCC/SM1 dated December 1999

received 13 March 2000, together with a management scheme shall be submitted to and approved in writing by the Mineral Planning Authority.”

- 10.2 Noting the date of the issue of the permission, the information to discharge the condition should have been submitted by 31 July 2024 but at the time of drafting this report, has not been submitted.
- 10.3 Officers from CPMW undertake proactive visits to the quarry under the chargeable monitoring regime and in the monitoring reports issued to the operator following visits, requests were made to provide updates on when the required scheme would be submitted. Following the date by which the scheme should have been submitted, the operator was given a further two months to submit the details but none were forthcoming.
- 10.4 As the deadline for submission has passed, and requests for the information have not resulted in it being provided, a PCN will be served in order to gather further information and inform whether it is necessary to pursue serving a Breach of Condition Notice or alternate formal action.

11. Site Monitoring visits 1 January 2024 to 31 December 2024

- 11.1 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 and 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 (as amended). The fees are £496 for each visit to an active site and £165 for inactive or dormant sites, or one which is in restoration.
- 11.2 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.
- 11.3 Between 1 January and 31 March 2024 officers completed all of the remaining scheduled monitoring visits for the 2023-4 financial year. Between 1 April 2024 (the new financial year) and 31 December 2024 (the end of quarter 3 of the financial year), officers conducted a total of 56 chargeable monitoring visits. It is expected that the remainder of the planned chargeable visits will take place by the end of the financial year.
- 11.4 The total income from the site visits conducted in the current financial year is expected to be in the region of £31,077.00.
- 11.5 Other sites that are the subject of waste planning approvals, 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.
- 11.6 Officers also conduct enforcement visits in relation to the sites listed above and to investigate unauthorised sites. However, the cost of these visits is borne by the Authority.

11.7 The table below shows the number of visits that the enforcement and monitoring team conducted between 1 April 2024 and 31 December 2024 i.e. the first three quarters of the financial year.

Site Type	Number of Visits
Landfill	9
Quarry	47
Non-chargeable sites	7
Complaint Visits	37
Total	100