

PLANNING COMMITTEE



Date: Thursday, 19 January 2017

Democratic and Members' Services

Quentin Baker

LGSS Director: Law and Governance

10:00hr

Shire Hall

Castle Hill

Cambridge

CB3 0AP

Kreis Viersen Room

Shire Hall, Castle Hill, Cambridge, CB3 0AP

AGENDA

Open to Public and Press

- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence | |
| 2 | Declarations of Interest | |
| 3 | Minutes - 15th December 2016 | 3 - 12 |
| 4 | Enforcement Plan Review | 13 - 30 |
| 5 | Enforcement Update Report 1st August - 31st December 2016 | 31 - 44 |

The Planning Committee comprises the following members:

Councillor David Connor (Chairman) Councillor Mandy Smith (Vice-Chairwoman)

Councillor Peter Ashcroft Councillor Barbara Ashwood Councillor Lynda Harford Councillor Bill Hunt Councillor Sebastian Kindersley Councillor Alan Lay Councillor Mervyn Loynes Councillor Mike Mason Councillor Jocelyne Scutt

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact

Clerk Name: Daniel Snowdon

Clerk Telephone: 01223 699177

Clerk Email: daniel.snowdon@cambridgeshire.gov.uk

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Public speaking on the agenda items above is encouraged. Speakers must register their intention to speak by contacting the Democratic Services Officer no later than 12.00 noon three working days before the meeting. Full details of arrangements for public speaking are set out in Part 4, Part 4.4 of the Council's Constitution <http://tinyurl.com/cambs-constitution>.

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PLANNING COMMITTEE: MINUTES

Date: Thursday 15th December 2016

Time: 10.00am – 10:30am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors P Ashcroft, B Ashwood, D Connor (Chairman), L Harford, B Hunt, S Kindersley, A Lay, M Mason, M Loynes, M Smith, and J Scutt

213. APOLOGIES AND DECLARATIONS OF INTEREST

No apologies for absence were received.

The Chairman informed the Committee that whilst he did not have an interest to declare in the planning applications before the Committee, he requested that the minutes note that he had previously visited an adjacent site (that experienced a fire), for a meeting with the Environment Agency, the local member (Cllr Ralph Butcher) and an officer from the Monitoring and Enforcement Team from Cambridgeshire County Council. Following that meeting he had been forwarded correspondence via the local Member that raised concerns about the application site which he passed on to officers to investigate. This correspondence had not clouded his judgement and he would consider the applications with an open mind before coming to any conclusions.

There were no other declarations of interest.

214. MINUTES – 6TH NOVEMBER 2016

The minutes of the Planning Committee meeting held on 3rd November 2016 were agreed as a correct record and signed by the Chairman.

215. SECTION 73 APPLICATION TO DEVELOP LAND WITHOUT COMPLYING WITH CONDITION 3 (APPROVED PLANS), CONDITION 5 (ANNUAL THROUGHPUT) AND CONDITION 6 (OPERATING HOURS) OF PLANNING PERMISSION F/02001/13/CW FOR A WOOD WASTE RECYCLING FACILITY (PART RETROSPECTIVE)

AT: UNIT 1, 35 BENWICK ROAD INDUSTRIAL ESTATE, WHITTLESEY, PE7 2HD

APPLICANT: EAST ANGLIAN RESOURCES LTD.

APPLICATION NO: F/2008/16/CW

The Committee considered a section 73 application to carry out the development of the site without complying with conditions 3, 5 and 6 of planning permission F/02001/13/CW to:

- i. Amend the approved site plan to enable flexibility in the position of the wood stockpiles to avoid conflict with the fire prevention plan which was part of the environmental permit.
- ii. Increase the annual throughput from 15,000 to 29,999 tonnes per annum; and
- iii. Extend the hours of operation by 1 hour until 1900 hours on Mondays to Fridays.

Officers drew attention to the location of the site in relation to the Benwick Road, nearby railway line and the closest residential property that was located opposite the entrance to the Industrial Estate. Portakabin offices, water supply for firefighting, a new building and reject material locations were highlighted to Members on the site plan. Members noted that wood stockpile locations moved with demand.

The comments of Whittlesey Town Council were relayed to the Committee following their late submission after the agenda and reports had been published. The representation included comments regarding non-compliance issues affecting the site and officers reminded Members that site operator performance could not be taken into consideration within the context of the application.

Officers explained that the site layout plan approved in 2013 required the stockpile of material to be arranged in a linear formation that now conflicted with fire prevention plan standards as part of the environmental permit. In order that the site operator was able to respond to future changes in fire prevention planning it was therefore proposed that the site plan be amended to allow greater flexibility in the position of wood stockpiles. The visual impact of the stockpiles would remain controlled through existing condition and environmental permit.

Members noted that the applicant originally proposed that the annual throughput of the site be increased to 50,000 tonnes but in response to the Environment Agency's initial objection reduced the annual throughput for the site to 29,999 tonnes so as to be consistent with the environmental permit. The Highway Authority completed its assessment based on annual throughput of 50,000 tonnes and raised no concerns.

Officers informed Members that that the application for the hours of operation to be extended by 1 hour until 1900 hours would still be considered to be daytime hours and condition 12 of the environmental permit would be sufficient to control noise emanating from the site. Although it was acknowledged that complaints had been received alleging non-compliance with condition 6 (hours of operation), the past performance of the operator could not be taken into account when determining the application.

Appearing on behalf of the applicant, Bobby Tribe in response to Member questions clarified the surface water drainage arrangements for the site and the location of the weighbridge.

Local Member Councillor Ralph Butcher, although unable to attend the meeting wished it to be passed on to the Committee that he echoed the comments of Whittlesey Town Council.

It was unanimously resolved:

To grant planning permission subject to the conditions set out in appendix A to these minutes.

216. EXTENSION TO EXISTING WOOD WASTE RECYCLING FACILITY AND ERECTION OF A WORKSHOP (RETROSPECTIVE)

AT: UNIT 1, 35 BENWICK ROAD INDUSTRIAL ESTATE, WHITTLESEY, PE7 2HD

APPLICANT: EAST ANGLIAN RESOURCES LTD.

APPLICATION NO: F/2009/16/CW

The Committee received a retrospective planning application for an extension to the existing wood waste recycling facility at Benwick Road Industrial Estate and the retention of a workshop in which tools and equipment to carry out plant and HGV repairs and maintenance were stored.

The conditions set out in the officer report contained wording within brackets that would be included in the Decision Notice if application F/2008/16/CW was granted.

It was resolved unanimously:

To grant planning permission subject to the conditions set out in appendix B to these minutes

217. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS

It was resolved to note the decisions made under delegated powers.

218. DATE OF NEXT MEETING: 19TH JANUARY 2017

Chairman

Appendix A

1. This permission shall be implemented within one month of the date of this decision notice. The operator shall notify the waste planning authority in writing, not more than 14 days after the event, of the date upon which this planning permission has been implemented.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004

2. This permission shall be limited to a period expiring on 30 June 2018 at which time all unprocessed wood waste, processed wood product, the site office/mess room and weighbridge office shall be removed and the site restored to its pre-development condition.

Reason: Permission was sought and granted for a temporary period in the interests of visual and residential amenity in accordance with policies CS34 of the Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

3. This planning permission shall only relate to the area edged red on Location Plan - Plan Ref: EARL1 hereafter referred to as "the site". The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location Plan - Plan Ref: EARL1

Site Plan – Plan Ref: EARL 16/2 Rev B

Plan Ref: EARL3 (office/mess room and weighbridge office)

Reason: To define the site and enable the development to be monitored and enforced in the interests of visual and residential amenity in accordance with policies CS34 of the Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

4. Nothing other than non-hazardous wood shall be stored or treated at the site.

Reason: To minimise the risk of pollution in accordance with policies CS34 & CS39 of the Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

5. The throughput of the site shall not exceed 29,999 tonnes per calendar year.

Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP15 of the Fenland Local Plan (May 2014) and the management of the risk of fire and fugitive dust in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

6. No operations associated with the development on the site shall take place outside the hours of 0700 to 1900 Mondays to Fridays and 0700 to 1300 on Saturdays. There shall be no such activities on Sundays or Bank or Public Holidays.

No HGVs shall enter or leave the site outside the hours of 0700 to 1900 Mondays to Fridays and 0700 to 1300 on Saturdays. No HGVs shall enter or leave the site on Sundays or Bank or Public Holidays.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

7. Stockpiles shall not exceed 4 metres in height when measured from the adjacent ground.

Reason: In the interests of visual amenity in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 Fenland Local Plan (May 2014)

8. No external lighting shall be installed at the site except in accordance with details that have been submitted to and approved in writing by the WPA. No external lights other than security lights shall be illuminated before 0630 hours and after 1930 hours Monday to Friday and before 0630 hours and after 1330 hours on Saturdays.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

9. The dust mitigation scheme comprising pages 3 and 4 of the document *Woodacre Developments Ltd Scheme to discharge planning conditions 8, 9, 11, 13 and 14 of Consent No F/02001/13/CW* dated July 2013 shall be implemented in full.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

10. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers. Mobile plant shall use broadband reversing alarms.

Reason: To minimise disturbance to the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

11. The noise monitoring scheme comprising pages 5 and 6 of the document *Woodacre Developments Ltd Scheme to discharge planning conditions 8, 9, 11, 13 and 14 of Consent No F/02001/13/CW* dated July 2013 shall be implemented in full.

Reason: To enable the developer to comply with the noise limit set in condition 12 to minimise disturbance to the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

12. Noise from the activities hereby permitted shall not exceed 55dB(A) Leq, 1h (free field) or be more than 10dB(A) above the background level at any noise sensitive property.

Reason: To minimise disturbance to the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

13. The surface water disposal scheme comprising page 7 of the document Woodacre Developments Ltd Scheme to discharge planning conditions 8, 9, 11, 13 and 14 of Consent No F/02001/13/CW dated July 2013 as amended and amplified by Gough Planning & Development Ltd letter dated 7 October 2014 (sic) (received 8 January 2014) shall be implemented in full.

Reason: To minimise the risk of pollution of the water environment in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policies LP14 and LP16 of Fenland Local Plan (May 2014)

14. The water supply for fire fighting described in the developer's email to the Fire Service (Bobby Tribe to Kevin Laska dated 2 September 2013) shall be maintained on site for the duration of the development.

Reason: To ensure that there is a sufficient and accessible water supply for fire fighting in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policies LP14 and LP16 of Fenland Local Plan (May 2014)

Appendix B

This permission shall be limited to a period expiring on 30 June 2018 at which time all waste and processed wood product shall be removed and the site restored to its pre-development condition.

Reason: To be consistent with planning permission F/02001/13/CW [F/2008/16/CW if granted] in the interests of visual and residential amenity in accordance with policies CS34 of the Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

2. This planning permission shall only relate to the area edged red on Location Plan - Plan Ref: EARL 16/1 Rev A hereafter referred to as "the site". The development hereby permitted shall not be carried out except in complete accordance with Site Plan – Plan Ref: EARL 16/2 Rev B.

Reason: To define the site and enable the development to be monitored and enforced in the interests of visual and residential amenity in accordance with policies CS34 of the Cambridgeshire and Peterborough Minerals & Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

3. Nothing other than non-hazardous wood shall be treated at the site.

Reason: To minimise the risk of pollution in accordance with policies CS34 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

4. The throughput of the site shall not exceed 29,999 tonnes per calendar year. [15,000 tonnes if application F/2008/16/CW is not approved]

Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP15 of the Fenland Local Plan (May 2014) and the management of the risk of fire and fugitive dust in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

5. No operations associated with development on the site shall take place outside the hours of 0700 to 1900 [1800 if application F/2008/16/CW is not approved] Mondays to Fridays and 0700 to 1300 on Saturdays. There shall be no such activities on Sundays or Bank or Public Holidays.

No HGVs shall enter or leave the site outside the hours of 0700 to 1900 [1800 if application F/2008/16/CW is not approved] Mondays to Fridays and 0700 to 1300 on Saturdays. No HGVs shall enter or leave the site on Sundays or Bank or Public Holidays.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

6. Stockpiles shall not exceed 4 metres in height when measured from the adjacent

ground.

Reason: In the interests of visual amenity in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

7. No external lighting shall be installed at the site except in accordance with details that have been submitted to and approved in writing by the waste planning authority. No external lights other than security lights shall be illuminated before 0630 hours and after 1930 [1830 if application F/2008/16/CW is not approved] hours Monday to Friday and before 0630 hours and after 1330 hours on Saturdays.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

8. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers. Mobile plant shall use broadband reversing alarms.

Reason: To minimise disturbance to the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

9. The dust mitigation scheme comprising pages 3 and 4 of the document Woodacre Developments Ltd Scheme to discharge planning conditions 8, 9, 11, 13 and 14 of Consent No F/02001/13/CW dated July 2013 shall be implemented in full.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of the Fenland Local Plan (May 2014)

10. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers. Mobile plant shall use broadband reversing alarms.

Reason: To minimise disturbance to the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

11. The noise monitoring scheme comprising pages 5 and 6 of the document Woodacre Developments Ltd Scheme to discharge planning conditions 8, 9, 11, 13 and 14 of Consent No F/02001/13/CW dated July 2013 shall be implemented in full.

Reason: To enable the developer to comply with the noise limit set in condition 12 to minimise disturbance to the occupiers of nearby properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

12. Noise from the activities hereby permitted shall not exceed 55dB(A) Leq, 1h (free field) or be more than 10dB(A) above the background level at any noise sensitive property.

Reason: To minimise disturbance to the occupiers of nearby properties in accordance

with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and policy LP16 of Fenland Local Plan (May 2014)

13. The workshop shown on Site Plan – Plan Ref: EARL 16/2 Rev B and described in paragraph 2.5 of the Supporting Statement dated August 2016 shall be used in connection with the wood waste recycling operation and for no other purpose.

Reason: To ensure that a separate use is not commenced to coexist with the waste processing activities in accordance with policy CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011)

ENFORCEMENT PLAN REVIEW

To: **Planning Committee**

Date: **19 January 2017**

From: **Head of Growth and Economy**

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

Purpose: **To consider the following report**

Recommendation: **The Planning Committee is requested to approve the updated Enforcement Plan.**

<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 This report seeks approval from members of the Planning Committee for an updated and amended Enforcement Plan for the County Planning, Minerals and Waste service.

- 1.2 Paragraph 207 of the National Planning Policy Framework states:

'Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'

- 1.3 The purpose of this Enforcement Plan (the Plan) is to explain the County Council's approach to achieving planning compliance at mineral and waste management sites within Cambridgeshire. The Plan also sets out what action can be taken and how decisions will be made in respect of pursuing formal action.

- 1.4 In December 2014 the Council consulted on a new Enforcement Plan. This Plan is published on the website on the planning enforcement pages:

http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/234/planning/8

- 1.5 The Plan is used as a framework for the enforcement and monitoring of mineral and waste sites, and gives guidance on how breaches of planning control on the County's own development sites are addressed.

- 1.6 The Plan is also the first document that the Planning Inspectorate and Local Government Ombudsman look to when assessing an enforcement appeal or complaint against the enforcement and monitoring service. Therefore the Plan is a key policy document that requires regular review to ensure that it remains current and relevant and that its stated aims and targets are achievable with the available resources.

- 1.7 The Enforcement Plan has recently been reviewed and the new draft plan, which is attached as Appendix A to this report, has been through a formal consultation process before being brought before members for their approval.

2 Consultation process

- 2.1 A formal consultation on the draft plan ran for a six week period between 24 October and 6 December 2016.

- 2.2 As part of the consultation process, copies of the draft plan were sent to all Parish Councils; the planning departments of all five district authorities in

Cambridgeshire; the planning departments of the seven adjoining County authorities; and the fifteen local Mineral and Waste operators that control the main mineral and waste sites within Cambridgeshire.

- 2.3 The draft plan was also published on the County Council's consultations web page and within the Planning enforcement and monitoring web pages.
- 2.4 Prior to the formal consultation process, the amendments to the Plan were approved by Legal Services.

3 Consultation responses

- 3.1 A total of 9 consultation responses were received from organisations.
- 3.2 A summary of the consultation responses received and action taken to address them can be found in Appendix B.
- 3.3 A summary of the responses received and action taken will be published on the planning enforcement and monitoring webpages. The pages can be found using the following link:

http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/234/planning/8

4 Key changes to the plan

- 4.1 Prior to this review, the Plan contained a significant amount of information on the procedures for monitoring and enforcement and the legal powers and processes for taking enforcement action. The detailed legal and procedural information did not fit with the stated purpose of a local enforcement plan which is to outline and explain how decisions on enforcement action are made by the authority. Therefore the additional information on the legal powers and County procedures were removed from the Plan ahead of the consultation. However, the information contained in the previous version of the Plan has been retained for inclusion within a 'Procedures' document which is being prepared for officer reference.
- 4.2 Enforcement complaints are assessed in relation to the potential significance of the issues raised and are then assigned a priority / category.

The previous plan had four categories of complaint:

Category 1 - Severe risk of irreversible harm occurring
Category 2 - Significant risk of harm occurring
Category 3 - Risk of harm occurring
Category 4 - Low risk of harm occurring

The new plan has reduced the categories of complaint to three:

Category 1 – High / Severe risk of irreversible harm occurring
Category 2 – Significant /Medium risk of harm occurring

Category 3 – Low Risk of harm occurring.

The reduction in the number of complaint categories will not alter the priority given to serious allegations or the target response times. The main purpose in reducing the number of categories is to ensure that the priorities are clearly defined and that they align with the 3 tier system within the planning enforcement database.

- 4.3 The other changes that have been made in updating the Plan are intended to provide clearer guidance on the work of the enforcement and monitoring team and have not significantly altered any meanings or processes.
- 4.4 If the amended Plan is accepted and approved, the next review of the Plan will be scheduled for 2019.

5 Further information

- 5.1 For further information on the revised Plan, County enforcement and monitoring procedures or individual enforcement or monitoring issues, please contact: deborah.jeakins@cambridgeshire.gov.uk.

6 Recommendation

- 6.1 It is recommended that members approve the new version of the Local Enforcement Plan for County Planning, Minerals and Waste.

CAMBRIDGESHIRE COUNTY COUNCIL

County Planning, Minerals and Waste Development

Enforcement Plan

January 2017

County Planning, Minerals and Waste,
Box No SH1315, Shire Hall, Castle Street, Cambridge CB3 0AP
PlanningDC@cambridgeshire.gov.uk

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1. INTRODUCTION AND PURPOSE

- 1.1 Cambridgeshire County Council (the Council) is committed to delivering an effective and proportionate planning control service for 'County matters'.

'County matters' are defined in Schedule 1 of The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003, as the monitoring and control of mineral and waste management sites.

The Council also determines applications for its own development but is not the Local Planning Authority responsible for any other planning matters.

- 1.2 The purpose of this Enforcement Plan (the Plan) is to explain our approach to achieving planning compliance at mineral and waste management sites within Cambridgeshire. The Plan also sets out what action can be taken and how decisions will be made in respect of pursuing formal action.

- 1.3 The publication of this Plan accords with paragraph 207 of the National Planning Policy Framework (NPPF), which states:

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

- 1.4 Section 55 of the Town and Country Planning Act 1990 (as amended) defines 'development' as:

'...the carrying out of building, engineering, mining or other operations, in, on, over or under land or the making of any material change in the use of any buildings or other land.'

- 1.5 A Breach of planning control is defined under section 171A (1) of the Town and Country Planning Act 1990 (as amended) as carrying out development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted.

- 1.6 Our approach consists of two broad elements: monitoring and enforcement.

Monitoring refers to the proactive periodic inspection of permitted mineral and waste management sites. Monitoring mineral and waste sites is a statutory duty under section 19 of The Waste (England and Wales) Regulations 2011.

Enforcement refers to how investigations into allegations that a breach of planning control has occurred will be undertaken, and, where appropriate, the steps that the Council may pursue to remedy a breach.

2. GENERAL PRINCIPLES

- 2.1 A key principle of the Council's approach to planning is to support sustainable growth, which takes into account the needs of the environment.
- 2.2 Each set of circumstances is unique and must be considered on its own merits. However, the general principles of good enforcement are contained in the Regulators Code produced by the Department for Business Innovation and Skills in April 2014.
- 2.3 All Council officers with responsibility for planning matters will have regard to the Enforcement Plan, the Regulators Code and relevant legislation and guidance. The Council will only take action which is proportionate to the planning harm and to the seriousness of any breach of planning control. Where a breach of planning control has been confirmed, officers will usually, in the first instance, try to secure compliance by using an advisory approach. However, in certain circumstances, this will not be appropriate and further action will be considered necessary to remedy the planning harm being caused.
- 2.4 All officers undertaking enforcement activities will be duly authorised under the Council's scheme of delegation and will be appropriately trained.

3. ENFORCEMENT AND COMPLIANCE OBJECTIVES

- 3.1 The Council's enforcement and monitoring objectives are to ensure that:
- serious or irremediable harm occurring as a result of minerals and waste development is addressed;
 - site operators, landowners and occupiers comply with the planning conditions imposed by the Council; and
 - breaches of planning control are addressed reasonably, appropriately and proportionately.

4. MONITORING VISITS AND FEES

- 4.1 The principal purpose of a monitoring visit is to check compliance with conditions of the relevant planning permission(s) relating to a minerals or waste development. These planning permissions may include complex and technical conditions, which are designed to mitigate the impact of the activity.
- 4.2 The Town and Country Planning (Fees for Applications Deemed Applications Requests and Site Visits) (England) Regulations 2012 enable the Council to charge a fee for monitoring permitted mineral extraction and landfill sites, from the date that the permission is implemented to the end of the aftercare period.
- 4.3 The monitoring fees are set by Government and, at the time of publishing this plan, the following monitoring fees are payable:

- where the whole or a part of the site is active the fee is £331; or
 - if the site is inactive or dormant the fee is £110.
- 4.4 The cost of visiting other types of mineral and waste management sites, such as waste transfer stations, material recycling facilities, energy from waste plants, scrap yards and mineral rail heads (including the associated industrial development), is borne by the Council.
- 4.5 The monitoring visits will serve to:
- allow the Council to gain an overall impression of the day-to-day operation of the site, chart progress to date, and identify and address potential problems before they arise;
 - encourage good operational practice rather than punish bad practice;
 - act as a means of regular liaison with operators; and
 - provide information to support any site liaison forums.

5. ASSESSMENT OF COMPLAINTS

- 5.1 The Council will investigate complaints alleging a breach of planning control within Cambridgeshire, which are 'County matters'.
- 5.2 Anonymous complaints or complaints that appear to be vexatious in nature will not normally be investigated, unless they allege a serious breach of planning control that is capable of being verified by a Council officer.
- 5.3 All complaints are assessed and prioritised using the categories set out below, the categories aim to determine the potential severity of the issues raised and timescales for the investigation:

Category 1 – High / Severe risk of irreversible harm occurring Visit site within 3 working days

- 5.4 County matters which appear to be causing immediate and potentially irreversible harm either to:
- the local amenity;
 - designated sites under the Ramsar¹ international wetlands convention, special protection areas, special areas of conservation, sites of special scientific interest, scheduled monuments, habitats of statutorily protected species, local nature reserves or county wildlife sites;
 - human health and/or safety (including road safety);
 - potable ground and/or surface water supplies; or
 - archaeological resources.

Category 2 – Significant /Medium risk of harm occurring Visit site within 5 working days

¹ Wetlands of international importance designated under the Ramsar Convention.

- 5.5 County matters which appear to be impacting on the designated sites listed in Category 1 or have the potential to cause significant harm either to:
- the local amenity;
 - health and/or safety (including road safety);
 - ground and/or surface water; or
 - archaeological resources.

**Category 3 – Low Risk of harm occurring
Visit site within 10 working days**

- 5.6 County matters which do not appear to be causing significant harm or have the potential to cause significant harm to the designated sites listed in Category 1 or to:
- the local amenity;
 - human health and/or safety (including road safety);
 - ground and/or surface water; or
 - archaeological resources.

6. INVESTIGATING COMPLAINTS

- 6.1 Complaints will be recorded and acknowledged within 5 working days of being received. Complainants will be updated at key stages during the investigation. Complainant's details will be kept confidential.
- 6.2 Following a desktop investigation into the relevant planning history and constraints relating to the land, officers will usually undertake a site visit to gather more information and evidence relating to the alleged breach.
- 6.3 If a breach of planning control is confirmed, the occupier/landowner will be advised of the details of the breach that has been confirmed and of the steps and timescales required to remedy the breach.
- 6.4 Further site visits and monitoring may be undertaken to ensure the required actions are completed within the specified timescales.

7. LEGAL POWERS TO OBTAIN INFORMATION

- 7.1 The Council may serve the following notices on the owner or occupier of the land to obtain land ownership information and to assess whether a breach of planning control has occurred and the seriousness of any breach:
- A Planning Contravention Notice under Section 171C Town and Country Planning Act 1990 as amended;
 - A notice under Section 330 of the Town and Country Planning Act 1990;
 - A notice under Section 16 Local Government (Miscellaneous Provisions) Act 1976.

- 7.2 There is no right of appeal against notices served to obtain information. Failure to provide a formal written response to a notice within the stated timescale is a criminal offence, which is open to prosecution.

8. WHERE A BREACH IS CONFIRMED

- 8.1 Before considering any possible enforcement action, the investigation will establish whether or not the development is acceptable in principle, and if anything needs to be done to bring it up to a satisfactory standard, or to ensure it complies with the relevant legislation.
- 8.2 If the development is not acceptable in principle, officers will consider what action is appropriate to prevent it continuing and produce a written report to support any recommendations for further action. The report will set out the background and circumstances of the breach, the planning harm caused, any relevant planning policy, the options for taking action and the justification for the recommended course of action.
- 8.3 Although the Council would prefer to negotiate a satisfactory outcome, in some cases formal enforcement action may be considered necessary.

9. WHERE ENFORCEMENT ACTION WILL NOT BE TAKEN

- 9.1 There are certain, limited, circumstances where the County Council will not be able to take formal enforcement action, these include:
- When the Council determines applications for its own development. In these cases, the responsibility for compliance with conditions of permission lies with the relevant Directorate. If the breach is not remedied, the matter will be reported to the Planning Committee.
 - Where the time limit for taking action in respect of an ongoing breach of planning control has expired. Section 171B of the Town and Country Planning Act 1990 (as amended) explains the time scales after which ongoing breaches of planning control become immune from enforcement action.
 - Where the development benefits from permitted development rights under the provisions of the General Permitted Development Order 2015 (as amended), provided that all the relevant restrictions and conditions have been met.
 - Where the County matters have no impact on designated sites or on the local amenity and in cases where technical breaches of planning control cause no material harm or adverse impact on amenity.

10. RETROSPECTIVE APPLICATIONS

- 10.1 Where the unauthorised development could be acceptable in planning terms the Council may ask the occupier/landowner to submit a retrospective

planning application within a specified timescale. The occupier/landowner will be encouraged to seek pre-application advice before submitting a retrospective planning application. Further information on the pre-application advice is available on the Council's web site at:

http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/234/planning/3

- 10.2 The Council will not invite a retrospective planning application if the unauthorised development is contrary to policy, or appears to have the potential to cause harm and it is considered that the harm could not be satisfactorily mitigated by the use of planning conditions.
- 10.3 If a retrospective planning application is invited and submitted, the Council will not usually take formal enforcement action whilst the application is being considered. However, the Council will continue to monitor the implications of the development.
- 10.4 If planning permission is refused and further negotiations fail to remedy the breach, appropriate enforcement action is likely to be pursued.
- 10.5 Where a retrospective planning application is submitted contrary to advice that there is no reasonable prospect of planning permission being granted, enforcement action may be taken, prior to the application being determined.
- 10.6 The Council has the power to decline to determine a retrospective planning application for development, which is already the subject of a pre-existing enforcement notice.

11. WORKING WITH DISTRICT AUTHORITIES AND OTHER AGENCIES

- 11.1 If a breach of planning control is established which is not a 'County matter' nor is permitted under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), it will be passed on to the relevant Local Planning Authority. Where unauthorised development on a single planning unit involves both county matters and district planning issues, the Council will liaise with the relevant District Council to establish all the lawful and unlawful elements of the mixed use to ensure that all aspects of development causing planning harm can be addressed.
- 11.2 If enforcement action is considered to be necessary and expedient in these circumstances, the Council will liaise with the relevant District Council before commencing that action. Each case will be decided on its merits and consideration will be given to the land use implications and the respective jurisdiction and powers of County and District Councils.
- 11.3 The Council will also pass relevant information on to other regulators such as the Environment Agency, Internal Drainage Boards, the Environmental Health Department of the local council or the Health and Safety Executive. Where appropriate the Council will work with these regulators to address a breach of planning control.

- 11.4 Where a breach of planning control relating to county development occurs within Cambridgeshire which impacts on the amenity of residents in an adjacent county, the investigating officer will provide the other Council or authority details of the breach within 5 working days.

12. PRINCIPLES OF ENFORCEMENT ACTION

- 12.1 Where breaches of planning control are identified, the Council may take enforcement action, where it is satisfied that it is expedient, necessary and in the public interest to do so.
- 12.2 The Council will take a consistent, clear and fair approach to enforcement, having balanced the need for environmental protection against the desire to encourage sustainable development.
- 12.3 The Council will only enforce planning control when we have evidence that a breach of planning control has occurred that has, or is likely to, cause demonstrable harm to the public amenity or the environment.
- 12.4 Where an educational and advisory approach has not succeeded in remedying the harmful effects of unauthorised development, continued negotiations will not be allowed to delay formal enforcement action.
- 12.5 The enforcement action taken and the required remediation will be proportionate to the nature of the breach.
- 12.6 The time taken to pursue formal action varies on a case by case basis. The emphasis will be on balancing the urgency to remedy the planning breach with mounting a properly constituted legal response taking into account available resources.
- 12.7 The Council will co-operate closely with other agencies to ensure a satisfactory solution to breaches of planning control.
- 12.8 National legislation provides the Council with a number of enforcement tools, which can be used to address breaches of planning control, these include:
- **Section 215 Notice;**
 - **Breach of Condition Notice;**
 - **Enforcement Notice;**
 - **Stop Notice / Temporary Stop Notice;**
 - **Prosecution;**
 - **Direct Action;**
 - **Injunction; and/or**
 - **Planning Enforcement Order.**
- 12.9 Further information on planning enforcement and the various options available to the Council can be found on line at:

- 12.10 Where an offence has been committed under planning legislation, the Council may, depending on the circumstances, take action under the Proceeds of Crime Act 2002 to recover a company's or individual's assets that are considered to be the proceeds of crime.

13. ENFORCING PLANNING OBLIGATIONS

- 13.1 Where a breach of a planning obligation, such as a section 106 routing arrangement or a unilateral undertaking is identified, the Council will initially try to address the breach by working with the relevant site operator.
- 13.2 If the breach cannot be resolved by negotiation and co-operation the Council will, where necessary, take legal advice on enforcing the relevant clause of the planning obligation.

14. MAKING A COMPLAINT

- 14.1 If you wish to make an enquiry about the Plan or raise a complaint about the Enforcement Service you can:

- contact the officer dealing with your case directly;
- complete the [on-line complaint form](#);
- email planningDC@cambridgeshire.gov.uk;
- telephone us on 0345 045 5200 (charged at local rate);
- use Minicom on 01480 376 743;
- e-mail feedback@Cambridgeshire.gov.uk;
- contact your County Councillor; or
- write to:

Customer Feedback
Cambridgeshire Direct
PO Box 144
St Ives
Cambridgeshire PE27 9AU

15. PLAN REVIEW

- 15.1 This Enforcement Plan will be reviewed every three years and published on the Council website at:

<http://www.cambridgeshire.gov.uk/>

- 15.2 The date of the next plan review will be 2019.

SUMMARY OF RESPONSES TO CONSULTATION ON THE DRAFT ENFORCEMENT PLAN

	Plan Ref	Response received	Council's Response	Proposed Amendment to Plan
1		Parish Council: Discussed and no comment.	-	-
2		Parish Council: The plan appears to be measured, appropriate and balanced.	Noted.	-
3	9.1	Parish Council: We thought it would be best if the time scales for formal enforcement action were included within the Plan, so that all the relevant information was contained within the one document, to avoid a wider search elsewhere for the data.	Whilst it is agreed that it would be ideal to include definitive timescales for enforcement action within the Plan, in reality this is not practicable. Timescales are set out in the relevant legislation covering enforcement action; and this is complex and requires careful reading and cross referencing, which means that further explanation on the correct legal interpretation would also need to be included. This could be lengthy, and it is not considered appropriate for the Plan to provide an interpretation of legal advice. It is therefore concluded further advice on formal timescales for enforcement action cannot be included.	-
4	14.1	Parish Council: A web address, hyperlink and postal address should be added to the section on making a complaint.	This section relates to making a complaint about the Plan itself rather than a complaint that needs to be investigated. However, the concern about contacting the service to register a planning enforcement complaint is noted, and further contact details have been added to section 14.1 of the Plan.	As well as adding further contact details within the 'contact' section of the Plan, the contact email and postal addresses for the Enforcement and Monitoring team have also been included on the title page to ensure that it is clear how to contact us.
5		Parish Council: would like to see a routing agreement for large vehicles.	Clarification on the reason for this comment was sought and it has been confirmed that this was not a general request in relation to the Enforcement Plan but related to a	-

APPENDIX B

	Plan Ref	Response received	Council's Response	Proposed Amendment to Plan
			specific site / area. Development Management Officers have been made aware of the response and it has been confirmed that they do work with Mineral and Waste operators to ensure routing agreements are implemented through planning conditions and S106 legal agreements, where appropriate.	
6		Parish Council: The Plan was relatively easy-to-understand and is one which we hope the extant Enforcement Action could actually be used to normalise the transfer on a local project which is increasingly seen as protracted or even mis-managed.	<p>It is noted that the the Plan is considered easy to understand, which is welcomed.</p> <p>The second part of this response relates to issues in relation to the restoration of a specific site. The progress being made on this site is being investigated and closely monitored as a separate matter; and a change to the Plan itself is not required in this context.</p>	-
7	13	District Council: It would be useful to expand the section on enforcing planning obligations because this is different to the process for enforcing other aspects of planning control.	Although compliance with planning obligations is checked as part of the County monitoring visits, the enforcement of these legal agreements is not covered by planning enforcement powers and this is the reason that the subject is not covered in more detail within the plan. A separate internal procedures document is being prepared to sit alongside the Plan and this will provide further detail on the process for monitoring and enforcing planning obligations.	-
8	11	District Council: The section on working with district councils is clear and safeguards both councils' interests. It would be useful to include more detail about how and when complainants will be updated.	The Plan confirms that complainants are advised at key stages of an enforcement investigation. It is not practicable to provide further detail on this point because the method and frequency of contact can vary considerably depending on the nature of the case, and is therefore best considered on a case by case basis.	-

APPENDIX B

	Plan Ref	Response received	Council's Response	Proposed Amendment to Plan
9	11.4	Adjoining Authority: With regard to the most serious breaches of planning control an immediate response is required because more damage could be done to the environment.	Agreed, and Officers will make every effort to take immediate action in respect of serious breaches of planning control where there is a serious risk of damage to the environment. This is already adequately reflected in the Plan, so no further amendment is necessary.	-

**ENFORCEMENT UPDATE REPORT
1 August 2016 – 31 December 2016**

To: **Planning Committee**

Date: **19 January 2017**

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.**

<i>Officer contact:</i>
Name: Deborah Jeakins
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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 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.
- 1.3 The Enforcement update report is usually prepared and presented to members quarterly. However, the presentation of this report was postponed from the December Planning Committee with the agreement of the Chairman, to allow this update to be considered at the same time as the Enforcement Plan Report where amendments are proposed to the Enforcement Plan following public consultation, subject to the approval of the Planning Committee.
- 1.4 This report covers the work of the team in the period 1 August 2016 to 31 December 2016. Paragraphs 2 to 5 of the report summarise the following information:
- Complaints received and their current status;
 - Number of ongoing investigations;
 - New enforcement cases;
 - Certificate of Lawfulness applications and appeals;
 - Ombudsman complaints received.
- 1.5 Paragraph 6 of this report details site monitoring visits undertaken in the period 1 August 2016 to 31 December 2016.
- 1.6 Paragraphs 7 to 13 of this report provide updates on a number of key ongoing Enforcement investigations.

2 COMPLAINTS RECEIVED

- 2.1 Sixteen new complaints have been received between 1 August and 31 December 2016. Table 1 summarises the status of these complaints at the time of writing.

Table 1 - Complaint Status

Complaint Type	Number
Under investigation	5
No breach established	3
Breach established and resolved	4
Breach established. Investigation on-going.	3
Not a county matter	1
Total	16

2.2 At the time of writing, of the 16 complaints received between August and December 2016:

- 8 cases have been investigated and closed;
- 8 cases remain open and under investigation;
- 10 pre-existing complaints (received before 1 August 2016) also remain under investigation.

3 NOTICES SERVED

3.1 No new Enforcement Notices (EN), Breach of Condition Notices (BCN) or Temporary Stop Notices (TSN) have been served between August and December 2016.

3.2 Two Planning Contravention Notices (PCN) requesting further information on a possible breach of planning control at a single site have been served.

4 CERTIFICATE OF LAWFULNESS APPLICATIONS AND APPEALS

4.1 Application site: Long Drove, Waterbeach

The enforcement and monitoring team are currently determining an application for a Certificate of Lawfulness for use of land at Long Drove, Waterbeach as a waste transfer station. Officers are considering whether the information submitted with the application provides sufficient evidence that, on the balance of probabilities, the site has been used as a waste transfer station for a continuous ten year period.

4.2 Appeal site: Mill Road, Fen Drayton

An appeal has been lodged with the Planning Inspectorate, against the refusal to grant a Certificate of Lawful Development for use of land at Mill Road, Fen Drayton for the processing of inert waste. The Council refused to grant the certificate in April 2016. Once the Planning Inspectorate has notified officers of the appeal start date and confirmed the method by which the appeal will be determined, officers from the enforcement and monitoring team will undertake the work associated with the appeal.

4.3 Officers intend to notify Planning Committee of the results of the Certificate of Lawfulness application and appeal in due course.

5 OMBUDSMAN COMPLAINTS

- 5.1 One Local Government Ombudsman (LGO) complaint was received during the period 1 August 2016 – 31 December 2016. The complaint related to officers' handling of both the mineral applications and S106 set up with Hanson at Block Fen and the motocross applications submitted to Cambridgeshire County Council and Fenland District Council at land referred to as South Lake. The complaint specifically referred to the lack of enforcement action taken by the Council against the landowner (Hanson), which the complainant viewed as being unfair, inconsistent and influenced the land not being sold to them for motocross use (by pressurising the landowner to restore the land); as well as the Council's acceptance of a restoration plan by the landowner that was based on the restoration plan the complainant submitted when their application was refused.
- 5.2 A response was sent by the Chief Executive covering the points raised against officers on 20 September 2016, which also provided the additional evidence requested by the LGO to help them form an opinion. A draft copy of the response by the LGO was provided to the Council on 16 December 2016 for our comments, which was also sent to the complainant(s) for comment. The draft response concluded that the LGO saw no evidence of fault against the Council or its officers. As such, we responded on 20 December 2016 to say that we had no further comment and we look forward to receiving the final decision on the matter. The formal response is expected to follow shortly to finalise the LGO's response.

6 SITE MONITORING VISITS 1 AUGUST 2016 – 31 DECEMBER 2016

- 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 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 chargeable monitoring visits carried out during the monitoring year is set out in Table 2.

Table 2 – Chargeable Site visits by type 1 August 2016 – 31 December 2016

Site Type	Visits
Landfill	10
Quarries	20
Non chargeable sites	14
Total	44

- 6.3 Chargeable site visits have priority as they generate a small but significant income stream for the Council. The estimated income from chargeable visits for the period 1 August 2016 to 31 December 2016 is £9,598.00.
- 6.4 The Enforcement and Monitoring team is now fully staffed and undertaking regular visits to both chargeable and non chargeable waste and landfill sites to monitor compliance with conditions.

7 ENFORCEMENT CASES

- 7.1 There are currently 5 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.
- 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 OLD DAIRY YARD, MANEA

- 8.1 In June 2016 officers received a complaint regarding the importation of waste onto garden land at the Old Dairy Yard in Manea. Officers visited the site to gather evidence of the use of the land and recent activity on it and to assess whether a breach of planning control was taking place.
- 8.2 Officers contacted the owner of the land to make further enquiries and provide advice that the possible material change of use of the land was likely to require planning permission. The land owner gave conflicting information about the activity taking place on the land and the purpose of the materials that had been imported.
- 8.3 In October 2016 officers served a Planning Contravention Notice on the owner of the land and other interested parties in order to obtain a formal legal record of the landowner's activities and intentions.
- 8.4 Following the service and return of the completed notice, the importation of waste onto the land ceased and the waste that had been imported was removed. Therefore the breach of planning control was remedied without recourse to further formal action.

9 WILBRAHAM LANDFILL

- 9.1 The Great Wilbraham active chalk quarry has planning permission to be restored by landfilling with inert waste. The Waste Planning Authority (WPA) issued an Enforcement Notice in May 2012 to address the restoration levels exceeding the

agreed land levels. The notice required the cessation of the importation of waste and removal of a specific amount of waste each month until the approved restoration levels were achieved.

- 9.2 The site operators were prosecuted for failing to comply with the notice. Sentencing took place on 27 May 2016 the defendants were each fined £1,500.00 and were given 12 months to pay the full Council costs of £23,969.00.
- 9.3 The defendants advised the court that they fully intended to undertake the remaining work necessary to fully comply with the notice.
- 9.4 Officers continue to regularly check the works on site and have noted a significant reduction in the height of the waste mound. Officers are also continuing to work with the Environment Agency (EA) to ensure a co-ordinated approach.

10 LAND ADJACENT TO ROYSTON RECYCLING CENTRE

- 10.1 In February 2015 the EA advised that approximately 20,000 bales of refuse derived fuel (RDF) waste had been deposited on the above land. A multi-agency approach produced an emergency plan which took 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 In 2015 the EA issued Environmental Protection notices requiring the operators, Winters Haulage Limited (WHL), to remove all the RDF waste and this was completed by 16 October 2015.
- 10.3 A topographic survey showed that approximately 13,952 tonnes of waste material had been deposited on the land, raising the level of the land across approximately 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 EA to minimise the risk to groundwater.
- 10.4 The operator has provided the EA with a draft remediation proposal which is under review. In respect of the criminal investigation into environmental offences, the EA's enquiries have concluded and a file is with their legal team for review. The WPA is therefore still supporting the EA with their investigations in relation to this site, and further updates will be provided once more information is known.

11 LAND KNOWN AS 'ASGARD'/ FIELD 6184, LITTLE DOWNHAM

- 11.1 In July 2015 the County Council confirmed that clay was being extracted from this parcel of land and spread to raise the land levels and also that waste materials were being imported onto the land to infill the excavations.
- 11.2 Officers have been liaising with the EA and the District Authority to gather information relating to the activities on the land and to ensure a co-ordinated approach.

- 11.3 The EA has confirmed that there are exemptions in place for the importation of waste onto the land in question.
- 11.4 In April 2016 officers served a Planning Contravention Notice on those with an interest in the land to gather further information on the quantity, source, location and composition of the waste imported onto the land. The information provided by the landowner and tenant farmer in their responses to the Notice was that the importation of the waste was covered by the EA waste exemption and their permitted development rights under part 6 of the General Permitted Development Order.
- 11.5 The importation of the waste ceased during the growing season when a crop was growing on the field. Once the crop had been harvested the complainant alleged that the importation of material onto the land resumed and so officers contacted the land owner to advise that they intended to undertake a topographical survey of the land.
- 11.6 When the land owner failed to comply with a request to provide officers with suitable dates for the survey to take place, a warrant to enter the land was obtained from Cambridge Magistrates Court. In the light of a previous incident on the land and allegations made by the landowner, officers arranged for a police presence at the survey which took place on 19 December 2016.
- 11.7 Officers are now reviewing the results of the topographical survey and the other available evidence to assess whether the importation of waste onto the site constitutes a material change of the use of the land that would require planning permission.

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 the mineral and waste operators at Block Fen met with officers to discuss the upgrade of the second half of Block Fen Drove. A proposed scheme for the second half of the Drove upgrade was presented on behalf of Mick George Ltd (MGL). The scheme relied on the understanding that all the operators contributed to its cost, as they felt the proposal went beyond what was required for MGL's planning permissions alone.
- 12.3 Following February's meeting, officers assessed the highway scheme submitted by MGL on behalf of the operators, and held a meeting with the Highway Authority to discuss initial thoughts. As a result of this meeting officers provided initial feedback on the proposed scheme but stated that a formal Section 278 (S278) agreement needed to be sought from the Highway Authority. On the basis of this advice MGL confirmed that the scheme was ready to submit to the Highway Authority as a formal S278 agreement application. However, as the application needed to be accompanied by 50% of the application fee (which equated to £14,025 of the full £28,050 fee) MGL asked that the Council considered waiving this whilst sign up from the other operators was obtained – especially as MGL has paid for the technical work to date with no other input from the other operators.

Officers clarified that it was not possible to waive the fee and instead sent an e-mail to all the operators asking for the fee to be split four ways equally. This commitment was sought by officers ahead of the meeting on 12 September 2016 which took place with MGL as the lead contractor.

- 12.4 This September meeting took place and was attended by both the Chairman and Vice Chair of Planning Committee, as well as the Council's legal representatives and highway officers. As a result of this meeting the sharing of the S278 and proposed costs for the scheme were agreed in principle with MGL (as the lead operator) and following circulation of the minutes from this meeting, all the operators sent in their share of the formal S278 agreement application fee.
- 12.5 Final discussions are now taking place between MGL as the lead operator and the Highway Authority, in the hope that the design can be agreed and we can move to the next stage to get sign up to deliver the works on the second half of Block Fen Drove with cooperation between all the relevant operators. At present this agreement is likely to be in the form of a Section 106 agreement with the Council, on the basis that the Council will act as the main connecting party. However, until the S278 agreement is agreed with highways colleagues, planning officers cannot look to secure the S106 agreement to deliver the road improvements to the second half of the Drove and thereafter ensure that the related planning applications can come before Planning Committee for consideration.

13 LAND AT WARBOYS AIRFIELD INDUSTRIAL ESTATE

- 13.1 The land at Warboys Airfield Industrial Estate has planning permission for the storage and processing of waste electrical and electronic equipment, subject to conditions, one of which restricts the location and amount of waste stored outside the buildings. In January 2015 officers were informed that the waste operator had been put into administration and several thousand tonnes of cathode ray tube (CRT) waste needed to be removed from the land, raising concerns that the CRT waste could be abandoned.
- 13.2 The landowner took over responsibility for the removal of the waste but the rate was unacceptably slow and so a BCN was served on 2 October 2015 requiring removal of all of the remaining waste by 1 November 2015. However, the short compliance period given on the notice was not sufficient for the removal of the waste which the EA advised had been hampered by the rate that the CRT waste could be taken by the specialist permitted waste site.
- 13.3 Officers have visited the site regularly throughout 2016 and confirmed that the landowner is continuing to remove the outstanding waste stored outside of the units. Progress with the removal remains slow owing to the need to separate out specialist waste items and arrange for their separate removal. Although the site is being cleared of waste, some of the items stored outside the units are classed as machinery and equipment rather than waste and they are not covered by the terms of the County planning permission.
- 13.4 The timescale for initiating legal proceedings in relation to the failure to comply with a BCN is six months and so the deadline for pursuing a prosecution has passed. Officers are mindful that a prosecution for failure to comply with the notice

would not have resolved the breach of planning control in this case and would probably have caused further delays and complications for the landowner who continues to work to resolve the breach of planning control.

- 13.5 Officers are confident that the remaining waste will be removed from the site. However, officers intend to recommend the service a Planning Contravention Notice on all those with an interest in the land which will provide a formal record of the landowner's intentions and timescales which can be referred to in the event that further formal enforcement action needs to be 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. 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.</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 Paragraph 12 in the main body of the report for a further update.</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 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</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. 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 a scheme which was incomplete and was refused. A revised scheme was submitted in November 2014 and was accepted in part but it did not relate to all of the relevant parts of Block Fen Drove. A scheme that addressed the remaining part of Block Fen Drove was therefore requested at the time.</p>

Description of Alleged Breach	Location	Notice Issued	Comments
programme of implementation and shall be fully completed within 2 years of the date of this permission.			See Paragraph 12 in the main body of the report for a further update on the draft Section 278 road agreement produced by the operator.
<p>3. 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>	Wilbraham Quarry Mill Road Great Wilbraham	BCN 02/06/11	<p>Officers visited the site in May 2011 and noted that the heights of the stockpiles of waste deposited on the landfill site were well in excess of the maximum permitted height of 2 metres. The height of the deposited waste was several metres above the height of the surrounding land and was therefore visually intrusive and hindering the restoration of the landfill site.</p> <p>The landowner was given until 1 June 2011 to reduce the height of the stockpiles, this deadline was not met and the WPA served a BCN with the compliance date of 30 September 2011.</p> <p>At the time of writing, the landowner remains in breach of condition 5. However, the successful prosecution for failing to comply with the EN (see paragraph 9) supersedes this notice in addressing this issue.</p>
<p>4. AMBER</p> <p>Failure to comply with condition 8 of planning permission F/2019/02/CW</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>	Land off Bridge Lane Wimblington March	BCN 13/02/2015	<p>A BCN was served on each of the two operators (operating under one planning permission) in response to complaints alleging that waste was being stored outside contrary to condition 8. The notices required that the storage of waste outside ceased by 27 March 2015.</p> <p>Both operators have submitted applications to address the issue of outside storage of waste and the intention is to put reports on these applications before the February Planning Committee.</p>

Description of Alleged Breach	Location	Notice Issued	Comments
<p>5. GREEN</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><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.</p>	<p>Wilbraham Quarry Mill Road Great Wilbraham</p>	<p>BCN 02/06/11</p>	<p>Officers visited the site in 2011 and noted that the wheel wash had not been installed in accordance with the planning condition.</p> <p>The landowner was given until 1 June 2011 to submit a scheme, this deadline was not met and so the WPA served a BCN. At the time of writing 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 witnessed any vehicles leaving the site and noted that there was no 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
Failure to comply with condition 6 of planning permission F/02001/13/CW regarding hours of operation.	Land at Yard 1, 35 Benwick Road Whittlesey	BCN 19/08/15	<p>Since the Breach of Condition Notice (BCN) was served on 19 August 2015 in relation to Condition 6 of planning permission F/02001/13/CW we have undertaken out of hours site visits and have not found the operator to be working outside of hours.</p> <p>In December 2016 Planning Committee approved an application to vary the hours of operation at the site and therefore once the new permission is implemented, this notice will no longer be effective and references to it will be removed from future update reports.</p>
Failure to comply with condition 7 of planning permission S/01556/10/CW regarding surfacing of the site.	Long Acre Farm Fen Road Chesterton Cambridge	BCN 08/10/13	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 remain on site but they do not represent a pollution risk.
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	EN 17/01/12	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 advised that the case did not meet the public interest test for a prosecution. Therefore, although the enforcement case remains open and subject to review, no further action is proposed at this time.
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.

