

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

11 April 2016

Report of the Strategic Director – Economy, Transport and Communities

Item for the Committee's Information

6 CURRENT ENFORCEMENT ACTION

1. Enforcement Action

Site	Breach	Action Taken	Comment
Vital Earth Compost Plant, Ashbourne. 3.2.85	Unauthorised use of land for storage and processing of composted material.	Enforcement Notice issued 15 September 2010, requiring removal of all material and plant/machinery by 1 September 2012 and full remediation of land by December 2012, as varied on appeal.	Under the terms of the notice, final restoration works to allow the resumption of agricultural operations were required to be complete by December 2012. Weather conditions have not allowed this and final restoration will be carried out when weather and ground conditions allow. Site inspection carried out 22 May 2013. Final clearance and cultivation to be carried out. Inspection to be undertaken to monitor for compliance.
Waterswallows, Buxton. 1.1235.1	Non-compliance with Condition 2 (Scheme of Restoration) of permission HPK/029807.	Enforcement Notice issued on 4 November 2008 required the submission of a restoration scheme by 9 April 2009.	Enforcement Notice was issued on 4 November 2008 for the removal of unauthorised stored waste, which was eventually removed following a successful prosecution of the former operator in April 2010. The Notice required the submission of a restoration scheme which, in effect, would deal with the removal of the concrete wall and floor of the former waste bay. On 24 October 2014, a planning permission (HPK/2014/0440) was

			issued by High Peak Borough Council for the re-development of that part of the site for a 14mw flexible electricity generation Short Term Operational Reserve (STOR) proposal. If that proposal goes ahead then the works required to put the land into a usable state for that development would obviate the need for a restoration scheme to be submitted. Discussions with the landowner's agent are continuing and confirmation that the STOR proposal is to go ahead is awaited. The site was inspected on 17 February 2016 during which it was noted that the STOR development allowed by planning permission HPK/2014/0440 has commenced. The concrete walls of the waste bay have been demolished and the floor is to be used as a concrete pad for standing generators on. Given that permission HPK/2014/0440 has been implemented it is considered that the land use permitted by High Peak Borough Council effectively supersedes the requirements of the Enforcement Notice. It is proposed to close the DCC enforcement case file.
Rotherham Road, Bolsover Moor. 5.1162	Non-compliance with conditions 2 and 16 of planning permission CW5/1104/157.	Enforcement Notice issued 20 June 2008. The notice required the completion of the restoration of the site.	The Notice has been substantially complied with. A small amount of planting is outstanding which the operator has been requested to complete. Site inspection carried out March 2013. To consider expediency of seeking full compliance.
BM Tech, Foston. 9.1564.4	Non-compliance with conditions 2 and 3 of planning permission CW9/1110/115.	Two Breach of Condition Notices served in 2012.	Waste plastic has been imported, stored and processed in the open. Condition 2 - Breach of Condition Notice set 9 April 2012 for cessation of importation and depositing of waste outside. Condition 3 - Breach of Condition Notice set 1 May 2012 for cessation of use of processing plant outside. Building required for operation under permission has been part constructed. Some improvements noted on-site inspections in 2014, however, breaches in condition remain. A Section 73 Application was received on 20 May 2014 to vary conditions 2,3,6,11,13 and 20, however, that has now been withdrawn. Meetings have previously been held with Planning officers on 9 June 2014 and 6 February 2015. On 6 March 2015, a site meeting involving BM Tech's planning advisor was held to

			<p>discuss options and set out a timescale for moving the site towards compliance. Works have recently taken place within the building to improve the secondary processing and drying elements of the process. Progress is now being made with clean processed plastic being sold and removed from site, along with soil which is removed during the process and stockpiled outside. Confidence was growing amongst those involved that the outside piles of raw plastic will start to reduce during April 2015 with the site moving towards compliance during the Summer. A recent site inspection noted that good progress is now being made and the stockpile of raw waste plastic is being washed and processed. The operator predicts that the yard will be cleared of waste plastic by June 2016 at which point his ideas for going forward with his recycling plant will be clearer. He proposes the submission of a new planning application to DCC around that time. Ongoing monitoring continuing.</p>
Rainbow Waste, Swadlincote.	Storage of waste outside the building.	Breach of Condition Notice served on 17 November 2012 for cessation of storage and removal of external waste and concrete "A" frames by 17 December 2012.	<p>Site inspection on 18 December 2012 identified that storage of waste materials had been removed from the rear and sides of the building in compliance with the Breach of Condition. Site inspection on 15 May 2014, potential breach in condition remains in the form of on-going waste operations to the front of the building. Legal advice considered. Joint site visit with the Environment Agency in May 2015. No breaches, identified planting taking well at site fence boundary.</p>
MXG, Mansfield Road, Corbriggs	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of the requirements of an Enforcement Notice was issued on 23 March 2015. This	<p>Site inspection undertaken on 1 February 2016 confirmed that the waste material had not been removed and a breach of the notice has occurred. Further action under consideration</p>

		notice extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016.	
Stancliffe Quarry. 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non – compliance relating to requirement to provide appropriate remediation scheme for stabilisation.	Breach of Condition Notice served 9 October 2013 requiring the submission of a relevant scheme by end of January 2014 (extended date).	No scheme submitted to date. Operator company has been warned that further action may follow without prior notice. The Director of Legal Services is expecting further communication from the solicitor on behalf of company directors. Method statement for quarry stabilisation at top of face being considered by quarry operator's professional advisors and owner of Stancliffe Hall. No evidence of further significant slippage at last site monitoring visit. Both the Breach of Condition relating to restoration and the deferral of ROMP submission are being considered.

2. Other sites (where formal enforcement action has not been taken to date)

Site	Breach	Action Taken	Comment
Eckington Drift Mine Rotherside Road, Eckington 4.478.18	Unauthorised development (schemes not submitted and approved in advance as required by conditions 9, 20, 27, 33, 39, 40, 48 and 54).	Communications with operator and with complainant	Following the grant of permission on 25 March 2013, to extend the life of the permission to 2023, schemes relating to visual improvement, traffic management, noise management, dust management, mine water drainage, contamination and flood mitigation, soil storage survey, and mining and subsidence programme were required. Expediency of formal enforcement action being considered by officers. Further information in support of the schemes submitted is under consideration by officers. Section 73 planning application submitted regarding some of the conditions. Officers monitoring.

3. Items featuring in previous report where no further action is required at this time

Site	Breach	Action Taken	Comment
Hayfield Quarry 1.405.R	Working beyond permitted working areas.	Enforcement Notice issued December 2008 against working beyond permitted working areas.	There are long-standing concerns relating to the quarry which the conditions attached to the current planning permission have sought to limit and mitigate. Although previous site monitoring identified a breach of the Enforcement Notice, there is little, if any, activity currently associated with the quarry and no evidence of any recent working beyond permitted areas. There has been a change in ownership of the quarry since service of the notice. The new owner has cooperated by making condition compliance submissions to Derbyshire County Council, which have been approved. Site being monitored by Enforcement officers. Section 73 planning application submitted to vary conditions of planning permission.
CP Environmental Ltd M1 Commerce Park. 2.660			Planning application CW2/0215/144 to ' <i>demolish the existing building and construct a new building and external material handling bays for use as a waste transfer station</i> ' issued on 2 July 2015. The construction of the new building has commenced. Site being monitored for compliance against the new permission.

Mike Ashworth
Strategic Director – Economy, Transport and Communities