

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

14 October 2013

Report of the Acting Strategic Director – Environmental Services

Item for the Committee's Information

5 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.	Site inspection on 4 September 2012 noted that the removal of material from the site was substantially completed but two stockpiles of compost material remained and processing of this material was continuing. The operator has referred to a number of issues as delaying compliance, including weather, its need for permits from the Environment Agency and restrictions on vehicle movements taking material to the receiving site. The company stated that it required a further 4-6 weeks from the compliance date to complete the removal of the material. This was considered appropriate to allow an extension of 6 weeks for completion of the works before taking further action to initiate prosecution proceedings at this stage. A further site inspection was carried out in October 2012 and the plant and compost material had been removed. Monitoring continuing. 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.

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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. Required restoration scheme awaited from the current owners of site who acquired the site from the estate of the previous owner.
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 to be carried out March 2013. Landowner informed that outstanding planting to be implemented.
BM Tech, Foston. 9.1564.4	Non-compliance with conditions 2 and 3 of planning permission CW9/1110/115.	Two Breach of Condition Notices now served.	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 is now part constructed. Communications on-going between officers and developer regarding compliance.
Trent Farm, Long Eaton. 8.185.11	Non-compliance with Condition 34 of planning permission CM8/0307/184. Unauthorised trafficking over top soil and subsoil.	Authority to enforce approved 9 March 2012.	Breach of Condition Notice served 21 March 2012. Monitoring on-going. A Section 73 Application to vary the approved working scheme will also consider whether Condition 34 can be varied. Awaiting revised Section 73 application.
Long Chimneys Farm, Darley Moor. 3.161.0	Importation and deposit of waste wood.	Temporary stop notice served 20 March 2012. Enforcement Notice issued 7 June 2012 requiring removal of material by 24 August 2012. Enforcement Notice issued 22 January 2013.	Monitoring indicates no current importation but that waste remains present. New Enforcement Notice issued for cessation of waste use of the whole site. An appeal has been lodged with Planning Inspectorate Service (PINS) against Enforcement Notice 2 (amended). Appeal Decision received – Appeal dismissed. Removal of material required by 15 October 2013.
Rainbow	Storage of waste outside	Breach of Condition	Site inspection on 18 December 2012 identified that storage of

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Waste, Swadlincote.	the building.	notice served on 17 November 2012 for cessation of storage and removal external waste and concrete "A" frames by 17 December 2012.	waste materials had been removed from the rear and sides of the building in compliance with the Breach of Condition. On-going discussions and inspections with operator regarding use and storage of skips to the front of the building which await daily removal and external waste storage. Inspection arranged for 2 nd October 2013.
MXG, Mansfield Road, Corbriggs	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013 requiring removal by 31 July 2014.	Enforcement Notice takes effect 1 August 2013 unless an appeal is made against it. No appeal received, Enforcement Notice has taken effect. Monitoring continuing
Stancliffe Quarry. 3.696R	Condition 43 relating to stability of adjacent land. Non – compliance relating to appropriate remediation scheme regarding slope stabilisation at quarry face.	Authority to serve Breach of Condition Notice in relation to Condition 43 approved 1 August 2013	Communications continuing to encourage landowner to make submissions in order to rectify breaches identified by both the County Council and District Council. Permission granted by District Council for holiday homes re-iterates requirements of Condition 43. Negotiations with the landowner regarding the submission of a scheme have been unsuccessful and a scheme remains outstanding. It is now considered expedient to serve a Breach of Condition Notice in respect of Condition 43. Breach of Condition Notice to be prepared.

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

Site	Breach	Action Taken	Comment
CP Skips M1 Commerce Park. 2.660	Unauthorised Storage of waste outside the sorting building.	Joint inspections with Environment Agency (EA). Discussions with potential operator of the site.	EA has served statutory notice for the removal of waste deposited in contravention of Environmental Permit for the site. Site inspections in early December and January noted that the waste building was full and waste was being stored outside of the building on the floor and within skips. A Third party is now looking to acquire the site and has stated the intention to remove the external waste being stockpiled from the site. Some progress in clearing the site has been made but further progress delayed awaiting the completion of the sale of the site to the new operator. Sale of the site has now been completed. New operator is CP Environmental Limited. Clearance works are progressing and an

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			Action Plan has been submitted for consideration. Action Plan agreed. Removal of waste outside the building to be completed by 31 December 2013.
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3. Items featuring in previous report where no further action is required at this time

Site	Breach	Action Taken	Comment
Wood Street, Ilkeston 8.1072.1	Unauthorised use of land for the importation, storage and processing of scrap metal.	Enforcement Notice issued 9 June 2011. Appeal dismissed 24 October 2011. Notice upheld.	Site is being monitored to check compliance with the Notice. Signage for scrap metal acceptance on vehicle parked on adjacent highway suggests that there may be some non-compliance.
Grassmoor Golf Centre 4.294.37	Non-compliance with conditions 17 (Mud on the Highway) and 18 (Lorry Movements) of permission CW4/0609/72.	Breach of Condition notices issued 8 March 2011 in relation to conditions 17 and 18.	Section 73 Application not to comply with the terms of Condition 5 of CW4/0609/72 to extend the period of time for the completion of operations to 16 April 2013, approved 3 December 2012. On-going monitoring. Legal agreement now signed and Decision Notice now issued. Major earthworks completed by the end of June. No further imports of material to this site. Professional green shaping, seeding and final surface treatment on-going. Remaining tree and shrub planting winter 2013 -14 planting season. Monitoring continues.
Hayfield Quarry 1.405.R	Working beyond permitted working areas.	Enforcement Notice issued 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. Site inspection monitoring identified breach of Enforcement Notice. There appears to be little, if any, activity currently associated with the quarry and the working beyond permitted areas appears to have ceased for the time being. The ownership of the quarry has recently changed. The new owner has been met on site and has expressed a willingness to cooperate with the County Council to take forward this and other outstanding matters to the County Council's satisfaction.

Mike Ashworth
Acting Strategic Director – Environmental Services