

**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**4 September 2017**

Report of the Strategic Director – Economy, Transport and Communities

**Item for the Committee's Information**

**3 CURRENT ENFORCEMENT ACTION**

**1. Enforcement Action**

<b>Site</b>	<b>Breach</b>	<b>Action Taken</b>	<b>Comment</b>
BM Tech, Foston. 9.1564.4	Non-compliance with conditions 2 and 3 of planning permission CW9/1110/115.	<p>Condition 2 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of importation and deposit of waste outside the building</p> <p>Condition 3 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of use of processing plant outside the building.</p>	<p>In response to the notices part of the approved building layout required for operation has been constructed, however in the absence of all the proposed buildings waste continues to be stored in the open.</p> <p>A Section 73 Application was received on 20 May 2014 to vary conditions 2, 3, 6, 11, 13 and 20, but the application was subsequently withdrawn.</p> <p>Whilst the ongoing breach of conditions and the slow pace of clearance works continue to cause concern, the operator has now commenced pre-application discussions with the Authority and it is expected that a regularising planning application will be submitted shortly.</p> <p>Pre-application enquiry response provided to applicant. Await submission of planning application.</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.	Site inspection undertaken. Continued liaison with the operator regarding ongoing breaches and potential regularising application.
Lindricks, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	<p>Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This 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.</p> <p>Planning Contravention Notice issued 1 November 2016 (response received).</p> <p>Breach of Condition Notice (Mud on Road) issued 19 December 2016.</p> <p>Notice of Relaxation of Enforcement Notice issued on 10 July 2017.</p>	Notice of Relaxation issued on 10 July 2017. This notice relaxes the terms of the Enforcement Notice issued on 27 June 2013 in that it extends the period of compliance for the removal of waste to 31 December 2017 and seeding of banks to 31 May 2018.
Stancliffe Quarry. 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non – compliance relating to requirement to provide	Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date).	The submission requirement of the Notice remains unmet. However, the project manager for the business engaged in working the quarry up to the 2010 landslip has indicated that a specification of remedial works to be carried out by a contractor is to be confirmed by mid-October 2016, and that these works are expected to be

	<p>appropriate remediation scheme.</p> <p>February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.</p>	<p>Temporary Stop Notice issued 17 February 2017.</p> <p>Interim Injunction Order granted 31 March 2017.</p>	<p>completed by January 2017. Further update to be provided when available.</p> <p>Temporary Stop Notice issued in respect of the removal of stone via the A6 (and not the access permitted by the planning permission).</p> <p>An interim injunction was granted by Derby County Court which forbade the removal of stone via an unauthorised access, the carrying out of development without a relevant planning permission and the carrying out of any engineering works without the submission of a tree protection plan. The Court then listed the case for hearing in Nottingham County Court on 7 April 2017.</p> <p>Prior to the hearing, the named defendants agreed to provide signed undertakings that they would not carry out any further development without the express grant of planning permission or the prior written approval of the County Council, would not carry out any works to protected trees without written consent and would not use any vehicular access other than the previously approved site access track. On this basis the judge agreed to stay the proceedings. The site is subject to ongoing monitoring to confirm compliance with the terms of the undertaking.</p>
Poorlots Quarry, Tansley	Unauthorised importation of waste soils.	<p>Temporary Stop Notice issued 14 September 2016.</p> <p>Enforcement Notice issued 12 October 2016.</p>	<p>Temporary Stop notice issued requiring the cessation of importation and deposit of soils, subsoils and other materials.</p> <p>Enforcement Notice requires remediation and seeding to be undertaken. Compliance dates set within the notice have not been met. In correspondence with the owner regarding the breach of the notice.</p>

			The service of a Notice of Relaxation to extend the compliance dates set within the Enforcement Notice was approved through the Delegation procedure on 3 August 2017. Notice of Relaxation to be issued by Legal Services.
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## 2. Other sites (where formal enforcement action has not been taken to date)

Site	Breach	Action Taken	Comment
Land at Fall Road, Heanor	Importation and deposit of waste	Planning Contravention Notice issued 6 July 2017	Response to Planning Contravention Notice due 26 July 2017.

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

Site	Breach	Action Taken	Comment
None			

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Communities**