

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

5 June 2017

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
BM Tech, Foston. 9.1564.4	Non-compliance with conditions 2 and 3 of planning permission CW9/1110/115.	Condition 2 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of importation and deposit of waste outside the building Condition 3 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of use of processing plant outside the building.	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. 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Application was received on 20 May 2014 to vary conditions 2, 3, 6, 11, 13 and 20, but the application was subsequently withdrawn. The site has recently been inspected and whilst the operator has repeated a willingness to make a regularising planning application for the current operation, in the absence of such an application, the slow pace of the clearance works is of growing concern. The appropriateness of further Enforcement Action is currently being considered.
Rainbow Waste,	Storage of waste outside the building.	Breach of Condition Notice served on 17	Site audit inspection to be undertaken by the end of May 2017.

Swadlincote.		November 2012 for cessation of storage and removal of external waste and concrete "A" frames by 17 December 2012.	
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>Approval was given via delegated powers in April 2017 to issue a second Notice of Relaxation to extend the time for the removal of the waste for a further six months. In consultation with the Director of Legal Services, the notice is in preparation.</p> <p>The Environment Agency issued a Permit Revocation Notice in March 2017. This Notice is currently the subject of an appeal submitted by the company which will be determined by the Planning Inspectorate. The Revocation Notice is on hold pending the outcome of the appeal.</p> <p>The site remains under review.</p>

<p>Stancliffe Quarry. 3.696R</p>	<p>Condition 43 relating to stability of land adjacent to quarry face. Non – compliance relating to requirement to provide 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>Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date).</p> <p>Temporary Stop Notice issued 17 February 2017.</p> <p>Interim Injunction Order granted 31 March 2017.</p>	<p>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 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>
<p>Poorlots Quarry, Tansley</p>	<p>Unauthorised importation of waste soils.</p>	<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.</p>

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.	All outstanding reserved matter requirements have now been discharged and the Section 73 application reported to Committee on 6 March 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