

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

9 June 2014

Report of the Strategic Director – Economy, Transport and Environment

Item for the Committee's Information

4 CURRENT ENFORCEMENT ACTION

1. Enforcement Action

Site	Breach	Action Taken	Comment
Land at Coach Road, Golden Valley, Riddings	Mining operation	Temporary Stop Notice served on 11 October 2013.	Temporary Stop Notice in force until 8 November 2013. Relaxation of requirements of the Notice has been allowed following consultation with the Coal Authority for health and safety reasons. Retrospective planning application submitted to Amber Valley Borough Council (AVBC) – planning permission refused 3 April 2014. Two Enforcement Notices (relating to earth bunds placed at base of protected trees and for structures/tracks erected without planning permission) issued in January by AVBC as relevant planning authority. Enforcement Notices appealed April 2014. Site visit undertaken on 21 May 2014 following complaints of vehicles entering and leaving the site late at night. No County Council breaches identified at this visit.
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	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

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		September 2012 and full remediation of land by December 2012, as varied on appeal.	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. 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 (EN) 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. Liaison with District regarding other proposed development on the site. Discussing with Legal Services expediency regarding extent of compliance with EN.
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. Site inspection required to establish extent of restoration compliance with view to 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 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

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			developer regarding compliance.. Recent inspections undertaken on 3 and 24 April 2014 and the next scheduled on the 21 May 2014. Some improvements noted however breaches in condition remain. Section 73 application has been received on 20 May 2014 to vary conditions 2,3,6,11,13 and 20.
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. Following pre-application advice the operator has confirmed that a Section 73 application is due within next month.
Rainbow Waste, Swadlincote.	Storage of waste outside the building.	Breach of Condition notice served on 17 November 2012 for cessation of storage and removal external waste and concrete "A" frames by 17 December 2012.	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. 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. Meeting with operator and planning agent undertaken on 15 January 2014; compliance with BCN discussed; further application to extend the buildings is to be considered; recommended that pre-application advice be sought; pre-application submission remains outstanding.
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	Breach of Condition Notice served 9 October 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

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	stabilisation at quarry face.		in respect of Condition 43. Breach of Condition Notice served. Planning/Legal Services discussing options. Extension until end of January 2014 allowed for BCN compliance. No scheme submitted and officers are currently considering next options for compliance with condition or otherwise. Liaising with Transgressor's solicitor regarding BCN compliance.
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2. Other sites (where formal enforcement action has not been taken)

Site	Breach	Action Taken	Comment
CP Environmental Ltd 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 Action Plan has been submitted for consideration. Action Plan agreed. Removal of waste outside the building to be completed by 31 December 2013. Site inspection carried out on 3 January 2014. Removal of the waste has not been completed and the site remains in breach of planning control. The case has been referred to Legal Services for consideration of Enforcement Action. Service of Breach of Condition Notice authorised and currently being drafted. Pre application submitted and advice issued.

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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 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. Condition compliance submissions made to Derbyshire County Council and approved.

Mike Ashworth
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