

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	21 June 2017
<b>Title:</b>	Monitoring and Enforcement Update
<b>Report From:</b>	Head of Strategic Planning

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### 1. Executive Summary

- 1.1. This report is to provide information to the Regulatory Committee on the Monitoring and Enforcement work undertaken by the Strategic Planning team at Hampshire County Council during the period January – June 2017.
- 1.2. Officers have been actively ensuring compliance with minerals and waste permissions granted by Hampshire County Council, investigating any complaints received as well as taking enforcement action where it is expedient to do so.
- 1.3. The report details the number of complaints on authorised and unauthorised sites, and the outcome of negotiations, including, when necessary, enforcement action undertaken.
- 1.4. Progress on work relating to the routine monitoring of chargeable and non-chargeable sites and development control work dealing with Planning Condition (Article 27) applications and Non-Material Amendments is also summarised.
- 1.5. The report also includes an update on the progress and end dates of current mineral workings as requested by members at the meeting of the Regulatory Committee held on 22 February 2017.

### 2. Complaints

- 2.1. The vast majority of the complaints received during the period January –June 2017 referred to unauthorised waste development (15 sites) and breaches of operational planning conditions on existing mineral and waste sites (10 sites). Enforcement action was initiated on 3 sites to secure planning control although planning applications were subsequently submitted putting further action on hold on 2 of the sites. A further 7 planning applications were submitted to address issues raised by complaints or routine monitoring. On 6 sites unauthorised activities ceased and the land was cleared following

negotiation with the landowners. The remainder were enquiries made about general site operations, fly-tipping, odour and waste related development that were dealt with in-house or referred to either the Environment Agency or the relevant district or borough Planning Authority as non-County matters.

### **3. Enforcement Actions**

3.1. The following table sets out the enforcement action taken for the period January – June 2017.

*Table 1: Enforcement action undertaken between January – June 2017*

<b>Site</b>	<b>What enforcement action has been undertaken and why</b>
Land to the rear of Peacocks Nursery, Ewshot	Following refusal of second planning application enforcement action was authorised by Regulatory Committee. Enforcement Notice served 22 April and was due to come into effect 24 May but an appeal has been lodged which holds the enforcement action in abeyance.
Newlands Farm, Tanners Lane, Fareham	A PCN was served to investigate concerns about the importation, storage and treatment of waste. Following discussion the landowner expressed a desire to submit an application to regularize the situation, but uncertainty over the timetable for the Stubbington By-Pass (which runs through the site) complicated their plans. Therefore, whilst enquiries about the By-pass are made the operation has ceased, the plant and machinery were removed and the materials started being cleared. This work ceased so an Enforcement Notice was served. However, a planning application has subsequently been submitted for a temporary permission.

#### **Enforcement Update:**

3.2. The following provides an update on enforcement activities previously reported to the committee.

*Table 2: Update on enforcement activities*

Site	Update
Homestead Farm, Penton Copse, Andover	Three Enforcement Notices were served against oversized replacement waste handling building and site offices, extension to the site area, and stockpile heights in excess of permitted levels following the refusal of planning application on 23 September 2014. Appeals against all three Notices were lodged, with a Hearing held on 27 May 2015. The Appeals against the first two Notices were allowed, but the third Notice (against stockpile heights) was upheld. Consequently the enlarged waste handling replacement building and site offices and the extension to the site area now have planning permission. The required details have since been submitted and agreed and the building is in the process of being completed. As a result of subsequent site inspections an application has been submitted for changes to the layout of the site, relocation of the office building and an extension to the waste handling building.
Junction 9 M3, Winnal, Winchester	Investigation into the importation and processing of waste associated with highway works. A PCN was served and it was determined that the operation needed planning permission. Formal pre-application discussions have commenced and an application has been required by June to allow time for necessary ecological surveys.
Courtwood Farm, Fordingbridge	Following recent refusal of planning application and continued complaints, a Breach of Condition Notice was drafted. However, a further planning application was submitted to address issues on site so the enforcement action has been put on hold until the application is determined.
Basingstoke Anaerobic Digestion Plant (formerly Carousel Dairy), Farleigh Wallop, Basingstoke	Following complaints and further investigation it was determined that there were breaches of the conditions setting out the hours that lorries could access the site. A Breach of Condition Notice (BCN) was served in 2016 to cease the activity and prevent future breaches. A Planning application was subsequently submitted to address the issue and clarify the permitted times and vehicle numbers. This was approved by the committee in July 2016 with an increase in vehicle movements permitted for an initial trial period of one year. Proactive site management and regular Liaison Panel meetings appear to be improving the situation and monitoring of the traffic movements is ongoing. The

	vehicle number plate recognition system has not proved effective, so some changes have been implemented to try and get better results. In the meantime, an application has now been received for a permanent increase to the lorry numbers.
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3.3 The following table provides information on the joint enforcement activities which have been undertaken with the Environment Agency and District Planning Authorities.

*Table 3: Update on joint enforcement activities with the Environment Agency and District Planning Authorities*

<b>Site</b>	<b>Joint working with</b>	<b>Update</b>
Importation, storage and burning of waste at Mill View Farm, Old Mill Lane, Denmead	Environment Agency	Part of an investigation by the EA's Crime Investigation Team. The prosecution is continuing.
Importation, storage and burning waste at Trampers Lane, North Boarhunt	Environment Agency	Gathering of evidence complicated by existence of mobile home park on the site and lack of available witnesses. The landowner pleaded guilty to charges brought by the EA and received a £3000 fine for the deposit of trommel fines, but investigations into the importation and burning of general skip waste continues.
Frensham Ponds, Frensham	East Hampshire District Council	Reports received of tipping on land adjacent to the River Wey on the Hants/Surrey border. Subsequent investigation determined the operator and then the landowner. Landowner claims work is drainage works to improve the wetlands and return them to summer grazing. Working with EHDC to ascertain whether legitimate engineering works or waste disposal.
Land adjacent to and rear of Culhams Mill, Little London Road,	Basingstoke & Deane Borough Council	B&DBC reported that travellers had acquired the land and thousands of tonnes of rubble and hard-core were being imported and spread.

Silchester		B&DBC had served an injunction which was being ignored. Police accompaniment needed as site considered high risk. The new landowner had submitted a planning application to B&DBC for the creation of 13 mobile home pitches, so work determined to be engineering works ancillary to the use of the land for mobile homes, so provided work was not excessive (ie they did not extend outside the area of the application or the depth of tipping was not excessive) it is not a County matter. Liaising with B&DBC to keep monitoring.
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#### **4. Site Monitoring**

##### ***Chargeable sites:***

- 4.1. Under the Town and Country Planning (Fees for Applications and deemed applications) (Amendment) (England) Regulations 2006, the County Council is able to charge fees for the monitoring of quarries and landfill sites in the County. Fees are charged for a set number of monitoring visits, the number of visits being dependent on the stage of operations at each site; whether operational, in aftercare or inactive. The number of visits is agreed with each operator and is in line with an assessment of each site made by the County Council. Active sites are charged at £331 per visit for between four and eight visits per year. Sites in aftercare are charged at £331 for one visit per year. Inactive sites are charged £111 for one annual visit.
- 4.2. In Hampshire currently, there are 27 active sites, 11 in aftercare and 7 dormant sites liable for chargeable visits.
- 4.3. During this half year all chargeable visits are on target, bringing in approximately £18,000 in fees.

##### ***Non-chargeable sites:***

- 4.4. Non chargeable sites include waste processing sites, wastewater and treatment works and metal recyclers. These vary from the large Energy Recovery Facilities (ERF) and Materials Recovery Facilities (MRF) to the smaller scale recycling and transfer facilities and updating existing wastewater treatment works. The larger developments attract much attention in their locality and require regular monitoring to ensure that the local amenity

is not impacted, whereas the smaller, built developments require monitoring during construction and implementation, but once up and running need less regular attention and resources dictate these sites only get further visits should complaints be received.

4.5. Matrix working arrangements have been made with Waste & Resource Management so that their officers undertaking visits to waste sites operating under the County's waste contract also look at planning issues to provide greater coverage.

4.6. As a result of site monitoring nine planning applications have been submitted or are due.

## **5. Liaison Panels**

5.1. During this period Liaison Panel meetings were held for the following sites:-

- a. Basingstoke Anaerobic Digestion Plant, Farleigh Wallop, Basingstoke;
- b. Yokesford Industrial Estate, Belbins, Romsey;
- c. Lee Lane Materials Recycling Facility, Lee Lane, Nursling;
- d. A303 Recycling Facility and IBAA Plant, Drayton Road, Barton Stacey;
- e. Humbly Grove Oilfield, Weston Common, Lasham;
- f. Bleak Hill Quarry, Ringwood;
- g. Herriard Anaerobic Digester Plant, Bushywarren Lane, Herriard; Basingstoke ;
- h. Squabb Wood Landfill, Salisbury Road, Romsey;
- i. Trottsford Farm Sandpit, Frithend, Sleaford, Bordon;
- j. Roke Manor Quarry, Salisbury Road, Romsey;
- k. New Forest Environmental Protection Liaison Panel; and
- l. Rookery Farm Recycling Facility, Swanwick.

## **6. Development Management**

### ***Planning Condition (Article 27) applications:***

- 6.1. Planning Condition (Article 27) applications are where conditions of new permissions require details to be submitted and approved for the proper implementation and control of the development. Under the [Town and Country Planning \(Fees for Applications and Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#), a fee of £97.00 per submission is required for the discharge of any details submitted. During the period, Article 27 applications were received and approved for three planning permissions. Three more are being chased or are under negotiation.

### ***Non-Material Amendments (NMAs):***

- 6.2. NMAs are minor changes to developments or the operation of authorised sites which can be agreed through an application for a non-material amendment if the change has no significant impact. Such an application requires a fee, but does not involve general consultation and determination by Committee.

- 6.3. Over the period NMAs were submitted for:

- (a) Roke Manor Quarry, Shootash, Romsey SO51 6GA – Revised site compound area for weighbridge, welfare unit and meeting room, revised processing plant layout and lagoon within the yard area.
- (b) Four Dell Waste Facility, Poles Lane, Winchester, Otterbourne, Hampshire SO21 2DY – Amendments to Site Layout.
- (c) Fawley, Charleston Road, Hardley, Hythe SO45 3NX - ancillary building to the facility.
- (d) Veolia Environmental Services (Hampshire) Ltd, Poles Lane, Otterbourne, SO21 2EA - Widen the road to provide two lanes to maintain separation between HGV's and the storage area where site personnel maybe operating.
- (e) Eastleigh Household Waste Recycling Centre - Change in ground levels to the soft landscaping, additional 2 x 5m CCTV pole and 1 x 3 automatic number plate recognition (ANPR) camera pole.
- (f) Basingstoke Sewage Treatment Works, Whitmarsh Lane, Chineham, RG24 8LL - to increase roof height of cake hopper enclosure.

## **7. Progress of Mineral workings:**

- 5.1. At the meeting of the Regulatory Committee held on 22 February 2017 members requested an update on the progress and completion of current mineral working consents across the county.

*Table 4: Permitted end dates and progress of current mineral workings.*

<b>Site Name</b>	<b>Mineral Type</b>	<b>End date for extraction</b>	<b>Progress</b>
Mortimer Quarry, Southern Extension, Mortimer West End	Sand & Gravel	September 2023	Permission yet to be implemented. Due to commence beginning 2018. Likely to need extension of time.
Weston Common, Weston Patrick	Oil & Gas	September 2025 + 1 year restoration	Oil production continues alongside gas storage. Application to allow additional oil export by road received. Reserves unknown.
Wolverton Chalk Pit (Kingsclere), Baughurst	Chalk	February 2042 + 1 year restoration	Dormant chalk pit. Not worked in 15 years.
Manor Farm, Monk Sherborne	Chalk	December 2021	On plan
Lode Farm/Rookery Farm, Kingsley	Sand	December 2018 + 1 year for restoration	Current dredging on plan, but applications to extract reserves to the east expected shortly, and further reserves to the west in SDNP
Horndean Wellsite B	Oil & Gas	January 2020	Oil production continuing. Reserves unknown, but extension of time likely.
Frithend Sand Pit, Sleaford, Kingsley	Sand	December 2022	Application to vary working and

			restoration details and extend time expected.
Ropley Lime Quarry, Ropley	Chalk	March 2042 + 6 months restoration	Dormant chalk pit. Has permission for housing from EHDC. Not worked in 20 years.
Chandlers Farm, Eversley/Yateley	Sand & Gravel	December 2019 + 7 months restoration	Only reserves remaining are those under the plant site. Extension of time for extraction unlikely.
Warren Heath (Bramshill Quarry), Eversley/Bramshill	Sand & Gravel	December 2020 + 6 months restoration	Extension of time granted 2014. Further reserve to the east.
Bleak Hill, Ellingham Harbridge & Ibsley	Sand & Gravel	December 2018 + 1 year restoration	Further reserves to the north likely to be subject of an application.
Bury Farm, Marchwood	Sand & Gravel	December 2025 + 6 months restoration	On plan.
Downton Manor Farm, Hordle	Sand & Gravel	June 2018 + 1 year restoration	Application to extend site expected
Plumley, Blashford & Nea Farm Quarry, Ellingham Harbridge & Ibsley	Sand & Gravel	December 2025 + 1 year restoration	On plan.
Forest Lodge Home Farm Quarry, Hardley	Sand & Gravel	10 years from commencement	Pre-commencement details under consideration

Michelmersh Brickworks, Michelmersh	Clay	June 2021 + 1 year restoration	On plan.
Somborne Chalk Quarry, Michelmersh	Chalk	February 2042 + 6 months restoration	Only seasonal use primarily for agricultural purposes.
Adjacent Fullerton Sewage Treatment Works, Goodworth Clatford	Oil & Gas	December 2036	Recent permission granted to extend time for continuation of oil production.
Roke Manor	Sand & Gravel	June 2024	On plan.
Larkwhistle Farm Wellsite, South Wonston	Oil & Gas	December 2036	Recent permission granted to extend time for continuation of oil production.

## 8. Recommendation

8.1 That the contents of this report be noted.