

Cabinet Meeting: Monday, 01 September 2025

Question from: George Pickles

Question to: Councillor Patient, Deputy Leader and Cabinet Member with responsibility for Climate Action and Housing

QUESTION

Thank you for the answer given to my question about the elapse of approval 17/00114/VAR

You indicated that no action could be taken prior to the SWIP being operated. Currently there is no approval to burn on site, most of the incinerator is now installed awaits completion.

Have you advised the operator or owner that should it start to operate you would have to serve an enforcement notice?

The site has been extended on the upstream part into the woodland which is protected by Woodland Orders 86/00228/C and 88/00349/C and there is obvious damage to the trees and several are no longer in existence.

The planning approval does not allow for the long term deposit of waste material in this protected woodland.

The appeal for a housing development on this site was turned down by a Government Inspector on two grounds – Green Belt and potential risk to the protected trees.

Significant fines can be levied for damaging protected trees.

What enforcement action does the Council now intend to take?

Response

The national legal and policy basis for planning enforcement is that local planning authorities have a discretion to take enforcement action when they consider it expedient to do so and LPAs are under a duty to act in a manner which is proportionate to the breach having regard to the impact the breach has on the local area and the Local Plan, so the steps taken will depend on the precise circumstances of the case.

It is therefore not appropriate for the Council to make public statements about what enforcement action it intends to take in respect of potential breaches that have either not happened yet or that have not yet been fully investigated.