

IMPORTANT – THIS NOTICE AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the **PLANNING AND COMPENSATIONS ACT 1991**)

ENFORCEMENT NOTICE (Ref. EN/04/6001)

ISSUED BY CUMBRIA COUNTY COUNCIL

1. This notice is issued by Cumbria County Council (the Council) because it appears to them that there has been a breach of planning control as defined in paragraph (a) of Section 171A(1) of the above Act, at the land described below. The Council considers that it is expedient to issue this notice having regard to the provisions of the development plan and to other material considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at Elliscales Quarry, Dalton in Furness, shown edged red on the attached plan (Ref. EN/04/6001).

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the change of use of the land from disused quarry to use of land for the:

- a) storage, sorting and processing of waste, primarily wood waste
- b) storage of a steel container and wooden pallets; and
- c) deposit of hazardous waste in the form of corrugated asbestos sheeting; and
- d) deposit of construction and demolition waste, including reinforced concrete, concrete slabs and posts, bricks, rubble, and roofing materials; and
- e) deposit of scrap metal and machinery, including a trailer and trailer bases, a yellow digger/tipper, a tractor and related machinery for wood processing, metal drums, girders, joists, wheels and tyres; and
- f) deposit of various miscellaneous waste materials including, plastic containers and sheeting, carpets and other fabrics

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above material change of use without planning permission has occurred within the last ten years. The unauthorised use of the land

for the storage, sorting and processing primarily of wood waste, and for the deposit of other waste materials including asbestos, is not appropriate on this site which is designated as a Site of Special Scientific Interest. The use of the site obscures, and is potentially damaging to, the rock exposures including the reef structures on the quarry floor that comprise the site's geological interest. The use of the site is, therefore, contrary to Policy 17 of the adopted Cumbria and Lake District Joint Structure Plan, Policy E31 of the emerging Cumbria and Lake District Joint Structure Plan, and Policy 16 of the Cumbria Minerals and Waste Local Plan. The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

- a) Cease the importation of any additional waste materials onto the site.
- b) Cease using the land for the storage, sorting and processing of wood waste.
- c) Cease using the land for the disposal of asbestos, construction and demolition waste, scrap metal and machinery, and other miscellaneous waste materials.
- d) Remove the steel container and wooden pallets from the site.
- e) Remove to an appropriate licensed or waste management site(s) all asbestos, wood waste, scrap metal and machinery, construction and demolition waste and all other miscellaneous waste materials.

6. TIME FOR COMPLIANCE

By reference to the requirements of paragraph 5 above the time for compliance with each sub-paragraph thereof is as follows:-

- a) Cease the importation of waste onto the site and stop using the land for the storage, sorting processing and disposal of waste by one day after the date the notice takes effect, i.e. by not later than the expiry date of 2nd May 2004; (as to sub-paragraphs 5(a) (b) and (c))
- b) Remove the container and wooden pallets by two months after the date the notice takes effect, i.e. by not later than the expiry date of 1st July 2004; (as to sub-paragraphs 5 (d))
- c) Remove all asbestos, wood waste and processed wood waste, scrap metal and machinery, construction and demolition waste and all other miscellaneous waste materials by two months after the date the notice takes effect, i.e. by not later than the expiry date of 1st July 2004; (as to sub-paragraphs 5(e)).

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 1st May 2004, unless an appeal is made against it beforehand.

DATED the 24th day of MARCH 2004

Signed.....
Brian Walker
Head of Legal Services
For and on behalf of Cumbria County Council
The Courts, Carlisle, CA3 8LZ

ANNEX

YOUR RIGHT OF APPEAL:

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of the notice. The enclosed booklet "Enforcement Notice Appeals – A Guide to Procedure" sets out your rights. You may use the enclosed appeal forms.

- a) One is for you to send to the Secretary of State if you decide to appeal together with a copy of this enforcement notice.
- b) The second copy of the appeal form and the notice should be sent to the Council.
- c) The third copy is for your own records.

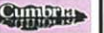
WHAT HAPPENS IF YOU DO NOT APPEAL:

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you are responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Elliscales Quarry

Scale 1:1250

Grid Ref (plan centre) SD2274NW



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