

Mr Stephen Jeffrey Wilcox

Dear Mr Wilcox

Town and Country Planning Act 1990 (as amended)

Planning (Listed Buildings and Conservation Areas) Act 1990

Site Location: **Site Of Old Colliery, Fry's Bottom, Chelwood, Bristol, Bath And North East Somerset**

Re: **Alleged Unauthorised Tipping of waste and Alleged Unauthorised Engineering Operations**

I write with reference to a planning matter referred to Bath and North East Somerset Council Planning Enforcement Team in respect of Site Of Old Colliery, Fry's Bottom, Chelwood. The matter relates to Without Planning Permission, the unauthorised Tipping of Waste, unauthorised Engineering Operations, unauthorised Development and unauthorised Change of Use, all of which constitute a breach of planning control.

Following a site visit to the above mentioned land on 9th February it has been considered necessary to prepare Planning Contravention Notices (PCNs) asking questions regarding the use of the land/site. It appears that you may have an interest in the land, and I have therefore enclosed a PCN.

The visit confirmed that breaches of planning control may have occurred at the site which require planning permission and the information gathered from the site visit, together with the replies from the PCN will enable the consideration of such matters.

If you wish to discuss this matter further, please contact me 01225 477480 or Sam_Grant@bathnes.gov.uk.

Yours sincerely

Sam Grant MRTPI

Senior Planning and Enforcement Officer

Development Management

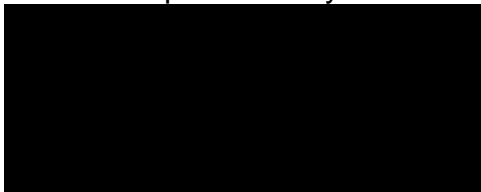
IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING
COMPENSATION ACT 1991)**

PLANNING CONTRAVENTION NOTICE

Served by: Bath and North East Somerset Council

To: Mr Stephen Jeffrey Wilcox



1. THIS NOTICE is served by the Council because it appears to it that there may have been a breach of planning control, within section 171A(1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3), so far as you are able, to provide certain information about interests in, and activities on, the land.

2. THE LAND TO WHICH THE NOTICE RELATES

The land at Site Of Old Colliery, Fry's Bottom, Chelwood, Bristol, Bath And North East Somerset, shown edged in **RED** on the attached plan.

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

Without Planning Permission, the unauthorised Tipping of Waste, unauthorised Engineering Operations, unauthorised Development and unauthorised Change of Use.

4. WHAT YOU ARE REQUIRED TO DO

In exercise of its powers under Section 171C(2) and (3) of the Act the Council requires you, as far as you are able, to give them the following information in writing **within twenty one days** beginning with the day on which this Notice is served on you:

Question 1

What is the full name and address of any freeholder(s) of “the Land”?

Reply:

Question 2

What is the full name and address of any leaseholder(s) of “the Land”?

Reply

Question 3

What is the full name and address of any mortgagee(s) of “the Land”?

Reply:

Question 4

What is the full name and address of any occupier(s) of “the Land”?

Reply:

Question 5

What is the full name and address of any other person(s) having either a financial or personal interest in “the Land”? Please state the nature of such interest:

N.B. This may include a spouse or business partner or else any other person using or occupying “the Land” for any purpose:

Reply:

The following definitions are relevant to this Planning Contravention Notice:

Development

Defined by Section 55 of the Town and County Planning Act 1900 (as Amended), which states:

“Development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

- (1A)For the purposes of this Act “ building operations ” includes—
- (a)demolition of buildings;
- (b)rebuilding;
- (c)structural alterations of or additions to buildings; and
- (d)other operations normally undertaken by a person carrying on business as a builder.

Engineering Operations

Works normally undertaken by persons carrying on business as an engineer. Such as large-scale landscaping and the alteration of a watercourse. However, it is not essential for an engineer to be actually engaged on a project.

Substantial Completion

There is no definition in law of what is considered Substantial Completion, so it has to be assessed on a case-by-case basis. However, generally substantial completion is considered when a whole building, structure or Engineering Operation is completed so that it is both capable of use for the intended purpose and also is how the person constructing it intended it to be when finished.

Waste

‘Waste’ means any substance or object which the holder discards or intends or is required to discard; including ‘construction and demolition waste ’ which means waste generated by construction and demolition activities.

The following questions (6 to 11) relate to the Land shaded in BLUE and marked A on the attached Map

Question 6

Please describe the current use of the Land (if more than one use of the land is occurring then please describe all uses or activities):

Reply:

Question 7

Please confirm whether the use of “the Land” includes a use of depositing waste for the purposes of discarding of unwanted or unusable articles or materials, including by way of permanent abandonment or incineration (burning):

Please describe any use of “the Land” for this purpose:

Reply:

Question 8

Please confirm whether the Land is being used to store or discard of hazardous waste*

*waste that when stored, transported or disposed of pose a risk to human health, safety, property or the environment.

Reply:

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Question 9

Has any material been imported onto the land?

Reply:

Question 10

If the answer to question 9 was yes, please state:

- What material has been imported.
- Where the imported material originates from?
- If you have any documentation/record relating to any imported waste, if yes, please provide this documentation (This would include any documentation relating to Waste Importation Permits from the Environment Agency)
- On what date the material was imported onto the land (approximate dates are acceptable)
- If you or anyone else received payment to allow the material to be imported onto the land

Reply:

[illegible]

Question 11

Please state what development or engineering operations have taken place, (Definition provided above) have taken place on the Land? (Such as land reprofiling, access tracks or alterations to a watercourse). Please provided details of the purpose of the works and if these works are substantially complete. (if yes, please provide the date of substantial completion)

Reply:

[illegible]

The following questions (12 to 19) relate to the Land shaded in ORANGE and marked B on the attached Map

Question 12

Please describe the current use of the Land:

Reply:

Question 13

lease confirm whether the use of “the Land” includes a use depositing waste for the purposes of discarding of unwanted or unusable articles or materials, including by way of permanent abandonment or incineration (burning):

Please describe any use of “the Land” for this purpose:

Reply:

Question 14

Please confirm whether the Land is being used to store or discard of hazardous waste*

*waste that when stored, transported or disposed of pose a risk to human health, safety, property or the environment.

Reply:

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Question 15

Has any waste been imported onto the land?

Reply:

Question 16

If the answer to question 15 was yes, please state:

- What material has been imported?
- Where the imported material originates from?
- If you have any documentation/record relating to any imported waste, if yes, please provide this documentation (This would include any documentation relating to Waste Importation Permits from the Environment Agency)
- On what date the material was imported onto the land? (approximate dates are acceptable)
- If you or anyone else received payment to allow the material to be imported onto the land

Reply:

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Question 17

Please state what development or engineering operations, (Definition provided above) have taken place on the Land? (Such as land reprofiling, access tracks or alterations to a watercourse). Please provided details of the purpose of the works and if these works are substantially complete. (if yes, please provide the date of substantial completion)

Reply:

Question 18

Please state if any part of this land or associated buildings are being used as a use falling within B8 Use Class Storage or Distribution. If so, please provide details and when this use commenced.

Reply:

Question 19

Please state the details of any leases that have been signed for the rental of the land or buildings (Including names of business/persons and start and end dates)

Reply:

The following questions (20 to 25) relate to the Land shaded in GREEN and marked C on the attached Map

Question 20

Please describe the current use of the Land (if more than one use of the land is occurring then please describe all uses or activities):

Reply:

Question 21

Please confirm whether the use of “the Land” includes a use depositing waste for the purposes of discarding of unwanted or unusable articles or materials, including by way of permanent abandonment or incineration (burning):

Please describe any use of “the Land” for this purpose:

Reply:

Question 22

Please confirm whether the Land is being used to store or discard of hazardous waste*

*waste that when stored, transported or disposed of pose a risk to human health, safety, property or the environment.

Reply:

Question 23

Has any waste been imported onto the land?

Reply:

Question 24

If the answer to question 23 was yes, please state:

- What material has been imported?
- Where the imported material originates from?
- If you have any documentation/record relating to any imported waste, if yes, please provide this documentation (This would include any documentation relating to Waste Importation Permits from the Environment Agency)
- On what date the material was imported onto the land? (approximate dates are acceptable)
- If you or anyone else received payment to allow the material to be imported onto the land

Reply:

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Question 25

Please state what development or engineering operations, (Definition provided above) have taken place on the Land? (Such as land reprofiling, access tracks or alterations to a watercourse). Please provided details of the purpose of the works and if these works are substantially complete. (if yes, please provide the date of substantial completion)

Reply:

The following questions (26 to 31) relate to the Land shaded in PURPLE and marked D on the attached Map

Question 26

Please describe the current use of the Land (if more than one use of the land is occurring then please describe all uses or activities):

Reply:

Please confirm whether the use of “the Land” includes a use depositing waste for the purposes of discarding of unwanted or unusable articles or materials, including by way of permanent abandonment or incineration (burning):

Please describe any use of “the Land” for this purpose:

Reply:

[illegible]

Question 28

Please confirm whether the Land is being used to store or discard of hazardous waste*

*waste that when stored, transported or disposed of pose a risk to human health, safety, property or the environment.

Reply:

[illegible]

Question 29

Has any waste been imported onto the land?

Reply:

[illegible]

Question 30

If the answer to question 29 was yes, please state:

- What material has been imported?
- Where the imported material originates from?
- If you have any documentation/record relating to any imported waste, if yes, please provide this documentation (This would include any documentation relating to Waste Importation Permits from the Environment Agency)
- On what date the material was imported onto the land? (approximate dates are acceptable)
- If you or anyone else received payment to allow the material to be imported onto the land

Reply:

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Question 31

Please state what development or engineering operations, (Definition provided above) have taken place on the Land? (Such as land reprofiling, access tracks or alterations to a watercourse). Please provided details of the purpose of the works and if these works are substantially complete. (if yes, please provide the date of substantial completion)

Reply:

Question 32

If you believe that planning permission is not required for the depositing of waste and the associated engineering works identified in the questions above then please explain why:

Reply:

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Time within which the information must be provided: within twenty-one days, beginning with the day on which this notice is served on you

5. OPPORTUNITY TO MAKE REPRESENTATIONS IN RESPONSE TO NOTICE

If you wish to make an offer to apply for planning permission, or to stop carrying out any operations or activities, or to undertake remedial works; or to make any representations about this notice, the Council, or representatives of the Council, will be available. Please contact the case officer Sam Grant, Senior Planning & Enforcement Officer on Sam_Grant@bathnes.gov.uk or 01225 477480 if you wish to make representations.

6. WARNING

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1000 (Level 3 on the Standard Scale). Continuing failure to comply following a conviction will constitute a further offence. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in any way. The maximum penalty on conviction of this offence is a fine of £5000 (level 5 on the standard scale).

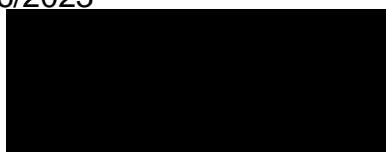
7. ADDITIONAL INFORMATION

If you fail to respond to this notice, the Council may take further action to deal with the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the 1990 Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable for any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Dated: 14/06/2023

Signed:

A black rectangular box redacting the signature of Neil Howat.

Name: Neil Howat – Planning Enforcement Team Manager

On behalf of: Bath and North East Somerset Council

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 171C

REPLY FORM

To **Planning Services - Planning Enforcement**
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

In reply to your Notice dated **14th June 2023** under the above Act requiring me to give certain information relating to the land at **Site Of Old Colliery, Fry's Bottom, Chelwood, Bristol, Bath And North East Somerset** ("the Land as outlined in RED on the attached plan).

I HEREBY STATE that the answers to the questions set out in the Notice returned herewith comprise a true and correct statement of all the information required by the said Notice so far as the same is within my knowledge.

Dated:..... Signed:.....

FULL NAME in block capitals:

FULL ADDRESS

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