

Mr Stephen Jeffrey ~~Wilcox~~ *WILLCOX*

Our ref: 23/00023/UNDEV

Date: 14/06/2023

Dear Mr ~~Wilcox~~ *WILLCOX*
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

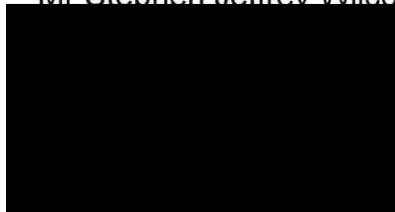
IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**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: STEPHEN JEFFREY WILLCOX

[Redacted address]

Question 2

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

Reply NONE

[Empty lines for additional information]

Question 3

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

Reply:

[Redacted mortgagee information]

Question 4

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

Reply: Due to Data Protection Act we cannot disclose.

[Empty lines for additional information]

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:

NOTHING - FORESTRY

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:

NONE

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:

~~NONE~~ - Dad will post details.

Question 9

Has any material been imported onto the land?

Reply:

~~NO~~ Environmental exceptions in
place.

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:

~~NO~~ Full explanation to be
posted as per question 8.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

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:

NONE - Further details in the post.

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: GENERAL STORAGE YARD

Question 13

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:

FOLLOWING 27 YEARS OF STORAGE AN APPLICATION
IS BEING SUBMITTED (IN OUR COURSE)
MORE INFO TO FOLLOW IN THE POST

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:

NONE.

NOTHING HAZARDOUS

- More info following in the pgst



Question 15

Has any waste been imported onto the land?

Reply:

BUILDERS RUBBLE - EXEMPTION IN PLACE
(I THINK WE GAVE YOU A
COPY?)

Question 16

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

- 1) — What material has been imported?
- 2) — Where the imported material originates from?
- 3) — 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)
- 4) — On what date the material was imported onto the land? (approximate dates are acceptable)
- 5) — If you or anyone else received payment to allow the material to be imported onto the land

Reply:

- 1) LOCAL BUILDERS
- 2) LOCAL BUILDINGS (WORK)
- 3) — THE INDIVIDUALS HOLD THESE
- 4) APPROX 2005 - (EXEMPTION IN PLACE
FOLLOWING EA INVESTIGATION
IN 2005)
- 5) OCCASIONAL - DONATIONS

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 provide details of the purpose of the works and if these works are substantially complete. (if yes, please provide the date of substantial completion)

Reply:

- * TOP OF SPILL HEAP LEVELLED IN 1997,
- * ENLARGMENT OF HORSE YARD MOVED INTO RAILWAY CUTTING + TOP SOIL ADDED. - 2006
- FURTHER ENLARGEMENT 2018, + TOP SOIL ADDED.
- * RECENTLY HORSE (MUCK HEAP) + SMALL AMOUNT OF YARD SCRAPPINGS DEPOSITED ON THE WESTERN EDGE OF THE EXISTING SPILL HEAP.
- * TRACK INTO WOOD FROM TOP YARD TO SECTION WC CONSTRUCTED 1997. (NORTHERNSIDE)

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:

BUSINESS RATES APPLIED SINCE FEB 2010

- Further info to follow in the PCSt.

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:

NONE - Due to Data Protection act we cannot disclose

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:

FORESTRY
MAIN TRACK (WOODLAND) CONSTRUCTED 1997
CONNECTING ONE END OF WOOD TO THE OTHER,
- More info to follow in the post.

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:

EXEMPTION PERMIT EXIST WITH EA FOR
CERTAIN TYPES OF MATERIAL IN CONNECTION
WITH ONGOING MAINTAINANCE OF WOODLAND
TRACK.
- More info to follow in the post.

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:

NO NONE

Question 23

Has any waste been imported onto the land?

Reply:

NOT WASTE, JUST DIRT + SUBSOIL
TO INFILL EXISTING BELLPITS.
Exceptions in place.

Question 24

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

- A — What material has been imported?
- B — Where the imported material originates from?
- C — 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)
- D — On what date the material was imported onto the land? (approximate dates are acceptable)
- E — If you or anyone else received payment to allow the material to be imported onto the land

Reply:

- A) PLEASE SEE PREVIOUS PAGE
- B) LOCAL GROUND WORK
- C) THIS IS HELD WITH THE INDIVIDUALS
- D) 1997 - TO PRESENT.
- E) OCCASION - DONATIONS

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 provide details of the purpose of the works and if these works are substantially complete. (if yes, please provide the date of substantial completion)

Reply:

- NO alterations to watercourse.
- WOODLAND ACCESS TRACK CONSTRUCTED 1997;
reference - Planning department letter
handed to yourself - 9th Feb 2023.
- Please see enclosed 'FOREST ROADS + TRACKS'
- 4.1.

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: * FORESTRY

* SMALL AREA TO STORE MATERIALS FOR THE
USE OF ROUTINE MAINTAINANCE ONCE CRUSHED

CROSSING 2 - TO FORM CONSERVATION POND

CROSSING 3 - "

CROSSING 1 - FOR REFERENCE - 1997.

O - circles indicate ben pits

- Storage area.

2021
18/20/21

Question 27

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:

NO - further info to follow

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:

NO -



Question 29

Has any waste been imported onto the land?

Reply:

YES -
BUILDERS (NON-HAZARDOUS WASTE) FOR
TRACK MAINTAINANCE
- further info to follow

Question 30

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

- A What material has been imported?
- B Where the imported material originates from?
- C 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)
- D On what date the material was imported onto the land? (approximate dates are acceptable)
- E If you or anyone else received payment to allow the material to be imported onto the land

Reply:

- A) - LOCAL BUILDERS MATERIAL
- B) - LOCAL BUILDING WORK
- C) - NO - WITH INDIVIDUALS
- D) - 1997 - TO PRESENT. (EA EXEMPTION IN PLACE)
- E) - OCCASIONAL - DONATIONS

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 provide details of the purpose of the works and if these works are substantially complete. (if yes, please provide the date of substantial completion)

Reply:

- LAND REPROFILING - BELL PITS MADE STATE, CLOSE TO TRACKS.
- FUND - SUBSTANTIALLY COMPLETE
- CROSSING 1 - 1997.
- CROSSING 2 - 2020
- CROSSING 3 - 2021.
- TO ENCOURAGE WILDLIFE (FLORAL FUNGUS) AND MAKE IT A LOVELY AREA TO SPEND TIME OUTDOORS

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:

- * PLEASE SEE THE ENCLOSURE FORESTRY COMMISSION NOTES 25.
- * ALSO COPIES OF EA EXEMPTION PERMITS FOR ~~HA~~ MATERIALS TO IMPORT.
- * PLEASE SEE EA EXEMPTIONS FOR BURNING WASTE.

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).

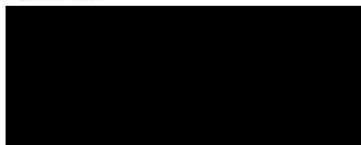
7. ADDITIONAL INFORMATION

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:



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

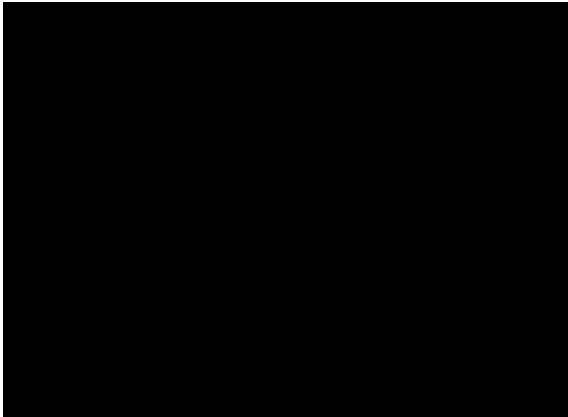
In reply to your Notice dated 14th June 2023 under the above Act requiring me to give certain information relating to the land at **Site Of Old Colliery, Fry's Bottom, Chelwood, Bristol, Bath And North East Somerset** ("the Land as outlined in RED on the attached plan).

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: 17.7.23 Signed:

FULL NAME in block capitals: STEVE WILLCOX

FULL ADDRESS

A large black rectangular box redacting the full address. To the right of the box are five horizontal dotted lines for additional address information.

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