

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE AND DISTRICT COMMITTEE

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Hubbs House Farm

PURPOSE OF REPORT

To inform Committee of the current issues and to inform Committee of available options to deal with them.

RECOMMENDATIONS

That Committee note the current position in respect of the agencies involved and determine what course of action to take next.

REASON FOR RECOMMENDATIONS

In order to ensure that activities at the farm are brought under satisfactory control and that the continued harm to the environment being caused ceases.

ISSUE

- 1** The Committee have been informed on a regular basis of the issues surrounding the purposeful tipping being undertaken at the farm and the land associated with it. That had culminated in a prosecution by the Environment Agency and the County Council. There had been a deadline for compliance with those which has now passed. The Notices have not been complied with and there is evidence of continued activities.
- 2** A working meeting of officers from the police, EA, LCC and fire brigade met on 19th July to discuss the position of each body. There had been continued monitoring of the situation and the police reported that they had ceased a tractor from the operator. That had later been recovered.

- 3 The EA were compiling evidence of the non-compliance with the court order. That is now with their legal team to take back to court. Investigations continue on the dumping of hazardous waste.
- 4 LCC were looking at the continuing transgressions. Pendle's Chief Executive has written to LCC's seeking them to take forward the Planning Injunction and we have received a reply indicating that a further prosecution will be pursued. This could have the effect of a custodial sentence being imposed which would have the same effect as an injunction. LCC's legal advice is to wait for the outcome of this process.
- 5 The most appropriate way to deal with the situation is to pursue an injunction but that is for LCC to pursue as they are responsible for Waste matters.
- 6 Pendle has served a Section 215 Notice to require the removal of a derelict caravan. That took effect on 24th July with a compliance period of 28 days. Committee will be informed of whether that has been complied with at Committee.
- 7 Cattle have now strayed onto other land, including the golf course and private houses, from the farm. This is being investigated by the Community Protection Coordinator. Options open to deal with this comprise of:
 - Potential Community Protection Order
 - Retain animals and sell them under the provisions of the Animals Act 1971. There are limitations to this in the Act which have to be complied with
 - Pursue a nuisance under the EPA 1990
 - Pursue a Civil Injunction
- 8 The options are being considered with a view to advising Committee of what the most appropriate would be and how that could be implemented.

IMPLICATIONS

Policy:	None
Financial:	This is dependent on the course of action to be taken.
Legal:	None
Risk Management:	None
Health and Safety:	None
Sustainability:	None
Community Safety:	None
Equality and Diversity:	None