

# **ENFORCEMENT OF PLANNING CONDITIONS:**

**Important - This Communication Affects Your Property**

**Town and Country Planning Act 1990  
(as amended by the Planning and Compensation Act 1991)**

## **BREACH OF CONDITION NOTICE**

**Served By: Leicestershire County Council**

**To: SITA UK LIMITED, SITA House, Grenfell Road, Maidenhead, Berkshire, SL6 1ES**

**1. This Notice** is served by the Leicestershire County Council, under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the condition specified in this notice. The Annex at the end of this notice contains important additional information.

### **2. The Land To Which The Notice Relates**

Land known as Cosby Lane Landfill Site (the railway cutting between Lutterworth Road and Cosby Lane), Cosby, in the County of Leicestershire shown edged red on Plan A attached to this Notice.

### **3. The Relevant Planning Permission**

The relevant planning permission to which this Notice relates is the planning permission granted by the Council on 25<sup>th</sup> November 1997 (under reference no. 1997/0764/01) extending the time for the infilling of the disused railway cutting and restoration to agriculture.

### **4. The Breach of Condition**

The following condition of planning permission (no.1997/0764/01) has not been complied with:

#### **Condition No. 4**

**"Unless otherwise required by the conditions attached to this permission, the development hereby approved shall be carried out in accordance with the conditions attached to Planning Permission No. 92/1071/1**

in that the requirements of Condition 25 of Planning Permission No.1997/0764/01 which provides that *"Unless otherwise approved by the County Council Planning Authority, following the completion of the deposition of waste material, the access to the site shall be removed and permanently stopped and the*

*land shall be restored to its original condition by the re-spreading of the subsoil and topsoil previously stripped from it and all works carried out within the highway shall be reinstated.*" have not been complied with in that **the access to the site has not been removed and permanently stopped, the land has not been restored to its original condition and works carried out within the highway have not been re-instated**

## **5. What you are required to do in relation to the breach of condition**

As the person responsible for the breach of condition specified in paragraph 4 of this Notice, you are required to comply with the stated condition by taking the following steps:

Complete the restoration of the site to a condition suitable for agricultural use and reinstate the highway in accordance with the approved restoration scheme Asm-Rein-1208-01 by:

1. Returning the roadside kerb to the position shown on plan Asm-Rein-1208-01 dated December 2008 and approved 6<sup>th</sup> May 2009 and shown on Plan B attached to this Notice.
2. Breaking up and removing the concrete hardstanding, shown edged blue on Plans A and B attached to this Notice and, taking all waste material off-site to a licensed disposal facility.
3. Preparing the site of the hardstanding, as shown edged blue on Plans A and B attached to this Notice, to a condition suitable for seeding as shown on plan Asm-Rein-1208-01 dated December 2008 and approved 6<sup>th</sup> May 2009.
4. Restoring the hardstanding area, as shown edged blue on Plans A and B attached to this Notice, to agricultural grassland in accordance with the details shown on plan Asm-Rein-1208-01 dated December 2008 and approved 6<sup>th</sup> May 2009.
5. Reinstating the grass verge, hedgerow and fencing as shown on Plan B attached to this Notice in the manner shown on plan Asm-Rein-1208-01 dated December 2008 and approved 6<sup>th</sup> May 2009.

### Time for compliance:

1. 8 months from the date of this Notice.
2. 8 months from the date of this Notice.
3. 8 months from the date of this Notice.
4. To be completed within the first available planting season following the removal of the hardstanding.

5. To be completed within the first available planting season following the removal of the hardstanding.

Dated: 28<sup>th</sup> September 2009.

Signed:

A handwritten signature in black ink, appearing to be 'P. Larter', written over a faint, illegible printed name.

On behalf of: Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RA.

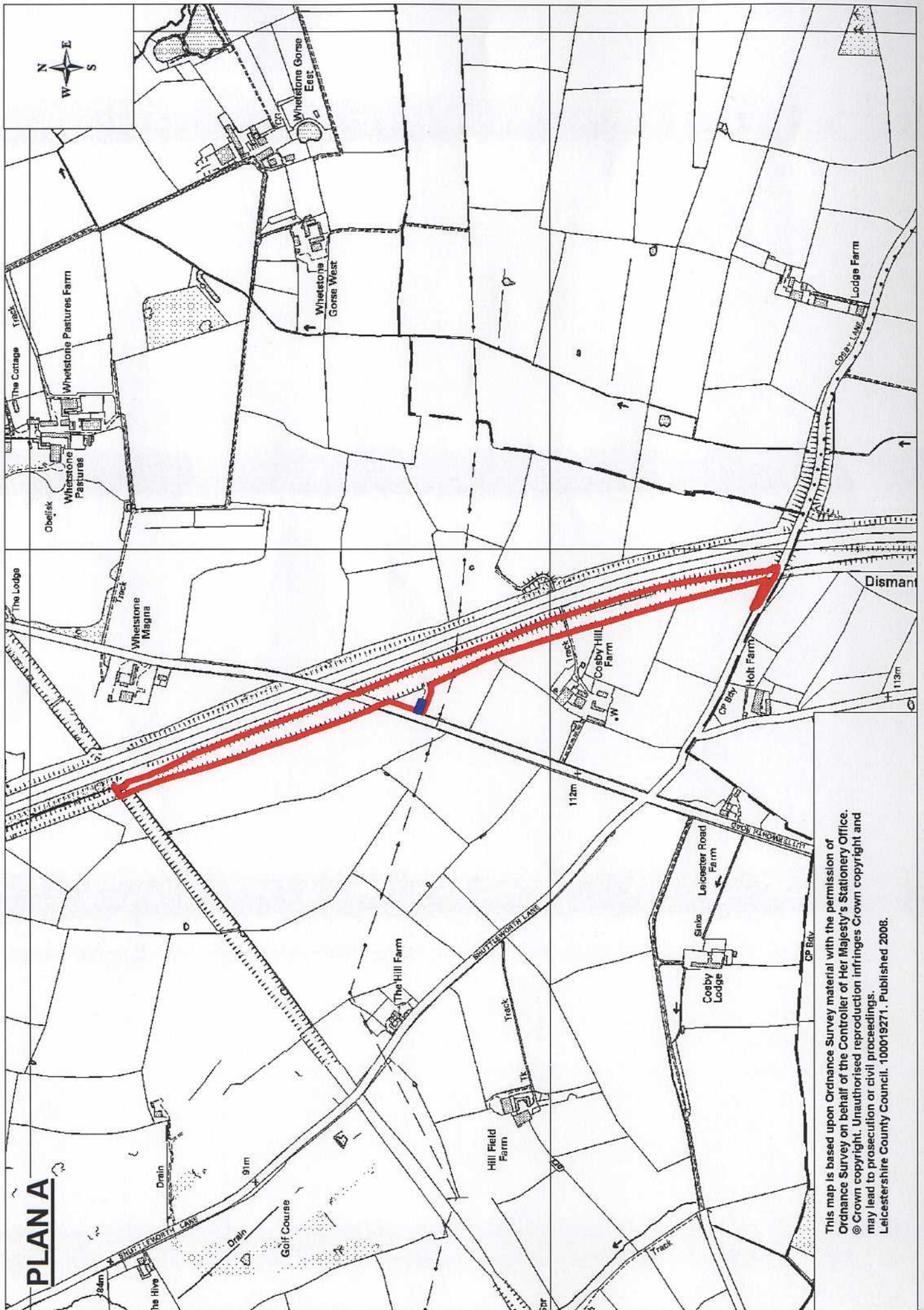
### Warning

**This Notice Takes Effect *Immediately* It Is Served On You In Person Or On The Day You Received It By Post.**

**There Is No Right Of Appeal To The Secretary Of State Against This Notice.**

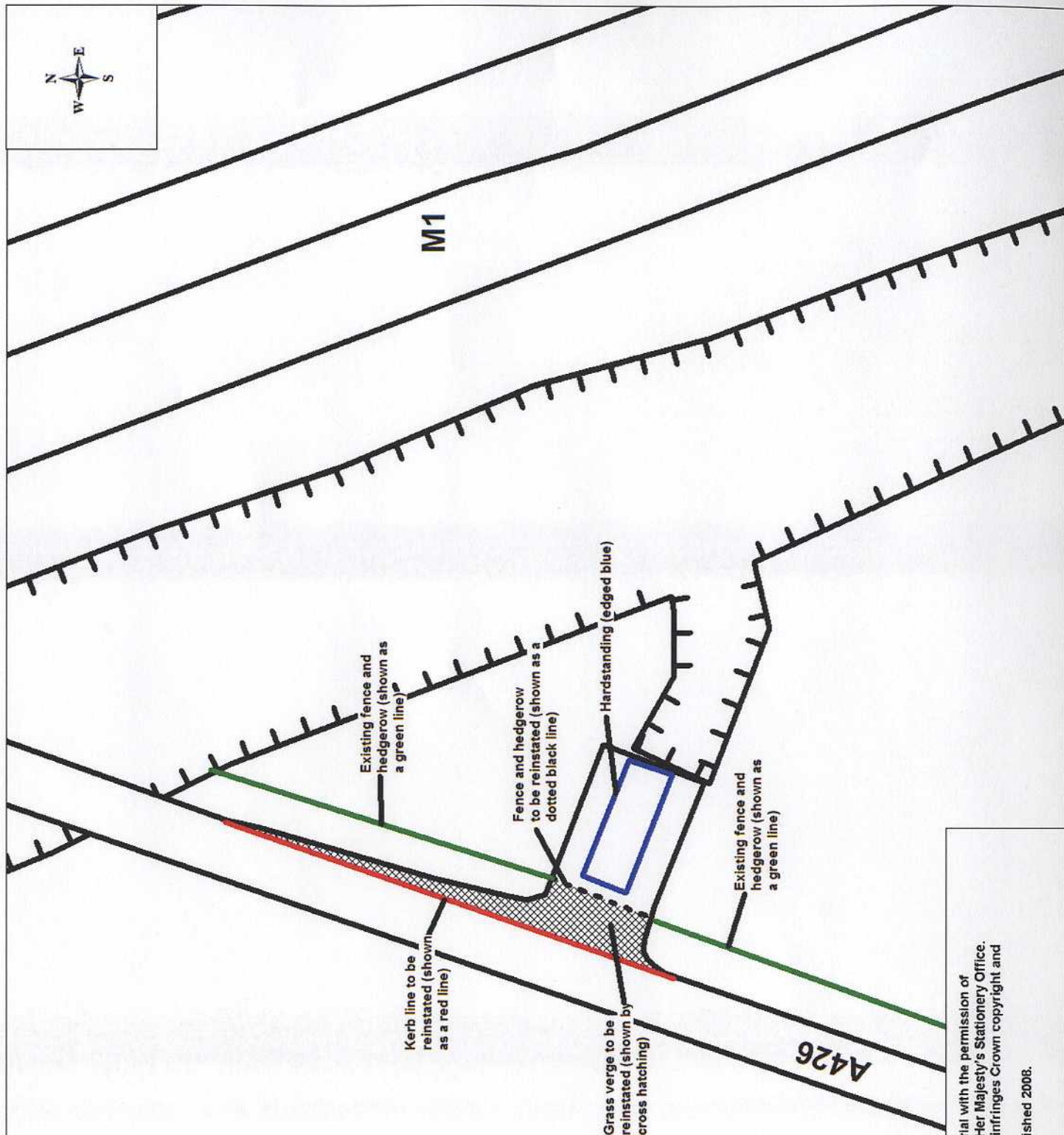
It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Mr P. Larter on 0116 305 7292, or Mr T. Lacey on 0116 305 7326.

If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.



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# PLAN B



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