

Requirements of the Notice:

Provide in writing (clearly handwritten in BLOCK CAPITALS) in the spaces below (or on a separate sheet if necessary) the following information:

- a) State your full name and contact address

Mr John Croke
56 Wheatlands
Stevenage
Herts
SG2 0JT

** please note, the above address is current and should replace the addressed used on the PCN for future correspondence.*

- b) State the nature of your interest in the Land e.g. owner, occupier

Owner of land within the eastern part of the site

- c) Provide full contact information of any other person(s) with a legal interest in the Land e.g., tenant, mortgagee, owner(s), occupier(s)

(western part of the site)
Mr Ryann Croke
4 Ravensdale Way
Hertford
SG14 2GZ

- d) Provide the date importation of soils and rubble commenced

8th September 2025.

- e) Did any changes in ground levels take place prior to the importation of any inert material? If so, provide a plan showing these changes.

No changes have been undertaken recently. Following the approved mineral extraction and fill, ground levels were changed in line with planning approval and natural settlement

occurred over time since. The site was cleared of ground vegetation earlier in 2025 to facilitate the outstanding restoration required by the 1980 HCC Enforcement Notice – with the material proposed to be sourced through a Cl'air. That process stopped when the Councils asserted that there was a need for planning permission for the works (an assertion which is contended by the landowners). Officers subsequently visited the site (April 2025) and noted the uneven ground conditions which prevent maintenance or any beneficial use of the land for cultivation. Since then, the vegetation which had encroached over the cleared site was once again removed to facilitate the importation of the material permitted by the EA.

- f) Provide details of the depth of inert material expected across the site. If the depth is not consistent across the site, provide plans showing the different depths and their extent.

The 1980 HCC Enforcement notice requires compliance with Condition 5 of planning the planning permission which states “*The complete refilling of the excavation to the level of the surrounding ground, covering with a surface layer of soil not less than 12 inches deep capable of supporting plant life, and the initial cultivation of the site to the satisfaction of the Local planning Authority*”. To comply with this condition the material needs to be at least 12 inches deep. However, to be capable of supporting plant life and initial cultivation, the ground level across the site needs to be consistent, meaning that in lower ground levels the fill may significantly exceed 12 inches to comply with the condition. The landowners have also had regard to guidance issued by DEFRA on soil handling which indicates that for successful agriculture and profile of 300mm top soil over 600-900mm subsoil to provide total coverage of 1000-1200mm is usually required for sustainable rooting and drainage. This is the depth that the landowners believe to be required to facilitate compliance with Condition 5 and the associated Planning Enforcement Notice. Please note content of email from Darren Evers dated -1/11/2024, appended to this PCN response.

- g) Provide details of the amount of inert material imported to date (in cubic metres or tonnes). Specify the amount for each type of material imported e.g. top soil.

Without the Cl'air the maximum amount of material that can be brought onto the site is 2,000 tonnes and an EA permit has been secured for this amount. This amount is insufficient to fully comply with the HCC Enforcement Notice (as above) and a Cl'air will be required to complete the restoration. That process has been delayed to date by the Council's objection and its incorrect assertion that the EN has been fully complied with. As the Council is aware, there are CCTV cameras on the site entrance gates and the owners, in the interest of full transparency, are willing to share CCTV footage with Council officers, as previously, so that the movements may be viewed.

- h) Provide details of estimated amount of inert material required to complete the works (in cubic metres or tonnes). Specify the amount for each type of material to be used.

Please note content of email from Darren Evers dated -1/11/2024, appended to this PCN response. Approximately 19,500 cubic metres are anticipated being required, with some

flexibility depending on the larger items of waste and detritus removed from the site and the tonnage will vary depending on the density of imported materials.

- i) Provide an estimated schedule of works, including estimated timescales for completion.

This is also under review and depends on the outcome of discussions with the Councils (HCC and BBC). The Cl'air is by far the fastest route to restoring this site and completing the works, but has been stalled by the Council's assertion that planning permission is needed for the works.

- j) Provide details of the number of vehicle movements per day/week expected in order to import the required material, including movements that have already occurred.

Timescales are unknown. Each vehicle holds 15-18 tonnes of waste.

- k) Provide a copy of the topographical survey carried out before works commenced.

Please see attached files to email from Darren Evers dated 1st November 2024.

- l) Provide a copy of the plan being worked to in order to determine expected land levels upon completion.

Please see attached files to email from Darren Evers dated 1st November 2024.

- m) Provide details of any expected impact these works have on the compliance with any other extant Enforcement Notice.

The works are required by the 1980 HCC Enforcement Notice which requires restoration as set out above in response to question (f). The landowners believe that the Council is incorrect in its assertion that the Notice was previously complied with. The basis of this disagreement includes the following points, which can be substantiated by evidence if needed for any formal appeal route:

- 1) The landowners are the second and third generation of family owners of this land. Mr John Croke had worked on the land alongside his father since he was a teenager and oversaw first land the fill that occurred. He knows that the restoration works were never completed with the site never having been finally topped with soil. He is now seeking to resolve this long-standing breach.
- 2) The site is registered by the County as a "**Dormant**" minerals site. Sites cannot be both dormant and restored. The County Council has clearly made a mistake with one of these assertions as they cannot both be correct. Historic site inspection notes and the condition of the land as viewed on site by officers from HCC and BOB indicate that the restoration did not take place. Therefore, there is an outstanding requirement within the 1980 HCC notice which can (and should) be complied with – without the need for express planning permission.

- 3) An HCC Officer note of an inspection dated 16/08/1993 which notes that there is metal protruding across parts of the site. This is followed by a brief note from an officer on 27/03/1996 which despite stating the site is “fully restored” fails to complete any of the proforma sheet confirmation details of the restoration works in terms of subsoil/top soil and notes the condition of the land as “disused scrubland” and containing some horse jumps and mounds of soil. Mr Croke confirms from his first hand knowledge that there have never been jumps on the site, which has not been unused for equine purposes. However, the adjacent land on Spring Walk is currently and has historically been in equine use and it is suggested that the 1996 visit might have occurred in the wrong parcel of land. As Officers of both Councils saw first hand in April 2025, despite the green covering across the site, it remains uneven (so as to prohibit access by maintenance machinery, or grazing by livestock) and contains waste materials and other detritus at the surface. It is contended that the officer in 1996 failed to probe beyond the green appearance of the site and failed to check that the requisite minimum 12 inches of soil had been imported and potentially, as above, may have assessed adjacent land which was in equine use at the time.
- 4) Further to point 4 above, there is no evidence that the specific requirements of the Council as set out by letter dated 2nd April 1986 were ever complied with – the works identified by the Council as being necessary to comply with the EN were:
- The removal of all stones and other debris in excess of 75mm in diameter from the surface layer of the subsoil.
 - The application of weed killer, deep cultivation and further stone picking.
 - The placement of topsoil/topsoil substitute, light cultivation and seeding with grass ley. Application of fertilizer and weed killer as appropriate.
 - The removal of the derelict site hut and redundant vehicles, plant and other machinery.
 - A general 'tidy up' of the site is required including fly tipped rubbish.
 - Replanting of the Hawthorn hedge on the northern boundary.

The above requirements were very clearly conveyed to Mr Croke (senior), with the enforcement officer stating “*If I do not hear from you, I will be requesting the County Planning Officer to carry out the site inspection in the near future in order that he may report back to me whereupon I will consider a prosecution for failure to comply with an Enforcement Notice under Section 89 of the Town and Country Planning Act 1971. Conviction under this Section can carry heavy penalties*”. The current landowners are seeking to fulfil this obligation through the restoration works underway at the site currently.

- 5) HCC’s position (as set out by Brian Owen, 29/04/2025) that “*The notice said that the site should be restored within a 2 year period in accordance with the planning permission. The two year period had elapsed many years ago and cannot now be relied upon to give any permission or authority to import and deposit waste*” is disagreed with by the landowners’ Planning and Legal advisors – both of whom consider that whilst an express planning permission may lapse, there is no similar provision for the requirements of an enforcement notice to cease to take effect unless

they are either complied with or the Notice is withdrawn – with neither applying in this case.

- n) Provide any information regarding permission to the use the Land for this development or any details to demonstrate why planning permission is not required.

The works are required in order to comply with the requirements of HCC Enforcement Notice. The requirements of the Notice are therefore considered to provide deemed planning permission for the works.

- o) Provide any relevant information you wish the Council to consider before any further action is considered.

1) Please refer to Points 1-5 provided in response to Question (m).

2) The landowners are conscious that this site has a complex planning history and its use has over time been unneighbourly and resulting in poor environmental conditions. Following the appeal and high court decisions relating to the lawful commercial use of the site, the landowner has instead sought to restore the land and resolve all outstanding Planning Enforcement obligations. The landowners wish to work with the Council to ensure a sustainable and beneficial use of this site moving forward.

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

I hereby declare that the above information is correct to the best of my knowledge.

Dated: 12/10/2025

Signed: 

Print Name: Katie Smith (Agent acting on behalf of Mr John Croke)