Dear Darran,

Further information following on from your email on May 23rd.

1. The link provided is to the Council’s planning portal.  Your email refers to four enforcement notices, please can you specify the details for each enforcement notice (the date, reference and the breach of planning control that it relates to) and in respect of each of those notices please confirm whether any part of it remains capable of being enforced, we note that you consider none of them are enforceable, but we would like to understand the details of this.

2. You must appreciate that the three Parish Councils and the local community have endured the eyesore that is the Orchard Herbs site for many decades and throughout this period, we have relied on local residents to monitor the site, pass on relevant information to the Council and press for action to be taken.  Your email of 23 May is not accurate in respect of the current condition of the site.  In particular I attach two photographs showing the growth of the vehicles on the site since March 2023

(photos sent in email)

In addition to this, as mentioned in the email last week, we have had a couple of deliberately start fires in the last month. The last one being on the 10th of June, which was attended by the Fire Brigade.

Finally in the past week there has been additional operations started in different parts of the site. A further expansion of the Ready-Mix concrete operation, by addition of a large facility in the northern part of the site close to the M4 as well as a scaffolding operation nearby. Again, see photographs below

(photos sent in email)  
         
   
It does seem therefore that the Council’s enforcement team is unwilling, or has not taken the opportunity to monitor the site and we remain concerned about the lack of progress and knowledge about activities at Orchard Herbs.

3. The Council’s position seems to be that the existing enforcement notices are no longer fit for purpose and that you are considering what further action to take.  In this respect, it does not seem that matters have moved on since your last update prior to this in an email to Councillor George Sandy on the 27th February 2023

4. We note that you refer to the fluid nature of the breaches of planning control occurring on the site, we cannot understand why this precludes the Council from taking any further action, in particular injunctions that could address existing and anticipated breaches of planning control.

5. Your email also refers in the penultimate paragraph to further investigatory work and “further work” being undertaken, please can you specify what this is and provide the Parish Council and local residents with a clear timeframe within which you expect to make a decision.

6. Please also confirm that you have received the legal opinion you refer to in the final paragraph of your email and when you are available to meet with us**.  We are available on 18th July 2023 at a venue in Dorney Parish to be confirmed**.   We note that a further update was anticipated from you in the first week of June, we have not received any further emails from the Council.

7. Unless there are particular legal complexities that prevent you from taking any further action, we cannot understand why progress on this site has been so slow and why an injunction cannot be utilised instead of a planning enforcement notice, if you consider the latter to be inappropriate given the fluid nature of the breaches of planning control.  It simply makes no sense to us whatsoever to reach a view that just because activities on a site are fast moving, the planning system is not equipped with the right tools to remedy such breaches.  If that is the case, landowners would be encouraged to, and indeed would benefit from, continually changing unauthorised activities on their land.  It is this that we wish to discuss with you in particular as we fully understand that a planning enforcement notice can only describe a breach of planning control that exists at the time that it is served but cannot understand why the Council is not taking any further alternative action.

We look forward to hearing from you.

Dorney Parish Council

Burnham Parish Council

Taplow Parish Council