



## AGENDA

### REGULATION COMMITTEE

**Tuesday, 26th January, 2010, at 10.00 am**      Ask for:      **Andrew Tait**  
**Darent Room, Sessions House, County Hall,**      Telephone      **01622 694342**  
**Maidstone**

*Tea/Coffee will be available 15 minute before the start of the meeting.*

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes (Pages 1 - 10)
  - (a) Committee:      10 September 2010
  - (b) Member Panel:      27 October 2009  
                                    16 November 2009  
                                    14 December 2009
4. Update from the Commons Registration Team (Pages 11 - 16)
5. Applications to register land as a Town or Village Green under Section 15 of the Commons Act 2006 (Pages 17 - 22)
6. Presentation on Home to School Transport (including Home to School Transport Statistics) (Pages 23 - 28)
7. Update on Planning Enforcement Issues (Pages 29 - 34)
8. Other Items which the Chairman decides are Urgent
9. Update on Planning Enforcement issues at Deal Field Shaw, Charing (Pages 35 - 38)
10. Enforcement strategy at Four Gun Field, Otterham Quay Lane, Upchurch (Pages 39 - 42)
11. Enforcement strategy for Blu-3 (UK) Ltd/ Construction Haulage Ltd, Unit 10, Detling Airfield, Detling (Pages 43 - 44)

#### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Peter Sass  
Head of Democratic Services and Local Leadership  
(01622) 694002

**Monday, 18 January 2010**

*Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.*

**KENT COUNTY COUNCIL**

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**REGULATION COMMITTEE**

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 10 September 2009.

PRESENT: Mr M J Harrison (Chairman) Mr R Brookbank, Mr C J Capon, Mr H Craske, Mr A D Crowther, Mr T Gates, Mr W A Hayton, Mr S J G Koowaree, Mr R J Lees, Mr S Manion, Mr R F Manning, Mr J Ozog, Mr J Wedgbury, Mr M Whiting and Mr A Willicombe (Substitute for Mr A H T Bowles)

ALSO PRESENT: Mr P J Homewood

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr R Gregory (Principal Planning Officer Enforcement), Mr A Goodison (Planning Contraventions Officer), Miss M McNeir (Public Rights Of Way Officer (Definition Team)) and Mr A Tait (Democratic Services Officer)

**UNRESTRICTED ITEMS**

**17. Election of Vice Chairman**

*(Item 3)*

Mr C J Capon moved, seconded by Mr H Craske that Mr A D Crowther be elected Vice-Chairman of the Committee.

*Carried unanimously.*

**18. Terms of Reference and dates of future meetings**

*(Item 4)*

RESOLVED that the Terms of Reference and future meeting dates set out in the report be noted, together with the procedure rules for the various Member Panels appended to these Minutes.

**19. Minutes**

*(Item 5)*

RESOLVED that the Minutes of the Committee meetings held on 19 May 2009 and 25 June 2009 and of the member Panel held on 7 August 2009 are correctly recorded and that they be signed by the Chairman.

**20. Update on Planning Enforcement Issues**

*(Item 6)*

(1) Mr P Homewood was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) The Head of Planning Applications Group introduced this item by giving a presentation on the role of the Committee in Planning Enforcement and on the work of the Enforcement Team.

(3) RESOLVED to endorse the actions taken or contemplated on the respective cases set out in paragraphs 9 to 21 of the report and those contained in the Schedules set out in Appendices 1 to 3.

## **21. Public Rights of Way and Village Greens**

*(Item )*

(1) The Chairman invited the Public Rights of Way Officer to give a brief introduction on the Committee's role in respect of Public Rights of Way and Town/Village Greens.

(2) RESOLVED that the Public Rights of Way Officer be thanked for her presentation.

### **EXEMPT ITEMS (Open Access to Minutes)**

*(Members resolved under Section 100A of the Local Government Act 1972 that the public be excluded from the meeting for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act)*

## **22. Update on Planning Enforcement issues at Deal Field Shaw, Charing**

*(Item 8)*

(1) The head of Planning Applications Group reported on the latest enforcement position concerning the Deal Field Shaw (Shaw Grange) former landfill site, Charing.

(2) RESOLVED that the enforcement and site strategy set out in paragraphs 5 to 7 of the report be endorsed.

## **23. Update on Planning Enforcement issues at Four Gun Field, Upchurch**

*(Item 9)*

(1) The Head of Planning Applications Group reported the latest enforcement strategy concerning the Four Gun Field site, Otterham Quay Lane, Upchurch.

(2) RESOLVED to endorse the enforcement strategy outlined in paragraphs 4 to 8 of the report.

## **24. Update on Planning Enforcement Issues at Woodgers Wharf, Upchurch**

*(Item 10)*

- (1) The Head of Planning Applications Group reported on the latest enforcement position concerning the Woodgers Wharf site, Upchurch.
- (2) RESOLVED to endorse the enforcement strategy set out in paragraphs 3 and 4 of the report.

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## KENT COUNTY COUNCIL

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### REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 27 October 2009.

PRESENT: Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr T Gates, Mr S J G Koowaree and Mr R A Pascoe

ALSO PRESENT: Mr R F Manning

IN ATTENDANCE: Mr C Wade (PROW Team Manager (definition)), Miss M McNeir (Public Rights Of Way Officer (Definition Team)) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **7. Exchange of land at Hartenoak Playing Field (VG239) at Hawkhurst** *(Item 3)*

(1) Mr R F Manning was present for this item pursuant to Committee procedure Rule 2.24 and spoke.

(2) The PROW Officer explained that although the Planning Inspectorate had held a Public Inquiry into the exchange of land application by Hawkhurst Parish Council, the County Council had not been invited to comment. Whilst recognising that under the provisions of the Inclosure Act 1845 there was no requirement for the County Council to be consulted, the Panel also noted that all such applications in the future would be subject to the Commons Registration Act 2008. This Act would require the County Council to be consulted. The Chairman therefore agreed to write to the Planning Inspectorate on behalf of the Panel to express the concern that consultation had not taken place on this occasion.

(3) The Panel also agreed that the absence of consultation with the County Council should be publicised in order to counter any perception that it was in favour of the exchange of land.

(4) The Panel agreed to the application because it satisfied the two tests that the County Council was required by Law to consider. These were: whether the applicant was the same person (s) who had applied to the Secretary of State for the exchange of land; and that the instrument effecting the exchange was a "relevant instrument".

(5) RESOLVED that:-

- (a) the applicant be informed that the application to amend the Register of Village Greens to reflect the recent exchange has been accepted and that the Register of Village Greens be amended accordingly for unit VG239 at Hartenoak Playing Field in Hawkhurst;

- (b) agreement be given to the Chairman to write on the Panel's behalf to the Planning Inspectorate to express its concern that the County Council had not been consulted on this occasion; and
- (c) the absence of consultation with the County Council be publicised in order to counter any perception that it was in favour of the exchange of land.

**8. Application to register Public Rights of Way on the former Bayham Estate, Lamberhurst and Pembury**

*(Item 4)*

- (1) The Panel noted the views that the local Member, Mr A J King had expressed to the meeting of the Panel which had originally considered the application on 5 April 2005. It also noted that Mr King was in favour of the recommendations set out in the report.
- (2) RESOLVED to inform the Secretary of State that the County Council will maintain a neutral stance at any Public Inquiry held into the addition of a Public Footpath crossing the former Bayham Estate at Pembury and Lamberhurst.

## REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 16 November 2009.

PRESENT: Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr T Gates, Mr S J G Koowaree and Mr R A Pascoe

ALSO PRESENT: Mr B J Sweetland

IN ATTENDANCE: Mr C Wade (PROW Team Manager (definition)), Miss M McNeir (Public Rights Of Way Officer (Definition Team)) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **9. Application to register land at Fountain Walk, Northfleet as a new Village Green** (Item 3)

(1) A visit to the site had taken place prior to the meeting. It was attended by Members of the Panel; Mr S Baker, the applicant and his representative, Mr C Meredith; Mr R Todd, the landowner; Mr L Christie, Local Member; and by some 8 members of the public.

(2) A letter from Mr L Christie, the local Member was tabled in support of the application.

(3) Mr C Meredith addressed the Panel on behalf of the applicant, Mr S Baker. Mr R Todd spoke as the landowner.

(4) On being put to the vote, the recommendations of the Director of Environment and Waste were carried unanimously.

(5) RESOLVED that the applicant be informed that the application to register the land at Fountain Walk, Northfleet has not been accepted.

#### **10. Application to register land known as St Andrew's Gardens, Gravesend as a new Village Green.** (Item 4)

(1) A visit to the site had taken place prior to the meeting. It was attended by the Panel Members; Ms C Brown, the applicant; Mrs R Spearman from Gravesham BC, the landowner; and two members of the public.

(2) Mr B J Sweetland was present for this item pursuant to Committee Procedure Rule 2.24.

- (3) Copies of the intended statements to be made by Ms C Brown and Mr M McKay from Urban Gravesham as well and from Ms P Luxford from the Open Spaces Society were provided to the Panel in advance of the meeting.
- (4) Additional maps provided by Gravesham BC were tabled. These showed the extent of the areas which the Borough Council believed were not capable of registration.
- (5) The PROW Team Manager (definition) tabled a plan showing Gravesham BC's ownership of the site.
- (6) T Dinkin QC addressed the Panel on behalf of the landowner, Gravesham BC.
- (7) On being put to the vote, the recommendations of the Director of Environment and Waste were carried unanimously.
- (8) RESOLVED that a non-statutory Public Inquiry be held into the case in order to clarify the issues.

## REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the on Monday, 14 December 2009.

PRESENT: Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr T Gates, Mr S J G Koowaree and Mr R F Manning

ALSO PRESENT: Mr S Manion and Mr M J Vye

IN ATTENDANCE: Mr C Wade (PROW Team Manager (definition)), Miss M McNeir (Public Rights Of Way Officer (Definition Team)) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **11. Membership**

*(Item 1)*

The Panel noted that Mr A D Crowther had taken the place of Mr A H T Bowles.

#### **12. Application to register land at Cherry Orchard, Herne as a new Village Green**

*(Item 3)*

- (1) Members of the Panel had visited the site of the application at Cherry Orchard, Herne on the morning of the meeting.
- (2) Mrs L Collopy addressed the Panel on behalf of the applicant. Mrs J Taylor from Canterbury City Council spoke in reply.
- (3) RESOLVED that for the reasons stated in the Inspector's report dated 18 September 2009, the applicant be informed that the application to register the land at Cherry Orchard Playing Field, Herne has not been accepted.

#### **13. Application to register land at Victoria Recreation Ground, Canterbury as a new Village Green**

*(Item 4)*

- (1) A visit to the site at Victoria Recreation Ground, Canterbury had taken place prior to the meeting. It was attended by the applicant, Mr B Buggins and by Mr R Griffiths from Canterbury City Council.
- (2) Mr M J Vye was present for this item pursuant to Committee Procedure Rule 2.24 and spoke in favour of the application.
- (3) Mr B Buggins (the applicant), Mr J Flanagan and Mrs I Linfield addressed the meeting in support of the application.

(4) Mrs J Taylor and Mr R Griffiths from Canterbury City Council and Mr D Platts, Vice Principal of Canterbury High School responded to questions put by Members of the Panel in the light of concerns raised by the supporters of the application.

(5) RESOLVED that the Applicant be informed that the application to register the land known as Victoria Recreation Ground, Canterbury has not been accepted.

**14. Application to register land known as The Market Square, Aylesham as a new Village Green**

*(Item 5)*

(1) Mr S C Manion was present for this item pursuant to Committee Procedure Rule 2.24 and spoke in support of the application.

(2) Correspondence from Mr G Mandry, Pricipal Solicitor of Dover District Council was tabled and read to the meeting by the Chairman.

(3) Mrs E Madden (applicant), Mr D Falconer, Mr B Oliver and Dr L Keen from Aylesham Parish Council addressed the meeting in support of the application.

(4) RESOLVED that the applicant be informed that the application to register the land known as The Market Square, Aylesham has not been accepted.

## Update from the Commons Registration Team

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A report by the Director of Environment and Waste to Kent County Council's Regulation Committee on Tuesday 26<sup>th</sup> January 2010.

### **Recommendation:**

**I recommend that the County Council's role and participation in the pilot implementation of Part I of the Commons Act 2006 be noted and that the action taken thus far is commended.**

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### **Background**

1. The law of Common Land and Village Greens is rooted deep in customary law and dates back to medieval times. During the nineteenth century, increasing awareness and recognition of the importance of such land to local communities as places for recreation gave rise to increasing statutory protection with the passing of the Inclosure Act 1857, the Commons Act 1876 and the Commons Act 1899.
2. The Commons Registration Act 1965 gave all local authorities a duty, for the first time, of registering all Common Land and Village Greens within their administrative area, as well as details of ownership and any rights of common that existed (e.g. a right to graze animals). However, the task of establishing registers proved to be complex, lengthy and costly, and the 1965 Act was flawed in many ways. For example, some land provisionally registered under the Act was wrongly struck out, whilst other land was overlooked and never registered, and many Village Greens became wrongly registered as Common Land (and vice versa) or their depiction on the Register plans was inaccurate.
3. Another major flaw was that the scope for correcting errors was very limited and, as a result, many events (e.g. new road schemes) which affected entries in the Registers of Common Land or Village Greens have not been registered and the Registers have, in consequence, become significantly out of date since they were first compiled in 1970.

### **The Commons Act 2006**

4. The recent 2006 Act is designed to replace and significantly improve the now much out-dated 1965 legislation. The most voiced criticism of the 1965 system is that much of the information recorded in the Registers under that Act were not capable of change or easy amendment and this has left Registration Authorities with a legacy of something more akin to a "Domesday Book" today rather than a useful 'Living Record'.
5. The Registers were intended to provide conclusive evidence of the facts shown as at the date of registration. Yet, the original registration took place in the late 1960s and early 1970s and, accordingly, many entries in the Registers are only conclusive of what the legal position was more than 40 years ago. Since first registration many things might have happened without being recorded in the Registers. For example rights of common might have been transferred, apportioned

or extinguished without any record in the Registers. Some Common Land may have ceased to be Common and other Common Land may have come into existence without any mention in the Registers.

6. The Commons Act seeks to bring the registration of Common Land and Village Greens into the 21<sup>st</sup> century by making a swathe of individual reforms to make the registers more useful. These include:
  - Abolishing the requirement for ownership registration (a function now covered by the Land Registry)
  - Reforming the substantive law of Commons
  - Attaching new consequences to registration and non-registration
  - Updating the registers
  - Correcting existing mistakes
  - Provision for registers to be held electronically
7. The net effect of these reforms is that the Registers will be much more useful in showing the current legal position in relation to information held by the County Council.

### **The County Council's role as a 'Pilot Authority'**

8. In order to ensure that Government Ministers can be kept fully informed in relation to any costs or problems associated with a future national roll out of this new legislation, DEFRA invited applications from English Local Authorities to participate in a pilot project.
9. Kent County Council is one of seven Commons Registration Authorities that were invited to participate. The result of this participation is that relevant provisions contained within Part I of the 2006 Act have been brought into force in these seven registration areas at least two years before the rest of the country. The pilot project began on 1<sup>st</sup> October 2008 and is due to run until October 2010.
10. In terms of budgetary provision members should note that the County Council has been allocated funding by DEFRA of £20,514 to assist the County Councils costs in participating in the pilot project. Provision has also been made within the Act for the County Council to charge fees in respect of certain applications. Currently these are set as default fees by DEFRA and have been deliberately set at a low level, but it is my intention to increase these fees to reflect actual costs within this authority (although it should be noted the fee per application cannot exceed £1000).

### **Progress**

11. A wealth of work has already been undertaken in ensuring that correct processes and decision making procedures are in place to reflect the new requirements provided for by the new legislation. The County Council's website has been upgraded, databases have been established and revised guidance notes to assist potential applicants have been produced. DEFRA have taken a number of the systems developed by Officers from this Authority and recommended use as a means of Best Practise by the other Pilot Authorities.

12. Considerable liaison has taken place, with the District and Parish Councils and other stakeholders, culminating in a seminar attended by over 100 representatives in May of last year. The seminar was successful and many compliments were received.
13. As a result of this seminar, liaison is still continuing and several meetings with Parish Councils have been undertaken over the last few months. A number of Parish Councils have been keen to ensure that relevant land within their jurisdiction has been correctly recorded.
14. As part of the legal requirement of the Act the County Council has a duty to undertake a review of the approximately 300 areas of Common Land and Village Greens currently recorded in the Register. The purpose of this is twofold; firstly to ensure that the Register correctly records the original application and secondly, but equally as importantly, to ensure that there has, since the date of the original registration, been no unauthorised encroachment or other unlawful activity over those areas of land.
15. This duty has been somewhat time-consuming but, having devised a system whereby the registered land can be checked electronically through the utilisation of Global Information Systems (G.I.S.) layers and aerial photographs, work is progressing satisfactorily and a number of issues have been identified.
16. Approximately half of the registered areas have been reviewed and a spreadsheet developed in order to record the anomalies and the action that will need to be taken in due course. Once this work is concluded the County Council will then have to initiate legal proposals in order to correct any errors or omissions.

### **Applications to register land as a new Town or Village Green**

17. In addition to the above, during the last twelve months, Officers have investigated a number of applications to register land as a Town or Village Green. A schedule of applications is attached at **Appendix A**. Members from the Regulation Committee have taken part in six Regulation Panel meetings at which decisions for these particular applications were determined.
18. This year, there are currently three Public Inquiries relating to Village Greens that have been arranged. These relate to cases where there appear to be conflicts of evidence in the written submissions of the parties that can only be resolved by way of further oral submissions and cross examination in a public forum.
19. The County Council currently has 25 Village Green applications outstanding and work will continue to resolve these applications during the coming months.

### **Recommendation**

- 20. That the County Council's role and participation in the pilot implementation of Part I of the Commons Act 2006 be noted and that the action taken thus far is commended.**

Background documents

APPENDIX A – Schedule of Village Green applications

Contact:

*Chris Wade  
Public Rights of Way Principal Case Officer  
Countryside Access Service  
Environment and Highways and Waste Directorate  
Tel. No: (01622 221511)  
Email: [chris.wade@kent.gov.uk](mailto:chris.wade@kent.gov.uk)*

**APPENDIX A:  
Schedule of Village Green applications**

**Applications resolved by the Regulation Committee last year (2009)**

<b>Description</b>	<b>Parish</b>	<b>Member(s)</b>	<b>Outcome</b>
Cherry Orchard Playing Field	Herne	Mr. A. Marsh	REJECTED (following Public Inquiry) on 14/12/2009
The Market Square	Aylesham	Mr. S. Manion	REJECTED on 14/12/2009
The Green at London Road	Stone	Mrs. P. Cole	ACCEPTED and registered as VG245 on 07/08/2009
Derringstone Green	Barham	Mr. M. Northey	ACCEPTED and registered as VG244 on 16/05/2009
Land at Fountain Walk at Northfleet	Gravesend	Mr. L. Christie Mr. H. Craske	REJECTED on 16/11/2009
Victoria Recreation Ground	Canterbury	Mr. M. Vye	REJECTED on 14/12/2009

**Applications referred to Public Inquiry this coming year (2010)**

<b>Description</b>	<b>Parish</b>	<b>Member(s)</b>	<b>Details</b>
The Old Bowling Green at Montefiore Avenue	Ramsgate	Mr. B. Hayton Mr. R. Bayford	Public Inquiry starts 03/02/2010
Land at Beecholme Drive, Bybrook	Ashford	Mrs. E. Tweed	Public Inquiry starts 22/02/2010
St Andrew's Gardens	Gravesend	Mr. B. Sweetland Mr. J. Cubitt	Public Inquiry starts 10/05/2010

**Outstanding applications to be resolved**

<b>Description</b>	<b>Parish</b>	<b>Member(s)</b>	<b>Status</b>
Round Wood at Walderslade	Boxley	Mr. P. Carter	On hold at applicant's request
Barton Playing Field	Canterbury	Mr. M. Northey	Awaiting legal submissions following Public Inquiry
Broadstairs Cricket Ground	Broadstairs	Mr. B. Hayton Mr. R. Bayford	Awaiting evidence from applicant
King George Playing Field	Hawkhurst	Mr. R. Manning	Take to Member Panel on 19/02/2010
Land at Chart Corner	Chart Sutton	Mr. E. Hotson	Take to Member Panel on 19/02/2010
Brickfields, off Mill Lane	Bridge	Mr. M. Northey	Under investigation
Land at Dumpton Park Drive	Broadstairs	Mr. B. Hayton Mr. R. Bayford	Under investigation
Ryarsh Recreation Ground	Ryarsh	Mrs. S. Hohler	Under investigation
The Glen	Minster-on-Sea	Mr. A. Crowther	Under investigation
Land adjacent to Barnes Car Park	Margate	Mr. R. Burgess	Under investigation
Land at Sherwood Lake	Tunbridge Wells	Mr. K. Lynes	Under investigation
Brittains Common	Sevenoaks	Mr. J. London	Awaiting investigation
The Downs	Herne Bay	Mrs. J. Law	Awaiting investigation

Former Council Offices site	Cranbrook	Mr. R. Manning	Awaiting investigation
The Allotment Field, Barton Estate	Canterbury	Mr. M. Northey	Awaiting investigation
Grasmere Pastures	Whitstable	Mr. M. Harrison Mr. M. Dance	Awaiting investigation
Land at High Street	Chiddingstone	Mr. P. Lake	Awaiting investigation
Benacre Wood	Whitstable	Mr. M. Harrison Mr. M. Dance	Awaiting investigation
Land at Preston Parade	Hythe	Mr. C. Capon	Awaiting investigation
Land at Hartley Woods	Hartley	Mr. D. Brazier	Awaiting investigation
Land known as Long Field at Angley Road	Cranbrook	Mr. R. Manning	Awaiting investigation
Dawbourne Wood	Tenterden	Mr. M. Hill	Awaiting investigation

## **Applications to register land as a Town of Village Green under section 15 of the Commons Act 2006**

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A report by the Director of Environment and Waste to Kent County Council's Regulation Committee on Tuesday 26<sup>th</sup> January 2010

### **Recommendation:**

#### **I recommend that**

- (a) all applications for the registration of land as a new Town of Village Green made under section 15 of the Commons Act 2006 be dealt with in order of receipt; and**
  - (b) that in exceptional circumstances, where Officers consider that a particular case should be accelerated, agreement to depart from the standard policy set out at (a) above will be sought from both the Chairman and Vice Chairman of the Regulation Committee.**
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### **Introduction**

1. Kent County Council is the 'Commons Registration Authority' for the purposes of the Commons Act 2006 (and, previously, the Commons Registration Act 1965). In this capacity, it is responsible for holding the legal record of Common Land and Town or Village Greens for the county, known as the Registers of Common Land and Town or Village Greens, and for making any necessary amendments to the Registers using the requisite legal processes.
2. Section 15(1) of the Commons Act 2006 enables any person to apply to a Commons Registration Authority to register land as a Village Green where it can be shown that:  
*'a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;*
3. In addition, section 15(8) of the Commons Act 2006 enables landowners to voluntarily dedicate land as a new Town or Village Green.
4. Once land is registered as a new Town or Village Green it falls within the protection afforded by Victorian statutes. In particular, the Inclosure Act 1857 and the Commons Act 1876 make it an offence (amongst other things) to place any structures or materials upon a Town or Village Green, or to do anything which interrupts the use and enjoyment of the Green as a place for recreation and enjoyment. In practice, the effect of these statutes is to provide very strong protection for land which is formally registered as a Town or Village Green and, ultimately, to prevent any development from taking place on the land.

## Applications

5. The County Council receives a number of applications to register land as a new Town or Village Green every year, but in recent times the numbers of such applications have increased considerably, as is illustrated at **Appendix A** to this report. This increase is likely to be attributable to the amount of proposed development in this county as well as the increased publicity that this area of work has received following the enactment of the Commons Act 2006.
6. It is no easy task for an applicant to apply for land to be registered as a new Town or Village Green since the process involved is a quasi-judicial one. The County Council is unable to formally register any land on a capricious basis; it must be satisfied that all the relevant legal tests relating to the registration of the land as a new Town or Village Green (as set out in section 15 of the 2006 Act) have been met.
7. Each application is unique and supported by a wealth of evidence submitted for consideration by the County Council. Applications are complex to resolve and the law in this area of work is constantly changing. Unlike Public Rights of Way cases where the County Council has an investigative duty to look into the matters raised in a particular application, there is no equivalent duty (or indeed power) in relation to the determination of Town or Village Green applications. As such, some applications require non-statutory Public Inquiries in order to resolve conflicts and issues of fact and degree on the submitted written evidence.
8. All applications to register land as a new Town or Village Green are referred to the Regulation Committee (or a panel of Members from the Committee) for final decision; there are no delegated powers to Officers in relation to the determination of Town or Village Green applications. In taking decisions on these applications, the County Council has to be mindful that the only right of appeal is by way of a Judicial Review through the High Court, which is both costly and time consuming. All applications are therefore given very careful consideration both by Officers and Members before a decision is made.

## Policy

9. Given the increasing number of applications received and the fact that these applications are both complex and time-consuming to resolve, it is inevitable that a backlog of applications has arisen. At present, there is a delay of approximately six months before work is able to commence on any particular application. A schedule of outstanding applications is attached at **Appendix B**.
10. In fairness to all applicants, it has been the policy of the Commons Registration Team to deal with these applications strictly in order of receipt. However, as is perhaps human nature, applicants and landowners affected by such applications often tend to the view that their particular application has a far greater priority than others. Whilst this is understandable, the reasons cited for accelerated resolution often relate equally to one case as they do to the next.

11. At present there is no written policy relating to the resolution of such applications. I therefore wish to formalise the current arrangement of dealing with applications in order of receipt by seeking the endorsement of the Committee to this approach.

### **Accelerated applications**

12. In formalising the policy, it is also important that the County Council does not unduly disenfranchise applicants and/or landowners in cases where there are unique extenuating circumstances. For example, where extreme circumstances dictate that it is not reasonably practicable, either for planning, funding or legal reasons, to delay resolution of the application.

13. Once an application has been received the County Council is under a legal duty to process it. It will normally take a minimum of six months to process such an application from start to finish. It may therefore be necessary for an application to be accelerated, but it is anticipated that this would only be used on rare occasions.

14. Should Officers be satisfied that such a circumstance has arisen, it is proposed that agreement to accelerate the application should be sought from an Informal Members Group composed of the Chairman, vice Chairman and another member of the Regulation Committee. This would enable the issue to be dealt with more expeditiously and avoid the need for a Member Panel meeting to be arranged (which can take several weeks). The purpose of seeking agreement from an Informal Members Group is to avoid any potential accusations of bias at a later date.

### **Recommendations**

**15. I recommend that:**

- (a) all applications for the registration of land as a new Town of Village Green made under section 15 of the Commons Act 2006 be dealt with in order of receipt; and**
- (b) that in exceptional circumstances, where Officers consider that a particular case should be accelerated, agreement to depart from the standard policy set out at (a) above will be sought from both the Chairman and Vice Chairman of the Regulation Committee.**

### Background documents

APPENDIX A: Facts and figures relating to Village Green applications received

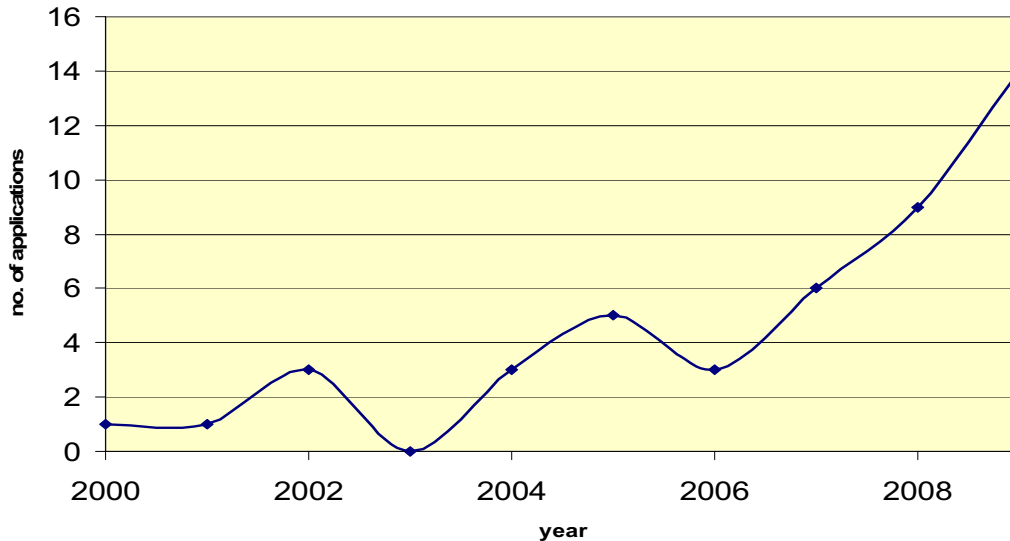
APPENDIX B: Schedule of outstanding Village Green applications

### **Contact:**

Chris Wade (chris.wade@kent.gov.uk, 01622 221511)

**APPENDIX A:  
Facts and figures relating to the  
volume of Village Green applications  
received**

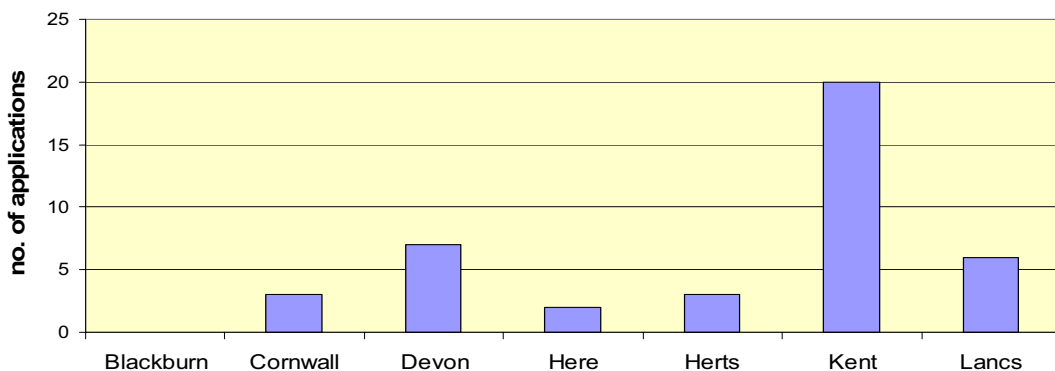
**Number of applications to register land as a Town or Village Green received  
by year over the last decade**



**Breakdown of applications**

Year	No. of applications	Rejected	Accepted	Referred to Inquiry	Awaiting determination
2000	1	1	-	-	-
2001	1	-	1	(1)	-
2002	3	1	2	-	-
2003	0	-	-	-	-
2004	3	3	-	(2)	-
2005	5	2	3	(3)	-
2006	3	1	1	-	1
2007	6	2	1	(2)	3
2008	9	2	2	(2)	5
2009	14	-	-	-	14
2010	2 (so far)	-	-	-	2
<b>Total</b>	<b>47</b>	<b>12</b>	<b>10</b>	<b>(10)</b>	<b>25</b>

**Comparison with other local authorities involved in DEFRA pilot project\***



\*Covering the 13-month period between October 2008 and January 2010

**APPENDIX B:  
List of outstanding Village Green  
applications**

<b>Description</b>	<b>Parish</b>	<b>Member(s)</b>	<b>Status</b>
Round Wood at Walderslade	Boxley	Mr. P. Carter	On hold at applicant's request
Barton Playing Field	Canterbury	Mr. M. Northey	Awaiting legal submissions following Public Inquiry
The Old Bowling Green at Montefiore Avenue	Ramsgate	Mr. B. Hayton Mr. R. Bayford	Public Inquiry starts 03/02/2010
Broadstairs Cricket Ground	Broadstairs	Mr. B. Hayton Mr. R. Bayford	Awaiting evidence from applicant
Land at Beecholme Drive, Bybrook	Ashford	Mrs. E. Tweed	Public Inquiry starts 22/02/2010
St Andrew's Gardens	Gravesend	Mr. B. Sweetland Mr. J. Cubitt	Public Inquiry starts 10/05/2010
King George Playing Field	Hawkhurst	Mr. R. Manning	Take to Committee Member Panel on 19/02/2010
Land at Chart Corner	Chart Sutton	Mr. E. Hotson	Take to Committee Member Panel on 19/02/2010
Brickfields, off Mill Lane	Bridge	Mr. M. Northey	Under investigation
Land at Dumpton Park Drive	Broadstairs	Mr. B. Hayton Mr. R. Bayford	Under investigation
Ryarsh Recreation Ground	Ryarsh	Mrs. S. Hohler	Under investigation
The Glen	Minster-on-Sea	Mr. A. Crowther	Under investigation
Land adjacent to Barnes Car Park	Margate	Mr. R. Burgess	Under investigation
Land at Sherwood Lake	Tunbridge Wells	Mr. K. Lynes	Under investigation
Brittains Common	Sevenoaks	Mr. J. London	Awaiting investigation
The Downs	Herne Bay	Mrs. J. Law	Awaiting investigation
Former Council Offices site	Cranbrook	Mr. R. Manning	Awaiting investigation
The Allotment Field, Barton Estate	Canterbury	Mr. M. Northey	Awaiting investigation
Grasmere Pastures	Whitstable	Mr. M. Harrison Mr. M. Dance	Awaiting investigation
Land at High Street	Chiddingstone	Mr. P. Lake	Awaiting investigation
Benacre Wood	Whitstable	Mr. M. Harrison Mr. M. Dance	Awaiting investigation
Land at Preston Parade	Hythe	Mr. C. Capon	Awaiting investigation
Land at Hartley Woods	Hartley	Mr. D. Brazier	Awaiting investigation
Land known as Long Field at Angley Road	Cranbrook	Mr. R. Manning	Awaiting investigation
Dawbourne Wood	Tenterden	Mr. M. Hill	Awaiting investigation

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By: Head of Democratic Services & Local Leadership

To: Regulation Committee – 26 January 2010

Subject: Presentation on Home To School Transport (including Home To School Transport Statistics)

Classification: Unrestricted

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Summary: To provide Members with a brief overview on Home to School Transport Policy, and the role of the Transport Appeals Panel, including Home to School Transport appeal statistics for the period between 1 January 2009 and 31 December 2009 and for the corresponding periods in 2007 and 2008.

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## **1. Introduction**

The Chairman has requested that the Committee receive a brief overview on the Home to School Transport Policy, and the role of the Transport Appeals Panel. More information on this together with a presentation will be provided by Officers at the meeting.

## **2. Transport Appeal Statistics – 2009**

(2.1) For the period between 1 January 2009 to 31 December 2009 a total of 114 Home-to-School Transport appeals were submitted to 26 Transport Appeal Panel meetings. 58 were successful, (51%) at least in part (eg, time-limited assistance).

(2.2) 47 of the appellants had Local Member representation at their appeals and 22 different Members sat on the Transport Appeal Panels (NB: Several new Members since the County Council elections replacing Members no longer on the Council should be borne in mind when comparing figures with previous years).

## **3. Transport Appeal Statistics – 2008**

(3.1) Corresponding figures for the same period in 2008 were 115 appeals to 31 Panels with 91 (79%) at least partly successful.

(3.2) 36 of the appellants had Local Member representation at their appeals and 20 different Members sat on the Transport Appeal Panels.

## **4. Transport Appeal Statistics – 2007**

(4.1) Corresponding figures for the same period in 2007 were 137 appeals to 30 Panels with 70 (51%) at least partly successful.

(4.2) 52 of the appellants had Local Member representation at their appeals and 17 different Members sat on the Transport Appeal Panels.

## **5. Statistic Details**

(5.1) Details relating to the Admissions and Transport Home to School Transport appeals are set out in Appendix 1. Those submitted by the Additional Educational Needs Teams in respect of Statemented Pupils are shown in Appendix 2.

## **6. Costs**

(6.1) Members will receive at the meeting information relating to the approximate total cost of mainstream transport for the year.

## **7. Recommendations**

(7.1) Members are asked to note this report.

Geoff Rudd  
Assistant Democratic Services Manager (Appeals)  
Tel No: (01622) 694358  
e-mail: [geoffrey.rudd@kent.gov.uk](mailto:geoffrey.rudd@kent.gov.uk)

Background Information: *To be circulated at the meeting*

**MAINSTREAM HOME TO SCHOOL TRANSPORT APPEALS  
(ADMISSIONS AND TRANSPORT)**

**1 JANUARY 2007 - 31 DECEMBER 2007**

Grounds for Appeal	Upheld	Not Upheld	Total	% Upheld
Denominational	2	2	4	50
Distance	8	11	19	42
Not Attending NAS	54	44	98	55
16+	0	4	4	0
Hazardous Routes	0	1	1	0
<b>TOTALS</b>	<b>64</b>	<b>62</b>	<b>126</b>	<b>51</b>

APPEALS BY AREA:      WEST: 40   -      MID: 50      -      EAST: 36

**1 JANUARY 2008 - 31 DECEMBER 2008**

Grounds for Appeal	Upheld	Not Upheld	Total	% Upheld
Denominational	3	0	3	100
Distance	6	1	7	86
Not Attending NAS	71	18	89	80
16+	3	2	5	60
Hazardous Routes	0	1	1	0
<b>TOTALS</b>	<b>83</b>	<b>22</b>	<b>105</b>	<b>79</b>

APPEALS BY AREA:      WEST: 35   -      MID: 38      -      EAST: 32

**1 JANUARY 2009 - 8 MAY 2009**

Grounds for Appeal	Upheld	Not Upheld	Total	% Upheld
Denominational	0	0	0	0
Distance	5	0	5	100
Not Attending NAS	22	7	29	76
Other	2	3	5	40
Hazardous Routes	1	0	1	100
<b>TOTALS</b>	<b>30</b>	<b>10</b>	<b>40</b>	<b>75</b>

APPEALS BY AREA:      WEST: 21   -      MID: 6      -      EAST: 13

**1 JUNE 2009 – 31 DECEMBER 2009**

Grounds for Appeal	Upheld	Not Upheld	Total	% Upheld
Denominational	0	2	2	0
Distance	1	4	5	25
Not Attending NAS	20	30	50	40
Other	1	1	2	50
Hazardous Routes	0	0	0	0
<b>TOTALS</b>	<b>22</b>	<b>37</b>	<b>59</b>	<b>37</b>

APPEALS BY AREA:      WEST: 20   -      MID: 14      -      EAST: 25

**STATEMENTED PUPILS HOME TO SCHOOL TRANSPORT APPEALS  
(ADDITIONAL EDUCATION NEEDS)**

**1 JANUARY 2007 - 31 DECEMBER 2007**

Grounds for Appeal	Upheld	Not Upheld	Total	% Upheld
Denominational	0	0	0	0
Distance	0	2	2	0
Not Attending NAS	4	2	6	67
Other	2	1	3	67
Hazardous Routes	0	0	0	0
<b>TOTALS</b>	<b>6</b>	<b>5</b>	<b>11</b>	<b>55</b>

APPEALS BY AREA:      WEST: 3      -      MID: 3      -      EAST: 5

**1 JANUARY 2008 - 31 DECEMBER 2008**

Grounds for Appeal	Upheld	Not Upheld	Total	% Upheld
Denominational	0	0	0	0
Distance	2	0	2	100
Not Attending NAS	5	2	7	71
Other	0	0	0	0
Hazardous Routes	1	0	1	100
<b>TOTALS</b>	<b>8</b>	<b>2</b>	<b>10</b>	<b>80</b>

APPEALS BY AREA:      WEST: 0      -      MID: 7      -      EAST: 3

**1 JANUARY 2009 – 8 MAY 2009**

Grounds for Appeal	Upheld	Not Upheld	Total	% Upheld
Denominational	0	0	0	0
Distance	2	0	2	100
Not Attending NAS	1	0	1	100
Other	0	1	1	0
Hazardous Routes	0	0	0	0
<b>TOTALS</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>75</b>

APPEALS BY AREA:      WEST: 2      -      MID: 2      -      EAST: 0

**1 JUNE 2009 – 31 DECEMBER 2009**

Grounds for Appeal	Upheld	Not Upheld	Total	% Upheld
Denominational	0	0	0	0
Distance	2	6	8	25
Not Attending NAS	1	2	3	33
Other	0	0	0	0
Hazardous Routes	0	0	0	0
<b>TOTALS</b>	<b>3</b>	<b>8</b>	<b>11</b>	<b>27</b>

APPEALS BY AREA:      WEST: 3      -      MID: 1      -      EAST: 7

## Update on Planning Enforcement Issues

Report by Head of Planning Applications Group to the Regulation Committee on 26th January 2010

Summary: Update for Members on planning enforcement matters.

Recommendation: To endorse the actions taken or contemplated on respective cases.

Local Member: Given by case in Appendices 1 to 3

Unrestricted

### Introduction

1. This report provides an update on enforcement and monitoring work carried out by the Planning Applications Group since the 10<sup>th</sup> September 2009 Regulation Committee.
2. Summary schedules of all current cases have been produced (see Appendices 1 and 2). They cover unauthorised breaches of planning control and those occurring on permitted sites, which on this occasion are waste-related.
3. The emphasis is on live and active cases along with those resolved between Meetings. They exclude cases where other agencies are pursuing a solution. This close targeting of effort is in accordance with the County Council's Enforcement Protocol. A phased approach is taken, with an initial attempt to negotiate an informal settlement. Formal and more costly action is used only as a last resort. The priority is always to urgently stop any environmental damage or unacceptable level of amenity impacts. Restoration is then pursued within the shortest practical timeframe.

### Report Format

4. Cases have been taken from the appended schedules and expanded reports produced. These in turn are presented under the following categories:
  - Achievements / successes [including measurable progress on existing sites]
  - New cases, especially those requiring Member endorsement for action
  - Significant on-going cases
  - Other cases of interest and those requested by Members
5. Members may wish to have verbal updates at Committee on particular sites from the schedules, (ideally with prior notice) or reports returned to the next Meeting. The report continues to give details of site monitoring and progress on chargeable site monitoring arrangements for minerals development.

## Update on Planning Enforcement Issues

### Meeting Enforcement Objectives

6. Planning enforcement is a high profile County Council function. The powers used derive from planning statutes but the type and degree of action taken is discretionary. That is to allow a flexible and proportionate approach to cases. The resources allocated have to be balanced against those directed to other planning services, in turn referenced to corporate BVPI targets. There also needs to be a balance between responding at speed to live cases within our Enforcement Protocol commitments and attending to longer-term restoration objectives on existing sites.
7. Since the last Meeting efforts have been concentrated mainly on defending formal actions that have previously been taken and have progressed or are likely to progress to planning inquiry stage or the High Court. Resources have been focussed on 4 sites where formal enforcement action has been taken, 2 cases where investigations are underway and a further 3 cases have been satisfactorily progressed. Amongst formal monitoring visits on permitted sites there have been 20 chargeable and 8 non-chargeable visits.
8. Unfortunately, the Enforcement Team Leader has been ill since the last Meeting. He has been largely out of commission for half the reporting period. That has invariably impacted on the work achieved in this area of planning. The standard and quality of work has been preserved. However, the progress on selective cases has been affected. Nevertheless, it is important to stress that general momentum has been maintained thanks to the efforts of the Planning Contraventions Officer and the diligent work of the wider legal enforcement team.
9. Operationally, significant time has been absorbed in relation to the action taken at Four Gun Field, Upchurch in Swale (see Appendix 1, Schedule 1, no. 6). The appeal against the service of our Enforcement Notice was dismissed but the appellants have been granted leave to appeal the Planning Inspector's decision in the High Court. The long awaited Hearing date has still to be announced. The demands of the case continue.
10. A major related diversion of time and expertise has been an additional appeal by the operators in relation to the same site. This was directed to the Information Commissioner's Office (ICO) seeking disclosure of privileged legal information and advice, including any within confidential (green) reports to this Committee. Members may be familiar with requests for information under the Freedom of Information Act (2000). However, on this occasion the lesser known Environmental Information Regulations (2004) had been invoked. Access to the information was denied by the County Council but the operators appealed against our decision to the Information Commissioner. After a protracted process and with due credit to the County Solicitor, the Information Commissioner eventually supported our decision not to release the confidential information.
11. Another case since the last meeting which has been particularly time-absorbing has been a lawful use case at Queensdown Road, Thanet. That has required in-depth research into a complex planning history in parallel with planning applications on the same site being determined by Thanet District Council.

## **Update on Planning Enforcement Issues**

12. Notwithstanding that the Enforcement Team Leader has been indisposed for an extended period and the significant diversion of resources from the above cases; some positive outcomes have nevertheless been achieved on other cases.

### **Achievements / Successes [including measurable progress on sites]**

#### **Support from the Information Commissioner on non-disclosure of information**

13. The appeal case outlined in paragraph 10 above, has been an important vindication of the County Council's stance against disclosure of information in the particular set of circumstances presented. It was operationally crucial in enforcement terms to have received the support of the Information Commissioner. Our ability to act flexibly and in the public interest on enforcement matters would otherwise have been severely compromised.

#### **Procurement and Implementation of computerised planning application system**

14. Work has been ongoing to secure a new IT system for the planning and enforcement service. Good progress has been made with the intention to have a new operational system from April 2010. The current IT system has no proper functionality for enforcement and I have therefore diverted some enforcement resources to ensure that the new system adequately meets the expectations of a modern enforcement service.

### **New Cases, especially those requiring action / Member support**

15. New alleged waste-related cases, include:
- (a) Blu-3 (UK) Ltd / Construction Haulage Ltd, Unit 10, Detling Airfield, Detling, Maidstone (see Appendix 1 / Schedule 1, No. 4) and confidential report Item 11.
  - (b) 'Rosador', London Road, Wrotham (see Appendix 1 / Schedule 1, No. 8)
16. Each case is under active investigation.

### **Significant on-going cases**

#### **Deal Field Shaw, Charing (Member: Richard King)**

17. This landfill site requiring restoration is the subject of an exempt report to these papers (Item 9); also see summary under number 1 of Schedule / Appendix 1.

## **Update on Planning Enforcement Issues**

### **Aylesford Metals Co. Ltd, Millhall, Aylesford (Member: Peter Homewood)**

18. This case involves a site with a 1971 Planning Permission for use as a Scrap yard. A confirmed 1972 County Council Enforcement Notice also applies (see Schedule 2, No. 10). The site also benefits from an outline planning permission granted by Tonbridge & Malling Borough Council (TMBC) in 2005 to develop the yard for housing.
19. The main allegations concern working outside permitted hours, which involves the traffic movements of large goods vehicles exiting the site in the early morning and disturbing the rest of the local residents. There are further concerns of visual impact from the over-stacking of the stockpiles of scrap metals.
20. Meetings have been held with local residents, the site operator and his agent. The operator is actively seeking a new site in the local area to relocate his business in favour of housing on the existing site. That offers a potential solution to the concerns of the local residents and the required effort is being injected from both sides.
21. As an interim measure, a site is being sought within which to park the scrap yard vehicle fleet. Subject to planning permission from the Borough Council that would give some traffic relief to the local area and offer more space on the existing site to lower the levels of the stockpiles of scrap metal.
22. I reported to the last Meeting that notwithstanding a potential planning solution to the overall amenity impacts from the site, there remained a level of breaching. I am pleased to report that the operator has made a number of attempts to visibly bring down the stockpile heights to a more acceptable level. Complaints have subsided. I have pressed for further compliance and sought an explanation from the operator as to why that is not happening. He points to occasional breakdowns of the shredding plant on site which has resulted in the incremental build-up of materials. Outlets for the scrap are also volatile at the moment given the current economic difficulties. I am satisfied at this stage that required efforts are being made to keep the stack heights down.
23. Nevertheless, should I encounter any level of resistance I would seek compliance through means of a High Court Injunction. Members' continuing support is sought on a contingency basis for such action. That will continue to focus the mind of the operator on significantly reducing the amenity impact from activities on site.

### **Other cases of interest and those requested by Members**

#### **Land under A299, Seasalter Lane, Seasalter (Member: Mike Harrison / Mark Dance)**

24. I reported to the last meeting of waste materials and assorted sundry items being deposited and held on spare land beneath the support pillars of the A299 flyover at Seasalter Lane, Seasalter (see Appendix 1, Schedule 1, no.2). County Highways had been alerted and the case passed to Canterbury City Council and KCC's Environmental Crime Team.
25. In reviewing the case, it was clear that insufficient progress was being made. I therefore

## **Update on Planning Enforcement Issues**

decided to intervene and co-ordinate a more direct County Council solution. It seemed logical that the land under the flyover would be controlled if not owned by Kent County Council. That proved to be the case. Encroachment onto the land was therefore trespass. I then approached structural engineers in County Highways to see if the integrity of support pillars for the flyover were being placed at risk. The current affect on the pillars was not of concern in structural terms. Nevertheless, in my opinion uncontrolled use of the land, particularly with mobile plant and machinery was both unacceptable and posed a potential risk to the pillars over a longer period of time.

26. The best solution to the problem on site and future protection of the land is in my view to set aside planning enforcement powers (City or County Council) and use our ownership of the land to remove the occupants, require / carry out site clearance and fence and police the land from that point onwards. Responsibility for this solution would appear to naturally reside with KCC Highways and Property Services. With Members' support I intend to place that responsibility with them and monitor progress on the Committee's behalf.

### **D & D Waste Recycling Ltd, Units 6,12 & 13 Detling Airfield, Detling (Member: Ms J.Whittle)**

27. This case has been previously reported to Members. I have brought it forward from our reserve monitoring list in the light of renewed complaints on one hand and the prospect of a planning solution on the other (see Appendix 2, Schedule 2, no.9).
28. A small original waste transfer station on the Detling Industrial Estate, Detling, permitted in 1995 has been expanded without planning permission across two adjoining industrial units. The County Council holds a confirmed Enforcement Notice on two of the resulting three-unit footprint for the activity. Conditions attached to the original planning permission are also available to use to help control the situation.
29. Having threatened enforcement action and prosecution on the latest episode of site breaching, talks turned to a potential planning solution for the site. The operator engaged a planning consultant and a planning application has been submitted to the County Council, linking the three units into one and with a dedicated building enclosing the core of the use.
30. The application is still being processed. On the proviso of no escalation in the level of activity on site, I would seek Members' support for enforcement action being reserved pending the outcome of the current planning application. This accords with Government Guidance on the conduct of enforcement scenarios of this type.

## **Monitoring**

### **Monitoring of permitted sites and update on chargeable monitoring**

31. In addition to our general visits to sites as a result of planning application work, we also undertake routine visits specifically to formally monitor sites. Since the last Regulation

## Update on Planning Enforcement Issues

Committee, we have made a further 20 chargeable monitoring visits to mineral and waste sites and 8 non-chargeable visits to sites not falling within the chargeable monitoring regime.

### Resolved or mainly resolved cases requiring monitoring

32. Alongside the chargeable monitoring regime there is also a need to maintain a watching brief on resolved or mainly resolved enforcement cases which have the potential to reoccur.
33. Cases are periodically removed to make way for others when the situation on site has been stabilised; restoration or acceptable restoration has been achieved, a district or Environment Agency (EA) remit confirmed or with action being a realistic possibility by them. Another occasion is where a planning application would address the various issues and there is the realistic prospect of one being submitted. Cases then go onto a 'reserve' data base, with an in-built monitoring commitment; ready to be returned to the Committee's agenda should further enforcement issues emerge or a positive planning solution becomes available. The D& D Waste Recycling case, reported in paragraphs 27 to 30 above, is a case in point.
34. The running list of sites which fall within this category have been incorporated into a spreadsheet database and priorities set for enforcement monitoring.

### Conclusion

35. A significant amount of time since the last Meeting has unavoidably been given over to the Four Gun Field case at Upchurch. The demands of the case will continue to divert resources. Nevertheless, further successes and measurable progress on other cases has still been achieved.

### Recommendation

36. I RECOMMEND that MEMBERS:

- (i) ENDORSE the actions taken or contemplated on the respective cases set out in paragraphs 6 to 34 above and those contained within Schedules 1 and 2 of Appendices 1 and 2.

Case Officers: Robin Gregory

01622 221067

Background Documents: see heading

By virtue of paragraph(s) 5, 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Agenda Item 9

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By virtue of paragraph(s) 5, 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Agenda Item 10

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By virtue of paragraph(s) 5, 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Agenda Item 11

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