



AGENDA

REGULATION COMMITTEE

Tuesday, 18th May, 2010, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone **01622 694342**

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 - 16)
 - (a) Committee: 26 January 2010
 - (b) Member Panels: 29 January 2010
19 February 2010
19 March 2010
27 April 2010
4. Amendment to Member Panel Procedures

To replace the provision for speakers to address the Panel for “up to 5 Minutes” with the phrase “you will be given a reasonable time at the Chairman’s discretion” (with consequential textual amendments)
5. Update from the Commons Registration Team (Pages 17 - 22)
6. Town and Country Planning Act 1990 - Public Rights of Way Diversion and Extinguishment Orders: Service Level Agreement with Ashford Borough Council (Pages 23 - 30)
7. Update on the Definitive Map Team Casework Schedules. Clarification of the Committee terms of Reference and the County Council's approach to Orders made by the Secretary of State (Pages 31 - 50)
8. Update on Planning Enforcement Issues (Pages 51 - 66)
9. Other Items which the Chairman decides are Urgent
10. Motion to exclude the press and public

That under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following business on the grounds that it involves

the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act.

EXEMPT ITEMS

(During these items the meeting is likely NOT to be open to the public)

11. Update on Planning Enforcement issues at Deal Field Shaw, Charing (Pages 67 - 68)
12. Update on Planning Enforcement issues at Four Gun Field, Upchurch (Pages 69 - 70)

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

Monday, 10 May 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

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 26 January 2010.

PRESENT: Mr M J Harrison (Chairman) Mr R Brookbank, Mr C J Capon, Mr H J Craske, Mr J Cubitt, Mrs V J Dagger (Substitute for 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 R A Pascoe, Mr J Wedgbury and Mr M Whiting

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr R Gregory (Principal Planning Officer Enforcement), Mr C Wade (PROW Team Manager (definition)), Mr S Bagshaw (Head of Admissions & Transport), Mr G Rudd (Assistant Democratic Services Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Minutes

(Item 3)

RESOLVED that the Minutes of the Committee meeting of 10 September 2009 and of the Member Panels held on 27 October 2009, 16 November 2009 and 14 December 2009 are correctly recorded and that they be signed by the Chairman.

2. Update from the Commons Registration Team

(Item 4)

RESOLVED that the County Council's participation in the pilot implementation of Part I of the Commons Act 2006 be noted and that the action taken this far be commended.

3. Applications to register land as a Town or Village Green under Section 15 of the Commons Act 2006

(Item 5)

(1) A revised version of the report had previously been published and circulated to all members of the Committee.

(2) RESOLVED that:-

- (a) all applications for the registration of land as a new Town or Village Green made under Section 15 of the Commons Act 2006 be dealt with in order of receipt; and

- (b) in exceptional circumstances, where Officers consider that a particular case should be expedited, agreement to depart from the standard policy set out in (a) above be sought from an Informal member Group of the Regulation Committee.

4. Presentation on Home to School Transport (including Home to School Transport Statistics)

(Item 6)

(1) Mr S Manion made a declaration of Personal Interest as his children received free transport from home to school.

(2) Mr C J Capon informed the Committee that he was the Chairman of the Children, Families and Education Resources and Infrastructure Policy Overview Committee which had set up an Informal Member Group (IMG) to consider SEN Home to School Transport issues. He offered to ensure that the views of the Regulation Committee were represented to the IMG.

(3) The Committee asked for additional information on the number of appeals that had been withdrawn before being considered by a Transport Appeals Panel.

(4) RESOLVED that the report be noted.

5. Update on Planning Enforcement Issues

(Item 7)

(1) The Schedules of Contraventions on (part) unauthorised sites and of Alleged breaches on Permitted Minerals and Waste Sites had previously been published and circulated to all members of the Committee.

(2) The Chairman informed the Committee that Mr R E King, the Local Member for the Deal Field Shaw (Shaw Grange) landfill site in Charing had written on behalf of the local residents to thank and congratulate the Committee and its Officers for all the work they had done towards restoring the site.

(3) RESOLVED to endorse the actions taken or contemplated on the respective cases set out in paragraphs 6 to 34 of the report and those contained within the Schedules set out in Appendices 1 and 2.

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)

6. Update on Planning Enforcement issues at Deal Field Shaw, Charing

(Item 9)

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

(2) RESOLVED to endorse the site strategy outlined in paragraphs 4 to 11 of the report.

7. Enforcement strategy at Four Gun Field, Otterham Quay Lane, Upchurch
(Item 10)

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

(2) RESOLVED to endorse the enforcement strategy outlined in paragraphs 4 to 10 of the report.

8. Enforcement strategy for Blu-3 (UK) Ltd/ Construction Haulage Ltd, Unit 10, Detling Airfield, Detling
(Item 11)

(1) The Head of Planning Applications Group reported the latest enforcement strategy concerning Blu-3 (UK) Ltd/ Construction Haulage Ltd, Unit 10, Detling Airfield, Detling.

(2) RESOLVED to endorse the enforcement strategy outlined in paragraphs 6 to 8 of the report.

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KENT COUNTY COUNCIL

REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Wantsum Room, Sessions House, County Hall, Maidstone on Friday, 29 January 2010.

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

ALSO PRESENT: Mr D L Brazier and Mrs V J Dagger

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

UNRESTRICTED ITEMS

1. Proposed diversion of Public Footpath SD284 at West Kingsdown *(Item 3)*

(1) A visit to the site at West Kingsdown had taken place prior to the meeting. It was attended by the Local Member, Mr D L Brazier, Mrs J Watchorn from West Kingsdown Parish Council and by Mr R Barry from the Ramblers Association.

(2) Mr D L Brazier was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(3) Mrs J Watchorn from West Kingsdown Parish Council and Mr R Barry from the Ramblers Association addressed the Panel in opposition to the proposal. Mr Barry presented a letter, photographs and maps in support of his presentation.

(4) Mr R Norman spoke in reply as the applicant and landowner.

(5) RESOLVED that:-

(a) a further Order be made under Section 119 of the Highways Act 1980 to divert part of Public Footpath SD284 at West Kingsdown and, if necessary, the Order be submitted to the Secretary of State for resolution; and

(b) the Kent County Council Public Footpath SD284 (part) Public Path Diversion Order 2004 made in respect of this path be formally revoked.

Carried Unanimously

2. Proposed diversion of Public Footpaths MR350 (parts) at Plaxtol and MR392 at Shipbourne
(Item 4)

(1) A visit to Public Footpath MR392 at Shipbourne had taken place prior to the meeting. It was attended by the people identified as speakers in the paragraphs below and by some 8 other members of the public.

(2) Mrs V J Dagger was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(3) The following speakers addressed the Panel:-

- (a) Mr D Whetton from the Ramblers Association (in support);
- (b) Mr A Bristow (in support);
- (c) Mr A Topiwala (in objection);
- (d) Mr R Bate (in opposition);
- (e) Mr T Sayer, the local Borough Councillor (in opposition);
- (f) Mr R Bate (in objection);
- (g) Mrs E Cohen from Shipbourne Parish Councillor (in opposition);
- (h) Mrs R Barnett in reply on behalf of the applicant and landowner.

(4) On being put to the vote, the recommendations of the Director of Environment and Waste were carried by 4 votes to 1.

(5) In agreeing the recommendations of the Director of Environment and Waste, the Panel added the rider that the height of the hedges would be taken into consideration within the limitations and conditions of the Order.

(6) RESOLVED that:-

- (a) two Orders be made under Section 119 of the Highways Act 1980 to divert:-
 - (i) part of Public Footpath MR392 at Shipbourne on the grounds that it is expedient to divert this path in the interest of the landowner and/or occupier without prejudicing the public's enjoyment; and
 - (ii) part of Public Footpath MR350 at Plaxtol on the grounds that it is expedient to divert this path in the interest of the landowner and/or occupier without prejudicing the public's enjoyment;
- (b) if necessary, the above Orders be submitted to the Secretary of State for resolution; and
- (c) in respect of Public Footpath MR392 at Shipbourne, the height of the hedges be taken into consideration within the limitations and conditions of the Order.

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REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Swale 1, Sessions House, County Hall, Maidstone on Friday, 19 February 2010.

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 Brookbank

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

3. Application to register land at Chart Corner in the parish of Chart Sutton as a new Village Green

(Item 4)

(1) Members of the Panel visited the application site at Chart Corner, Chart Sutton on the morning of the meeting.

(2) RESOLVED to inform the applicants that the application to register the land at Chart Corner in the parish of Chart Sutton has been accepted insofar as it relates to land owned by the Parish Council, and that the land shown hatched at Appendix D of the report be formally registered as a Village Green.

4. Application to register land at King George Playing Fields, Hawkhurst as a new Village Green.

(Item 3)

(1) Members of the Panel visited the site at King George Playing Fields, Hawkhurst on the morning of the meeting. The visit was attended by Mr B Fitzpatrick, Mrs B Weedon and Mr A McTrusty (Members and Clerk to Hawkhurst Parish Council).

(2) Correspondence dated 14 February 2010 from "Campaign for Planning Sanity" on behalf of the applicants had previously been circulated to all Members of the Panel.

(3) Further correspondence from Mr C Maile of "Campaign for Planning Sanity" dated 19 February 2010 was tabled. This explained that he and the applicants were declining the opportunity to speak to the Committee and also summarised their concerns in respect of the report by the Director of Environment and Waste.

(4) The Panel expressed its regret that the applicants had refused to attend and asked the Chairman to write on their behalf to their representative.

(5) Mr A McTrusty (Clerk to Hawkhurst PC), Mr R Harding (Chairman of Hawkhurst PC), Mr B Cova (Hawkhurst Community Partnership) and Mr R Weedon (Tunbridge Wells BC) addressed the Committee in opposition to the application.

(6) The Chairman moved the motion set out in (7) below which was carried unanimously.

(7) RESOLVED that the Director of Environment and Waste be requested to expedite enquiries into the landownership and other issues raised and that the Panel reconvene at the earliest opportunity (preferably with the same Membership).

REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Pendragon, Invicta House, County Hall, Maidstone on Friday, 19 March 2010.

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

IN ATTENDANCE: Mr C Wade (PROW Team Manager (definition)), Mr M Garvey, Ms M McLaughlin and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

5. Application to divert part of Public Footpath MT114 at Hadlow College, Hadlow *(Item 3)*

- (1) Members of the Panel visited the site at Hadlow College, Hadlow before the meeting.
- (2) Mr D Wetton from the Ramblers' Association addressed the Panel in opposition to the application. Ms K Lidington from dha Planning spoke in reply on behalf of the applicants.
- (3) RESOLVED to refuse the application to make an order under Section 119 of the Highways Act 1980 to divert Public Footpath MT114 because the proposed diversion would be substantially less convenient to the public and would have a negative impact on public enjoyment of the path as a whole.

6. Application to divert Public Bridleway MR108 (Parts) at Ditton and at East Malling and Larkfield *(Item 4)*

- (1) Members of the Panel visited the site of the proposed diversion before the meeting.
- (2) Mr N Ward from the Ramblers' Association addressed the Panel in opposition to the proposed diversion. Mr T La Dell from Tom La Dell Landscape Artists spoke in reply on behalf of the applicants.
- (3) RESOLVED to make two Orders under Section 119 of the Highways Act 1980 (and, if necessary submit these Orders to the Secretary of State for resolution) to divert:-
 - (a) part of Public Bridleway MR108 at Ditton on the grounds that it is expedient to divert the path in the interest of the landowner and occupier for as long as the current route is retained at footpath status; and

- (b) part of Public Bridleway MR108 at East Malling and Larkfield on the grounds that it is expedient to divert the path in the interest of the landowner and the public.

KENT COUNTY COUNCIL

REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Medway Room, Sessions House, County Hall, Maidstone on Tuesday, 27 April 2010.

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 Brookbank, Mr R F Manning and Mrs E M Tweed

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

UNRESTRICTED ITEMS

7. Application to register land at Beecholme Drive, Bybrook as a new Village Green *(Item 3)*

(1) Mr S J G Koowaree explained that he was a Member of Ashford Borough Council. He had, however, taken no part in any decision taken by the Borough Council and was therefore able to approach this application with an open mind.

(2) The PROW Team Manager (definition) introduced the report in detail and explained the grounds for the recommendations set out in paragraph 33 of the report.

(3) Mrs S Smith from Ashford Borough Council spoke in opposition to the application. She said that the Borough Council did not accept the need for it to be able to demonstrate formal appropriation of the land and that the public was in fact using this land "by right" rather than "as of right". The Borough Council could also not agree with the Inspector's conclusion that it should have ring-fenced each separate rental income, as this would have been impractical. In addition, the Borough Council could not accept the Inspector's definition of the claimed neighbourhood as a cohesive area.

(4) In response to Mrs Smith, the PROW Team Manager (definition) said that these points, previously put in writing by Mrs Smith, had been put to the Inspector. She had commented that these points had already been considered by her in making her recommendation and that she saw no reason to change the conclusions that she had reached.

(5) Mrs E M Tweed was present for this item pursuant to Committee Procedure 2.24 and spoke in favour of the application. She said that she was aware that the land had been used for a twenty year period and that the reasons for low attendance at the non-statutory public inquiry were that it had been held in very cold weather on one day in February, making it difficult for people to attend. In addition, a fair proportion of the local residents had moved into the area within the twenty year

period and were therefore not in a position to affirm that they themselves had used the land for lawful sports and pastimes for the entire period.

(6) Mr R A Pascoe moved, seconded by Mr A D Crowther that the recommendations set out in the report be adopted.

Carried Unanimously.

(7) RESOLVED that for the reasons stated in the Inspector's report dated 25 February 2010, the applicant be informed that the application to register the land at Bybrook Road, Kennington has been accepted and that the land subject to the application be formally registered as a Village Green.

8. Application to register land known as King George Playing Field at Hawkhurst as a new Village Green

(Item 4)

(1) The Public Rights of Way Officer introduced the report and the grounds for the recommendation in detail. In particular, she explained the advice from Counsel that the land was held by the Parish Council on a valid Charitable Trust and that the effect of the terms of the deed meant that the use of the land by the public had been "by right" rather than "as of right."

(2) Mr C Maile from Planning Sanity spoke on behalf of the applicants. During his presentation, the Chairman in accordance with the "Conduct of Debate" provisions set out in the Constitution warned Mr Maile that he was committing a breach of order and that he should desist.

(3) Mr Maile made numerous points during his presentation. The main points are summarised below together with the response from the Public Rights of Way Officer:-

(a) The issues raised by the application were of such a degree of complexity that they needed to be aired at a non-statutory public inquiry. The Public Rights of Way Officer replied that the purpose of such inquiries was to establish matters of fact. In this instance, the facts were clearly established. The Legal Services Officer referred to correspondence she had held with DEFRA in which the latter had given its view that there would be no purpose in holding an inquiry once it had been established that the use of the land was by right.

(b) The judgement given in the Oxfordshire case demonstrated that Authorities were not exempt from having land registered. Even Crown land could be so registered. The Public Rights of Way Officer replied that this was correct. The question was the manner in which the land was owned. Each case had to be assessed on its individual merit.

(c) The Commons Act 2006 enabled landowners to register their own land. It would be a strange law indeed if the same facility did not apply to a third party. The Public Rights of Way Officer replied that this was a new provision which enabled voluntary registration. This did not apply in this instance where registration was founded on the English law of prescription.

(d) Section 15 (7) (b) of the Commons Act 2006 enabled the twenty year qualifying period to commence at any point before the use of the land had become by right. Even if the view of Counsel that this had occurred in 1935 was accepted, it would still be possible to register on the basis of the situation which pertained between the years 1915 and 1935. The Public Rights of Way Officer replied that no evidence had been presented to the Registration Authority to indicate whether the land had been used during that period or any twenty year period prior to that.

(e) Who actually controlled the land – the Parish Council or the Charity Commission? If, as was stated by the Parish Council, the Parish Council was acting as the sole trustee, then there were two named individuals on the Charity Commission's website who were not Members of the Parish Council. With the permission of the Chairman, the Clerk to Hawkhurst Parish Council explained that this was an error which would be corrected when he next communicated with the Charity Commission. The purpose of naming individuals on that particular website was to enable the public to identify the actual Members of Hawkhurst Parish Council, which was indeed the sole trustee.

(f) The Parish Council rented the land to various clubs for the purposes of playing collective sports. Once they had done this, the land ceased to be public and the Trust argument ceased to be valid. With the permission of the Chairman, the Clerk to Hawkhurst Parish Council replied that it was true that the football club was charged for the provision of changing facilities and for maintenance of the football pitch. All monies generated in this way were spent on the Charity and could not be spent anywhere else in the Parish. It was recognised that people could in theory walk across the football pitch during a game.

(4) After Mr Maile had completed his remarks, the legal Services Officer stated that she had heard nothing to suggest to her that the recommendations in the report were unsafe. In her opinion, all the facts of the case clearly demonstrated that the land was in use by right and not as of right.

(5) Mr R Harding (Chairman of Hawkhurst Parish Council), Mr B Cova (Hawkhurst Community Partnership) and Mr A McTrusty (Clerk to Hawkhurst Parish Council) addressed the meeting in opposition to the application. They expressed satisfaction with the recommendations in the report.

(6) Mr R F Manning was present for this item pursuant to Committee Procedure Rule 2.24 and spoke. He informed the Panel that he had been asked to become involved from the outset and had soon become aware of the complex nature of the case. He was impressed by the conclusions of Counsel and had nothing further to add.

(7) Mr R A Pascoe moved, seconded by Mr A D Crowther that the recommendations set out in paragraph 31 of the report be agreed.

Carried Unanimously

(8) RESOLVED that the advice from Counsel be endorsed and that the applicant be informed that the application to register the land known as King George

Playing Field at Hawkhurst as a new Town or Village Green has not been accepted.

Update from the Commons Registration Team

A report by the Director of Environment and Waste to Kent County Council's Regulation Committee on Tuesday 18th May 2010.

Recommendation:

I recommend that Members receive this report for information

Progress with Village Green applications

1. Members have requested that a summary of the current position of applications to register Town and Village Greens be provided at meetings of the Regulation Committee. A copy of the Schedule of Village Green applications is therefore attached at **Appendix A**.
2. The number of Village Green applications received by the County Council for consideration continues to increase year on year. In 2005, the County Council received just 5 applications but today the County Council receives on average one new application every month.
3. There are currently 25 applications outstanding, of which 13 are under investigation. Three Public Inquiries have already been held this year into applications at Ramsgate, Ashford and Gravesend. The Inspector's recommendation has been received and endorsed by Members in respect of the Ashford case, but recommendations in respect of the other two cases are still awaited.
4. There is currently a waiting time of approximately six months before we are able to begin working on an application. This is due not only to the increasing volume of applications received, but also to the fact that applications to register land as a new Village Green are by their nature very complex and time-consuming to resolve. Unlike Public Rights of Way cases where there are appeal mechanisms via the Planning Inspectorate or the Secretary of State, the only means of appeal against the County Council's decision in relation to a Village Green application is by way of a Judicial Review action in the High Court. Additionally, Village Green applications are often extremely emotive locally, particularly where planning issues are involved. Members have agreed these cases are dealt with strictly in order of receipt unless extenuating circumstances dictate that certain cases should be accelerated.

Case Law update

5. The Supreme Court has recently issued an important decision which will have a significant impact on the manner in which certain cases are dealt with. It is the fifth time in a decade that a Village Green issue has been before the highest court in the land. The case decided by the Supreme Court was *R (Lewis) v Redcar and Cleveland Borough Council* (2010) and it was concerned with an application to register land that had been used for part of the relevant period as a municipal golf course. The case considered the interaction between the golfers and the users, and the consequent impact on whether informal recreational use could be considered to have been 'as of right'.
6. Prior to the Supreme Court's judgement, it had always been considered that it was not possible for local residents to show use 'as of right' for the required twenty year period where there had been an acceptance that at certain times and on certain occasions they

would defer to use of the land by others. For example, during the taking of a hay crop by a landowner or whilst organised sports were being played. This was known as the 'deference principle'.

7. The Supreme Court has now held that deference does not preclude the acquisition of user as of right. In essence, the Supreme Court took the view that it was immaterial that there may have been use of the land both by the landowner and by local people since registration of the land as a new green would not prejudice the landowner in his continuing use of the land. It appears to have been recognised by the Supreme Court that although locals would have acquired rights upon the registration of the land as a Green, it would not take away the right of the landowner to continue using the land in the same manner that he had during the twenty year qualifying period. There was give and take then and that principle of give and take should continue in the future.
8. The practical implications of this decision are far reaching. There are many sports grounds and areas of farmland on the urban fringe where it has not been financially practical to exclude local people from using the land when it is not in use by the landowner. School Playing Fields are often used by dog walkers and children out of school hours. Landowners who have ambitions for the future development of their land must now be sure to have taken active steps to keep local people off of such land in order to prevent registration of the land as a new town or village green.

Commons Act 2006 – Pilot Project

9. Since the last report given to the Regulation Committee at its January meeting, the County Council has continued to comply with the requirements of the Project and is currently adhering to a timetable given to all Pilot Authorities by DEFRA. This is primarily to ensure that the required review of the Registers of Common Land and Village Greens is undertaken in line with Regulations accompanying the Commons Act 2006. The aim of this particular aspect of the Pilot is to ensure that the Registers accurately reflect applications that were made under the Commons Registration Act 1965 in the early 1970's.
10. In addition, checks are being undertaken to establish whether recorded Greens or Commons have been encroached or built upon either by way of encroachment by neighbouring properties or by road schemes or other similar types of development. Computer software and the County Council's Geographical Information Systems (G.I.S.) are greatly assisting this exercise. This exercise is virtually complete and the next step in the process is for the County Council to initiate requisite formal 'proposals' in order to remedy the identified issues.

8th National Seminar - Common Land and Town and Village Greens

11. The University of Gloucestershire has organised its 8th National Seminar on Common Land and Town and Village Greens. The focus of the Seminar will be on best practise to actively protect and manage common land and town and village greens. The County Council has been invited to address the Seminar on the best practise methods it has developed for implementing the requirements of the Commons Act 2006 in its role as a Pilot Authority.

Recommendation

12. I RECOMMEND Members receive this report for information.

Background documents:

Appendix A – Schedule of Village Green applications

Contact Officer:

Chris Wade

Public Rights of Way Principal Case Officer

Tel: 01622 221511

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

**Applications resolved by the Regulation Committee since last report
(26th January 2010)**

Description	Parish	Member(s)	Outcome
Land at Chart Corner	Chart Sutton	Mr. E. Hotson	ACCEPTED and registered as VG246 on 19/02/2010
King George Playing Field	Hawkhurst	Mr. R. Manning	REJECTED on 27/04/2010
Land at Beecholme Drive, Bybrook	Ashford	Mrs. E. Tweed	ACCEPTED and registered as VG247 on 27/04/2010

Forthcoming Public Inquiries

Description	Parish	Member(s)	Details
none			

Outstanding applications to be resolved

Description	Parish	Member(s)	Status
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	Awaiting Inspector's report following Public Inquiry
Broadstairs Cricket Ground	Broadstairs	Mr. B. Hayton Mr. R. Bayford	Under investigation
St Andrew's Gardens	Gravesend	Mr. B. Sweetland Mr. J. Cubitt	Awaiting Inspector's report following Public Inquiry
Brickfields, off Mill Lane	Bridge	Mr. M. Northey	Take to Member Panel on 25/05/2010
Land at Dumpton Park Drive	Broadstairs	Mr. B. Hayton Mr. R. Bayford	Take to Member Panel on 25/05/2010
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	Under investigation
The Downs	Herne Bay	Mrs. J. Law	Under investigation
Former Council Offices site	Cranbrook	Mr. R. Manning	Under 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 Anglely Road	Cranbrook	Mr. R. Manning	Awaiting investigation
Dawbourne Wood	Tenterden	Mr. M. Hill	Awaiting investigation
Gighill Green	Larkfield	Mrs. T. Dean	Awaiting Investigation
Land at Westwell Lane	Westwell	Mr. R. King	Awaiting Investigation
Land at Mill Lane	Preston	Mr. L. Ridings	Awaiting Investigation

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From: Chris Wade (Public Rights of Way Principal Case Officer)
To: Regulation Committee – 18 May 2010
Subject: Town and Country Planning Act 1990 – Public Rights of Way Diversion and Extinguishment Orders: Service Level Agreement with Ashford Borough Council

Summary: To seek authority to enter into a Service Level Agreement with Ashford Borough Council in order to undertake all Town and Country Planning Act Orders on it's behalf.

FOR DECISION

Introduction

1. Sections 257 and 258 of the Town and Country Planning Act 1990 enable the making of Orders to divert and extinguish Public Rights of Way in order to enable development to take place.

Procedure

2. The responsibility for making such Orders rests with the Planning Authority responsible for granting planning permission. Applicants who have received detailed or, on occasions, outline planning consent, must therefore apply to that Planning Authority for such an Order. Therefore, if planning consent is granted, not by the County Council but by one of the twelve District Councils within this County, then it is that specific Council that has to make the Order.

Background

3. Several District Councils, have in the past, mentioned to the County Council that they do not have the staff with the ability or expertise to undertake these Orders; accepting that those abilities rest with County Council staff. In consequence, difficulties have arisen and advice often sought from the County Council's staff to overcome them. This has been time-consuming for County Council staff and diverted resources away from resolving County Council issues.
4. One such Authority where difficulties have arisen in the past is Ashford Borough Council. It has recently undertaken a consultation exercise into this area of work and independent consultants recommended that Ashford approach the County Council with a view to the more experienced County Council staff undertaking this work on its behalf.

Service Level Agreement

5. Discussion has taken place with Officers from Ashford Borough Council and after careful consideration it has been agreed that staff within the County Council's Public Rights of Way Team could undertake the making of Town and Country Planning Act Orders on its behalf with little impact upon current applications. One existing member of staff will be given responsibility for processing these Orders in addition to current

duties and carrying out the necessary liaison with the Borough Council and will be assisted by another part time member of the team where necessary.

6. The County Council would liaise directly with Developers and Landowners in respect of the costs incurred in making this type of Order. The County Council is able to recover its full costs of making these Orders and would set its own appropriate fees to generate income.
7. In addition, one other major benefit is that the County Council will be able to deal with Landowners and Developers at the early stages of the Planning process which hopefully will go a long way in overcoming some of the problems that new Development has caused to the Public Rights of Way network and a reduction in the resources that have had to be expended by the County Council in order to overcome such issues.
8. It has been recognised, however, that it would be important for a Service Level Agreement to be drawn up which would clearly set out the roles, responsibilities and the conditions which would apply to both Authorities in this respect.
9. Lawyers from both Authorities have therefore drawn up a suitable Service Level Agreement a copy of which is attached at **Appendix A**.

Recommendation

10. I recommend that the County Council enter into a Service Level Agreement with the Ashford Borough Council in order to undertake, on its behalf, the making of all Orders under the Town and Country Planning Act 1990.

Background Documents:

Appendix A – Copy of a Draft Service Level Agreement between Kent County Council and Ashford Borough Council.

Contact Officer:

Mr. Chris Wade
Public Rights of Way Principal Case Officer
Countryside Access Service
Tel: 01622 22151

SERVICE LEVEL AGREEMENT
ON THE PROVISION OF IMPLEMENTATION AND ADMINISTRATION OF
PUBLIC RIGHTS OF WAY DIVERSIONS

BETWEEN

ASHFORD BOROUGH COUNCIL – ENVIRONMENTAL SERVICES

AND

KENT COUNTY COUNCIL – PUBLIC RIGHTS OF WAY TEAM

This Agreement is made the ^{PLEASE DO NOT DATE} of two thousand and ten

BETWEEN

- (1) KENT COUNTY COUNCIL PUBLIC RIGHTS OF WAY TEAM (KCC – PROW) of County Hall, Maidstone, Kent ME14 1XX; and
- (2) ASHFORD BOROUGH COUNCIL ENVIRONMENTAL SERVICES (ABC – ENV SERVICES) of Civic Centre, Ashford, Kent TN23 1PL

WHEREAS

1. The parties have agreed to enter into this Agreement which sets out the principles, roles, responsibilities and accountabilities underpinning arrangements for the provision of the implementation and administration of Public Rights of Way diversions by KCC.

2. This Agreement is intended to act as a point of reference for the parties.

NOW IT IS HEREBY AGREED as follows:

3. PARTIES

3.1 The parties to the Agreement are Ashford Borough Council of Civic Centre, Ashford, TN23 1PL and Kent County Council of County Hall, Maidstone ME14 1XX together referred to as the parties.

4. STATUS OF AGREEMENT

4.1 This agreement is not legally binding but is intended to represent the clear intentions of the parties in relation to the provision of the implementation and administration of Public Rights of Way diversions by KCC on behalf of ABC.

5. PURPOSE OF AGREEMENT

5.1 The purpose of this Agreement is to:

- (a) set out in general terms the public rights of way administration and functions to be undertaken by KCC
- (b) indicate the arrangements for undertaking the relevant work
- (c) indicate arrangements for monitoring service delivery, in terms of both quality of work and turnaround times
- (d) specify basic financial arrangements
- (e) set out any other obligations of the parties in relation to the delivery of services under the Agreement.

6. COMMENCEMENT AND DURATION OF SCHEME

- 6.1 This Agreement commences on the date hereof
- 6.2 This Agreement shall remain valid until superseded by a revised agreement mutually endorsed by the authorised signatories of the parties or until termination in accordance with clause 12.1

7. DESCRIPTION OF SERVICES

- 7.1 (a) KCC shall provide Public Rights of Way advice to applicants under S257 and S258 of the Town & Country Planning Act 1990
- (b) KCC shall undertake and facilitate on behalf of ABC the statutory requirements for the making of an order under:
- (i) S257 Town and Country Planning Act 1990
 - (ii) S258 Town and Country Planning Act 1990
- with the exception of ABC's statutory requirements as listed in Clause 8 (Operational Detail)
- (c) undertake all publishing and consultation requirements of the Act
- (d) certify the adequacy and provision of suitable alternative routes as provided in consequence of the confirmed order

8. OPERATIONAL DETAIL

- (a) Applications and enquiries by applicants will be dealt with by KCC direct
- (b) Any meetings with applicants or objectors will be dealt with by KCC
- (c) Any site meetings will be arranged and handled by KCC
- (d) KCC will use plans provided by developers/applicants and, where necessary, supplement with use of its own electronic plans
- (e) Proof of Title/land ownership will be requested and considered by KCC
- (f) Public Rights of Way Orders will be drafted by KCC.
- (g) KCC will conduct informal consultations (in accordance with ABC's list of designated consultees) and respond to comments and/or objections, using its best endeavours to resolve any objection(s).
- (h) ABC will retain the authority to seal the Orders and will undertake this within the required timeframe after the informal consultation process has been completed
- (i) ABC's Head of Environmental Services will receive a copy of the Order to approve, under delegated powers, prior to sealing. KCC to brief ABC's Head of Environmental Services as deemed necessary

- (j) After sealing, formal consultation of the Order making process will be undertaken by KCC
- (k) KCC will send Deposit copies to ABC
- (l) KCC will use DX to transport Orders to ABC
- (m) ABC will arrange for Deposit copies to be held in the Customer Contact Centre for public inspection and displayed on the main ABC notice board
- (n) KCC will advertise the Orders via local newspapers and the KCC website.
- (o) All advertisements will have KCC and ABC logos to denote a service level agreement
- (p) ABC must provide ABC's corporate logo for incorporation into correspondence and advertising templates.
- (q) ABC will provide a link from its website to KCC's website
- (r) KCC will conduct a site visit and issue the Certificate where certification is required
- (s) If no objections are received after a period of 28 days, the Order is to be confirmed as (j) to (n) above
- (t) KCC will invoice developers/applicants direct for all costs associated with the provision of the service directly and will not involve ABC in this process
- (u) For unresolved objections not withdrawn within the two month negotiation period, KCC will seek the instructions of ABC as to whether the Order should be referred to the Secretary of State who will decide the matter by holding a Public Inquiry or by appointing a person to hear the representations of the objector(s). The Secretary of State then decides whether to confirm the Order with or without modification.
- (v) In respect of any legal challenges, KCC to immediately inform ABCs Head of Environmental Services who in consultation with ABCs Head of Legal and Democratic Services will determine what action shall be taken. In the event of ABC requesting KCC to undertake any legal proceedings on its behalf the costs associated with such additional service will be as agreed between the parties at that time.
- (w) Regular monitoring will be undertaken by KCC; an annual review meeting will take place between KCC PROW Team, ABC's Head of Environmental Services and a representative of the Planning Department.

9. STANDARD OF SERVICES

- 9.1 (a) Both parties recognise that the delivery of services depends upon full co-operation and openness between the parties.
- (b) KCC will provide its public rights of way advice and service with reasonable care and skill to a professional standard and to the best of its ability. KCC shall comply with and observe all lawful and proper requests which may be made for advice or and shall give such advice, information or service as is reasonably required.
- (c) The appropriate timetable for the provision of the services will depend on the particular circumstances (for example, the time taken by the Applicant/Agent in answering queries and supplying background information). KCC shall generally supply the service in a timely manner.
- (d) KCC cannot be held responsible for any delay in the delivery of services

10. RESPONSIBILITY FOR PROVIDING IMPLEMENTATION AND ADMINISTRATION OF PUBLIC RIGHTS OF WAY DIVERSIONS

- 10.1 KCC shall provide such services from within its own resources, provided that KCC shall be required to supply only such staff and resources as may be reasonably possible.
- 10.2 Selection of staff for performance of the services shall be the responsibility of KCC.

11. VARIATION

- 11.1 This Agreement may be varied by agreement in writing between the parties.
- 11.2 A proposal to add or modify a particular area or topic of work that has the potential effect of increasing the need for the provision of services by KCC will need to be discussed between both KCC and ABC and any modifications to this agreement can only be introduced with the consent of both parties

12. DURATION AND TERMINATION

- 12.1 Either party may end this Agreement by giving four months written notice to the other party.

13. NO AGENCY OR PARTNERSHIP

- 13.1 Nothing contained in this Agreement shall be construed as creating an agency or partnership relationship between the parties.

IN WITNESS whereof this Agreement has been executed on the date first before written by the undersigned who are duly authorised by KCC and ABC:

SIGNED for and on behalf of)

KENT COUNTY COUNCIL)

Authorised Signatory

SIGNED for and on behalf of)

ASHFORD BOROUGH COUNCIL)

Authorised Signatory

Head of Environmental Services

To: Regulation Committee – For information and decision
Portfolio Holder for Highways, Environment and Waste - For information

By: Director of Highways Environment and Waste to Kent County Council's
Regulation Committee – 18 May 2010

Subject: Update on the Definitive Map Team Casework Schedules, clarification of
Regulation Committee Terms of Reference and the County Council's
approach to Orders made at the direction of the Secretary of State.

Classification: Unrestricted

District: All

Summary

A report updating the Regulation Committee on the Definitive Map Team casework schedules; clarifying the interpretation of the Regulation Committees terms of reference and the County Council's approach to orders made at the direction of the Secretary of State.

Background

Registers of Cases

1.1 At the Regulation Committee on 27 January 2009 an update on the schedule of outstanding Village Greens and public rights of way (PROW) cases was requested. A Schedule of such cases to be included in the agenda papers for future meetings.

1.2 A had copy of the Register of Applications to amend the Definitive Map and Statement and Register of Diversion Applications has been circulated with this report. The registers are also available on line at

[https://shareweb.kent.gov.uk/Documents/environment-and-planning/public-rights-of-way/claims%20\(website\).pdf](https://shareweb.kent.gov.uk/Documents/environment-and-planning/public-rights-of-way/claims%20(website).pdf)

and

<https://shareweb.kent.gov.uk/Documents/environment-and-planning/public-rights-of-way/diversion-schedule-for-web.pdf>

2.1 The production of a register of applications to amend the Definitive Map and Statement was a requirement of the Countryside and Rights of Way Act 2000. The registers are regularly updated to reflect progress with case load.

2.2 There has been substantial progress made in recent years and the backlogs that previously existed have been reduced considerably. There is now an average wait of less than 18 months between receipt of application to amend the Definitive Map and Statement and the case being allocated to an officer. The nature of applications is extremely varied; more complex applications may take years to resolve, others months.

2.3 The likelihood is however that backlogs will grow in coming years as a result of a number of factors:

- i) The introduction of a cut off date after which it will not be possible to seek to amend the Definitive Map and Statement based purely on pre 1949 historic evidence. Currently this date is set at 1st January 2026, though the implementation of the date is currently suspended. It is anticipated that this will bring about a surge in applications.
- ii) The production of a new edition of the Definitive Map and Statement will demand a significant time input from the team unavoidably at the expense of case work.
- iii) The implementation of the Marine and Coastal Act 2009 creating a continuous right of access around the coast of England.
- iv) Additionally an upturn in the economy is likely to trigger additional case work in respect of development sites.
- v) It is also likely that Government will wish to revisit the introduction of a right to apply to divert PROW for agricultural landowners. In Kent such applications have always been considered. However, if introduced it will necessitate changes to existing procedures.

Terms of reference

3. The Constitution of the County Council sets out the terms of reference of the Regulation Committee in respect of Public Rights of Way in the following way:

“The Committee also considers:

- (c) the creation, stopping up, diversion of any footpath or bridleway or the **reclassification** of any public path where **substantive** objection has been raised or a political party or the local Member requests”

(The Council agreed on 20 September 2001 that functions (a)-(c) could be delegated to sub-committees)

3.1 The Terms of Reference of the Committee require amendment to reflect that their powers are also exercisable in terms of Restricted Byways. I have requested that the Constitution of the County Council be amended to reflect this legislative change.

3.2 There is a need for clarification of the precise interpretation to be given to the words “reclassification “ and “substantive” to ensure consistency in the application of the County Council’s functions and the interpretation by external parties of how policy is applied. Members are therefore requested to approve the following definitions to be applied to the work of the Regulation Committee in respect of public path orders and definitive map modification orders:

- i) “Reclassification” is to be interpreted as including any application made to modify the Definitive Map and Statement. Referral to the Regulation

Committee of applications to amend the Definitive Map and Statement is at the request of a political party or local member and prior to the making of any order. Once made such orders must be referred to the Secretary of State should objection be received and not withdrawn.

- ii) Substantive is to be interpreted in respect of the Regulation Committee terms of reference as referring to objections that meet the requirements of the legislation and are relevant to the circumstances of the order.

Approach to Orders made at the direction of the Secretary of State.

4.1 The County Council is occasionally directed to make orders to amend the Definitive Map and Statement by the Secretary of State following appeal against an earlier decision of the authority. Where objections are received to such orders they stand referred back to the Secretary of State for determination. This is usually through written representations, public local hearing or public inquiry.

4.2 Traditionally the County Council has taken a neutral stance in the case of such orders. This is an acceptable position to take and DEFRA have provided guidance for authorities wishing to do so. There is however no policy statement to support such a position. I would therefore recommend that the following is adopted as policy.

4.3 “In cases where the County Council has been directed by the Secretary of State to make an order to amend the Definitive Map and Statement it shall remain neutral in further proceedings unless delegated power to take a different position is specifically sought and secured by the relevant officer”.

Recommendations

5. I recommend that:

- (a) progress in reducing the backlog of outstanding definition cases is noted along with the likelihood that the backlogs will grow in future years.
- (b) the precise interpretation to be given to the interpretation of the words “reclassification” and “substantive” in the Regulation Committee’s terms of reference are accepted.
- (c) the County Council take a neutral stance in respect of orders it is directed to make by the Secretary of State unless delegated power is specifically sought and secured by the relevant officer.

Contact Officer

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Register of Applications under Section 53(5) of the Wildlife and Countryside Act 1981

For further information please call 01622 221568



Serial No.	Area	Location	OS Grid Reference	Path Number	Description	Status Claimed	File Ref	Date Accepted	Current Position	Case Officer	Final Outcome
165	East	Whitstable			Claimed Bridleway, Carlton Road	Bridleway	PROW/CC/C165		Under investigation	Chris Wade	
166	East	Folkestone	TR 2031 3645		Claimed Footpath, Green Walk	Footpath	PROW/SH/C165	11/03/1998	Declined to make an Order - no appeal received	Sonia Coventry	Case complete
171A	West	Bayham Abbey			Claimed Footpath at Bayham Abbey	Footpath	PROW/TW/C171A	03/09/1998	Objections received, case has been submitted to Secretary of State Public Inquiry to be held	Chris Wade/Melanie McNeir	
174	West	Speldhurst	TQ 5580 4215	WT65	Claimed amendment to Footpath WT65		PROW/TW/C174	21/01/1999	At Appeal - Case with the Government Office for the North East	Laura Wilkins	
184	East	Chilham & Chartham	TR 0854 5399		Claimed Footpath, Mill Lane to Thruxted Lane	Footpath	PROW/AS & CC/C184	09/03/2000	Orders Confirmed by Secretary of State	Laura Wilkins	Footpaths recorded
195	East	Bethersden	TQ 9200 4038, TQ 9197 4059, TQ 9219 4053		Claimed Footpath, Wissenden Road to AW258 & AW257	Footpath	PROW/AS/C195	22/02/2001	Under investigation	Sonia Coventry	
203	East	Whitstable	TR 0469 6484 to TR 0622 6478		Claimed deletion of Footpath CW57		PROW/CC/C203	01/08/2001	At Appeal - Case with the Government Office for the North East	Chris Wade/Maria McLaughlan	
205	East	Whitstable	TR 106 663		Claimed Footpath, Nelson Road to Shaftsbury Road	Footpath	PROW/CC/C205	01/11/2001	Order made, objections received, case has been submitted to Secretary of State Public Inquiry to be held	Laura Wilkins	

207	East	Margate	TR 337 693		Claimed Footpath, Brooke Avenue to Bridleway TM22	Footpath	PROW/TH/C207	16/11/2001	Declined to make an Order - no Appeal received	Laura Wilkins	Case archived
208	East	Dunkirk	TR 085 589		Claimed Bridleway, A2 to Bridleway ZR529	Bridleway	PROW/SW/C208	22/01/2002	Case withdrawn	Laura Wilkins	Case archived
209	West	Borough Green	TQ 6156 & TQ 6157		Claimed Footpath, Crouch Lane to recreation ground	Footpath	PROW/TM/C209	11/03/2002	Appeal dismissed	Sonia Coventry	Appeal rejected
212	West	Edenbridge	TQ 4392 4632		Claimed Footpath, Crouch House Road to Springfield Road	Footpath	PROW/SE/C212	26/04/2002	Order made and confirmed	Sonia Coventry	Footpath recorded
214	West	Ryarsh to Birling	TQ 6590 6144	MR145 & MR60A	Claimed upgrading of Bridleway MR145 and RUPP MR60A	Byway	PROW/TM/C214	31/10/2002	Appeal rejected	Melanie McNeir	Case complete
217	East	Whitstable	TR 5070 5715		Claimed Byway, Pean Hill to Foxes Cross Road	Byway	PROW/CC/C217	07/11/2002	Declined to make an Order	Laura Wilkins	Case complete
222	East	Whitstable	TR 127 658	CW38	Claimed downgrading of part of CW38		PROW/CC/C222	28/03/2003	At Appeal - Case with the Government Office for the North East	Chris Wade	
224	West	Headcorn	TQ 834 443	KH264	Claimed upgrading of KH624	Byway	PROW/MA/C224	14/04/2003	Appeal dismissed	Chris Wade	Case complete
225	West	Shodland	TQ 6855 6215	MR594	Claimed Byway, Pilgrims Way to Paddlesworth Road	Byway	PROW/TM/C225	01/05/2003	Order confirmed by Secretary of State	Maria McLauchlan	Case archived
226	West	Edenbridge	TQ 4460 4655		Claimed Footpath, Edenbridge Town Station to Railway Cottages	Footpath	PROW/SE/C226	06/08/2003	Appeal dismissed	Sonia Coventry	Notices served incorrectly at Appeal
227	West	Bredgar	TQ 864 603		Claimed Footpath, Deans Bottom Farm	Footpath	PROW/MA/C227	06/08/2003	Under investigation	Maria McLauchlan	
228	East	Dover	TR 3677 5091		Claimed Footpath, Telegraph Road to Cowdry Square	Footpath	PROW/DO/C228	28/07/2003	Declined to make an Order	Sonia Coventry	Case complete
230	East	Ospringe	TQ 995 587	ZR359	Claimed amendment of Footpath ZR359		PROW/SW/C230	27/10/2003	Order made and confirmed	Maria McLauchlan	Case complete
232	West	Hartlip	TQ 8420 6495	ZR685	Claimed Footpath, Mill Lane to Lower Hartlip Road	Footpath	PROW/SW/C232	16/10/2003	Order made & confirmed	Maria McLauchlan	Footpath recorded
233	East	Lower Halstow	TQ 8610 6711		Claimed Footpath, Westmoreland Drive to Cumberland Drive	Footpath	PROW/SW/C233	11/11/2003	Deed of Dedication - complete	Maria McLauchlan	Footpath recorded
234	West	Hartley	TQ 6103 6842	SD334	Claimed Footpath, Caxton Road to Gorsewood Road	Footpath	PROW/SE/C234	15/12/2003	Order made & confirmed	Maria McLauchlan	Footpath recorded
235	East	Hartlip	TQ various		Claimed Footpaths, lots 1-14	Footpath	PROW/SW/C235	09/12/2003	Declined to make an Order - no Appeal received	Maria McLauchlan	Declined to make Order

236	West	Luddesdown	TQ 677 668 to TQ 678 667	NS243	Claimed Byway, RUPP NS243	Byway	PROW/GR/C236	23/02/2004	Appeal dismissed	Melanie McNeir	Case complete
238	West	Dunton Green			Claimed Footpath, from underpass opposite Dunton Green Primary School to Footpath SR105	Footpath	PROW/SE/C238	07/05/2004	Under investigation Declined to make an Order - no Appeal received	Melanie McNeir	
239	West	Hadlow	TQ 6289 5017		Claimed Footpath, The Freehold to Carpenters Lane	Footpath	PROW/TM/C239	25/06/2004	Order confirmed	Melanie McNeir	Case archived
240	West	Sevenoaks	TQ 523523 to TQ 528519		Claimed Footpath, Hubbards Hill to Gracious Lane	Footpath	PROW/SE/C240	04/08/2004	Order confirmed	Melanie McNeir	Footpath recorded
242	East	Chilham	TR 077 526	AE18 & AE429	Claimed upgrading of AE18 & AE429	Byway	PROW/AS/C242	01/10/2004	Under investigation	Chris Wade	
243	East	St Margaret's Bay	TR 3639 4466		Claimed Footpath, Droveway Gardens to Kenilworth Close	Footpath	PROW/DO/C243	20/10/2004	Appeal rejected	Melanie McNeir	Case complete
244	East	Ramsgate	TR 388 657		Claimed Footpath across playing fields off Honeysuckle Road	Footpath	PROW/TH/C244	25/10/2004	Orders made and confirmed	Chris Wade	Footpath recorded
245	West	Gravesham	NU31A, TQ 642 691 to TQ 644 693 NU33 TQ 644 693 to TQ 652 692	NS31A, NS33	Claimed upgrading of NU31A & NU33	Byway	PROW/GR/C245	26/10/2004	Declined to make an Order - No Appeal received	Chris Wade	Case complete
246	East	Whitstable	TR 0627 6482 to 0980 6573		Claimed Footpath, Reeves Beach to Footpath CW82 north of the Sportsman Public House	Footpath	PROW/CC/C246	03/11/2004	Under investigation	Chris Wade	
248	East	Whitstable	TR 1295 6606		Claimed Footpaths, Grasmere Pastures	Footpath	PROW/CC/C248	14/12/2004	Order made and confirmed	Melanie McNeir	Footpath recorded
249	East	Tenterden	TQ 588530 to TQ 135400		Claimed Footpaths, Ashford Road to AB5 and Heather Drive to footpath leading to A28	Footpath	PROW/AS/C249	21/01/2005	Order made and objections received	Stewart Biggs	SOS did not confirm the Order
250	East	Stourmouth	TR 265 633		Claimed Byway, West Stourmouth to former B2046 through Heronsgate Farm	Byway	PROW/CC/C250	08/02/2005	Under investigation	Chris Wade	
255	West	West Kingsdown	TQ 588 606		Claimed Footpath Terry's Lodge Farm	Footpath	PROW/SE/C255	22/07/2005	Appeal rejected	Stewart Biggs	Case archived
256	East	Leydown	TR 043 695		Claimed Footpath, Wing Road to Muswell Manor	Footpath	PROW/SW/C256	05/08/2005	Order made and confirmed	Stewart Biggs	Case archived
257	East	Sandgate	TR 201 351	HF64, HF65, HF66	Claimed Footpath, Encombe to Prospect Road	Footpath	PROW/SH/C257	15/08/2005	Order made and confirmed	Maria McLaughlan	Case archived

258	West	Meopham	TQ 6387 6486	NS360	Claimed Footpath, Steele's Lane, A227 - NS285	Footpath	PROW/SH/C258	23/08/2005	Order confirmed by Secretary of State	Maria McLauchlan	Case archived
259	East	Westgate-on-Sea	TR 3155 6906		Claimed Footpath, Allen Avenue to Dunstan Avenue	Footpath	PROW/TH/C259	27/09/2005	Order made and confirmed	Sonia Coventry	Case archived linked with file PROW/TM42/1283
260	East	Adisham	1) TR 218 533 2) TR 222 534 3) TR 219 526 4) TR 223 530		Four claimed Footpaths	Footpath	PROW/CC/C260	10/10/2005	Orders made and objections received, case has been submitted to Secretary of State Public Inquiry to be held	Maria McLauchlan	
261	West	Marden	TQ 759 448		Claimed Footpath, KM272 to Battle Lane	Footpath	PROW/MA/C261	04/11/2005	Order confirmed	Maria McLauchlan	Footpath recorded
262	West	Birling	TQ 667 617	MR48	Claimed upgrading of MR48	Byway	PROW/TM/C262	04/11/2005	Declined to make an Order - no Appeal received	Melanie McNeir	Declined to make Order
263	West	Wrotham	TQ 601 592	MR231	Claimed upgrading of MR231	Byway	PROW/TM/C263	04/11/2005	Declined to make an Order - no Appeal received	Stewart Biggs	Case archived
264	West	Birling	TQ 665 623	MR60	Claimed upgrading of MR60	Byway	PROW/TM/C264	04/11/2005	Declined to make an Order - no Appeal received	Melanie McNeir	Declined to make Order
265	East	Alkham	TR 238 428	ER76	Claimed upgrading of ER76	Byway	PROW/DO/C265	07/11/2005	Declined to make an Order - no Appeal received	Stewart Biggs	Case archived
266	East	Alkham	TR 269 435	ER175	Claimed upgrading of ER175	Byway	PROW/DO/C266	07/11/2005	Declined to make an Order - no Appeal received	Maria McLauchlan	Declined to make Order
267	East	Alkham	TR 260 423	ER177	Claimed upgrading of ER177	Byway	PROW/DO/C267	07/11/2005	Declined to make an Order - no Appeal received	Maria McLauchlan	Declined to make Order
268	East	Alkham	TR 268 429	ER178	Claimed upgrading of ER178	Byway	PROW/DO/C268	07/11/2005	Declined to make an Order - no Appeal received	Maria McLauchlan	Declined to make Order
269	East	Alkham	TR 261 432	ER184	Claimed upgrading of ER184	Byway	PROW/DO/C269	07/11/2005	Declined to make an Order - no Appeal received	Maria McLauchlan	Declined to make Order

270	East	Alkham	TR 271 422	ER261	Claimed upgrading of ER261	Byway	PROW/DO/C270	07/11/2005	Declined to make an Order - no Appeal received	Maria McLauchlan	Declined to make Order
271	East	Alkham	TR 287 400	ER89 & ER223	Claimed upgrading of ER89 & ER223	Byway	PROW/DO/C271	29/11/2005	Under investigation	Laura Wilkins	
272	East	Alkham	TR 257 418	ER179	Claimed upgrading of ER179	Byway	PROW/DO/C272	29/11/2005	Under investigation	Laura Wilkins	
273	East	Ellinge	TR 238 428	ER186	Claimed upgrading of ER186	Byway	PROW/DO/C273	29/11/2005	Declined to make an Order - no Appeal received	Stewart Biggs	Declined to make Order
274	East	West Hougham	TR 263 393	ER224	Claimed upgrading of ER224	Byway	PROW/DO/C274	29/11/2005	Under investigation	Melanie McNeir	
275	West	Lenham	TQ 904 522	KH433	Claimed upgrading of KH433	Byway	PROW/MA/C275	29/11/2005	Under investigation	Melanie McNeir	
276	West	Ightham	TQ 606 550	MR311	Claimed upgrading of MR311	Byway	PROW/TM/C276	29/11/2005	Under investigation	Melanie McNeir	
277	West	Wateringbury	TQ 697 544	MR501	Claimed upgrading of MR501	Byway	PROW/TM/C277	29/11/2005	Under investigation	Melanie McNeir	
278	East	Wormdale	TQ 858 635	ZR64	Claimed upgrading of ZR64	Byway	PROW/SW/C278	29/11/2005	Under investigation	Melanie McNeir	
279	West	Hawkhurst	TQ 765 283	WC230	Claimed upgrading of WC230	Byway	PROW/TM/C279	29/11/2005	Under investigation	Melanie McNeir	
280	East	Capel-He-Ferne	TR 266 388	ER226	Claimed upgrading of ER226	Byway	PROW/DO/C280	16/12/2005	Under investigation	Laura Wilkins	
281	East	Capel-He-Ferne	TR 276 393	ER225	Claimed upgrading of ER225	Byway	PROW/DO/C281	16/12/2005	Under investigation	Laura Wilkins	
282	East	Tatsfield	TQ 453 568	ER225	Claimed upgrading of ER225	Bridleway	PROW/SE/C282	19/12/2005	Under investigation	Laura Wilkins	
283	East	Lydd	TR 055 185	Footpaths HL4, 37 & 38 Restricted Byways HL39, 40 & 41	Claimed upgrading of Footpaths HL4, 37 & 38 and Restricted Byways HL39, 40 & 41	Byway	PROW/SH/C283	26/01/2006	Declined to make an Order - Appeal received. Case with the Government Office for the North East	Maria McLauchlan	
284	East	Sandwich	TR 325 581	ES9	Claimed amendment to Footpath ES9	Footpath	PROW/DO/C284	28/02/2006	Under investigation	Sonia Coventry	
285	East	Newington	TQ 853 645		Claimed Footpath from Orchard Drive to the Recreation Ground	Footpath	PROW/SW/C285	03/03/2006	Under investigation	Laura Wilkins	
286	West	Marden	TQ 735 437		Claimed Footpath running along Roughlands Lane	Footpath	PROW/MA/C286	15/03/2006	Under investigation	Sonia Coventry	

287	West	West Kingsdown	TQ 575 609		Claimed Footpath, Tinkerpot Lane to SD283	Footpath	PROW/SE/C287	28/03/2006	Under investigation	Sonia Coventry	
288	West	Marden	TQ 751 461		Claimed Footpath, KM240 to Milebush Lane	Footpath	PROW/MA/C288	08/08/2006	Under investigation	Sonia Coventry	
289	West	Northfleet	TQ 864 603		Claimed Footpath, Beaumont Road and Dover Road	Footpath	PROW/GR/C289	09/08/2006	Declined to make an Order	Maria McLauchlan	Case archived
290	East	Lydden	TR 242 448	ER121	Claimed addition to the particulars relating to Bridleway ER121		PROW/DO/C290	14/08/2006	Declined to make an Order - no Appeal received	Laura Wilkins	Case archived
291	East	Lydden	TR 242 448	ER121	Claimed addition to the particulars relating to Bridleway ER121		PROW/DO/C291	30/08/2006	Declined to make an Order - no Appeal received	Laura Wilkins	Case archived
292	East	Little Chart	TQ 934 466	AW108	Claimed addition to the particulars relating to Footpath AW108		PROW/AS/C292	04/09/2006	Order made and objections received - Public Inquiry to be held	Maria McLauchlan	
293	East	Birchington	TR 304 692		Claimed Footpath, Yew Tree Gardens to Neame Woods	Footpath	PROW/TH/C293	05/10/2006	Declined to make an Order - no Appeal received	Laura Wilkins/Matt Garvey	Case complete
294	West	Marden	TQ 744 474 to TQ 744 477		Claimed Byway, Tilden Lane to Footpath KM229	Byway	PROW/MA/C294	31/10/2006	Under investigation	Melanie McNeir	
295	East	Teynham			Claimed Footpath, ZR234 to ZR234	Footpath	PROW/SW/C295	29/01/2007	Order made and confirmed	Stewart Biggs	Case archived
296	East	Whitstable	TR 106 664		Claimed Footpath, Middle Wall to Cornwallis Circle	Footpath	PROW/CC/C296	20/02/2007	Order made and confirmed	Laura Wilkins/Matt Garvey	Footpath recorded
297	East	Littlebourne	TR 1984 5725 to TR 2060 5758		Claimed Footpath, CB150 to The Hill	Footpath	PROW/CC/C297	27/03/2007	Under investigation	Melanie McNeir	
298	East	Littlebourne	TR 1910 5656 to TR 2060 5758		Claimed Footpath, CB152 to The Hill	Footpath	PROW/CC/C298	27/03/2007	Under investigation	Melanie McNeir	
299	East	Whitstable	TR 105 659		Claimed Footpath, Glebe Way to the level crossing	Footpath	PROW/CC/C299	07/06/2007	Order made and confirmed	Laura Wilkins/Matt Garvey	Footpath recorded
300	West	Marden	TQ 717 417 to TQ 751 411		Claimed Restricted Byway, Sherenden Lane to Harts Heath	Restricted Byway	PROW/MA/C300	04/07/2007	Under investigation	Melanie McNeir	
301	West	Swanscombe	TQ 605 750		Claimed Footpath, Pilgrims Road	Footpath	PROW/DA/C301	20/07/2007	Order made and confirmed	Maria McLauchlan	Footpath recorded

302	East	Greatstone	TR 0808 2288		Claimed Footpath, The Parade to Merritt Road	Footpath	PROW/SH/C302	20/08/2007	Order made and confirmed	Maria McLauchlan	Footpath recorded
303	East	Ickham	TR 2002 5677 to TR 2054 5629		Claimed Footpath, Lackenden to Garrington	Footpath	PROW/CC/C303	20/08/2007	Under investigation	Maria McLauchlan	
304	East	Lympne, Hythe	TR 120 351		Claimed Footpath, Belcaire Close to Harman Avenue	Footpath	PROW/SH/C304	06/09/2007	Order made and confirmed	Maria McLauchlan	Footpath recorded
305	West	Marden & Horsmonden	TQ 738 422 to TQ 723 426	Includes path numbers FP KM261, FP KM258, FP WT333, FP WT332 & FP WT331	Claimed Restricted Byway, Goudhurst Road to Queen Meads	Restricted Byway	PROW/MA&TW/C305	06/12/2007	Under investigation	Maria McLauchlan	
306	West	Dartford	TQ5097/7241 to TQ5104/7264 to TQ5098/7273		Claimed Footpath, Tile Kiln Lane to Calvert Drive	Footpath	PROW/DA/C306	05/02/2008	Declined to make an Order - no Appeal received	Matthew Garvey	Case complete
307	West	Snodland & Larkfield	TQ7119 6131 to TQ 7131 6102		Claimed Footpath running between Footpath MR44 and another connection with Footpath MR44	Footpath	PROW/TM/C307	04/04/2008	Accelerated in line with Statement of Priorities - under investigation	Sonia Coventry	
308	West	Lenham	TQ 9101 4995 to TQ 9128 4985		Claimed Bridleway from Bull Hill to Footpath KH405, Lenham Heath	Bridleway	PROW/MA/C308	01/05/2008	Order made - objections received	Matthew Garvey	
309	West	Sundridge	TQ 4808 5345 to TQ 4814 5346		Claimed Footpath from New Road to Bridleway SR259, Sundridge	Footpath	PROW/SE/C309	05/06/2008	Under investigation	Matthew Garvey	
310	West	Hollingbourne	TQ 8422 5482 to TQ 8434 5501		Claimed Footpath from Greenway Court Road to B2163, Hollingbourne	Footpath	PROW/MA/C310	10/06/2008	Under investigation	Matthew Garvey	
311	West	West Kingsdown	TQ 5732 6325 to TQ 5739 6317		Claimed Footpath from Hever Avenue to Church Road, West Kingsdown	Footpath	PROW/SE/C311	18/06/2008	Under investigation	Maria McLauchlan	

312	East	Margate	TR 3885 7196 to TR 3887 7113	Claimed Footpath from Knockholt Road to The Ridings, Margate	Footpath	PROW/TH/C312	22/07/2008	Under investigation	Maria McLauchlan	
313	East	Whitstable	TR 1072 6479 to TR 1098 6499	Claimed Footpath from Gorrell Wood via Benacre Wood to St Andrews Close and returning to Gorrell Wood	Footpath	PROW/CC/C313	06/08/2008	Awaiting investigation		
314	West	Snodland	TQ 7003 6183 to TQ 7008 6184	Claimed Footpath from Birling Road to Bingley Close	Footpath	PROW/TM/C314	29/08/2008	Awaiting investigation		
315	West	Shipbourne	TQ 5894 5093 to TQ 5894 5089	Claimed Bridleway from MT50 to MT50	Footpath	PROW/TM/C315	06/10/2008	Awaiting investigation		
316	West	Riverhead	TQ 5147 5624 to TQ 5147 5620	Claimed Footpath from Maidstone Road to St. Mary's Church	Footpath	PROW/SE/C316	13/10/2008	Awaiting investigation		
317	West	Tunbridge Wells	TQ 5838 3937 to TQ 5840 3945 and TQ 5844 3938	Claimed Footpaths from Clanricarde Road to Mount Pleasant Road and Church Road	Footpath	PROW/TW/C317	20/11/2008	Application has been accelerated in line with Statement of Priorities (development), Order made, objections received	Laura Wilkins	
318	West	Hildenborough	TQ 581 491 to TQ 582 492 and TQ 580 488 to TQ 580 493 and TQ 580 488 to TQ 579 486	Claimed Footpaths from Bridleway MT52 to Public Footpath MT37 and from Public Footpath MT37 to another connection with Public Footpath MT37 and from Bridleway MT52 to Public Footpath MT37	Footpath	PROW/TM/C318	24/11/2008	Awaiting investigation		
319	East	Minster	TR 3057 6472 to TR 3047 6456	Claimed Footpath from Monkton Road (start of TE34) to its junction with Footpath TE33	Footpath	PROW/TH/C319	24/04/2009	Application has been accelerated in line with Statement of Priorities (development) - Order made and confirmed	Maria McLauchlan	

320	East	Cheriton, Folkestone	TR 1903 3618 to TR 1909 3609		Claimed Footpath from the end of Valebrook Close to the northern end of Public Footpath HF43	Footpath	PROW/SH/C320	14/05/2009	Awaiting investigation	
321	West	Tunbridge Wells	TQ 5896 4039 to TQ5893 4045		Claimed Footpath from the Top Gate of Grosvenor Park to Quarry Road	Footpath	PROW/TW/C321	25/05/2009	Application has been accelerated in line with Statement of Priorities (development)	Matthew Garvey
322	East	High Halden	TQ 9069 3645 to TQ 9229 3664	AT164	Claimed downgrading to a Footpath the Restricted Byway AT164 running from Redbrook Street to Harbourne Lane	Footpath	PROW/AS/C322	11/06/2009	Awaiting investigation	
323	East	Harbledown	TR 129 573 to TR 129 9577	CB485	Claimed upgrading to a Restricted Byway part of Public Footpath CB485 running from Whitehall Road to its junction with the North Downs Way	Restricted Byway	PROW/CC/C323	07/07/2009	Awaiting investigation	
324	East	Whitstable	TR 1082 6571 to TR 1084 6580		Claimed Footpath from Green Lane to Harwich Street	Footpath	PROW/CC/C324	13/08/2009	Awaiting investigation	
325	East	Milton Regis, Sittingbourne	TQ 9006 6503 to TQ 9011 6494		Claimed Footpath from Middletone Avenue to Vicarage Road	Footpath	PROW/SW/C325	27/08/2009	Awaiting investigation	
326	East	Brabourne	TR 0766 4014 to TR 0740 4042		Claimed Footpath from Church Road to Public Footpath AE285	Footpath	PROW/AS/C326	07/12/2009	Awaiting investigation	
327	East	Ringwould with Kingsdown	TR 3759 4811 to TR 3771 4811		Claimed Footpath from The Avenue to Footpath ER8	Footpath	PROW/DO/C327	29/12/2009	Awaiting investigation	
328	West	Hildenborough	TQ 5778 4750 to TQ 5773 4739	MT43	Claimed amendment to the alignment of part of Public Footpath MT43	Footpath	PROW/TM/C328	05/01/2010	Awaiting investigation	
329	East	Dymchurch & Burmarsh	TR 1275 3191 to TR 1215 3317		Claimed Restricted Byway running from A259 to Botolph's Bridge Road	Restricted Byway	PROW/SH/C329	17/02/2010	Awaiting investigation	
330	East	Shepherdswell with Coldred	TR 2591 4779 to TR 2594 4752		Claimed Footpath from Public Footpath ER80/81 (Moorland Road) to Public Footpath ER83	Footpath	PROW/DO/C330	02/03/2010	Awaiting investigation	

331	West	Aylesford & Burham	TQ 7169 6199 to TQ 7247 5904	MR465, MR459, MR430 & MR454 (part)	Claimed upgrading to Restricted Byway status Public Footpaths MR465, MR459, MR430 & MR454 (part) and the addition of four Restricted Byways	Restricted Byway	PROW/TM/C331	23/03/2010	Awaiting investigation		
332	West	Swanley	TQ 5095 6815 to 5094 6814		Claimed Public Footpath from Azalea Drive to Ladds Way	Footpath	PROW/SE/C332	25/03/2010	Awaiting investigation		
333	West	Sevenoaks	TQ 5354 5291 to TQ 5354 5296		Claimed Public Footpath running from one public roadside footpath to another in front of the White Hart Public House (Tonbridge Road)	Footpath	PROW/SE/C333	26/04/2010	Awaiting investigation		
334	West	Teston	Route 1 TQ 6978 5482 to 7017 5439 Route 2 TQ 6986 5465 to 6980 5461 Route 3 TQ 6991 5479 to 7017 5459 Route 4 TQ 7006 5443 to 7017 5459		Claimed Bridleways known as Green Walks:- Route 1 -Northpole Road to KM333 Route 2 - Route 1 to Livesey Street Route 3 Northpole Road to KM333 and Route 4 Route 4 Route 1 to KM333 and Route 3	Bridleway	PROW/MA/C334	27/04/2010	Awaiting investigation		

**Register of applications under the Highways Act 1980
Year 2006**

For further information please call 01622 221568



Ref. No.	Details				Date Received	Status (the stage the application has reached)	Confirmation		Case Officer
	Path No	Parish	Description	Withdrawn			Completed		
1244	AE451	Aldington	Extinguishment		27/02/2006	Order confirmed (SoS)		Completed	Laura Wilkins
1245	WC42	Cranbrook	Diversion		02/03/2006			Completed	Maria McLauchlan
1246	HE356	Postling	Diversion		07/03/2006			Completed	Laura Wilkins
1247	KM164	Hunton	Diversion		21/03/2006			Completed	Maria McLauchlan
1248	CW52	Whitstable	Diversion		21/03/2006		Withdrawn		
1249	KH405	Lenham	Diversion		05/04/2006			Completed	Sonia Coventry
1250	WC297, WC302	Sandhurst	Diversion		12/04/2006	Order Declined		Completed	Sonia Coventry
1251	WT295, WT293, WT294	Brenchley & Matfield	Diversion		23/05/2006	Order Confirmed (SoS)			Sonia Coventry
1252	AE450, AE452	Aldington	Diversion		24/05/2006	Order confirmed (SoS)		Completed	Laura Wilkins
1253	SR524	Hever	Diversion		05/06/2006	Order confirmed		Completed	Sonia Coventry
1254	HE276B	Saltwood	Extinguishment		22/06/2006	Order Confirmed (SoS)		Completed	Sonia Coventry
1255	AW170	Hotfield	Diversion		21/07/2006	Submitted to SoS			Sonia Coventry
1256	WC37	Gouldhurst	Diversion		01/08/2006	Order made & confirmed		Completed	Sonia Coventry
1257	KH245	Leeds	Diversion		08/08/2006	Order made & confirmed		Completed	Laura Wilkins
1258	MT2	Hildenborough	Diversion		07/09/2006	Order made & confirmed		Completed	Stewart Biggs
1259	MR493	Aylesford	Extinguishment & Ceation		10/10/2006	Order declined		Completed	Sonia Coventry
1259	MR493	Aylesford	Diversion			Order Declined		Completed	Sonia Coventry
1260	MT50	Shipbourne	Diversion		10/10/2006	Order made & confirmed		Completed	Stewart Biggs
1261	AW156	Pluckley	Diversion		24/08/2006	Order made & confirmed		Completed	Stewart Biggs
1262	AT205	Woodchurch	Diversion		17/11/2006	Order made & confirmed		Completed	Maria McLauchlan
1263	CB421	Petham	Diversion		04/12/2006	Order made & confirmed		Completed	Laura Wilkins
1264	AW148	Pluckley	Diversion		03/10/2005	Order made & confirmed		Completed	Laura Wilkins
1106	KH402	Lenham	Diversion		21/06/2002		28/08/2006	Completed	Laura Wilkins
1265	ZU29	Sittingbourne	Diversion					Completed	Melanie McNeir

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Year 2007

For further information please call 01622 221568



Ref. No.	Details				Status (the stage the application has reached)	Confirmation		Case Officer
	Path No	Parish	Description	Date Received		Withdrawn	Completed	
1266	CC16	Canterbury	S116 Extinguishment	01/02/2007	Declined to make Order		Completed	Sonia Coventry / Chris Wade
1267	MR44	Snodland	Diversion & extinguishment	01/02/2007	On Hold			Sonia Coventry
1268	MR178	Offham	Diversion & extinguishment	02/03/2007	Order made & confirmed		Completed	Maria McLauchlan
1269	ZR105	Bobbing	Diversion	02/04/2007	New consultation			Sonia Coventry
1270	CB177	Ickham & Well	Diversion	17/04/2007	On Hold			Maria McLauchlan
1271	WC75	Sissinghurst	TCPA Diversion	20/04/2007		Withdrawn		
1272	CC18	Canterbury	Diversion	02/05/2007	Awaiting new updated application			Laura Wilkins
1273	AW200A	Bethersden	Diversion	02/05/2007	Order made & confirmed		Completed	Maria McLauchlan
1274	AW217	Great Chart	Diversion	02/05/2007	Withdrawn	Withdrawn		
1275	SD246	Ash-cum-Ridley	Diversion	02/05/2007	Order Made & Confirmed		Completed	Matthew Garvey
1276	NS229A	Luddesdown	Extinguishment & Creation	24/05/2007	Declined to make Order		Completed	Matthew Garvey
1277	SU49	Sevenoaks	Diversion		Order made & confirmed		Completed	Maria McLauchlan
1278	AW5	Benenden	Diversion				Completed	Laura Wilkins
1279	ZR219	Doddington	Diversion				Completed	Laura Wilkins
1280	MR421	Ightham	Diversion	25/06/2007	Order made & confirmed		Completed	Matthew Garvey
1281	ZR449	Stalisfield	Diversion	26/06/2007	Order made & confirmed		Completed	Sonia Coventry
1281a	ZR420, ZR424	Throwley	Diversion	22/07/2007	Order made & confirmed		Completed	Laura Wilkins
1282	EE149	Preston	Diversion	21/06/2007	On Hold	Withdrawn		Maria McLauchlan
1283	TM42	Westgate-on-Sea	Diversion	08/08/2007	Order made & confirmed		Completed	Sonia Coventry
1284	MT114	Hadlow	Diversion	01/08/2007	Declined to make Order		Completed	Maria McLauchlan
1285	TE33	Minster	Diversion	12/09/2007	Order made & confirmed		Completed	Laura Wilkins
1286	CH62	Reculver	Diversion & extinguishment	05/09/2007		Withdrawn		
1287	SU3	Sevenoaks	Diversion	12/09/2007	Declined to make Order		Completed	Sonia Coventry
1288	ZR32	Upchurch	Diversion		Under consultation			
1289	MR502	Wateringbury	Diversion		On Hold			Maria McLauchlan

1290	MR108, MR488	Ditton	Diversion	24/09/2007	Order made for part Declined to make Order for part			Matthew Garvey
1291	KM290	Staplehurst	Diversion	23/10/2007	Order made			Matthew Garvey

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Ref. No.	Details					Confirmation		Case Officer
	Path No	Parish	Description	Date Received	Status (the stage the application has reached)	Withdrawn	Completed	
1292	ZU47	Milton Regis, Sittingbourne	Extinguishment	19/02/2008	Submission to SoS			Matthew Garvey
1293	MR392, MR350	Shipbourne	Diversions	21/02/2008	Orders made			Sonia Coventry
1294	ZR439	Throwley	Diversion	28/02/2008	Rejected	Withdrawn		Matthew Garvey
1295	MR430	Ivy Hatch	Diversion	28/02/2008	Order made & Confirmed			Colin Finch & Sonia Coventry
1296	HE74	Elham	Diversion	29/04/2008	Order made & confirmed			Sonia Coventry
1297	NS185	Cobham	Diversion	01/05/2008	Order made			Maria McLauchlan
1298	MU3	Tonbridge	Diversion		Order made & Confirmed			Maria McLauchlan
1299	TRX3	Ramsgate	Diversion		Under Consultation			Sonia Coventry
1300	KM43, KM42	East Farleigh	Diversion					
1301	TE9	St Nicolas at Wade	Diversion		Order made, confirmed & certified			
1302	CW52	Whitstable	Diversion		Report			Laura Wilkins
1303	AE282	Brabourne	Diversion	16/06/2008	Report			Sonia Coventry
1304	KB17	Maidstone	Diversion	17/06/2008	Report			Sonia Coventry
1305	MR235	Wrotham	Extinguishment	30/07/2008	Report			Sonia Coventry
1306	AW136	Westwell	Diversion	31/07/2008	Report			Sonia Coventry
1307	MR81	Birling	Diversion	13/08/2008	Report			Sonia Coventry
1308	CB86	Sturry	Diversion	26/08/2008	Under Consultation			Maria McLauchlan
1309	ZR193	Tonge	Diversion	01/09/2008	Awaiting allocation			
1310	KB28	Maidstone	Diversion	10/12/2008	Awaiting allocation			
1311	WC138	Cranbrook	Diversion	19/12/2008	Awaiting allocation			

Register of current applications under the Highways Act 1980
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Ref. No.	Details				Date Received	Status (the stage the application has reached)	Confirmation		Case Officer
	Path No	Parish	Description				Withdrawn	Completed	
1312	WT297, WT299	Brenchley	Diversion		02/01/2009	Awaiting allocation			
1313	SR396	Westerham	Diversion		30/01/2009	Awaiting allocation			
1314	SR442	Penshurst	Diversion		16/02/2009		Withdrawn		
1315	AE515	Ruckinge & Bilsington	Diversion		09/03/2009	Awaiting allocation			
1316	CB15	Blean	Diversion		01/04/2009	Awaiting allocation			
1317	WC5A	Goudhurst	Diversion		07/04/2009	Awaiting allocation			
1318	KM119	Boughton Monchelsea	Diversion		23/04/2009	Order Confirmed		Complete	Laura Wilkins
1319	HM29	Brooklands	Diversion		29/04/2009	Under consultation			Edward Denne & Sonia Coventry
1320	CW15	Whitstable	Diversion		30/04/2009	Awaiting allocation			
1321	MR184, MR177	Trottscliffe	TCPA Diversion		02/07/2009	Report			Sonia Coventry
1322	AU58A	Ashford	Extinguishment		16/07/2009	Awaiting allocation			
1323	CB442, CB432	Petham	Diversion		23/07/2009	Awaiting allocation			
1324	EE255	Eastry	Diversion		03/08/2009	Awaiting allocation			
1325	AW226, AW226A	Kingsnorth	Extinguishment & Creation		08/09/2009	Awaiting allocation			
1326	WC174	Hawkhurst	Diversion		08/09/2009	Awaiting allocation			
1327	TE462	Minster, Thanet	Diversion		14/09/2009	Under consultation			Maria McLauchlan
1328	AW150	Pluckley	Diversion		14/10/2009	Awaiting allocation			
1329	CB151A	Littlebourne	Diversion		14/10/2009	Awaiting allocation			
1330	KH555A	Chart Sutton	Diversion		14/10/2009	Awaiting allocation			
1331	AW318	Kingsnorth	Creation Order		01/08/2007	Declined	Withdrawn		Chris Wade
1332IP	HM4, HM117, HM115, HL27, HL15, HL14	Lydd	Diversion, Creation, Upgrade, Extinguishment		01/10/2009	Report			Matthew Garvey

Update on Planning Enforcement Issues

Report by Head of Planning Applications Group to the Regulation Committee on 18th May 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 26th January 2010 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, primarily waste-related. The emphasis is on live and active cases along with those resolved between Meetings. This close targeting of effort is in accordance with the County Council's Enforcement Protocol.
3. Informal approaches are usually taken first with more serious and costly actions used only as a last resort. The priority is 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 general site monitoring and progress on chargeable monitoring 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 and attending to longer-term restoration objectives on existing sites.
7. Since the last Meeting resources have been focussed on 5 sites where formal enforcement action has been taken, 6 cases where investigations are underway and a further 5 cases have been satisfactorily progressed. Amongst formal monitoring visits on permitted sites there have been 9 chargeable and 9 non-chargeable visits.

Achievements / Successes [including measurable progress on sites]

Red Lion Wharf, Northfleet (Member: Leslie Christie / Harold Craske)

8. I have previously reported this case to Members. It concerns the unauthorised importation of significant quantities of waste wood for shredding. The site resides within Red Lion Wharf. The area is owned by SEEDA and is the subject of regeneration proposals formed within the 'Northfleet Embankment Masterplan'.
9. Members' have previously resolved to reserve enforcement action against the wood stockpile to allow for outlets to be found for its constructive re-use. That has not provided a solution but it has served to attract a specialist wood processing company to the site. A planning application has recently been submitted for a temporary wood shredding yard. That would run until the land was required for regeneration purposes. The existing waste stockpile would be absorbed, processed and removed as an integral part of the scheme.
10. The application has yet to be validated and would be processed on its own merits. Nevertheless, I thought it important to bring this development to Members attention as it offers a potential planning solution to the alleged planning contravention on site. This approach is also proportionate and in accordance with government guidance and good practice. I shall keep Members informed as to progress on the application.

Procurement and Implementation of computerised planning application system

11. Intense effort is being put towards producing the new IT system for the planning and enforcement service. Continuous progress has been made with the intention of phasing in the new operational system over the next 2 months. A working version of the system is currently being tested. The transfer of data from the original system, including enforcement records is already well advanced. The new system is more geared to the exacting requirements of a modern enforcement service.

Update on Planning Enforcement Issues

New Cases, especially those requiring action / Member support

12. New alleged waste-related cases, include:
- (a) Woodlands Park, Tenterden Road, Biddenden (Schedule / Appendix 1, No. 2)
 - (b) Brotherhood Wood Yard, A299 Thanet Way, Dargate, Swale (Schedule / Appendix 1, No. 10)
 - (c) Hooks Hole, Chestnut Street, Borden (Schedule / Appendix 1, No. 11)
13. The cases have been investigated and progress made. An outline of each is provided within the Schedule at Appendix 1, with an expanded version below.

Woodlands Park, Tenterden Road, Biddenden (Member: Mike Hill)

14. Woodlands Park is a residential mobile home site, permitted by Ashford Borough Council (ABC). ABC has reported complaints received from local residents of alleged depositing and storage of waste materials on an adjacent agricultural field (see Schedule / Appendix 1, No. 2). A similar complaint was reported to the Regulation Committee early last year. That was speedily resolved on an informal basis by removal of the waste materials to a registered landfill site.
15. This latest activity is ancillary waste depositing from remedial works on an adjacent site. That would normally fall to ABC to enforce. However, on this latest occasion, a multi-agency site visit involving KCC, ABC and the Environment Agency (EA) has been carried out and a meeting held with the site operator and his building contractor. A united stand has been taken by the regulators.
16. Small stockpiles of assorted waste materials and a derelict mobile home structure were found on site, arising from adjacent renovation works. It was agreed by the operator that the deposited waste materials would be removed by mid-June 2010. A further joint agency monitoring visit will take place on 15 June 2010 to ensure compliance.
17. A separate EA prosecution is under consideration. The derelict mobile home has already been removed and the operator has approached ABC concerning a proposed track to connect the field with the adjoining site. This would provide vehicular access during the winter months and if granted could in part be constructed from materials already on site.
18. I shall report the outcome of the next joint agency visit and details of any EA prosecution when the next Regulation Committee convenes on 9 September 2010. I would meanwhile seek endorsement from the Committee on a contingency basis for the service of an Enforcement Notice should that prove necessary.

Update on Planning Enforcement Issues

Brotherhood Wood Yard, A299 Thanet Way, Dargate (Member: Andrew Bowles)

19. The local County Member Andrew Bowles, together with Dunkirk Parish Council recently reported unusual heavy traffic flows connected with the above site. (see Schedule / Appendix 1, No. 10).
20. Swale Borough Council (SBC) granted planning permission on 12th October 2007 for 2 twin residential / touring caravans and the erection of stables at the above site. The County Council voluntarily gave some technical advice on the engineering works necessary to complete the development. Those included a hard surface, which from all indications was completed at the time.
21. Recent inputs to the site have included supplies of crushed concrete, hardcore and road planings. Those have been used to develop paddocks for the keeping and breeding of horses, which constitutes a district matter.
22. Inputs have been suspended and SBC have apparently invited a retrospective planning application. There is no current basis for County Council intervention but I shall maintain a watching brief.

Hooks Hole, Chestnut Street, Borden (Member: Keith Ferrin)

23. This case was reported by Borden Parish Council and Swale Borough Council (SBC). It concerns alleged infilling of a former gravel pit (see Schedule / Appendix 1, No. 11). The site was the subject of a planning application in 2008 to carry out a similar operation to create land for cattle grazing. No compelling case of need was apparent at the time and the application was withdrawn.
24. A Planning Contravention Notice was served on the landowner to uncover the circumstances of this current alleged breach. A site meeting then established that the use of the land changed in 2009 from the rearing of cattle to the creation of a horse-based enterprise. Indeed, SBC have granted planning permission for the conversion of cattle sheds to stables, which has helped to facilitate this new use.
25. To apparently assist his new business still further and without authority, the owner / occupier began to infill the disused gravel pit. The upper section of land has not been filled but has been laid with sand derived from within the farm unit. A sand based manège has been created for horse training, which is a district matter. Attempts have then been made to infill the adjoining depression with on-site materials and imported waste. The intention is apparently to achieve a level grassed area for the safe training and grazing of horses. That would require planning permission, which given the new horse-related context would appear to fall to SBC to determine.
26. I have given the landowner an opportunity to discuss a potential planning application with SBC. He has voluntarily ceased all further importations of waste materials pending the outcome of any submitted scheme of land engineering. I propose in the meanwhile to reserve enforcement action on that agreed basis. I would seek Members' endorsement however for the service of an Enforcement Notice and / or injunctive action in the event of a recurrence of tipping.

Update on Planning Enforcement Issues

27. I have separately made my team available to offer technical expertise to SBC on any such land restoration project, should that assist. I have required to be consulted overall on the scheme.

Significant on-going cases

Deal Field Shaw, Charing (Member: Richard King)

28. This landfill site requiring restoration is the subject of an exempt report to these papers (Item 9); also see summary under No. 1 of Schedule / Appendix 1.

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

29. 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. 3). The site also benefits from an outline planning permission granted by Tonbridge & Malling Borough Council (TMBC) in 2005 to develop the yard for housing.
30. 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.
31. The operator is committed to remove his scrap metal operations to a new site in the locality and develop the present site for housing. A possible site has been identified, able subject to planning permission from Maidstone Borough Council to house storage bins and overnight parking of the site vehicles currently employed at the Millhall site. That offers the potential for alleviating current amenity impacts to local residents, particularly relating to early morning traffic movements.
32. Notwithstanding, the potential re-location, there remains a level of breaching. It is true that the operator is continuing in his efforts to reduce the stockpile heights to a more acceptable level. I shall be reinforcing that requirement at the next review meeting on site.
33. Should I encounter any level of resistance I would seek compliance through means of a High Court Injunction. I have fully briefed and retained a barrister for that purpose. Members' continuing support is sought on a contingency basis for this approach.

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

34. I reported this case to the last Meeting (see Appendix 2, Schedule 2, No. 1). 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.

Update on Planning Enforcement Issues

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.

35. Having threatened enforcement action and prosecution from site breaching, talks have turned to a potential planning solution for the site. A planning application has been drafted, linking the three units into one, with a dedicated building enclosing the core of the use. The application is due to be submitted very shortly
36. Members resolved at the last meeting for enforcement action to be reserved pending the outcome of any planning application. That however was on the proviso of no escalation in the level of activity on site. Unfortunately, that has occurred. The operator was away on honeymoon and was kept from flying back by the volcanic ash incident. Contingency management was not in place and stockpiles of transfer waste grew excessively.
37. On his return I insisted on an immediate reduction in the levels of waste on site. That has taken place and I am content to regard this lapse in site control as an isolated incident. Nevertheless, a lower but persistent level of breaching remains and the planning application has still to be received. I therefore intend to set a deadline for its submission. In addition I also intend to require the proposed dedicated waste building to be completely enclosed. That is in line with planning requirements and the minimum return in my view for the level of breaching experienced and the patience and restraint shown by the County Council in its measured approach to the case.
38. I seek Members support for the above enforcement stance, including an amenity return from full enclosure of the proposed waste building.

Other cases of interest and those requested by Members

Tutsham Farm, Hunt Street, West Farleigh (Member: Mrs Paulina Stockell)

39. This site is situated on the southern bank of the River Medway, overlooking Teston Country Park. The case has previously been reported to this Committee and I am now bringing some recent developments to Members attention. The alleged breach concerns the importation and depositing of large volumes of mixed waste construction materials, arising from the landowner's groundworks business.
40. By tactical agreement, the Environment Agency (EA) assumed the enforcement lead as they had all necessary powers through their waste, pollution control and river protection remits. They also held the ability to trace the origin of the tipped material through waste transfer documentation and have powers to require the removal of waste on site.
41. The EA's research and case preparation has been painstaking and long but I am pleased to relay on their behalf that they have now successfully prosecuted the landowner, operator and his business. My officers assisted with a supporting statement. Each party were recently convicted in the Magistrates Court for waste-related offences. Fines and costs in excess of £71,000 were imposed / awarded.

Update on Planning Enforcement Issues

42. This case demonstrates several points. Firstly, planning powers whilst available in many waste cases are not necessarily the best and most effective powers to use in every situation. Each case has to be tactically assessed in enforcement terms on its own merits. The calculation here was that the EA had a wider base of controls to draw upon, which in combination would eventually prove a more potent force in court. That judgement has been vindicated, given the upper level of fines and costs.

Monks Lake (formerly Riverfield Fish Farm), Maidstone Road, Staplehurst (Member: Mrs Paulina Stockell)

43. Members have previously expressed concern over the apparent lack of planning control over this site, which was initially granted planning permission by Maidstone Borough Council (MBC) as a fish farm (with ancillary buildings and parking).

44. MBC held the enforcement lead and served an Enforcement Notice, resulting in a Public Inquiry. My officers offered advice and expertise at the outset and at key points in this action. The Public Inquiry was adjourned and MBC have now granted retrospective planning permission for the alleged over-developed site. I am seeking details of the permission for our records and to enable me to better inform Members on the outcome of the case.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

45. 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 Committee, we have made a further 9 chargeable monitoring visits to mineral and waste sites and 9 non-chargeable visits to sites not falling within the chargeable monitoring regime.

Resolved or mainly resolved cases requiring monitoring

46. 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.

47. 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 Red Lion Wharf case, reported in paragraphs 8 to 10 above, is a case in point.

Update on Planning Enforcement Issues

48. The running list of sites which fall within this category has been incorporated into a spreadsheet database and priorities set for enforcement monitoring.

Conclusion

49. A flow of challenging cases has been presented since the last Meeting. In particular, there have been a run of alleged breaches, which though involving waste have emerged as District Matters. That is because the purpose behind such schemes is often some form of land engineering, using waste as a construction material. In each case, I have carried out initial restraining action. I have then assisted in tackling the breach by attending multi-agency meetings and by offering technical support and enforcement advice. I have finally disengaged on an ordered basis, ensuring first that a means exists for the breach to be addressed.

Recommendation

50. I RECOMMEND that MEMBERS:

- (i) ENDORSE the actions taken or contemplated on the respective cases set out in paragraphs 8 to 44 above and those contained within Schedules 1 and 2 of Appendices 1 and 2.

Case Officers: Robin Gregory

01622 221067

Background Documents: see heading

Active Enforcement Cases

Schedule 1: Contraventions on (part) unauthorised sites

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
1	<p>Ashford</p> <p>DC3/AS/03/COMP/0090 Shaw Grange, Charing (Member: Richard King)</p>	<p>Previous multiple breaching of landfill permissions, Enforcement Notices and High Court Injunctions</p>	<p>To secure restoration of the site.</p>	<p>The County Council now owns the site and has set about resolving the restoration issues.</p>	<p>This landfill site is the subject of an exempt report to these papers (see Item 9).</p>
2	<p>DC3/AS/09COMP/0009 Woodlands Park, Biddenden (Member: Michael Hill)</p>	<p>The alleged depositing of waste materials on adjacent agricultural land</p>	<p>To investigate and establish whether the activity is a County Waste Matter or not.</p>	<p>A site meeting and inspection established that the land is owned by the Park operator. Waste materials had been deposited following groundwork / demolition operations within the Park.</p>	<p>The deposited waste has arisen from operations permitted by Ashford B.C. They therefore hold the lead and have secured the landowner's agreement to remove the errant materials (see paragraphs 14 -18 of Item 6 of these papers).</p>

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
3	<p>Canterbury</p> <p>DC3/CA/09/COMP/0013 Seasalter Lane, Seasalter</p> <p>(Member: Mike Harrison / Mark Dance)</p>	<p>Canterbury City Council originally reported the alleged depositing of waste materials under the A299 flyover, off Seasalter Lane. That is now a base for building-related purposes. The case is a Canterbury City Council (CCC) matter.</p>	<p>To determine the County Council's responsibility towards the alleged breach.</p>	<p>CCC has not pursued the breach. Nevertheless, KCC owns part of the land and controls the rest. In my view, we have a corporate duty (via KCC Highways / Property Services) to address the breach and secure protection of the land and the flyover.</p>	<p>Direct action is probably required to remove the alleged trespassers. I shall keep Members informed as to progress and assist where appropriate from a corporate standpoint, within my sphere of expertise.</p>
4	<p>Gravesham</p> <p>DC3/GR/COMP/0013 Red Lion Wharf Crete Hall Road Northfleet</p> <p>(Member Leslie Christie / Harold Craske)</p>	<p>Importation of waste wood, stockpiling and shredding.</p>	<p>To cease importation and secure removal of the high residual stockpile of waste wood.</p>	<p>SEEDA as the landowner responsible have attempted to find process outlets for the waste wood. That has attracted a specialist firm to the site.</p>	<p>A planning application is due to be submitted shortly for temporary wood shredding on site, pending regeneration of the wharf. The scheme includes removal of the original stockpile (See paragraphs 8-10 of Item 6).</p>

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
5	<p>Maidstone</p> <p>DC3/MA/05/COMP/0010 Monk Lake (formerly known as Riverfield Fish Farm), Staplehurst</p> <p>(Member: Mrs Paulina Stockell)</p>	<p>Alleged breaches of planning permission granted by Maidstone BC for a fish farm. There has been concern over the quantities of waste materials entering the site (See paragraphs 43 & 44 of Item 6).</p>	<p>Maidstone BC has primary responsibility for enforcing the site.</p>	<p>Maidstone BC served an Enforcement Notice to arrest the use and secure restoration. That was appealed, with a convened Public Inquiry, immediately adjourned.</p>	<p>Maidstone BC has now granted retrospective planning permission for the enhanced development. In view of this I intend to remove this item from the Schedules.</p>
6	<p>DC3/MA/04/CIMP/0010 Unit 10, (Blu-3 UK) Detling Airfield, Detling, Maidstone</p> <p>(Member: Ms Jenny Whittle)</p>	<p>Alleged processing of imported waste materials, using crushing and screening plant.</p>	<p>To verify and arrest the breach.</p>	<p>Planning Contravention Notice replies have uncovered a number of operators involved in the site. Having been challenged, the operators have collectively agreed to cease the use and restore the site.</p>	<p>The operators have been required to submit a site correction plan / timetable by 7 May 2010. Should that not be submitted and / or breaching resume, I would seek Member support for Injunctive action against all identified parties.</p>

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
7	DC3/MA/ /COMP/ Tutsham Farm, West Farleigh (Member: Ms Paulina Stockell)	The alleged depositing of waste materials on agricultural land	To assist and support the Environment Agency who have taken the enforcement lead	The landowner, operator and business were recently convicted in the Magistrates Court for waste-related offences. The fines and costs were in excess of £71,000.	The EA prosecution was assisted by a supporting witness statement provided by KCC (see paragraphs 39 - 42 of Item 6 of these papers).
8	Swale DC3/SW/05/COMP/0016 Woodgers Wharf, Upchurch (Member: Keith Ferrin)	Unauthorised use of marine wharf for screening and crushing of imported spoil and related waste management breaches	To arrest the alleged breaches and return the site to its lawful wharf-related use	A confirmed Enforcement Notice applies, requiring restoration of the site. However, a potential sea defence outlet for the extensive stockpile of concrete beams on site has been found.	Negotiations are progressing for release of the beams. Any residue could potentially provide a hard base for new surface uses. Discussions with Swale BC are progressing along those lines. Should they falter; action under the Enforcement Notice remains an option.

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
9	DC3/SW/04/COMP/0059 Four Gun Field, Upchurch (Member: Keith Ferrin)	Alleged waste-activities on a former brickfield related site with an associated lawful use.	To ensure that no waste-related use is carried out on site, particularly given its sensitivity close to housing.	An Enforcement Notice was served, appealed against, heard at Inquiry and upheld. However, the landowner / operator have an appeal outstanding in the High Court, against the Planning Inspector's decision.	This case is the subject of a confidential report (see Item 10). There are no current complaints but continuing support is sought for any High Court action deemed necessary to restrain the use.
10	DC3/SW/10/COMP/0004 Brotherhood Wood Yard, Dunkirk (Member: Andrew Bowles)	The alleged depositing of waste materials in woodland adjacent to a permitted travellers site.	To investigate and see if the activity falls within the County Council's waste-related remit	The site has been visited and inspected by KCC, Swale B.C. and the Environment Agency. It has been accepted as a Borough matter.	Swale B.C. has taken the lead and apparently invited a retrospective application for horse paddocks (see paragraphs 19–22 of Item 6).
11	DC3/SW/10/COMP/0007 Hooks Hole, Borden (Member: Keith Ferrin)	Alleged unauthorised infilling of agricultural land through the importation and depositing of waste materials.	To investigate and see if the activity falls within the County Council's waste related remit	Service of a Planning Contravention Notice has stopped further tipping. A site audit has then revealed an apparent change in the use of the site from cattle grazing to a horse-based enterprise.	I am reserving enforcement action, pending discussions between the landowner and Swale BC on the extent of any land repair required to support the new horse related business. I would seek Members' support for that stance (see paragraphs 23-27 of Item 6).

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
12	<p>Tonbridge & Malling</p> <p>DC3/TM/09/COMP/0019 ‘Rosador’, London Road, Wrotham</p> <p>(Member: Ms Valerie Dagger)</p>	Alleged unauthorised importation, burning, depositing and sorting of mixed waste materials	To investigate and see if the activity falls within the County Council’s waste-related remit	Alleged mixed use breaches of planning control are district matters. Indeed, Tonbridge & Malling BC have agreed to take the lead in this instance.	No County Matter issues have been found on site but I shall continue to support the other agencies in their handling of a difficult case.

Schedule 2: Alleged breaches on Permitted Minerals & Waste Sites

Appendix 2

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
1	<p>Maidstone</p> <p>DC3/MA/04/COMP/0005 D&D Waste Recycling, Units 6,12 & 13 Detling Airfield, Detling, Maidstone</p> <p>(Member: Ms Jenny Whittle)</p>	<p>Breaching of conditions attached to an existing 1995 planning permission for a Waste Transfer Station and expansion onto adjoining units in default of a confirmed Enforcement Notice.</p>	<p>To prevent further breaching and secure restoration of the site.</p>	<p>A new but temporary episode of breaching has been immediately addressed. A planning application is due to be submitted to rationalise the use on the enlarged site and house the core activities within a fully enclosed building.</p>	<p>Enforcement Action has been reserved pending the outcome of an imminent planning application. Members' support is sought for that continuing stance on the proviso of a reduced level of operation (see paragraphs 34-38 under Item 6).</p>
2	<p>DC3/SE/COMP/007 Former Brasted Sandpits Adjoining Westerham Golf Course Westerham Sevenoaks</p> <p>(Member: Richard Parry)</p>	<p>Irregularities involved in the backfill of a former sand extraction.</p>	<p>To achieve a return to original ground levels.</p>	<p>The Environment Agency successfully prosecuted the former landowner / operator. The land has since been acquired by the adjoining golf club.</p>	<p>Positive talks have taken place between my own officers, Sevenoaks DC and the new landowners, on restoration options for the site. I shall report further as a potential scheme emerges.</p>

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
3	<p>Tonbridge & Malling</p> <p>DC3/TM/08/COMP/0013 Aylesford Metals Co. Ltd, Mill Hall, Aylesford</p> <p>(Member: Peter Homewood)</p>	Complaints from local residents of out of hours working and visual amenity impacts from the over-stacking of scrap.	To ensure compliance with the base planning permission and related Enforcement Notice.	The site activity has intensified over time but under pressure from this Committee has been successfully reined back. A potential re-location holds the key to resolving issues on site.	This site is reported in more detail in paragraphs 29-33 of Item 6. Support has already been given by Members for the service of a High Court Injunction on any failure by the operator to co-operate in enforcement terms with this Authority.

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

Agenda Item 12

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