

REGULATION COMMITTEE

Tuesday, 15th May, 2012

10.00 am

Council Chamber, Sessions House, County Hall,
Maidstone





AGENDA

REGULATION COMMITTEE

Tuesday, 15th May, 2012, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

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

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

Membership (17)

Conservative (15): Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr A H T Bowles, Mr R E Brookbank, Mr C J Capon, Mr H J Craske, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mr W A Hayton, Mr S C Manion, Mr R F Manning, Mr J M Ozog, Mr R A Pascoe and Mr J N Wedgbury

Liberal Democrat (1): Mr I S Chittenden

Independent (1) Mr R J Lees

UNRESTRICTED ITEMS

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

1. Membership

To note the appointment of Mr I S Chittenden to the Committee in place of Mr S J G Koowaree.

2. Substitutes

3. Declarations of Interests by Members in items on the Agenda for this meeting.

4. Minutes (Pages 1 - 14)

(a) Committee: 24 January 2012

(b) Mental Health Guardianship Panel: 27 January 2012

(c) Member Panel: 20 March 2012

20 March 2012

16 April 2012

5. Mental Health Guardianship (Pages 15 - 26)

6. Home to School Transport (Pages 27 - 28)
7. Update from the Definitive Map Team (Pages 29 - 50)
8. Update from the Commons Registration Team (Pages 51 - 54)
9. The National Planning Policy Framework (Oral presentation)
10. Update on Planning Enforcement Issues (Pages 55 - 72)
11. Other Items which the Chairman decides are Urgent

EXEMPT ITEMS

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

Peter Sass
Head of Democratic Services
(01622) 694002

Friday, 4 May 2012

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.

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KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 24 January 2012.

PRESENT: Mr M J Harrison (Chairman) Mr A D Crowther (Vice-Chairman) Mr R E Brookbank, Mr H J Craske, Mr J A Davies, Mr T Gates, Mr W A Hayton, Mr P J Homewood (Substitute for Mr C J Capon), Mr S J G Koowaree, Mr R J Lees, Mr S C Manion, Mr J M Ozog, Mr R A Pascoe and Mr J N Wedgbury

ALSO PRESENT: Ms S J Carey, Mr A Sandhu, MBE and Mr M J Whiting

IN ATTENDANCE: Mr M Overbeke (Head of Regulatory Services), Ms S Coventry (Public Rights Of Way Officer (Definition)), Miss M McNeir (Public Rights Of Way and Commons Registration Officer), Mrs S Thompson (Head of Planning Applications Group), Mr R Gregory (Principal Planning Officer - Enforcement), Mr G Rudd (Assistant Democratic Services Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Membership

(Item 1)

The Committee noted the appointment of Mr W A Hayton in place of Mr M J Whiting.

2. Minutes

(Item 4)

RESOLVED that the Minutes of the Committee meeting held on 7 September 2011 and of the Member Panel meetings held on 11 November 2011, 15 November 2011 and 13 December 2011 are correctly recorded and that they be signed by the Chairman.

3. Home to School Transport

(Item 5)

(1) The Assistant Democratic Services Manager informed the Committee that future meetings would receive an updated table on the annual Home to School Transport appeals position.

(2) Mr M J Whiting, the Cabinet Portfolio Holder for Education, Learning and Skills offered to write to Mr W A Hayton setting out the position if a child became statemented during the school year.

(3) RESOLVED that the report be noted.

4. Update from the Commons Registration Team

(Item 6)

(1) The Public Rights of Way and Commons Registration Officer agreed to send all Members of the Committee the hyperlink (once it was published) containing all responses to the DEFRA consultation on its proposals to reform the system for registering new Town or Village Greens.

(2) RESOLVED that the report be received.

5. Town and Country Planning Act 1990 - Public Rights of Way Diversions and Extinguishment Orders: Service Level Agreement with District and Borough Councils

(Item 7)

(1) The Chairman introduced the new Head of Regulatory Services, Mr Mike Overbeke to the Committee.

(2) The Committee noted that the date set out in paragraph 5 of the report should read "18 May 2011" and that all references to "I" in the report should read "the Head of Regulatory Services."

(3) RESOLVED that approval be given to the Head of Regulatory Services to enter into a Service Level Agreement on behalf of the County Council with any of the District and Borough Councils who express an interest in order to undertake the making of all Orders under the Town and Country Planning Act 1990 on their behalf.

6. Update on Planning Enforcement Issues

(Item 8)

(1) Miss S C Carey, Mr A V Sandhu and Mr M J Whiting were present for this item pursuant to Committee Procedure Rule 2.21 and addressed the Committee on the active enforcement sites in their constituencies.

(2) The Head of Planning Applications Group reported correspondence from Mr K A Ferrin and Mr R W Gough supporting the actions taken and contemplated in respect of active enforcement sites in their constituencies.

(3) The Committee agreed to visit Shaw Grange, Charing before its next meeting.

(4) RESOLVED that the report be noted and that the actions on the respective cases set out in paragraphs 5 to 34 of the report be endorsed together with those contained within Schedules/Appendices 1,2 and 3 of the report.

7. Mr Alan Goodison

The Committee put on record its grateful appreciation of the work of Mr Alan Goodison, the Senior Planning Enforcement Officer. It wished him great success in all his future endeavours.

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REGULATION COMMITTEE MENTAL HEALTH GUARDIANSHIP PANEL

MINUTES of a meeting of the Regulation Committee Mental Health Guardianship Panel held in the Swale 3, Sessions House, County Hall, Maidstone on Friday, 27 January 2012.

PRESENT: Mr M J Harrison (Chairman), Mr R E Brookbank and Mr C P Smith

IN ATTENDANCE: Mr P Absolon (Social Care Commissioner for Mental Health), Ms D Divine (Policy Officer - Mental Health), Ms M Brown (Administration Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Minutes of the meeting held on 21 January 2011

(Item 3)

The Minutes of the meeting held on 21 January 2011 were noted, having been previously approved at the Regulation Committee meeting on 17 May 2011.

2. Guardianship Register and Guardianship Review Panel

(Item 4)

(1) The Social Care Commissioner for Mental Health reported that since the new provisions of the Mental Health Act had come into force in 2007, there had been regular bi-monthly Guardianship Review Panel meetings to oversee the cases of every service user on the Guardianship Register and to consider potential new cases. Only one new application had been made in 2011/12.

(2) The Policy Officer – Mental Health reported that very good progress was being made in partnership with the clinical practitioners to improve the accuracy of the Register.

(3) Work had also been undertaken to develop generic practice guidance and a proforma document for recording legal changes.

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 1 and 2 of Part 1 of Schedule 12A of the Act.)

(4) The Panel Members were shown an electronic version of the Guardianship Register and noted that since 1 April 2011, 11 service users had been removed from it. It was anticipated that a further 5 might be removed before the end of March 2012. This would leave only 17 names on the Register.

(5) The Panel agreed the recommendations set out in the report and also decided that, in order to avoid confusion with the Guardianship Panel, it would change its own name to “Regulation Committee Mental Health Guardianship Sub-Committee.”

(6) RESOLVED that:-

- (a) the report and the contents of the Guardianship Register be noted and that endorsement be given to:-
 - (i) the development of an information leaflet for service users and carers detailing the statutory provisions under Section 7 of the Mental Health Act 1983 (amended 2007) and the right of appeal to a mental Health Tribunal and to Local Social Services Authority Members respectively;
 - (ii) the introduction of an electronic guardianship register held on a secure database. It is envisaged that this will have the capacity for digital sign-off by members. The rationale is to improve efficiency by reducing the need to hold a paper record. While it is unlikely that all paperwork associated with the guardianship process can be eliminated, it will be possible to archive closed cases, the number of which currently stands at approximately 40; and
 - (iii) the Operational Support Unit following up published policy and practice guidance by surveying practitioners at intervals, receiving feedback and checking this against compliance rates; and
- (b) in order to avoid confusion with the Guardianship Panel, this Panel be renamed the Regulation Committee Mental Health Guardianship Sub-Committee.

REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Stour Room, Sessions House, County Hall, Maidstone on Tuesday, 20 March 2012.

PRESENT: Mr M J Harrison (Chairman), Mr H J Craske, Mr J A Davies, Mr S J G Koowaree and Mr R J Lees

IN ATTENDANCE: Mr C Wade (Countryside Access Principal Case Officer), Miss M McNeir (Public Rights Of Way and Commons Registration Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Membership and Substitutes

(Item 1)

The Committee membership varied from that shown on the agenda by the inclusion of Mr H R Craske and Mr R J Lees instead of Mr A D Crowther and Mr T Gates.

2. Application to register a new Town or Village Green at The Booth Field, Harrietsham

(Item 3)

(1) Correspondence dated 19 March 2012 from Mr David Pegg, the applicant was tabled at the meeting. The Chairman agreed to accept this document.

(2) The Principal Case Officer set out the history of the application under discussion. This had originally come forward in 2001 and had been objected to by the Booth and Baldwin Charity (the landowners). Following a non statutory Public Inquiry, a Panel had registered all the land except the tennis courts on 20 May 2004.

(3) The decision to register was challenged in the High Court by the Treasury Solicitors (acting on behalf of the landowner which was a registered charity.) In the light of case law in force at that time, the County Council had accepted that the cricket field and tennis courts parts of the land were not capable of registration, whereas the situation was less clear in respect of the children's playground and the rough areas of grass around the cricket field.

(4) On 24 January 2006, a High Court Order was made requiring the deletion of the land from the County Council's register. It was also agreed that the possible registration of the playground and the rough areas (Areas C and D) should be remitted to the County Council for reconsideration. This would initially take the form of a further non statutory Public Inquiry.

(5) The Principal Case Officer referred to the subsequent High Court decisions in respect of the *Betterment* and *High Peak* cases. These cast doubt on whether the High Court had the ability to remit the case back to the County Council.

(6) As a result of the two judgements, the Inspector for the non-statutory Public Inquiry advised the County Council that it should not proceed and recommended that advice on the implications of these judgements should be sought from Counsel.

(7) The County Council had asked the applicant and the landowner for their views. The applicant had considered that an application should be made for the Order to be set aside and that the Village Green registration should remain as it was prior to the Order. The Landowner considered that it would not be appropriate to set the Order aside. The County Council then sought advice from Counsel.

(8) The Principal Case Officer then set out the three options that had been considered by Counsel. The first of these (Option 1) was to arrange for a non-statutory Public Inquiry to reconsider the application for Areas C and D. Counsel's advice to the County Council was that in the light of the *Betterment* and *High Peak* judgements, it was unlikely that the County Council actually had the power to do so. In addition, the Order itself only required the deletion of the registration. The reconsideration of parts of the application was a private arrangement between the parties which did not form part of the Order.

(9) The second possible option (Option 2) considered by Counsel was for the County Council to apply to the High Court to set the Order aside. This would lead to all the land (except the tennis courts) being registered as a Village green with a formal decision needing to be made by the Court on the validity of the registration. Counsel had advised that this option would entail the County Council having to defend the registration by actively supporting the application (as the applicant himself had not been a party to the High Court proceedings). The implications of such action would be that the County Council would prejudice its impartiality in respect of Village green applications, and that this would not be an appropriate course of action.

(10) The third option (Option 3) considered by Counsel was for the County Council to take no further action. Counsel considered this to be the most equitable solution because the County Council did not appear to have the power to reconsider the application and had no positive duty to take any further action to seek to have the Order set aside. This approach would comply fully with the wording of the Court Order. A decision to take this approach would also enable the applicant to take action through the various legal remedies available to him.

(11) The Principal Case Officer was asked by the Chairman to comment on the content of Mr Pegg's letter. He said that the initial view taken by Officers based on previous legal advice had been that it would be best to seek to set the Order aside. The "15 month hiatus" between October 2010 and February 2012 referred to by Mr Pegg had not been a period of inactivity. It had involved a great deal of consideration within the County Council, including legal advice. The opinion of Counsel had been sought as a result of internal discussions as a result of the *Betterment* and *High Peak* judgements and following the recommendation of the Inspector who had initially been appointed to conduct the non-statutory Public Inquiry. Mr Pegg had been asked for his views. These had been taken into account, and had been one of the factors that had led to Officers seeking the advice of Counsel.

(12) The Principal Case Officer replied to a question by saying that it would have been open to Mr Pegg to submit a fresh application up to the point where 5 years had elapsed. This option was now no longer available as any such application would now

be out of time. However, Mr Pegg could still himself apply to the High Court to have the Order set aside so that the Court could consider the matter.

(13) The Principal Case Officer concluded his presentation by saying that a decision on how to proceed needed to take account of the risks to the County Council. Option 1 was strongly discouraged by Counsel whilst Option 2 would involve the County Council in having to present the case on behalf of the applicant. Counsel had therefore recommended that the Panel should resolve to take no further action. This would put the applicant in a position to decide how he wished to proceed with the application (including consideration of the legal remedies open to him) whilst enabling the County Council to maintain its neutrality.

(14) Mr Davies noted Mr Pegg's comments that he had "been given such little time to review, consult, consider and properly respond to the turn of events." The Principal Case Officer replied that Mr Pegg had been given plenty of opportunity to put in his comments and that these had been incorporated in the recommendations. He accepted that Mr Pegg would have only become aware of Counsel's latest advice in the Council's letter to him of 21 February 2012. This advice, however, related to the County Council's own legal position rather than to the merits of the applicant's case.

(15) Mr Richard Cook from the Booth and Baldwin Trust briefly explained that the land in question had been bought by the Trust in the 1920s for the benefit of the local School. The Tennis and Cricket Clubs rented their playing areas from them. It had cost the Trust a large sum of money to defend its interests during the application period and it would reluctantly need to do so again if Option 3 was not agreed.

(16) Panel Members commented that if it were to agree to Option 2, the County Council would be placed in an invidious position of effectively becoming the applicant. The High Court Order had been perfectly clear that the land in question had to be deleted from the Register. There was no obligation upon the County Council to do anything else.

(17) In agreeing the recommendations, the Panel asked the Principal Case Officer to provide Mr Pegg with a full written response to the points raised in his letter.

(18) RESOLVED that:

- (a) no further action be taken in relation to this matter; and
- (b) Mr Pegg be provided with a full written response to the points raised in his letter of 19 March 2012.

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REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Stour Room, Sessions House, County Hall, Maidstone on Tuesday, 20 March 2012.

PRESENT: Mr M J Harrison (Chairman), Mr H J Craske, Mr J A Davies, Mr S J G Koowaree and Mr R J Lees

IN ATTENDANCE: Mr C Wade (Countryside Access Principal Case Officer), Miss M McNeir (Public Rights Of Way and Commons Registration Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

3. Membership

(Item 1)

The Committee membership varied from that shown on the agenda by the inclusion of Mr H R Craske and Mr R J Lees instead of Mr A D Crowther and Mr T Gates.

4. Application to register land at Culverstone Green, Mountfield Close at Meopham as a new Village Green

(Item 3)

(1) Members of the Panel visited the application site prior to the meeting. This visit was attended by Mrs L Boycott (a Gravesham Borough Councillor) and Mr M Ciuca (Gravesham BC Legal Services.)

(2) The Chairman had been unable to attend the visit to the site owing to traffic congestion. He offered to vacate the chair in favour of one of the other four Panel Members. The Panel agreed that his absence from the site visit should not prevent him from either chairing the meeting or from in any other way participating in the decision making process.

(3) Mr H R Craske informed the Panel that he was a Gravesham Borough Councillor. He had, though, at no stage been involved in discussions about this application and therefore did not have a personal interest in this matter.

(4) The Commons Registration Officer introduced the application by saying that it had been made by a local resident, Mrs B Field under Section 15 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008 and had been accompanied by 17 User Questionnaire forms. The site of the application was a discrete part of the Culverstone Recreation Ground, consisting of grassland and trees. It had been planted with daffodils which were in full flower when Members had visited the site.

(5) The land in question was owned by Gravesham BC which also owned the rest of the Recreation Ground, having been acquired by the Borough Council from the

former Strood Rural District Council in March 1974. Gravesham BC had objected to the application on the grounds that the land had been acquired specifically for the purposes of public recreation and that use of the site had therefore taken place “by right” rather than “as of right.”

(6) The Commons Registration Officer then considered each of the legal tests. The first of these was whether use of the land had been “as of right.” It was evident that people had been able to use the land freely and without hindrance. In order for the application to succeed, this use would also have needed to be without permission. Gravesham BC had claimed that it had acquired the land from Strood Rural District Council in exercise of powers contained in the Physical Training and Recreation Act 1937. Although the Deed of Transfer between the two authorities was silent on this point, there was a significant body of evidence (set out in paragraph 21 of the report) in support of the Borough Council’s contention.

(7) The Commons Registration Officer explained that although there was no specific legal provision to prevent land held under the Physical Training and Recreation Act being registered, there were strong judicial precedents to suggest that this was the case. She referred to the *Beresford* and *Barkas* Court cases. In the second of these, the High Court had ruled that as the public were legally entitled to use the land, they should not be regarded as trespassing when they did so. As the Physical Training and Recreation Act enabled a local authority to provide such recreational authorities as it saw fit, the conclusion in respect of this application was that use of the land could only have been “by right” rather than “as of right” and that the application did not pass the first test.

(8) The Commons Registration Officer moved on to consider the second test which was whether use of the land had been for the purposes of lawful sports and pastimes. She said that some of the User Questionnaires had claimed that the land had been used for football and dog shows. This seemed unlikely, and suggested to her that there was a possibility of confusion over the land in question. It was quite possible that they were referring to the main Recreation Ground, which would be far more suitable for such events. This had been confirmed by Cllr Mrs Boycott at the site visit. Other users had given evidence of children playing and blackberrying.

(9) The third test was whether use had been by a significant number of inhabitants of a particular locality or neighbourhood within a locality. The Commons Registration Officer said that the site was located in the Parish of Meopham. Culverstone could be categorised as a neighbourhood within the locality as it had its own Community Centre and Primary School. She agreed with a comment made by Mr Craske that the residents of Culverstone considered themselves as a coherent community. It was, though, not clear that the 9 households (all but two of which were situated in Mountfield Close) constituted a “significant number” of users, particularly as there was a question over whether some of them were describing activities on the land in question.

(10) The Commons Registration Officer briefly considered the last two tests. Use of the site had indisputably continued up to the date of application and had taken place over a period of twenty years or more. Even this needed to be considered in the light of the questions about the accuracy of the user evidence; some of which could well have related to the main Recreation Ground rather than the application site.

(11) The Commons Registration Officer concluded her presentation by saying that the questions surrounding the user evidence could have been clarified through the mechanism of a non-statutory Public Inquiry. However, the application had suffered a “knock-out blow” because the application site was held by Gravesham Borough Council under the Physical Training and Recreation Act 1937 and that, in consequence, use of the land had been “by right” rather than “as of right.”

(12) Mr Marius Ciuca from Gravesham Borough Council said that he was in agreement with the recommendations. He noted that different users had identified the locality in different ways. It was variously described as “Culverstone”, “Culverstone Green” and “Mountfield Close.”

(13) The Commons Registration Officer replied to Mr Ciuca’s comments by saying that it was not unusual for descriptions of the locality to vary in this way. Such differences were unimportant in terms of determining the application as consideration of whether there was a qualifying locality was undertaken by Officers as part of their own investigations.

(14) On being put to the vote, the recommendations of the Head of Regulatory Services were carried unanimously.

(15) RESOLVED that the applicant be informed that the application to register land at Mountfield Close at Culverstone Green in the parish of Meopham as a Village Green has not been accepted.

5. Transfer of Rights of Common at Higham Common (CL86)

(Item 4)

(1) Mr H R Craske informed the Panel that regularly walked on the land in question. However, none of the parties concerned were known to him and he was able to approach this matter with a fresh mind.

(2) The Commons Registration Officer said that this was an application that the County Council was able to consider as part of the Pilot Project. She explained that Common Land had been defined in the Commons Registration Act 1965 as land subject to traditional rights (“rights of common”) or waste land of a manor not subject to rights of common. The most widely exercised rights of common (which legally went back to medieval times) was the right to graze animals. There were also other less familiar rights such as “pannage” (a right to turn out pigs in woodland to graze on acorns) or “piscary” (a right to fish).

(3) The Commons Registration Officer then turned to the application itself. The land had been acquired from the University of Cambridge by ET Ledger and Son Ltd. Evidence of a Deed of Sale had been provided. The transfer of the Rights of Common associated with this land would not take place until it was entered on the Register.

(4) On being put to the vote, the recommendations of the head of Regulatory Services were unanimously agreed.

(5) RESOLVED to inform the applicant that the application to amend the Register of Common Land to reflect the recent transfer of rights of common has been accepted and that the Register of Common Land for Unit CL86 be amended accordingly.

By: Andrew Ireland - Corporate Director, Families & Social Care

To: Regulation Committee Mental Health Guardianship Panel –
15 May 2012

Subject: Mental Health Guardianship

Classification: Unrestricted

Summary: This report explains the role of the Mental Health Guardianship Sub-Committee in relation to the County Council's duties under the Mental Health Act 1983.

Introduction

1.1 The purpose of this paper is to apprise Members of the work undertaken in relation to Kent County Council's duties under Sections 7 and 37 of the Mental Health Act 1983 (amended 2007). Section 7 of the Mental Health Act 1983 provides for guardianship under the auspices of a Local Social Services Authority (LSSA) (or a named individual) on the recommendation of two doctors and an application by an approved mental health professional or nearest relative. Under Section 37 a court can also make a guardianship order.

1.2 Guardianship enables service users to receive care in the community where it cannot be provided without the use of compulsory powers. It provides a framework, as part of the overall care and treatment plan, for working with a service user to achieve as independent a life as possible. Guardianship can apply to those aged 16 years and above who are suffering from a mental disorder of a nature or degree which warrants reception into guardianship.

1.3 Section 8 of the Act sets out the three powers conferred on the guardian. These are:

- The power to require the patient to reside at a specified place;
- The power to require the patient to attend specified places for medical treatment, occupation, education or training;
- The power to require access to a doctor, or approved mental health professional, or other specified person.

The Mental Health Guardianship Sub-Committee

2.1 In 2009 Kent County Council established a Mental Health Guardianship Panel (now Sub-Committee) for the purpose of quality assuring the guardianship process and data collection. This was required because under Section 23(2) an order for discharge can be made in respect of a patient who is subject to guardianship by the responsible clinician, by the Local Social Services Authority or by the nearest relative of the patient. Section 23 (4) sets out the framework for exercising the powers conferred by this section and Kent

County Council's Mental Health Guardianship Sub-Committee's arrangements conform to these provisions.

2.2 The LSSA is obliged to hold a register of those who are received into guardianship and must provide an annual report to the Department of Health detailing numbers of applications and renewals. The figures for Kent since the establishment of the Mental Health Guardianship Sub-Committee are set out in the table below.

Table 1

2009	48 cases
2010	44 cases
2011	32 cases
2012	19 cases

2.3 Table 1 shows a marked reduction in the number of guardianship cases held by KCC. This is reflective of a number of factors including the efforts undertaken by the Mental Health Guardianship Sub-Committee to improve data quality by implementing clear operational requirements for recording all activity associated with guardianship interventions, including discharges. Attached to this report at **Appendix 1** is the practice guidance that has been issued to seconded staff, including Approved Mental Health Professionals, working within the Kent and Medway Partnership Trust. A further piece of work in progress is an impact assessment of this practice guidance on practitioners in terms of whether it has been received and understood. The results, including analysis of data, will be complete and available in approximately four weeks.

2.4 The decline in the number of active guardianship cases is also indicative of the introduction of Supervised Community Treatment Orders under the Mental Health Act 1983 (amended 2007), and Deprivation of Liberty Safeguards under the Mental Capacity Act 2005 (amended 2007). Both represent alternative statutory frameworks for the provision of treatment and care of individuals within a community setting. However, the Mental Capacity Act 2005 would only apply where an individual is deemed to lack capacity in relation to a specific decision, for example where that individual will live.

2.5 In most cases the Mental Capacity Act 2005 will not apply when an individual is assessed as eligible under the provisions of the Mental Health Act 1983, or where the invocation of a deprivation of liberty safeguards authorisation would conflict with an existing order under the Mental Health Act 1983. Nevertheless, there are examples of both Acts operating in conjunction in relation to one individual. A Kent service user on the current guardianship register is also subject to a deprivation of liberty safeguard. The latter gives authority to implement a very robust care plan that aims to protect members of the public. Without these arrangements the service user would in all likelihood require an admission to a secure unit that imposed even greater restrictions.

2.6 This case illustrates the least restrictive imperative, and it is clear that practitioners need to be conversant and able to engage with the most appropriate legislative framework when making complex decisions. This is because any interference by a public authority in the right to liberty under Article 5 of the Human Rights Act 1998 must be undertaken in adherence to a process prescribed by the law and this includes the right to appeal against a statutory decision that places restrictions on an individual, such as those imposed by order of guardianship under Section 7. To ensure that service users who are received into

guardianship by Kent County Council and their families and/or carers fully understand their rights to appeal, an information leaflet has been devised, based on a Department of Health exemplar. A copy is attached with this report at **Appendix 2** containing information regarding process for appeal, right to complain and right to have access to statutory advocacy.

2.7 A key function of the Mental Health Guardianship Sub-Committee involves scrutiny of statutory paperwork and quality assurance in relation to practice. Plans are in place to audit Approved Mental Health Professionals' reports which detail the decision-making process. The results of this will inform future training needs. For example, a particularly challenging area is the interface between the Mental Health Act 1983 and the Mental Capacity Act 2005, which remains somewhat difficult to navigate for practitioners in terms of understanding when the provisions of each statute should apply where they appear to overlap. The Mental Health Guardianship Sub-Committee has a critical role in monitoring any emerging themes of this nature, and works with health and social care good practice groups to promote professional competence across all sectors.

2.8 In conclusion the Mental Health Guardianship Sub-Committee continues to safeguard the rights and needs of vulnerable individuals who have been taken into guardianship by Kent County Council in the interests of their health, safety or for the protection of others. It is essential that there is a framework for overseeing the discharge of the LSSA's powers and duties under Sections 7 and 37 of the Mental Health Act 1983 (amended) in order to assure compliance with statutory provisions under applicable legislation, not least the Human Rights Act 1998.

Recommendation

3.1 The Regulation Committee is invited to Note the work of the Mental Health Guardianship Sub-Committee in ensuring the County Council's compliance with the Mental Health Act 1983.

Debbie Divine
Policy Officer, Mental Health
Tel No: (01622) 694063
e-mail: debbie.divine@kent.gov.uk

Background Documents: Mental Health Act 1983 and Amendments 2007.

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PRACTICE GUIDANCE

GUARDIANSHIP ORDER - SECTION 7 OF THE MHA 1983 (REVISED 2007) FLOWCHART

Guardianship Order Invoked

2 medical recommendations, one from the Responsible Clinician, plus AMHP application – decision reached following consultation with Nearest Relative, care coordinator, carers and any other interested party via CPA process. The guardian is the LSSA, i.e. Kent County Council. **DO NOT identify an individual practitioner as the guardian.**

Guardianship Order Received

Original application sent to Interim Director Mental Health/Learning Disability (Penny Southern) c/o Mitzi Brown with accompanying proforma and social circumstances report. Register amended by Mitzi Brown and appointment made with Guardianship Review Panel for scrutiny. On receipt of the signed copy of paperwork the AMHP must advise the subject of the guardianship order of their legal status and of their right of appeal. The AMHP must also advise Nearest Relative of their respective rights including power to discharge. **Please record the name of the service user's care coordinator/key professional and their contact details on the proforma, if different to the AMHP making the application. Please send a copy of the social circumstances report to the MHA administrator so that RiO can be up-dated.**

Renewal

Prior to expiration of order – initially at six months, then at the end of a further period of six months, and annually after one year – a CPA review meeting to take place in order to consider formal status of service user and whether it is appropriate to continue under guardianship: note it is advised that the review is carried out at least four – eight weeks prior to expiration, and must include consultation with NR. A prompt will be sent to the **care coordinator** 6 weeks prior to the date of expiration to allow sufficient time for assessment arrangements and referral to AMHP if appropriate. **However, please do not rely on a reminder.** Renewal papers sent to Interim Director Learning Disability/Mental Health c/o Mitzi Brown. Additionally a proforma must be completed and sent to Mitzi Brown recording decision to renew, accompanied by an up to date social circumstances report. **Additionally the social circumstances report needs to be forwarded to the MHA administrator.**

Guardianship Review Panel

AMHP and/or care coordinator/key professional will be notified four weeks prior to appointment with Guardianship Review Panel and invited to attend. An up to date report will be requested, if not already forwarded. Process and decision-making scrutinised by Guardianship Review Panel and any decision will be given in writing along with feedback.

Discharge

A guardianship order can be discharged by the RC as soon as it is no longer required. Those subject to guardianship can appeal to the MHRT. The Nearest Relative can also discharge the order under Section 23 of MHA. The LSSA has the power to discharge, in accordance with the process of review. It is best practice that guardianship orders are positively discharged, once no longer required, rather than allowed to lapse – **as soon as a guardianship order comes to an end for whatever reason, including as a result of the death of the service user, a proforma must be completed and sent to Mitzi Brown so that the register can be amended. Additionally you will need to advise the MHA administrator so that RiO can be up-dated.**

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GUARDIANSHIP

(Section 7 of the Mental Health Act 1983)

Your guardian Name:	Kent County Council
Address:	Kent County Council 3 rd Floor Brenchley House 123 – 135 Week Street Maidstone Kent ME14 1RF
Telephone:	01622 694063
Your responsible local social services authority	Kent County Council

What is guardianship?

Under section 7 of the Mental Health Act 1983, people who have a mental disorder can be given a guardian to help them, if two doctors say this is needed.

Your guardian may be your local social services authority, or someone who has been approved by a social services authority. If your guardian is not a social services authority, they are called a “private guardian”.

Your guardian has legal powers to tell you:

- Where you must live;
- To attend appointments for medical treatment, work, education or training at set places and at set times;
- To allow a doctor or another named person to see you.

Why do I need a guardian?

Two doctors think that you need help to live in the community as you have a mental disorder and you need a guardian for your own welfare or to protect other people.

How long does it last?

Guardianship lasts for up to six months at first - unless the professionals involved think that the criteria for continued use of guardianship at any point no longer apply

Your guardianship may be renewed for a further six months, and again for a further year at a time, if your responsible clinician or your nominated medical attendant thinks this is necessary. They will talk to you about this nearer the time.

Your responsible clinician is the doctor, or other person, asked by the local social services authority to say whether you still need a guardian. If you have a private guardian, this will be done by a doctor called your “nominated medical attendant” instead.

Can I appeal?

If you want to stop having a guardian, you should talk to your guardian, your social worker, your responsible clinician or your nominated medical attendant.

You can also write to the social services authority to ask them to end your guardianship. If you want to ask the social services authority to end your guardianship you can write to:

The Director of Operations Learning Disability/Mental Health
Kent County Council
3rd Floor Brenchley House
123 – 135 Week Street
Maidstone
Kent ME14 1RF

Someone from the social services authority may want to talk to you before deciding whether you still need a guardian.

Your nearest relative can end your guardianship by writing to the social services authority. This leaflet explains further down who your nearest relative is.

You can also ask a Tribunal to say that you should not have a guardian any more.

What is a Tribunal and what happens?

The Tribunal is an independent panel which can decide whether you still need a guardian. It will hold a meeting with you and with staff who know you. This

meeting is called a “hearing”. You can ask someone else to come to the hearing to help you, if you want. Before the hearing, the members of the Tribunal will read reports about you and your guardianship. One of the members of the Tribunal will also come to talk to you.

When can I apply to the Tribunal?

You can apply to the Tribunal once at any time during the first six months of your guardianship. You can then apply again once during the next six months and then once in every year that you are still under guardianship.

If you want to apply to the Tribunal you can write to:

The Tribunals Service
PO BOX 8793
5th Floor
Leicester
LE1 8BN

Tel. 0845 2232022

You can ask a solicitor to write to the Tribunal for you and help you at the hearing.

Your social services authority and the Law Society have a list of solicitors who specialise in this. You will not have to pay for help from a solicitor with this. It is free of charge under the Legal Aid scheme.

Help from an independent mental health advocate

You are entitled to help from an independent mental health advocate if you want it. These advocates are independent of people involved in your care. They can help you get information about why you are under guardianship, what it means and what your rights are. They can come to see you and help you understand what you are told by people involved in your care. If you want, they can help you talk to these people or they can talk to them for you. They can also help you with the Tribunal.

You can contact the independent mental health advocacy service yourself. The telephone number for the advocacy service is:

If you do not want to contact the advocacy service yourself, you can ask the person who gave this leaflet to contact the advocacy service for you. You can also ask your nearest relative to contact the advocacy service for you.

Letting your nearest relative know

A copy of this leaflet will be given to the person the Mental Health Act says is your nearest relative.

There is a list of people in the Mental Health Act who are treated as your relatives. Normally, the person who comes highest in that list is your nearest relative. Your social services authority can give you a leaflet which explains this and what rights your nearest relative has in connection with your care and treatment.

In your case, we have been told that your nearest relative is:

If you do not want this person to receive a copy of the leaflet, please tell your guardian, social worker or the person who gave you this leaflet.

If you do not think this person is suitable to be your nearest relative, you can apply to the County Court for someone else to be treated as your nearest relative instead.

Code of Practice

There is a Code of Practice that gives advice about the Mental Health Act to people involved in your care. They have to consider what the Code says when they take decisions about your care. You can ask to see a copy of the Code, if you want.

How do I complain?

If you want to complain about anything to do with your guardianship, please speak to the person who gave you this leaflet. They may be able to sort the matter out. They can also give you information about your local social services authority's complaints procedure, which you can use to try to sort out your complaint. They can also tell you about any other people who can help you make your complaint, for example an independent mental health advocate. If you want to complain to the local social services authority please write to:

The Director of Operations Learning Disability/Mental Health
Kent County Council
3rd Floor Brenchley House
123 – 135 Week Street
Maidstone
Kent ME14 1RF

You can go to the Local Government Ombudsman as well, even if the local council is still looking into your complaint. If you have access to the internet, the Local Government Ombudsman website, www.lgo.org.uk, tells you how to complain about local councils. Or you can telephone them on 0845 602 1983.

You can also complain to an independent Commission. This is called the Care Quality Commission and it monitors how the Mental Health Act is used, to make sure it is used correctly and that patients are cared for properly while they are under guardianship. You can ask for another leaflet explaining how to contact the Commission.

Further help and information

If there is anything you do not understand about your care, please ask your guardian, your social worker or someone else involved in your care. Please also ask them to explain if there is anything in this leaflet you do not understand or if you have other questions that this leaflet has not answered.

Please ask if you would like another copy of this leaflet for someone else.

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By: Head of Democratic Services & Local Leadership

To: Regulation Committee – 15 May 2012

Subject: Home To School Transport

Classification: Unrestricted

Summary: To provide Members with a brief overview on Home to School Transport appeal statistics for the period between 1 January 2012 and 30 April 2012

1. Introduction

The Chairman has requested that the Committee receive a brief update on Home to School Transport Appeals.

2. Transport Appeal Statistics – 2012

(2.1) For the period between 1 January 2012 to 30 April 2012 a total of 18 Home-to-School Transport appeals were submitted to 5 Transport Appeal Panel meetings. 10 were successful, (55%) at least in part (eg, time-limited assistance).

(2.2) 9 of the appellants had Local Member representation at their appeals and 9 different Members sat on the Transport Appeal Panels.

(2.3) There are 8 appeals to date at various stages of the appeals process which will need to be heard by the Transport Appeals Panel.

3. Statistic Details

(3.1) Details relating to the Admissions and Transport Home to School Transport appeals for Mainstream Pupils and Additional Educational Needs Teams in respect of Statemented Pupils are shown in the attached Appendix.

4. Recommendations

(4.1) Members are asked to note this report.

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

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

1 JANUARY 2012 – 30 APRIL 2012

Grounds for Appeal	Upheld	Not Upheld	Total	% Upheld
Denominational	0	1	1	0
Distance	1	0	1	100
Not Attending NAS	5	4	9	55
16+	1	3	4	25
Hazardous Routes	1	0	1	100
Other	0	0	0	0
Low Income Criteria	0	0	0	0
TOTALS	8	8	16	50

APPEALS BY AREA: WEST: 8 - MID: 2 - EAST: 4 - O/S KENT: 2

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

1 JANUARY 2012 – 30 APRIL 2012

Grounds for Appeal	Upheld	Not Upheld	Total	% Upheld
Denominational	0	0	0	0
Distance	1	0	1	100
Not Attending NAS	1	0	1	100
16+	0	0	0	0
Hazardous Routes	0	0	0	0
Other	0	0	0	0
Low Income Criteria	0	0	0	0
TOTALS	2	0	2	100

APPEALS BY AREA: WEST: 0 - MID: 0- EAST: 2 - O/S KENT: 0

Update from the Definitive Map Team

A report by the Head of Regulatory Services to Kent County Council's Regulation Committee on Tuesday 15th May 2012.

Recommendation:

I recommend that Members receive this report.

Progress with Definitive Map Team applications

1. Members have requested that a summary of the current position of applications to amend the Definitive Map and Statement (DMS) be provided annually to the Regulation Committee. A copy of the Register of Section 53 applications to amend the Definitive Map and Statement and the Register of applications to divert or extinguish public rights of way is therefore attached at **Appendix A**. 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. The Registers are updated on a monthly basis to reflect progress with cases.
3. During the period April 2011 to March 2012, thirty one Public Path Orders have been confirmed and eleven Definitive Map Modification Orders. Also five routes have been created through agreement with the landowner. In total eight cases have been referred to the Planning Inspectorate resulting in three being determined by Public Inquiry and five being determined by written representations. Of these cases all but one were confirmed by an Inspector appointed by the Planning Inspectorate. There are two further Public Inquiries due to place over the coming months and a further six cases are due to be submitted to the Planning Inspectorate for determination.
4. There are currently twenty eight unallocated diversions/extinguishments and fourteen unallocated section 53 applications (claims). The average wait between receipt of an application and allocation to an officer is currently twenty four months for diversions and twenty four months for section 53 applications. The backlogs have remained the same for diversions and have slightly increased for section 53 applications due to a shift in priorities as explained by Graham Rusling at the meeting on 7 September 2011 and also due to the production of a new DMS (described below).

Production of a new Definitive Map and Statement

5. The current version of the DMS has a relevant date of 1 April 1987. The Ordnance Survey (OS) base map upon which the public rights of way information is recorded dates from 1979. This was the most up to date OS information available at a scale of 1:10,000 at that time.

6. Considerable development and change in land use has occurred in the County since 1979. The current map fails to reflect this and is increasingly out of date and difficult to interpret in areas affected by development. Mapping technology has also advanced hugely during this period. It is imperative that the DMS is as up to date as possible as this is the legal and conclusive record showing public rights of way which people have to rely upon.
7. The Countryside Access Service is nearing the completion of a lengthy project to bring the DMS up to date, making full use of the mapping technology now available.
8. The project has involved the creation of an electronic record and the careful checking of that new data set. Any modifications i.e. diversions, extinguishments, additions, upgrades/downgrades which have been made to the 1987 Map will be incorporated within the new map.
9. During the summer months a consultation will take place providing the opportunity to examine a draft of the updated DMS and to raise queries about anything contained within it. All members will be informed of the consultation at that time.
10. Following the consultation it is anticipated that the updated DMS will be completed in December and circulated in the New Year.

Recommendation

11. I RECOMMEND Members receive this report.

Background documents:

Appendix A – Registers of applications

Contact Officer:

Laura Wilkins

Senior Public Rights of Way Officer

Countryside Access Service

Tel: 01622 221517

Email: laura.wilkins@kent.gov.uk

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

For further information please call 01622 221568
Last updated 30/04/2012



Ref. No.	Details				Date Received	Status (the stage the application has reached)	Confirmation		
	Path No	Parish	Description	Completed			Withdrawn	Case Officer	
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)	Completed		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	Hothfield	Diversion		21/07/2006	Inspector declined to Confirm	Completed		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	28/08/2006	Laura Wilkins
1106	KH402	Lenham	Diversion		21/06/2002		Completed		Laura Wilkins
1265	ZU29	Sittingbourne	Diversion				Completed		Melanie McNeir

Register of current applications under the Highways Act 1980

Year 2007

For further information please call 01622 221568

Last updated 30/04/2012



Ref. No.	Details				Date Received	Status (the stage the application has reached)	Confirmation		Case Officer
	Path No	Parish	Description	Completed			Withdrawn		
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	Order made & confirmed		Completed	Sonia Coventry	
1270	CB177	Ickham & Well	Diversion	17/04/2007	Order made & confirmed			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		Order made & confirmed		Completed	Laura Wilkins	
1279	ZR219	Doddington	Diversion		Order made & confirmed		Completed	Laura Wilkins	
1280	MR421	Igham	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		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		Submitted to Secretary of State - On hold			Maria McLauchlan	

1289	MR502	Wateringbury	Diversion		On Hold			Maria McLauchlan
1290	MR108, MR488	Ditton	Diversion	24/09/2007	MR108-Order made & confirmed MR108 (Oak Wood) - Declined to make Order for part			
1291	KM290	Staplehurst	Diversion	23/10/2007	Order made & confirmed		Completed	Matthew Garvey Matthew Garvey

**Register of current applications under the Highways Act 1980
Year 2008**

For further information please call 01622 221568
Last updated 30/04/2012



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

**Register of current applications under the Highways Act 1980
Year 2009**

For further information please call 01622 221568
Last updated 30/04/2012



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	Order made & confirmed			Maria McLauchlan
1313	SR396	Westerham	Diversion		30/01/2009	Report			Maria McLauchlan
1314	SR442	Penshurst	Diversion		16/02/2009		Withdrawn		
1315	AE515	Ruckinge & Bilsington	Diversion		09/03/2009	Order Made & Confirmed			Matt Garvey
1316	CB15	Blean	Diversion		01/04/2009	Under consultation			Maria McLauchlan
1316A	KH49	Bredhurst	Diversion			Order confirmed			Maria McLauchlan
1317	WC5A	Goudhurst	Diversion		07/04/2009	Under consultation			Maria McLauchlan
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	Under consultation			Matt Garvey
1321	MR184, MR177	Trottisclyffe	TCPA Diversion		02/07/2009	Order made, confirmed & certified		Complete	Sonia Coventry
1322	AU58A	Ashford	Extinguishment		16/07/2009	Under consultation			Matt Garvey
1323	CB442, CB432	Petham	Diversion		23/07/2009	Under consultation			Matt Garvey
1324	EE255	Eastry	Diversion		03/08/2009	Under consultation			Matt Garvey
1325	AW226, AW226A	Kingsnorth	Extinguishment & Creation		08/09/2009	Under consultation			Matt Garvey
1326	WC174	Hawkhurst	Diversion		08/09/2009	Under consultation			Laura Wilkins
1327	TE462	Minster, Thanet	Diversion		14/09/2009	Order made & confirmed		Complete	Maria McLauchlan
1328	AW150	Pluckley	Diversion		14/10/2009	Report			Laura Wilkins
1329	CB151A	Littlebourne	Diversion		14/10/2009	Under consultation			Laura Wilkins
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	Orders made			Matthew Garvey
1333	ZR24	Upchurch	Diversion		14/12/2009	Awaiting allocation			

1334	MR251	Borough Green & Wrotham	TCPA Diversion	22/12/2009	Order made, confirmed & certified	Complete	Matthew Garvey
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**Register of current applications under the Highways Act 1980
Year 2010**

For further information please call 01622 221568
Last updated 30/04/2012



Ref. No.	Details				Status (the stage the application has reached)	Confirmation	
	Path No	Parish	Description	Date Received		Withdrawn	Completed
1335	WC256	Frittenden	TCPA Diversion	25/02/2010	Order made & confirmed		Laura Wilkins
1336	KM318	Staplehurst	Diversion		Awaiting allocation		
1274	AW217	Great Chart	Diversion	12/03/2010	Awaiting allocation		
1337	CC57	Canterbury	Diversion	12/04/2010		Completed	
1338	WT347	Horsmonden	Diversion	19/03/2010	Under consultation		Maria McLauchlan
1339	KH210	Hollingbourne	Diversion	27/04/2010	Under consultation		Sonia Coventry
1340	ZR349, ZR350	Newnham	Diversion		Awaiting Allocation		
1341	CC17	Canterbury	Diversion	10/06/2010	Order made & Confirmed		Laura Wilkins
1342IP	ZS45, ZS53, ZS52, ZS38	Leysdown	Diversion		Orders made & Confirmed	Completed	Colin Finch
1343	CB225, CB225A	Adisham & Barham	Extinguishment		Awaiting Allocation		
1344	AE110	Wye	Extinguishment	07/07/2010	Awaiting Allocation		
1345IP	EE351	Eythorne	Extinguishment and Create by Order		Orders made & Confirmed		Matt Garvey
1346	MU12	Tonbridge	Extinguishment	12/08/2010	Awaiting Allocation		
1347IP	TR31	Manston	Diversion	12/08/2010	Awaiting Allocation		
1348	AW170	Hothfield	Diversion	24/09/2010	Order made & confirmed		Sonia Coventry
1349	KH541, KH544, KH542	East Sutton	Diversion & Extinguishment	30/08/2010	Awaiting Allocation		
1350	AW149	Pluckley	Diversion	21/09/2010	Under consultation		Matt Garvey
1351	SR371	Crockham Hill	Div	11/11/2010	Awaiting Allocation		
1352	MR52, MR24	Burham	Div & Ext		Order made & confirmed		Laura Wilkins
1353	ZR432	Throwley	Div	22/11/2010	Awaiting Allocation		

**Register of current applications under the Highways Act 1980
Year 2011**

For further information please call 01622 221568
Last updated 30/04/2012



Ref. No.	Details				Status (the stage the application has reached)	Confirmation		Case Officer
	Path No	Parish	Description	Date Received		Withdrawn	Completed	
1355	AW161	Charing	Diversion	07/03/2011	Awaiting allocation			
1356	KH549	Chart Sutton	Diversion	11/03/2011	Awaiting allocation			
1357	AW17	Charing	Diversion	24/02/2011	Awaiting allocation			
1358	Newington Library	Newington (Ramsgate)	TCPA diversion	18/05/2011	Report			Maria McLauchlan
1359	AW35	Charing	Diversion	13/05/2011	Orders made & Confirmed			Laura Wilkins
1360	AW65	Egerton	Diversion		Awaiting allocation			
1361	ZR691	Newington (Swale)	Extinguish & Creation		Orders made & Confirmed			Laura Wilkins
1362	SR674	Cowden	Diversion	27/05/2011	Awaiting allocation			
1363	TB3	Broadstairs	Diversion	08/06/2011	Awaiting allocation			
1366	WT265	Paddock Wood	Diversion	12/08/2011	Order made & confirmed			Laura Wilkins
1367	MR176	Offham	Diversion	11/08/2011	Awaiting allocation			
1368	EE281	Nonington	Diversion	08/09/2011	Awaiting allocation			
1369	KH125	Hollingbourne	Diversion	22/09/2011	Awaiting allocation			
1370	KH328	Ulcombe	Diversion	30/09/2011	Awaiting allocation			
1371	MT42	Hildenborough	Diversion	30/09/2011	Awaiting allocation			
1372	MR168, MR171	Addington	Diversion & Extinguishment	07/10/2011	Awaiting allocation			
1374	DB22	Dartford	Extinguishment		Order made & Confirmed		Complete	
1375	AE294, AE278	Brabourne	Diversion & Extinguishment	01/06/2011	Orders made & Confirmed			Sonia Coventry
1376	AW149	Pluckley	Diversion	16/11/2011	Order made			Matt Garvey

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

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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	Orders not confirmed following a Public Inquiry	Chris Wade/Melanie McNeir	Case complete
174	West	Speldhurst	TQ 5580 4215	WT65	Claimed amendment to Footpath WT65	Footpath	PROW/TW/C174	21/01/1999	No grounds of Appeal received	Laura Wilkins	Case complete
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	Case complete
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	Order made, no objections received	Sonia Coventry	
203	East	Whitstable	TR 0469 6484 to TR 0622 6478		Claimed deletion of Footpath CW57 - Seasalter		PROW/CC/C203	01/08/2001	Order made, objections received - case submitted to Secretary of State - case to be determined by Written Representations	Chris Wade/Maria McLauchlan	
205	East	Whitstable	TR 106 663		Claimed Footpath, Nelson Road to Shaftsbury Road	Footpath	PROW/CC/C205	01/11/2001	Order not confirmed by Secretary of State following Public Inquiry	Laura Wilkins	Case complete
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 complete
208	East	Dunkirk	TR 085 589		Claimed Bridleway, A2 to Bridleway ZR529	Bridleway	PROW/SW/C208	22/01/2002	Case withdrawn	Laura Wilkins	Case complete
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	Case complete
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	Case complete
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 Planning Inspectorate - directed to make an Order - Order made	Chris Wade	
224	West	Headcom	TQ 834 443	KH264	Claimed upgrading of KH624	Byway		PROW/MA/C224	14/04/2003	Appeal dismissed	Chris Wade	Case complete
225	West	Snodland	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 complete
226	West	Edenbridge	TQ 4460 4655		Claimed Footpath, Edenbridge Town Station to Railway Cottages	Footpath		PROW/SE/C226	06/08/2003		Sonia Coventry	Case complete - Notices served incorrectly at Appeal
227	West	Bredgar	TQ 864 603		Claimed Footpath, Deans Bottom Farm	Footpath		PROW/MA/C227	06/08/2003	Appeal dismissed Order confirmed by Secretary of State following a Public Inquiry	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	Footpath		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	Case complete
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	Case complete
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	Case complete
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	Case complete
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	Melanie McNeir	
239	West	Hadlow	TQ 6289 5017		Claimed Footpath, The Freehold to Carpenters Lane	Footpath		PROW/TM/C239	25/06/2004	Declined to make an Order - no Appeal received	Melanie McNeir	Case complete
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	Case complete
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, Droveaway 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	Case complete
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/Sonia Coventry	Case complete
248	East	Whitstable	TR 1295 6606		Claimed Footpaths, Grasmere Pastures	Footpath	PROW/CC/C248	14/12/2004	Order made and confirmed	Melanie McNeir	Case complete
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	Melanie McNeir	
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 complete
256	East	Leysdown	TR 043 695		Claimed Footpath, Wing Road to Muswell Manor	Footpath	PROW/SW/C256	05/08/2005	Order made and confirmed	Stewart Biggs	Case complete
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 McLauchlan	Case complete
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 complete
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 complete 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	Order confirmed by the Secretary of State, adding 3 footpaths and 1 bridleway	Maria McLauchlan	Case complete
261	West	Marden	TQ 759 448		Claimed Footpath, KM272 to Battle Lane	Footpath	PROW/MA/C261	04/11/2005	Order confirmed	Maria McLauchlan	Case complete
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	Case complete
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 complete
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	Case complete

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 complete
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	Case complete
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	Case complete
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	Case complete
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	Case complete
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	Case complete
271	East	Alkham	TR 287 400	ER89 & ER223	Claimed upgrading of ER89 & ER223	Byway	PROW/DO/C271	29/11/2005	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
272	East	Alkham	TR 257 418	ER179	Claimed upgrading of ER179	Byway	PROW/DO/C272	29/11/2005	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
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	Case complete
274	East	West Houghtam	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	Declined to make an Order - no Appeal received	Melanie McNeir	Case complete
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-le-Feme	TR 266 388	ER226	Claimed upgrading of ER226	Byway	PROW/DO/C280	16/12/2005	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
281	East	Capel-le-Feme	TR 276 393	ER225	Claimed upgrading of ER225	Byway	PROW/DO/C281	16/12/2005	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete

282	East	Westerham	TQ 453 568	ER225	Claimed upgrading of Public Footpaths, SR331 (part) and SR332	Bridleway	PROW/SE/C282	19/12/2005	Directed to make an Order by Secretary of State - Order made - objections received - case submitted to Secretary of State	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 withdrawn	Maria McLauchlan	Case complete
284	East	Sandwich	TR 325 581	ES9	Claimed amendment to Footpath ES9	Footpath	PROW/DO/C284	28/02/2006	Order made	Sonia Coventry	
285	East	Newington	TQ 853 645		Claimed Footpath from Orchard Drive to the Recreation Ground	Footpath	PROW/SW/C285	03/03/2006	Orders made and confirmed for an extinguishment and creation	Laura Wilkins	Case complete
286	West	Marden	TQ 735 437		Claimed Footpath running along Roughlands Lane	Footpath	PROW/MA/C286	15/03/2006	Directed to make an Order by Secretary of State - Order made - objections received - case will be submitted to Secretary of State	Sonia Coventry	
287	West	West Kingsdown	TQ 575 609		Claimed Footpath, Tinkerpot Lane to SD283	Footpath	PROW/SE/C287	28/03/2006	Under investigation - case linked to PROW/SE/C337	Sonia Coventry	
288	West	Marden	TQ 751 461		Claimed Footpath, KM240 to Milebush Lane	Footpath	PROW/MA/C288	08/08/2006	Order made	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 complete
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 complete
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 complete
292	East	Little Chart	TQ 934 466	AW108	Claimed addition to the particulars relating to Footpath AW108		PROW/AS/C292	04/09/2006	Order confirmed with modifications following Public Inquiry	Maria McLauchlan	Case complete

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	Declined to make an Order - Appeal received. Case with the Planning Inspectorate - Appeal dismissed	Melanie McNeir	Case complete
295	East	Teynham		Claimed Footpath, ZR234 to ZR234	Footpath	PROW/SW/C295	29/01/2007	Order made and confirmed	Stewart Biggs	Case complete
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	Case complete
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	Case complete
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	Declined to make an Order - Appeal received. Case with the Planning Inspectorate - Appeal withdrawn	Melanie McNeir	Case complete
301	West	Swanscombe	TQ 605 750	Claimed Footpath, Pilgrims Road	Footpath	PROW/DA/C301	20/07/2007	Order made and confirmed	Maria McLauchlan	Case complete
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	Case complete
303	East	lokham	TR 2002 5677 to TR 2054 5629	Claimed Footpath, Lackenden to Garrington	Footpath	PROW/CC/C303	20/08/2007	Order made and confirmed	Maria McLauchlan	Case complete
304	East	Lympne, Hythe	TR 120 351	Claimed Footpath, Beicaire Close to Harman Avenue	Footpath	PROW/SH/C304	06/09/2007	Order made and confirmed	Maria McLauchlan	Case complete
305	West	Marden & Horsmonden	TQ 738 422 to TQ 723 426	Claimed Restricted Byway, Goudhurst Road to Queen Meads	Restricted Byway	PROW/MA&TW/C305	06/12/2007	Declined to make an Order - Appeal received. Case with the Planning Inspectorate - Appeal dismissed	Maria McLauchlan	Case complete

306	West	Dartford	TQ50977241 to TQ51047264 to TQ50987273		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 Confirmed (Public Footpath status) by Secretary of State following Written Representations	Matthew Garvey	Case complete
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	Directed to make an Order by Secretary of State - Order made - objections received - case will be submitted to Secretary of State	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	Order made and confirmed	Matthew Garvey	Case complete
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	Order made, objections received - Public Inquiry to be held on 26 June 2012	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	Order made and confirmed	Maria McLauchlan	Case complete
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	Case withdrawn	Melanie McNeir	Case complete
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	Order made, objections received	Matthew Garvey	
315	West	Shipbourne	TQ 5894 5093 to TQ 5894 5089		Claimed Bridleway from MT50 to MT50	Footpath	PROW/TM/C315	06/10/2008	Order made and confirmed	Matthew Garvey	Case complete
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	Order made and confirmed	Laura Wilkins	Case complete

317	West	Tunbridge Wells	TQ 5838 3937 to TQ 5840 3945 and TQ 5844 3938	Claimed Footpaths from Clancarde 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	Order made and confirmed for 2 of the claimed routes	Laura Wilkins	Case complete
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	Order made and confirmed	Maria McLauchlan	Case complete
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	Declined to make an Order - no Appeal received	Laura Wilkins	Case complete
321	West	Tunbridge Wells	TQ 5896 4039 to TQ 5893 4045	Claimed Footpath from the Top Gate of Grosvenor Park to Quarry Road	Footpath	PROW/TW/C321	25/05/2009	Order confirmed with modifications following submission to Secretary of State	Matthew Garvey	Case complete
322	East	High Halden	TQ 9069 3645 to TQ 9229 3664	Claimed upgrading to a Footpath the Restricted Byway AT164 running from Redbrook Street to Harbourne Lane	Footpath	PROW/AS/C322	11/06/2009	Application does not comply with legislation		Case complete
323	East	Harbledown	TR 129 573 to TR 129 9577	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	Declined to make an Order - no Appeal received	Matthew Garvey	Case complete
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	Order made and confirmed	Matthew Garvey	Case complete
325	East	Milton Regis, Sittingbourne	TQ 9006 6503 to TQ 9011 6494	Claimed Footpath from Middletune Avenue to Vicarage Road	Footpath	PROW/SW/C325	27/08/2009	Order made and confirmed	Maria McLauchlan	Case complete

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	Order made and objection received - submitted to Secretary of State for modification	Maria McLauchlan	
327	East	Ringwold with Kingsdown	TR 3759 4811 to TR 3771 4811		Claimed Footpath from The Avenue to Footpath ER8	Footpath	PROW/DO/C327	29/12/2009	Order made	Maria McLauchlan	
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	Order made and confirmed	Maria McLauchlan	
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	Under investigation	Matthew Garvey	
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	Under investigation	Matthew Garvey	
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	Under investigation	Maria McLauchlan	
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		
335	East	Shepherdswell with Coldred	TR 2584 4805 to TR 2587 4798		Claimed Footpath from Eythorne Road to Church Hill	Footpath	PROW/DO/C335	01/06/2010	Awaiting investigation		

336	East	Dover	TR 3199 4221 to TR 3203 4218	Claimed Footpath from Connaught Road to Footpath EBX9 (Godwyne Path) running alongside the property known as Castle Rise	Footpath	PROW/DO/C336	29/07/2010	Awaiting investigation Application has been accelerated in line with Statement of Priorities - case linked to PROW/SE/C287	Sonia Coventry	
337	West	West Kingsdown & Kensington	TQ 5751 6095 to 5747 5934 & 5781 6040 to 5807 6067	Claimed Restricted Byway from Tinkerpot Lane to Pilgrims Way and St Clere Hill, including the upgrading of parts of Public Footpaths SD283 & SD284	Restricted Byway	PROW/SE/C337	11/08/2010	PROW/SE/C287		
338	West	Kingswood	TQ 8426 5066 to TQ 8414 5015	Claimed Footpath from Lenham Road, Kingswood, ME17 1LZ to Footpath KH312 and Footpath KH313A	Footpath	PROW/MA/C338	17/11/2010	Awaiting investigation		
339	West	Greenhithe	TQ 5862 7515 to TQ 5862 7519	Claimed Footpath from the High Street to the Foreshore adj. to the Sir John Franklin P.H.	Footpath	PROW/DA/C339	22/02/2011	Awaiting investigation		
340	West	Swanscombe & Greenhithe	Deletion - TQ 5881 7419 to TQ 5883 7419 Addition - TQ 5881 7419 to TQ 5885 7416	Claimed deletion of part of Footpath DS10 running from the steps through the gardens of 73, 71, 69 & 67 Valley View and the addition of a footpath running from the steps in a southerly direction and easterly to Valley View	Footpath	PROW/DA/C340	18/07/2011	Awaiting investigation		
341	East	Woodchurch	TQ 9419 3493 to TQ 9412 3490	Claimed Public Footpath from All Saints Church to Rectory Close	Footpath	PROW/AS/C341	13/10/2011	Accelerated in line with Statement of Priorities - under investigation	Maria McLauchlan	
342	West	Dartford	TQ 5534 7341 to TQ 5534 7336	Claimed Public Footpath from Brent Lane to Princes Road	Footpath	PROW/DA/C342	28/11/2011	Awaiting investigation		
343	West	Tunbridge Wells	TQ 6008 4113 to TQ 6012 4108	Claimed Public Footpath from Burslem Road to Greggs Wood Road	Footpath	PROW/TW/C343	03/01/2012	Awaiting investigation		
344	West	West Peckham		Seven claimed Public Footpaths at West Peckham	Footpath	PROW/TM/C344	26/01/2012	Awaiting investigation		
345	West	Aylesford & Burham	TQ 7449 6204 to TQ 7474 6163	Claimed upgrade of part of MR52 and the claimed addition of a bridleway running from MR52 to Old Chatham Road	Bridleway	PROW/TM/C345	09/02/2012	Awaiting investigation		
346	West	Shorne	TQ 6946 7371 to TQ 6946 7365	Claimed Public Footpath from the junction of Footpaths NS317 & NS318 to the northern end of Queens Farm Road	Footpath	PROW/GR/C346	02/03/2012	Awaiting investigation		

Update from the Commons Registration Team

A report by the Head of Countryside Access to Kent County Council's Regulation Committee on Tuesday 15th May 2012.

Recommendation:

I recommend that Members receive this report

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. So far this year, 2 such cases have been considered at two separate Regulation Committee Member Panel meetings held in March and April, one of which was successful in part (and resulted in the registration of a smaller area of the application site as a new Village Green) and one of which was not successful.
3. The Public Inquiry into the Grasmere Pastures Village Green application (which has had to be adjourned on several occasions due to unforeseen circumstances) did take place as planned last month, but the complexity and volume of paperwork in relation to this application meant that progress at the Inquiry was slower than originally envisaged and it was not possible to hear all of the evidence within the scheduled six-day period. The Inquiry will therefore reconvene on Monday 18th June 2012 and will continue, as necessary, over the following days.
4. Further Public Inquiries will take place in the coming months in relation to applications at Cranbrook (commencing on 4th September 2012), Lyminge (commencing on 1st October 2012) and Wickhambreaux (commencing on 12th November 2012).
5. There are currently 20 applications awaiting determination, of which 13 are currently under investigation. The number of Public Inquiries and the delay in holding the Inquiries in respect of certain cases has increased the backlog of applications slightly, but Officers still aim to begin work on all applications received within six months from the date of receipt.

Recent case law

6. The long awaiting decision in what has become known as the Newhaven Beach case (*Newhaven Port and Properties Limited v East Sussex County Council* [2012] EWHC 647 (Admin)) has recently been issued by the High Court. The case concerned a 15 acre area of tidal beach; although the beach was wholly covered for 42% of the time and wholly uncovered for only a few minutes each day, the local residents had used the land for more than 20 years for various lawful sports and pastimes. The landowner ("the Port Authority") challenged East Sussex County Council's decision to register the land as a Village Green.

7. A number of points were argued before the judge and the judgement deals with some interesting issues. The Port Authority argued that a Village Green could only be registered if it had the character and appearance of a traditional Village Green (which a tidal beach did not), but the judge rejected this argument saying that there was nothing in the legislation to impose a restriction on the character of land that could be registered as a Village Green. In relation to the contention that the beach was covered by water for most of the time and as such could not be used for lawful sports and pastimes during those times, the judge held that it was not necessary for recreational use of the application site to be non-stop, to extend to every part of the land or to be the dominant use of the land.
8. The only point on which the Port Authority succeeded in its arguments related to the manner in which the land was held by the Port Authority. The judge agreed that registration as a Village Green would be inconsistent with the statutory regime under which the beach was held by the Port Authority because, although there was no immediate conflict (since the beach was not currently being used for harbour purposes), it was reasonably foreseeable that there might a conflict in the future should the Port Authority decide to use the beach for harbour purposes (in which case the Victorian statues which protect Village Greens would make it unlawful to interrupt the recreational use of the beach). On this point alone, the judge quashed East Sussex County Council's decision to register the land as a Village Green.

Consultation on the registration of new Town or Village Greens

9. At the last Committee meeting in January, it was reported that the County Council is still awaiting further news from DEFRA regarding the consultation carried out last Autumn regarding the proposals to reform the system for registering new Town or Village Greens under section 15 of the Commons Act 2006.
10. The County Council is still awaiting the outcome of this consultation from DEFRA and there is no indication as yet as to when DEFRA intends to publish its conclusions. These will of course be reported to the Committee in due course.

Recommendation

11. I RECOMMEND Members receive this report

Background documents:

Appendix A – Schedule of Village Green applications

Contact Officer:

Chris Wade
Countryside Access Principal Case Officer
Tel: 01622 221511

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

**Applications resolved by the Regulation Committee since last report
(24th January 2012)**

Description	Parish	Member(s)	Outcome
Broadstairs Cricket Ground	Broadstairs	Mr. B. Hayton Mr. R. Bayford	ACCEPTED in part and registered on 16/04/12
Land at Mountfield Road	Meopham	Mr. M. Snelling	REJECTED on 20/03/12

Forthcoming Public Inquiries

Description	Parish	Member(s)	Details
Grasmere Pastures at Whitstable	Whitstable	Mr. M. Harrison Mr. M. Dance	Reconvenes on 18/06/12 at Whitstable Castle
Land known as Long Field at Angley Road*	Cranbrook	Mr. R. Manning	Commences 04/09/12 at Unity Hall, Hawkhurst
Seaton Meadow	Wickhambreaux	Mr. M. Northey	Commences 12/11/12 at Ickham Village Hall
Land at Woodland Road	Lyminge	Ms. S. Carey	Commences 01/10/12 (local venue TBC)

**Note that this case has been referred to the Planning Inspectorate for determination.*

Outstanding applications to be resolved

Description	Parish	Member(s)	Status
Round Wood at Walderslade	Boxley	Mr. P. Carter	On hold at applicant's request
The Downs	Herne Bay	Mrs. J. Law	Awaiting Inspector's report following Public Inquiry
Land known as Fisherman's Beach	Hythe	Mr. C. Capon	Under investigation
Scrapsgate Open Space	Minster-on-Sea	Mr. A. Crowther	Under investigation
The former airfield	Lympne	Ms. S. Carey	Under investigation
Rammell Field	Cranbrook	Mr. R. Manning	Under investigation
Chaucer Field (at the University of Kent campus)	Canterbury	Mr. G. Gibbens	Under investigation
Sandgate Escarpment	Sandgate	Mr. T. Prater	Under investigation
Land at Duncan Down	Whitstable	Mr. M. Harrison Mr. M. Dance	Under investigation
Land at Cockreed Lane	New Romney	Ms. C. Waters	Under investigation
The Glebe Field	Goudhurst	Mr. A. King	Awaiting investigation
The Cricket Field	Marden	Mrs. P. Stockell	Awaiting investigation
Land at Ursuline Drive	Westgate	Mr. R. Burgess	Awaiting investigation
Land at Bishop's Green	Great Chart	Mr. J. Wedgbury	Awaiting investigation
Land at Four Acres	East Malling and Larkfield	Mrs. T. Dean	Awaiting investigation
Land at Mount Pleasant	Hildenborough	Mrs. V. Dagger	Awaiting investigation
Land at Willow Road	East Malling and Larkfield	Mrs. T. Dean	Awaiting investigation

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Update on Planning Enforcement Issues

Item 10

Report by Head of Planning Applications Group to the Regulation Committee on 15th May 2012.

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 24th January 2012 Regulation Committee.
2. Summary schedules of all current cases have been produced (see Appendices 1, 2 and 3). 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. Those cases resolved or sufficiently progressed to be removed from our immediate workload are highlighted in bold.

Report Format

3. Cases have been summarised in the appended schedules and presented in this report 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 / issues of interest and requests by Members
4. 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.

Meeting Enforcement Objectives

Continuing change in work emphasis

5. I reported to the last Meeting on the division of work between those sites with no form of planning control needing urgent and sustained enforcement action (i.e. the type of cases normally quoted under Schedule 1 / Appendix 1 of these papers) and sites already with planning permission (Schedules / Appendices 2 and 3) that need to be returned to compliance.
6. As anticipated, the pressure of work in the first category has continued to ease. I suspect that this may be due in large part to the recession and the deterrent effect of the

cases that we have successfully enforced.

7. A third element is the new Environment Agency (EA) Permitting régime. This seeks to capture waste activities previously exempted from such controls. The activation date was 6th April.2012. A number of unauthorised sites (under planning and EA legislation) have started to emerge. LanceBox Ltd and Sheerness Recycling Ltd (Schedule 1, Appendix 1 No. 3 and 11, respectively) are two examples. The response in each case to such scrutiny has been the submission of applications for Lawful Use. These will need to be processed, with any apparent breaches of planning control addressed under established protocols. I have suggested contingency positions for each case within the attached schedules. There may be a short-run surge in this type of work given the tightening of the Environment Agencies controls. I shall need to monitor the situation but for the moment this new business pressure is being absorbed within normal workloads.
8. As a precursor to a tightened control régime, the Environment Agency has assigned enforcement specialists to the worst waste cases. That should help in turn to prevent such cases from spiralling into more intractable problems. EA resourcing has also been increased in this frontline area and the courts have responded with more meaningful levels of fines, particularly in higher profile cases.

Response to changes in work emphasis

9. The changes to work emphasis mentioned under paragraphs 5 to 8 above are continuing. I am using this opportunity to free some resources along the sliding scale of enforcement from the more challenging unauthorised end towards compliance matters on permitted sites. This switch is reflected in the cases reported within the attached Schedules and in the absence again of any green confidential reports on more expansive and complex cases.
10. A different enforcement style is needed in relation to permitted sites. On-site problems should be kept in perspective and any intervention has to be proportionate to off-site amenity impacts. It is also important to take into account the current economic difficulties that the business community face. Of equal importance in my view however, is a related need to ensure that an equal and compliant 'playing field' exists for all businesses. Without such planning discipline, non-compliant operators would be able to gain an unfair competitive advantage.

Co-ordinating and Advisory Role

11. I am continuing to offer advice on a number of district enforcement cases. That includes case strategies, project management and guidance on the wider controls and powers available. County Officers have adopted a supportive role and acted in a co-ordinating capacity where appropriate. The 'Bartonlea' case in Canterbury (see no. 2 of Schedule 1 / Appendix 1) is a good advisory example. 'Keith Cornell's' in Shepway (no. 6 of Schedule 1 / Appendix 1) and Milton Creek in Sittingbourne (no. 9 of Schedule 1 / Appendix 1) are other examples of the pooling of expertise and powers between regulators. Landowners and operators, tend to yield and co-operate when faced with a united enforcement front.

National Planning Policy Framework (NPPF)

12. The Government's streamlining of national planning guidance came into effect on 27th March 2012. Previous Planning Policy Guidance (PPGs), Planning Policy Statements (PPSs) and related supplementary guidance, is now essentially within one all-embracing and simplified document – the National Planning Policy Framework (NPPF). This document replaces PPG 18 'Enforcing Planning Control', though PPS10 'Planning for Sustainable Waste Management' has currently been retained. A verbal presentation on this important new national policy context is intended for this Meeting.

Policy Position

13. One of the key concerns conveyed by this Authority to Government when consulted upon the impending NPPF was the potential for a policy vacuum to develop within the planning enforcement field. Whilst the aim of streamlining national planning policy was acknowledged, a detailed body of guidance, relied upon by staff engaged in enforcement action, was due to be lost. That has transpired, with the removal of PPG 18 'Enforcing Planning Control'. In return, planning enforcement is barely mentioned within the NPPF document. That mirrors limited mention within the newly assented Localism Act.
14. Nevertheless, Regional Spatial Strategy (RSS) Policies (which in the case of Kent, is the South-East Plan) will remain in force (probably until the end of 2012), pending completion of the RSS revocation procedures integral to the Act. That is alongside 'saved' policies within the Kent Waste Local Plan.
15. The NPPF may also be viewed as an opportunity rather than a constraint within the planning enforcement field. Having anticipated this situation, I have previously reported to this Committee that the County Council has the ability to use in combination, the emerging Minerals & Waste Development Framework (MWDF), our agreed Enforcement Protocol, any 'saved' waste local plan policies and any other relevant material considerations to conduct its planning defence work.
16. In the case of the MWDF, a draft enforcement policy is already in place as a potential vehicle for developing a 'local replacement' version of the displaced- PPG18 (Enforcing Planning Control), expanded to include case law precedents and examples of good practice gleaned from peer group networks. The Regulation Committee would have a key role in marshalling and endorsing future local planning enforcement guidance.

Consultation on proposed revisions to the registration of New Town or Village Greens

17. Village Green Policy comes under the remit of this Committee and has general planning aspects. Members may recall that under the Chairman's guidance a response was made to DEFRA on the recent proposed revisions to the registration of New Town or Village Greens. The response was jointly prepared by the Planning Applications Group and Public Rights of Way and on Commons Registration and signed-off by the respective Cabinet Members. So far, there has been no stated outcome on the position by DEFRA. I shall however keep Members informed.

Case focus

18. Since the last Meeting resources have been focussed on 2 sites where formal enforcement action has been taken, 5 cases where investigations are underway and a further 3 cases have been satisfactorily progressed.

Achievements / Successes [including measurable progress on sites]

Shaw Grange, Charing (Member: Richard King)

19. Initial restoration is now complete with attendant control of leachate. Tree-planting and related landscaping is planned. The aim is to create within available means, a landscape asset drawn from a former contravention site, close to local residents. The ideal outcome in the longer term would be for the site to be made available for low-key recreational use. Summary particulars are given under Appendix 1, Schedule 1, No.1.
20. Members have shown an interest in visiting the site to see first hand the progress being made on site. A provisional date of 13th July 2012 has been set.

New Cases, especially those requiring action / Member support

21. Three new cases have arisen since the last Meeting.

Appendix 1 / Schedule 1: Bartonlea Cottage (see entry no. 2); LanceBox Ltd (see no. 3) and Sheerness Recycling Ltd, Isle Of Sheppey (no. 11).

22. These alleged contraventions have been (or are being) investigated and addressed as summarised within the attached schedules.

Significant on-going cases

23. I would refer Members to the 'Achievements' section from paragraphs 19 and 20 above. Shaw Grange is in the final landscaping phase and Four Gun Field, Upchurch has significantly not warranted an entry.

Other cases / issues of interest and requests from Members

24. I would refer Members to the extended section on 'Meeting Enforcement Objectives' between paragraphs 5 to 16 of this report, concerning a change in work emphasis and a growing advisory and co-ordinating role in complex multi-agency cases. Also, the arrival of the new National Planning Policy Framework.

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

25. In addition to our general visits to sites as a result of planning application work, we also undertake routine visits to formally monitor sites. Since the last Regulation Committee, we have made a further 21 chargeable monitoring visits to mineral and waste sites and 5 non-chargeable visits to sites not falling within the chargeable monitoring regime.

Resolved or mainly resolved cases requiring monitoring

26. 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 recur. That accounts for a significant and long-established pattern of high frequency site monitoring. It is worth drawing attention, to the central importance of this often overlooked and integral feature of planning enforcement in its most challenging form.

27. 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. An example this time is Woodgers Wharf, Upchurch (see Schedule 1, Appendix 1 and No.12).

28. There is a running list of sites which fall within this category, against which priorities are drawn and enforcement monitoring checks are made.

Conclusion

29. This report confirms an apparent and continuing change in emphasis from uncontrolled and overt enforcement cases to some of the more pressing compliance work on permitted sites. A re-tightening of site management controls by the Environment Agency under their new Permitting régime is likely to consolidate this trend. The successful resolution and the removal of larger cases such as Four Gun Field from these papers and the current nature of unauthorised activities, is allowing room for our emerging consultative and advisory work with other bodies. The County Council's enforcement workload will always take precedence but closer working with other regulatory bodies can bring benefits to all parties, particularly when we are able to bring our project management and strategic enforcement skills into play.

Recommendation

30. I RECOMMEND that MEMBERS:

- (i) ENDORSE the actions taken or contemplated on the respective cases set out in paragraphs 5 to 29 above and those contained within Schedules / Appendices 1, 2 and 3.

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 style="text-align: center;">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 in the public interest.</p>	<p>The site has now been restored and is being monitored. and landscaped.</p>	<p>A site visit by Members to view the overall progress reached is being arranged for Friday 13 July 2012.</p>
2	<p style="text-align: center;">Canterbury</p> <p>DC3/CA/12/COMP Bartonlea Cottage Lower Harbledown Canterbury (Member: John Simmonds)</p>	<p>A report from Canterbury City Council (CCC) on the depositing and stockpiling of large volumes of used motor vehicle tyres on land to the rear of Bartonlea Cottage in Willow Woods.</p>	<p>To investigate and establish whether the reported activity falls within the County Council’s planning enforcement remit.</p>	<p>Over 10 years ago about 5,000 used tyres were imported and deposited on the land to form an enclosure for quad-bike racing. Over time the tyres became lost within undergrowth and screened from view. The present landowner had uncovered the tyres to create a hand-stacked perimeter tyre bund to enclose his land.</p>	<p>The site, whilst falling within a designated local wildlife area, does not impinge upon the PROW network and is screened from public view. CCC is content with the presence of this means of enclosure. Details have been forwarded to the Environment Agency and it is intended to maintain a ‘watching brief’ pending their investigation.</p>

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
3	<p style="text-align: center;">Dartford</p> <p>KCC/DA/0123/12 LanceBox Ltd Plot 14 Manor Way Business Park, Swanscombe (Member: Richard Lees)</p>	<p>LanceBox Ltd has recently submitted an application for a Lawful Development Certificate (LDC) for <i>'the receipt, storage, processing of construction/demolition and excavation of waste materials'</i>. The application seeks lawful status for these alleged breaches of planning control.</p>	<p>To process the application and test the veracity of the lawful use claim.</p> <p>In the alternative, to seek interim controls while a planning application is prepared, covering the disputed uses on site enclosed within an enhanced recycling centre.</p>	<p>A '4-point' plan has been devised, in return for KCC reserving enforcement action. The terms include:</p> <ul style="list-style-type: none"> a) Return of the LDC; b) Submission of delayed planning application; c) Continued trading only under tight KCC / EA interim controls. d) Reduction of stockpiles / 'stand-off' distance from adjoining chalk cliff face. <p>Agreement is awaited from LanceBox Ltd.</p>	<p>Should agreement on the '4-point' site control and action plan not be reached, by the date of the Meeting, I would seek Member support for the taking of enforcement action. That would include the serving of an Enforcement Notice; underwritten if necessary by a County / High Court Injunction. The action would apply to any alleged unlawful activities, established under the LDC application process.</p>

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
4	<p style="text-align: center;">Sevenoaks</p> <p>DC3/SE/11/COMP/ Marwood House Crockenhill (Member: Roger Gough)</p>	The importation, depositing, land raising and storage of waste materials on agricultural land.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit. If not, to advise and assist in brokering a solution to the site given its scale and impact.	Counsel has confirmed that Sevenoaks DC (SDC) retain jurisdiction , given the site's mixed-use status (equestrian development, caravan park, builders' merchants, ancillary storage.....) and that the EA regard current site inputs as re-useable rather than waste materials.	Sevenoaks DC are still fielding local complaints over traffic movements and soil spillage on the road. The EA continue to monitor the site, should they need to become involved again. KCC officers remain available to SDC for planning, enforcement and technical advice .
5	<p>SE/10/03196/FUL. Brasted Sandpits Brasted (Member: Richard Parry)</p>	Delayed restoration of a former sand quarry with some unauthorised infilling.	To achieve restoration to original levels, in compliance with the County Council's confirmed Enforcement Notice.	The EA pursued the errant tipping through the courts, resulting in the site being sold to the adjoining Golf Club. A planning application has since been submitted to SDC for a 9 hole par 3 Golf Course, completion of restoration and a Golf Academy.	County Council officers were consulted by SDC on the original and revised set of proposals. We have commended both as creative solutions to delayed restoration of a former sand quarry. Unfortunately, the application was refused, though revised proposals are awaited.

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
6	<p style="text-align: center;">Shepway</p> <p>DC3/SH/10/COMP/A02 Keith Cornell Waste Paper Ltd, Lympne Industrial Park, Lympne</p> <p>(Member: Ms Susan Carey)</p>	Alleged unauthorised waste-related recycling use on industrial land, resulting in noise complaints and related disturbance from local residents.	<p>To achieve a reduction in the current amenity impacts through voluntary restraint, pending determination of an application for retention of the use.</p> <p>Processing has revealed noise-related impacts, which would be difficult to fully attenuate. A meeting of regulators (including the local EHO) has agreed that further enclosure of site activities represents the most appropriate solution to the noise issue.</p>	<p>The applicant has been asked to amend the application to make provision for further enclosure, supported by a noise addendum report.</p> <p>The applicant hopes to be in a position to submit the amended details before the date of the Meeting.</p>	<p>Revised proposals involving extended site enclosure are awaited.</p> <p>I shall inform Members at the Meeting on progress.</p> <p>Service of an Enforcement Notice may prove necessary should the required scheme not have been sufficiently progressed by the 5th September Regulation Committee.</p>
7	<p>DC3/SH/11/COMP Johnsons Recycling Ltd, Unit 1 Park Farm Close, Folkestone</p> <p>(Member: Richard Pascoe)</p>	Shepway DC reported that an alleged unauthorised waste scrap metal recycling use was taking place in this Industrial estate, near other independent waste uses.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	It was established that the current operator had re-located to this site from a residential area in Folkestone.	In line with enforcement guidance, a retrospective planning application is expected in an attempt to regularise the use. I am currently prompting submission of the required scheme. I shall keep Members informed on progress.

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
8	<p style="text-align: center;">Swale</p> <p>DC3/SW/11/COMP/ APM Metals Sittingbourne</p> <p>(Member: Mike Whiting & Alan Willicombe)</p>	<p>Unusual site traffic movements disrupting peak-hour flows.</p> <p>Essential site improvements, required by the EA have generated the temporary off-traffic issues.</p>	To urgently alleviate the problem.	Swale BC hold jurisdiction but the operator was contacted by County officers and a practical solution found. Phased use of the site was organised by radio, using remote parking spots.	The works are being brought to completion as quickly as possible. I intend to remove from these schedules but inform Members when site operations return to normal.
9	<p>DC3/SW/11/COMP/ Milton Creek Sittingbourne.</p> <p>(Member: Mike Whiting & Alan Willicombe)</p>	Over stacking and stock-piling of site materials causing collapse to the banks of the creek, resulting in blocked water flow within the creek and obstruction to navigation. This partly involves an alleged trespass onto Medway Ports Authority land.	To see whether enforcement of the district planning permission for production of 'growing media' (i.e. soil-based compost) at the site, warrants the further intervention of the County Council?	A multi-agency approach has been advocated (i.e. KCC, Swale BC, the Environment Agency and Medway Ports Authority (MPA)). The County Council for its part has negotiated submission of a planning application, for a revised version of the original permission. It will include a scaling down of activities and repair to the land and navigation. The agent intends to submit the scheme to the Borough Council. KCC would be consulted, allowing technical advice to be given.	<p>From the information available, I conclude that the mixed-use activities on site mean that this is not a matter that KCC is in a position to lead-on. That would be a role for the Borough Council to assume. The intended regularising application is I understand due to be submitted to them, consolidating the point. The owner / occupiers would otherwise be exposed in the ultimate to concerted action from SBC, KCC, the EA and MPA.</p> <p>I shall keep Members informed on this case.</p>

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10	KCC/SW0194/2011 SITA UK Limited Unit 15A Ridham Dock Industrial Estate (Members: Mr M. Whiting & Mr A. Willicombe)	Alleged unauthorised wood-shredding.	To seek to regularise the on-site activity breaches through submission of a retrospective planning application.	SITA secured the use of the site earlier last year and stopped the activity. The use has since been granted retrospective planning permission at the 6 th September 2011 Planning Applications Committee. The stockpile is currently being rundown . However, SITA now wish to retain the site's holding capacity for their own use. They suggest that they enjoy dock-related permitted development rights .	I would need persuading on any permitted development rights, given the inter-relationship with their new permitted waste site. To settle the matter I am seeking Counsel's opinion. I shall advise the company accordingly. They in the meanwhile have given notice of their intention to start using the site. I shall insist on restraint, pending legal advice . I would seek Members support in conveying this message to SITA.
11	KCC/SW/0136/12 Sheerness Recycling Ltd Unit 34 Klondyke Ind Est Queenborough (Member: Ken Pugh)	Sheerness Recycling recently submitted an application for a Lawful Development Certificate for current importation of construction/ demolition waste and its subsequent processing by means of mechanical screening to produce soil and aggregates.	To process the application to test the veracity of the claim. This type of application is determined on legal as opposed to planning merits. It is currently invalid.	A site visit will ascertain the extent of any alleged breach. An assessment can also be made on whether a retrospective planning application should be invited or not?	I shall report further at the Meeting on any updates. As a contingency and to assist in site negotiations, I should seek Member's support in principle for the service of an Enforcement Notice .

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12	SW/05/COMP/0016 Woodgers Wharf, Horsham Lane, Upchurch (Member: Keith Ferrin)	Unauthorised use of marine wharf for screening and crushing of imported concrete beams and alleged related waste management breaches.	<p>To arrest the alleged breaches and return the site to its lawful wharf-related use.</p> <p>A County Council confirmed Enforcement Notice (EN) requires restoration of the site, largely through the direct removal of the central stockpile of concrete beams.</p> <p>Crushing of the greater quantity of waste beams for sale to the open market is prohibited under the EN.</p>	<p>Potential sea defence contracts offered the prospect of complete removal by barge. However, the contracts have failed to materialise.</p> <p>Independent advice organised by the County Council through Remade South-East, has similarly failed to find alternative outlets for removal of the beams as they stand.</p> <p>In all the circumstances, negotiation has now switched to active pursuit of an 'on-site' solution i.e. using the beams in whole, broken or in a highly specified crushed form to create a hard-surface platform.</p>	<p>An 'on-site' solution would ensure that any amenity impacts arising from 'off-site' haulage were avoided. This represents a potentially sustainable solution, within the spirit and purpose of the new National Planning Policy Framework. Subject in this case, to nature conservation interests being adequately safeguarded.</p> <p>The parking of boats has been suggested as a Borough Council controlled surface use, compatible with the wharf. Any surplus beams could potentially be used to reinforce the access area into the site.</p> <p>I shall keep Members informed on this promising development, whilst reserving action under the Enforcement Notice.</p>

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
1	<p style="text-align: center;">Ashford</p> <p>DC3/AS/COMP/ Ripleys Scrap Metal Recycling Tennyson Road Ashford</p> <p>(Member: George Koowaree)</p>	Over-stacking of permitted metal stockpiles and related additional noise and disturbance.	To bring the stockpiles back down and in compliance.	<p>The company Managing Director has taken personal ownership of the points of issue at the site, meeting with local residents in person.</p> <p>The stockpiles were reduced on last inspection and permission has been granted for an enhanced 'buffer-strip', with adjoining residents, including road surfacing, improved landscaping and gated private access.</p>	<p>The over-stacking issue is being addressed more directly through the acceleration of investment into more modern and capable machinery.</p> <p>The voluntary 'side' (i.e. buffer-strip) improvements are well-advanced and the high site block wall has been extended as a further amenity benefit.</p> <p>Remote-controlled gates now secure a small and sedate enclave for the benefit of adjoining residents. Improved landscaping and re-surfacing will complete the works.</p> <p>I shall now remove from the schedules.</p>

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2	<p>Dartford</p> <p>DA/10/1232 Easy Load Ltd Dartford Heath</p> <p>(Member: Jan Ozog)</p>	<p>Alleged unauthorised use of soil screener on site.</p> <p>Also, the cross-sectional height of plant & machinery has been breached, creating a potential noise, dust and visual problem.</p>	<p>To have the screener removed.</p> <p>To assess the alleged additional amenity impacts being caused, to see if they are acceptable within planning terms. Failing that, to ensure that permitted elevations are honoured.</p>	<p>The screener has now been removed off-site.</p> <p>The operators have acknowledged the use of plant different to that approved under their planning permission, admitting contravention. They submitted a fresh application incorporating the new plant. I am reporting this to the 8th May 2012 Planning Application Committee, recommending permission.</p>	<p>Retrospective planning permission would address the breaches on site. However, in the event that permission is not granted, I would seek Members continued support for the service of Breach of Condition Notices to correct any site irregularities.</p> <p>I shall inform Members of the outcome of the planning application at the Meeting.</p>
3	<p>DC3/DA/11/COMP Waste Recycling Centre 2-8 Little Queen Street, Dartford</p> <p>(Member: Avtar Sandhu MBE)</p>	<p>Complaints from local residents regarding the use of large goods vehicles damaging and blocking the approach route to the site in alleged contravention of the lawful Established Use Certificate for the site, granted on appeal in 1993.</p>	<p>To help KHS, Dartford BC, the Traffic Commissioners and the Police in alleviating the problem of damage to the highway, pavements, street furniture and buildings when LGVs approach and exit the site. At the same time, encouraging re-location of this historic use.</p>	<p>We have met with the operator and his planning consultant and impressed upon them the sensitivity of the site and the Company's responsibility towards local residents. They have agreed to institute tighter operational procedures.</p>	<p>The Company has responded positively to our intervention. Discussions have now turned to the subject of relocation. I am attempting to broker this more permanent solution to the problem.</p> <p>I shall keep Members informed of progress.</p>

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
4	<p>Swale</p> <p>DC3/SW/11/COMP Sweep Kuusakoski Ltd Waste Electronic and Electrical Equipment (WEEE) recycling, Gas Road, Sittingbourne</p> <p>(Member: Mike Whiting & Alan Willicombe)</p>	<p>Alleged breach of operational procedures at this waste recycling facility, which was granted permission in 2007. Complaints of noise and related disturbance have been received, along with an allegation and admission of 'out of hours' working.</p>	<p>To use an existing and planning application to review the activity in the context of proposed site revisions, including an extension to operating hours.</p>	<p>The noise issues raised within a petition prompted by the application were taken account of in the overall planning assessment of the case.</p>	<p>Retrospective planning permission was granted at the 13th March 2012 Planning Application Committee. All outstanding breaches have been addressed, and the site will be monitored to ensure compliance.</p>
5	<p>SW/10/1436 Countrystyle Recycling Ltd, In -Vessel Composting (IVC) and Materials Recovery Facility (MRF), Ridham Dock Road, Iwade.</p> <p>(Member: Mr Whiting / Mr Willicombe)</p>	<p>A number of breaches were reported to the last Meeting, including: open/broken roller shutter doors; external storage / processing of wood waste; dust control problems and containment issues; a concrete pad outside of the permission area and some minor alterations to the approved site layout.</p>	<p>To assess any additional amenity impacts being caused and whether they are acceptable within planning terms</p> <p>To seek redress thorough means of a retrospective planning application.</p> <p>The Environment Agency is conducting a parallel scrutiny of the site, given its poor operation.</p>	<p>Both doors were immediately repaired on Health & Safety grounds.</p> <p>Planning applications have been submitted to address the various breaches. They are currently being processed.</p>	<p>Should permission not be granted or breaching resume, I would seek contingency support from Members for immediate service of Breach of Condition Notices to correct any site irregularities and an Enforcement Notice in relation to the concrete pad.</p>

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6	<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.	<p>To ensure compliance with the base planning permission and related Enforcement Notice.</p> <p>Relocation has always held the key to resolving issues on site.</p>	<p>Planning Permission was granted by the Planning Applications Committee in January 2012 for the company to relocate to New Hythe Lane, Aylesford. Under an associated Section 106 legal agreement the current Mill Hall activity must cease within 6 months of any new operation in New Hythe Lane.</p>	<p>The site will continue to be monitored during the planned relocation.</p> <p>The site benefits from an outline planning permission for housing, granted by TMBC. Following relocation, housing remains the current and preferred redevelopment option for the Mill Hall site.</p> <p>I shall keep Members informed on progress.</p>

Schedule 3: Alleged breaches on Permitted County Council Developments

Appendix 3

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
1	<p>Swale</p> <p>KCC/SE/0472/2011 Seal CEP School, Seal (Member: Nick Chard)</p>	<p>A timber-framed modular building sited within the school grounds adjacent to the existing built envelope, has been erected without planning permission.</p> <p>The purpose was to provide suitable teaching accommodation for pupils with Special Educational Needs.</p>	<p>The School was invited to make a planning application to regularise the development.</p>	<p>A planning application was received on 1st November 2011 and was granted permission under delegated authority on 25th January 2012.</p>	<p>With the breach having been addressed, I shall now remove from these schedules.</p>