

REGULATION COMMITTEE

Tuesday, 24th January, 2017

10.00 am

Darent Room, Sessions House, County Hall, Maidstone





AGENDA

REGULATION COMMITTEE

Tuesday, 24th January, 2017, at 10.00 am
Darent Room, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **03000 416749**

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

Membership (17)

- Conservative (10): Mr A H T Bowles (Chairman), Mr S C Manion (Vice-Chairman),
Mrs V J Dagger, Mr J A Davies, Mr M J Harrison,
Mr P J Homewood, Mr J M Ozog, Mr C Simkins, Mr J N Wedgbury
and Vacancy
- UKIP (3) Mr H Birkby, Mr L Burgess and Mr A D Crowther
- Labour (3) Mr G Cowan, Mr T A Maddison and Mrs E D Rowbotham
- Independents (1): Mr P M Harman

UNRESTRICTED ITEMS

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

1. Membership
To note that Mr C W Caller has left the Committee. There is a Conservative Vacancy.
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 13 September 2016 (Pages 5 - 8)
5. Home to School Transport Appeals Update (Pages 9 - 12)
6. Update on Planning Enforcement Issues (Pages 13 - 16)
7. Other Items which the Chairman decides are Urgent
8. Motion to exclude the public

That under Section 100A of the Local government Act 1972 the public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act.

EXEMPT ITEMS

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

9. Update on Planning Enforcement cases (Pages 17 - 32)
10. Update on Planning Enforcement issues at Land adjoining Pit Stop Cafe, Dargate (Pages 33 - 34)
11. Update on Planning Enforcement issues at Thirwell Farm, Hernhill (Pages 35 - 38)

John Lynch
Head of Democratic Services
03000 410466

Monday, 16 January 2017

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, 13 September 2016.

PRESENT: Mr A H T Bowles (Chairman) Mr S C Manion (Vice-Chairman)
Mr H Birkby, Mr L Burgess, Mr C W Caller, Mr G Cowan, Mrs V J Dagger,
Mr J A Davies, Mr P M Harman, Mr P J Homewood, Mr M J Harrison,
Mr T A Maddison, Mr B Neaves (Substitute for Mr A D Crowther), Mr J M Ozog,
Mrs E D Rowbotham, Mr C Simkins and Mr J N Wedgbury

IN ATTENDANCE: Mr G Rusling (Public Rights of Way & Access Service Manager),
Mrs L Wilkins (Definitive Map Team Leader), Mrs S Thompson (Head of Planning
Applications Group), Mr R Gregory (Team Leader - Planning Enforcement) and
Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

14. Membership

(Item 1)

The Committee noted the appointment of Mr M J Harrison in place of Mr T Gates.

15. Minutes - 3 May 2016

(Item 4)

RESOLVED that the Minutes of the meeting held on 3 May 2016 are correctly recorded and that they be signed by the Chairman.

16. Update from the Definitive Map Team

(Item 5)

(1) The Public Rights of Way and Access Manager and the definitive Map Team Leader summarised the current position in respect of applications to amend the Definitive Map and Statement. The report also included an update on the progress of the Deregulation Act 2015 and the outstanding Village Green applications.

(2) RESOLVED that the content of the report be noted.

17. Update on Planning Enforcement Issues

(Item 6)

(1) The Head of Planning Applications Group gave an update on planning enforcement matters since the last meeting of the Committee. She informed the Committee that the Larkey Wood site in Chartham had now been completely cleared and highlighted the new enforcement options available to the County Council since its adoption of the Kent Minerals and Waste Local Plan.

(2) RESOLVED that the actions taken or contemplated in the report be endorsed.

18. Date of next meeting
(Item 7)

The Committee noted that its next meeting would take place on Tuesday, 24 January 2017.

EXEMPT ITEMS

(Open Access to Minutes)

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

19. Update on Planning Enforcement issues

(Item 10)

(1) The Team Leader - Planning Enforcement gave an update on unauthorised matters, setting out actions taken or contemplated at Long Hill Playing Field, Dover; Aylesham Road, Dover; Sewage Treatment Plant, Betteshanger; Apex Business Park, Gravesend; Malling Wood, Boxley; Five Acre Wood School, Maidstone; and Little Hill Care Home, Tenterden.

(2) The Committee agreed to endorse the value of modern aerial photography, including the possible use of drones, as a cost effective technique for investigating planning contraventions.

(3) RESOLVED that endorsement be given to the enforcement strategies set out in paragraphs 3 to 11 of the report and its appended schedule, with particular emphasis on the value of modern aerial photography as set out in (2) above).

20. Update on Planning Enforcement issues at Pit-Stop, Dargate

(Item 11)

(1) The Team Leader – Planning Enforcement updated the Committee on planning enforcement issues at Pit Stop, Dargate. He explained that Swale BC was currently processing a retrospective planning application on a proposed lorry park to cover the site and that The Environment Agency had required the removal of imported materials within set parameters.

(2) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 5 to 15 of the report.

21. Update on Planning Enforcement issues at Thirwell Farm, Hernhill

(Item 12)

(1) The Team Leader - Planning Enforcement updated the Committee on planning enforcement issues at Thirwell Farm, Hernhill.

(2) The Committee requested that the Chairman write on its behalf to Environment Agency to request an update on opportunities for enforcement action and setting out its view that the issuing of a Waste Removal Notice should receive positive consideration.

(3) RESOLVED that:-

- (a) the enforcement strategy set out in paragraphs 5 to 18 of the report be endorsed; and
- (b) the Chairman be requested to write to the Environment Agency to ask for an update on opportunities for enforcement action and setting out the Committee's view that the issuing of a Waste Removal Notice should receive positive consideration.

By: Head of Democratic Services
To: Regulation Committee – 24 January 2017
Subject: Home to School Transport Appeals update
Classification: Unrestricted

Summary: To provide Members with an overview on Home to School Transport appeal statistics for the period between 1 January 2016 to 31 December 2016 and a brief comparison with transport appeals statistics from 2010 to 2015.

1. Home to School Transport Appeal Statistics 2016

(1.1) For the period between 1 January 2016 to 31 December 2016 a total of 137 individual appeals were considered by Member Transport Appeal Panels of this Committee. 52% were upheld at least in part (e.g time limited assistance) and a breakdown of these appeals on a month by month basis is set out in Appendix 1 along with a comparison with appeals held in 2010 to 2015.

(1.2) There are a further 8 appeals that are still waiting to be heard which are scheduled for February 2017.

(1.3) It is interesting to note that in 2016 74% of the total number appeals were heard between August – 31 December 2016.

(1.4) Appeals are successful due to a variety of reasons and can include:

- Financial hardship
- Health & medical need
- No cost to the Council
- Temporary accommodation
- Family circumstances
- Circumstances of the child
- Hazardous walking route and,
- Childs safety

2. Transport Appeal Statistics – 2015

(2.1) For the period between 1 January 2015 to 31 December 2015 a total of 124 appeals were considered by Transport Appeal Panels. 54% were upheld at least in part (e.g. time-limited assistance).

3. Recommendation Members are asked to note this report.

Andrew Ballard

Principal Democratic Services Officer

Tel No: 03000 415809, e-mail: andrew.ballard@kent.gov.uk

**TABLE 1
HOME TO SCHOOL
TRANSPORT APPEALS -1 JANUARY – 31 December 2016**

Month	Upheld	Not Upheld	Total Heard	% Upheld
January	5	3	8	62%
February	1	7	8	12%
March	3	3	6	50%
April	2	1	3	66%
June	3	1	4	75%
July	6	1	7	86%
August	20	12	32	62%
September	7	15	22	32%
October	18	18	36	50%
November	4	0	4	100%
December	3	4	7	43%
TOTALS	72	65	137	52%

**TABLE 2
HOME TO SCHOOL TRANSPORT APPEALS - 2010-2015**

Year	Upheld	Not Upheld	Total	% Upheld
2010	38	46	84	45%
2011	23	43	66	35%
2012	26	80	106	24%
2013	33	76	109	30%
2014	76	72	148	51%
2015	67	57	124	54%

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Update on Planning Enforcement Issues

Item 6

Report by Head of Planning Applications Group to the Regulation Committee on 24th January 2017.

Summary: Update for Members on planning enforcement matters.

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

Unrestricted

Introduction

1. This report provides an update on planning enforcement and monitoring work carried out by the Planning Applications Group since the 13th September 2016 Regulation Committee Meeting.
2. As part of the reporting format, alleged unauthorised sites are considered as exempt business. This helps to protect the content of any planning enforcement strategies being followed. Alleged breaches on permitted Minerals and Waste sites and on County Council Developments, along with this report will continue to be considered in open business.
3. This report summarises alleged unauthorised activity and is supported by a schedule which is exempt. However, a list of the cases covered in the schedule is given in paragraph 6 of this report.

Report Format

4. The report otherwise follows its established format, equipping Members with the essential facts of a series of cases, varying in their degree of complexity and challenge. The following sub-divisions may also be called upon as required:
 - 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
5. The report continues to give details of general site monitoring and progress on statutory chargeable monitoring for minerals development.
6. The list of cases covered under the schedule, attached to Item 9 (exempt report) of these papers includes:
 - **Ashford Waste Water Treatment Works**, Canterbury Road, Bybrook, Ashford
 - **Larkey Wood**, Chartham
 - **Dartford Technology College**, Heath Lane, Dartford
 - **Land adjoining Long Hill playing field**, Romans Road, Dover.

Update on Planning Enforcement Issues

Item 6

- **Aylesham Road, bridleway**, Dover
- **Reserved land to protect highway widening corridor**, Downs Road, Studdal
- **RS Skips Ltd**, Unit 4, Apex Business Park, Queens Farm Road, Gravesend
- **Malling Wood**, Bell Lane, Boxley.
- **Longton Wood**, Stockbury Valley
- **Water Lane / Moat Road**, Headcorn
- **Land at Crockenhill**, Sevenoaks
- **'Pit Stop Café'** site, near Lychgate Services, Dargate
- **Thirwell Farm**, Drove Lane Hernhill
- **Willow Farm Equestrian Centre**, Hanslett Lane, Faversham
- **Land adjoining, White Leaf Riding Stables**, Teynham
- **Homestall Road**, Newnham
- **Spratling Court Farm**, Spratling Street, Manston
- **Stone Bay School**, Stone Road, Broadstairs

Meeting Enforcement Objectives

Themes

7. The County Council's Planning Enforcement team is continuing to work in a partnership way with other regulatory bodies. We are seeking to share challenging enforcement workloads spanning across the planning field and allied legislation. To reinforce this approach, new enforcement partners are being added in an innovative way, especially from the commercial enforcement sector (e.g. HMRC and Trading Standards). This allows tighter scrutiny of contraventions and potentially a wider range of sanctions. These represent additional and supporting avenues of enforcement. All embracing contraventions require an all embracing response.
8. This wider collaboration is also important in fulfilling a duty to co-operate among such bodies and for the County Council to report any commercial or financial irregularities that it may come across. We are connected to NAFN – the National Anti-Fraud Network and are able to use that channel to report any suspicious activity to the relevant authorities. Alleged evasion of landfill tax would be an example.

Enforcement capacity

9. Enforcement capacity derives in large part from the networking of available resources across the public sector. Each partner authority has its own challenges in terms of staffing, funding and skills capacity. This reinforces the need for tight collaboration and efficient targeting of resources, ideally in a shared and intelligence-led way.

Achievements / Successes

10. Larkey Wood, Chartham is our most recent achievement. Restoration is close to completion, following meetings with officers to agree the final levels. Members will recall that restoration of the original and 'overspill' sites have been secured within the housing development scheme, granted planning permission by Canterbury City Council. All relevant costs have been absorbed by the private developer.

New Cases, especially those requiring action / Member support

11. I have pointed to a number of recent and substantive cases within the schedule attached to Item 9 of these papers requiring Members attention.

Significant on-going cases

12. I have given advice and progress on a number of significant on-going cases, again in the schedule attached to Item 9 of these papers.

Other cases / issues of interest and requests from Members

13. No cases identified on this occasion.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

14. In addition to our general visits to sites as a result of planning application work, we also undertake routine visits to sites to formally monitor them under the statutory monitoring charging scheme. Since the last Regulation Committee, we have made a further 16 chargeable monitoring visits to mineral and waste sites, yielding a related income to the Group.

Resolved or mainly resolved cases requiring monitoring

15. Alongside the chargeable monitoring regime there is a need to maintain a watching brief on resolved or mainly resolved enforcement cases which have the potential to reoccur. This accounts for a significant and long-established pattern of high frequency site monitoring. Cases are routinely reviewed to check for compliance and where necessary are reported back to the Committee. In this instance, there are no cases to report back.

Conclusion

16. The County Planning Enforcement Team is facing a constant flow of cases. We are advising on some, intervening on others and working within collaborative teams on the remainder. We are finding that many planning contraventions on sites are one aspect of a wider set of breaches, ranging across other legislation. Being aware of this, we are seeking innovative ways to respond. This includes connections and evidence to financial regulatory bodies such as HMRC (Her Majesty’s Revenue and Customs). Such waste crime (within wider activity circles) demands in our view, this more complete and sophisticated attention.

Recommendation

17. I RECOMMEND that MEMBERS NOTE & ENDORSE:

- (i) the actions taken or contemplated in this report.

Case Officers: Robin Gregory

03000 413380

Background Documents: see heading.

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

Agenda Item 9

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Agenda Item 10

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