

REGULATION COMMITTEE

Thursday, 9th June, 2022

10.00 am

Council Chamber, Sessions House, County Hall,
Maidstone





AGENDA

REGULATION COMMITTEE

Thursday, 9th June, 2022, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

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

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Membership (15)

Conservative (12): Mr S C Manion (Chairman), Mrs S Hudson (Vice-Chairman),
Mr P Cole, Mr M C Dance, Ms S Hamilton, Mr D Jeffrey,
Mr R C Love, OBE, Mr J M Ozog, Mrs L Parfitt-Reid, Mr T L Shonk
and Vacancy

Labour (1): Mr B H Lewis

Liberal Democrat (1): Mr I S Chittenden

Green and
Independent (1): Mr M Baldock

UNRESTRICTED ITEMS

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

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes (Pages 1 - 8)
 - (a) Committee: 27 January 2022
 - (b) Mental Health Guardianship Sub-Committee: 31 March 2022 (For Information only)

4. Update from the Public Rights of Way and Access Service (Oral Report)
5. Update on Planning Enforcement Issues (Pages 9 - 16)
6. Other Items which the Chairman decides are Urgent
7. Motion to exclude the public

That under Section 100A of the Local Government Act 1972 the public be excluded 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)

8. Update on Planning Enforcement cases (Pages 17 - 48)

Benjamin Watts
General Counsel
03000 416814

Monday, 30 May 2022

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 Thursday, 27 January 2022.

PRESENT: Mr S C Manion (Chairman) Mr M Baldock, Mr I S Chittenden, Mr P Cole, Mr M C Dance, Ms S Hamilton, Mr D Jeffrey, Mr B H Lewis, Mr R C Love, OBE, Mr R A Marsh, Mrs L Parfitt-Reid, Mr H Rayner (Substitute for Mrs S Hudson) and Mr T L Shonk

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

UNRESTRICTED ITEMS**1. Minutes**

(Item 3)

(1) In respect of Minute 34 of the Regulation Committee Member Panel, the Committee agreed to its amendment so that that Mr Baldock's comments more accurately set out in that he said that a Local Plan set out the planning considerations for determining future planning applications. Each application had to be considered on its merits, so the Plan could not rule out any development whatsoever. It was only possible to apply general policies when the Plan was being developed.

(2) RESOLVED that subject to (1) above, the Minutes of the Committee meeting on 23 September 2021 and of the Regulation Committee Member Panel on 2 December 2021 are correctly recorded and that they be signed by the Chairman.

2. Home to School Transport Appeals Update

(Item 4)

(1) The Principal Democratic Services Officer provided the Committee with an overview of Home to School transport appeal statistics for the period between 1 January 2021 and 31 December 2021 together with a brief comparison to transport appeal statistics from 2010 to 2020.

(2) The Principal Democratic Services Officer replied to Members' question on whether there was a reason for the greater number of upheld appeals over the previous seven years. He said that it was difficult to identify the reason for this trend as each appeal had to be treated entirely on its merits. He added that since the appointment of the present Chairman, reviews of the Panel's decisions were only being carried out for specific reasons. Previously, the Panel had often made time-limited decisions with a review automatically being carried out after a year.

(3) Members of the Committee expressed the work carried out by all concerned, noting that Officers had no discretion to override the Home to School Transport Policy for any reason. Exceptions to the Policy could only be made by the Panels themselves.

(4) RESOLVED that the report be noted.

3. Update from the Public Rights of Way and Access Service - Common Land and Village Greens

(Item 5)

(1) The Public Rights of Way and Access Service Manager introduced the report which concentrated on applications related to the determination of Village Green Registration applications, including an explanation of “trigger events” which prevented the County Council from considering a Village Green application if the land in question was subject to a planning application or had been identified for development in a Local or Neighbourhood Plan.

(2) The Public Rights of Way and Access Service Manager drew the Committee’s attention to the successful clearance of the backlog in dealing with Village Green applications, enabling new applications to be dealt with fairly soon after confirmation by the relevant planning authorities that no “trigger event” applied to them.

(3) RESOLVED that the report be noted.

4. Update on Planning Enforcement Issues

(Item 6)

(1) The Head of Planning Applications introduced the report which covered the work of the Planning Enforcement Team since 23 September 2021. She referred to paragraphs 23 and 24 of the report, saying that Government Legislation would be required to bring about a synchronisation of powers between the Environment Agency and Planning Authorities to ensure that Environment Agency Permits were no longer issued to sites which did not have planning permission. She drew attention to a recent government consultation on fly tipping and illegal waste exports and suggested that this might provide an opportunity to seek these powers.

(2) Following discussion on the potential opportunities in the consultation paper, the Head of Planning Applications offered to arrange a briefing on the subject.

(3) RESOLVED that;-

- (a) the actions taken or contemplated in the report be noted and endorsed; and
- (b) the Head of Planning Applications’ offer to arrange a briefing on the government’s consultation paper on fly tipping and illegal waste exports be accepted.

5. Urgent decision taken under delegated powers

(Item 8)

(1) The Head of Planning Applications reported her Urgent decision to not pursue enforcement action for the temporary development of a place of rest on the former County Workshop site at Aylesford. This decision had been taken under section 10.15 of the Constitution which empowered KCC Officers to take action on urgent matters where there was no time to consult with the Committee or for the Committee to exercise its function.

(2) The Head of Planning Applications went on to say that, under the circumstances described, the Constitution required Officers to consult with the Chair of the Committee as well as Local Members if time permitted.

(3) A Non-Executive Officer Record of Decision had been completed by the relevant Officer setting out the decision taken and the reasons for it. This included a summary of the key points raised by those Members consulted.

(4) The Head of Planning Applications then set out her decision as follows:-

For a temporary place of rest in response to the COVID-19 pandemic at the former County Workshops Site, Aylesford to agree that the County Council as Planning Authority exercises its discretion not to pursue enforcement action and concludes that it is not expedient to take enforcement action for the temporary development of a place of rest on the former County Workshop site Aylesford, subject to the following conditions:

(1) On or before 31st December 2022

(i) Any use of the land for the purpose of a temporary place of rest shall cease and any associated buildings, plant, machinery, structures and erections on site erected for this purpose shall be removed; and

(ii) the land shall be restored to its condition before the development took place.

(2) The operator to ensure compliance with relevant legislation relating to the facility.

(3) The Head of Planning Applications then set out the reasons for her decision. It related to a request by the Director of Infrastructure for the temporary development of a marquee structure, a 'Nutwell' temporary unit and security fencing on the site of the former County Workshops Site in Aylesford to provide a temporary place of rest to respond to the covid-19 pandemic. Under the circumstances, a decision was sought as to whether the County Council as planning authority would exercise its discretion not to pursue enforcement action and conclude that it is not expedient to take enforcement action for the temporary development.

(4) In concluding that it was not expedient to take enforcement action, the Head of Planning Applications had regard to the following factors:-

- (a) The discretionary function of planning enforcement. Such action should only be taken when it was expedient to do so, having regard to all material considerations. Local planning authorities should act proportionately in responding to suspected breaches of planning control;
 - (b) The Written Ministerial Statement of Robert Jenrick, dated 13 March 2020, which emphasised the discretionary nature of enforcement action, particularly in light of the issues raised by the coronavirus pandemic;
 - (c) An additional temporary place of rest was` required within the County as a contingency to respond to the Covid-19 pandemic, particularly in light of pressures associated with the Omicron variant;
 - (d) The County Council had an obligation under the Civil Contingency Act 2004 to take the lead in responding to humanitarian impacts that result from an emergency;
 - (e) The previous Statutory Instrument (SI) 2020.412 which temporarily introduced permitted development rights to address development matters arising as a result of covid-19. This provided, subject to certain criteria being met, additional permitted development rights to local authorities. Where the specified criteria were satisfied, development was deemed to be permitted and a planning application was not required. This legislation lapsed in December 2020, requiring an urgent decision in advance of Government re-enacting such legislation.
 - (f) The proposed development satisfied the criteria set out in the earlier permitted development legislation.
 - (g) Planning merits considerations which balanced the need for the development against economic, environmental, and social considerations.
- (5) The Head of Planning Applications said that, in this instance, she was satisfied that the temporary and pressing need for the development outweighed other planning considerations. She noted that:-
- (a) The operator would be responsible for ensuring compliance with the relevant legislation relating to the facility. No post-mortem examinations or tissue/organ sampling would be taking place on site and there would be no public access. Operational procedures would be put in place to ensure that, during operation and decommissioning, environmental impact was minimised; and
 - (b) Given the dynamic nature of the emergency response to the pandemic, legislative support for such activities was fast changing. Should the government not re-enact the Statutory Instrument relating to permitted development rights in a reasonable period of time, the Director of Infrastructure had confirmed that a retrospective planning application for the development of the temporary facility would be made.

(6) The Head of Planning Applications reported that the Local Members, Cabinet Members and the Chairmen of the Planning Applications Committee and the Regulation Committee had been consulted and that she had received no objection. A number had supported the proposal.

(7) The Head of Planning Applications had also considered whether use of Urgency Powers was justified. She had concluded that it was as there was a pressing need to provide for an additional temporary place of rest within the County as a contingency to respond to the Covid-19 pandemic, particularly in light of current pressures associated with the Omicron variant. In this instance, there had been insufficient time for a retrospective planning application to be considered by the Council's Planning Applications Committee. The decision was taken late December 2021.

(8) RESOLVED that the report be noted.

EXEMPT ITEMS

(Open Access to Minutes)

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

6. Update on Planning Enforcement cases *(Item 9)*

- (1) The Head of Planning Applications and the Team Leader-Planning Enforcement gave an update on unauthorised (or part unauthorised) planning enforcement matters setting out actions taken or contemplated at Raspberry Hill Park Farm, Iwade; Warden Point, Eastchurch; Surf Crescent, Eastchurch; Foxdene, Stockbury; Chetney Marshes, Iwade; Springhill Farm, Fordcombe; Water Lane, Thurnham; Hoads Wood Farm, Bethersden; Double Quick Farm, Lenham; Ringwould Alpine Nursery; Fairfield Court Farm, Brack Lane, Brooklands, Romney Marsh; Chapel Lane, Sissinghurst; Land off Maypole Lane, Canterbury; East Kent Recycling, Oare Creek, Faversham; Cobbs Wood Industrial Estate, Ashford; Court Lodge Farm, Stack Road, Horton Kirby; R S Skips, Apex Business Park, Shorne; Flisher Energy, Fernfield Lane, Hawkinge; Unit 2, Katrina Wharf, Wharf Road, Gravesend; Cube Metals, Unit A, Highfield Industrial Estate, Bradley Road, Folkestone; Borough Green Sandpits; Wrotham Quarry (Addington Sandpit), West Malling. Maidstone Grammar School, Barton Road, Maidstone; Old Tilmanstone Colliery, Pike Road, Eythorne; and Land to the south of Manor Way Business Park, Swanscombe.
- (2) Members debated whether a “sunset clause” should be inserted in respect of enforcement cases. The Head of Planning Applications confirmed that the actions and proposed actions for each site were always reported to the following meeting of the Committee unless the agreed action was that no further action be taken.
- (3) The enforcement strategy set out in paragraph 31 of the report was agreed by 10 votes to 1.
- (4) The Head of Planning Applications amended her recommendations for some of the permitted sites to encompass the possible serving of a Planning Contravention Notice and, if necessary, a Breach of Condition Notice. This was unanimously agreed.
- (5) **RESOLVED** that subject to (4) above, the enforcement strategies outlined in paragraphs 15 to 130 of the report be noted and endorsed.

REGULATION COMMITTEE MENTAL HEALTH GUARDIANSHIP SUB-COMMITTEE

MINUTES of a meeting of the Regulation Committee Mental Health Guardianship Sub-Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 31 March 2022.

PRESENT: Mrs S Hudson (Vice-Chairman in the Chair) (Substitute for Mr S C Manion), Mrs P T Cole, Mr N J Collor, Ms S Hamilton, Mr J Meade, Mr A M Ridgers, Mr T L Shonk, Mr R G Streatfeild, MBE, Mr R J Thomas, Mr A Weatherhead and Mr S Webb

IN ATTENDANCE: Ms A Agyepong (Assistant Director (Countywide) Adult Social Care and Health) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Virtual Attendance

(Item 1)

The Committee was informed that Mr S C was attending the meeting virtually.

2. Minutes - 20 January 2021

(Item 3)

RESOLVED that the Minutes of the meeting held on 21 January 2021 are correctly recorded and that they be signed by the Chairman.

3. The Local Authority's Guardianship Register

(Item 4)

(1) The Assistant Director Countywide Services briefly introduced the report by saying that since January 2021 there had been two guardianship renewals and that there were two people subject to guardianship in Kent.

(2) The Assistant Director Countywide Services then said that Kent County Council was required to provide the Department of Health with data on those subject to guardianship on a bi-annual basis. The last submission of data had been on 18 May 2021 for the period 1 April 2018 to 31 March.

(3) The Assistant Director Countywide Services said that the working party, made up of four officers from the Directorate of Adult Social Care and Health had met on three occasions since January 2021.

(4) RESOLVED that the content of the report be noted together with the current Guardianship register and the activity between January and December 2021 set out in Appendix 1 to the report.

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Update on Planning Enforcement Issues**Item 5**

Report by Head of Planning Applications Group to the Regulation Committee on 9th June 2022.

Summary: Update for Members on planning enforcement matters.

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

Unrestricted

Introduction

1. This report gives an insight into events, operational matters and recent activities of the County Planning Enforcement service. The period covered is from the previous Regulation Committee of 27th January 2022, to date.
2. Now that COVID restrictions relating to work, seem largely behind us, planning enforcement can start to resume a more normal service. We shall build on our experiences of managing the service under the more testing times of COVID with the 'on-off' implementation of restrictions. More cases than usual have emerged during this current period, which we are working through systematically.
3. Although no longer required to work from home, we are continuing to work flexibly, rather than returning to a fixed office location.
4. We continue to work extensively with other enforcement and wider agencies, particularly the police, the Environment Agency (EA) and local authorities. This is especially true for those larger cases where multiple activities occur, spanning several authorities, where action is needed. We try continuously to develop and adapt our enforcement responses, seeking new ways to combat alleged contraveners. There are several new developments in this area which will be discussed further in this report.

Report Format

5. Our reporting to the Regulation Committee on planning enforcement matters comprises of two main parts.
6. The first being this 'open' and unrestricted report, summarising in general, our findings and observations relating to enforcement matters, for discussion. In addition, it includes the nature of the alleged unauthorised activities and types of responses, incorporating as much as can be released on operational matters without prejudicing any action that the Council may wish to take, or indeed in relation to team actions with other regulatory bodies. There are also data protection responsibilities to consider.

7. The second is the 'closed' or 'exempt' report (within Item 8 of these papers) containing restricted details of cases. These emphasise the work that has been achieved, in priority order, by type, scale and degree of challenge, with the strategic level cases first (with a County Council interest / remit and multi-agency arrangements). These are followed by district referrals, including those where issues of jurisdiction remain and 'cross-over' work with partner bodies, and finally compliance issues at permitted sites, largely relating to alleged breaches of planning conditions.
8. This format (Item 8) provides a more in-depth analysis of alleged unauthorised sites. Its confidential nature is to protect the content and strategy of any proposed planning enforcement action that may be taken. Also, any gathered evidence, which may subsequently be relied upon to defend actions in a public inquiry setting, or in the court arena, as part of any legal proceedings.
9. Data protection and security is paramount and a statutory duty of the County Council. It is important in case management terms but also concerning the personal safety and security of all the parties involved, including members of the public.
10. Hearing the details of cases in closed session allows for uninhibited discussion, in seeking Member endorsement, on our own or joint enforcement strategies with other regulatory authorities (who have their own need for confidentiality, which must be formally respected). In this context and especially with live cases, great care has to be taken in handling any related and sensitive information. Also, in striking the right balance between operational needs and the outcome being sought in the wider community interest.
11. Part of this balancing exercise is to provide a list, under paragraph 12 below, of the cases that will be discussed in the exempt report. This covers those sites currently active or requiring investigation. Those previously reported and inactive, remain on a 'holding / monitoring' database to be brought back to the Committee, should further activity occur, or as an update on site restoration and after-uses. A balance of attention is always sought between live activities and forward momentum on the restoration of affected sites.
12. Our current and immediate operational workload, qualified by remit, multi-agency contributions and resource priority, is as follows:

County Matter cases (complete, potential, or forming a significant element, independently or within multi-agency teams)

01 **Raspberry Hill Park Farm**, Raspberry Hill Lane, Iwade, Sittingbourne (and related multi-site investigations further afield).

02 **Spring Hill Farm**, Fordcombe, Sevenoaks.

- 03 **Water Lane, North of M20**, Thurnham, Maidstone.
- 04 **Hoads Wood Farm**, Bethersden, Ashford.
- 05 **Double-Quick Farm**, Lenham, Maidstone.
- 06 **Woodside East**, Nickley Wood, Shadoxhurst, Ashford

District referrals (or those district cases of potential interest)

- 07 **Ringwould Alpine Nursery**, Dover Road, Ringwould
- 08 **Fairfield Court Farm**, Brack Lane, Brookland, Romney Marsh.
- 09 **Chapel Lane**, Sissinghurst, Tunbridge Wells.
- 10 **Land off Maypole Lane**, Hoath, Canterbury
- 11 **Manor Farm, Willow Lane**, Paddock Wood

- 13. In addition, to the above list of sites, further cases are brought to our attention on a regular basis. These in turn are triaged, researched and investigated to establish whether there is a statutory remit for the County Council. Should that be the case, they will be incorporated into our workload and appear on any subsequent list of sites.
- 14. As recognised at the last Meeting, this filtering and analysis of cases would be considerably helped by more complete and precise information being passed to us from comparable public bodies. If the information received in the first instance, is comprehensive, an initial analysis can be conducted and an early view taken on the planning status of any activity and potential jurisdiction.
- 15. The aim is a smooth transfer of information and minimal down time. A list of our requirements and their appropriate documentary form, along with related guidance, is being produced to assist in this process. Related matters are also being considered for inclusion such as data protection aspects. That would ensure for instance that any e-mail chains that are sent to this Authority, in the form of initial evidence, are data compliant at source, on privacy, balance and equality grounds. The integrity of this early evidence is crucial at the start of any potential move to formal action.
- 16. For now, we are discussing and testing these information requirements with our enforcement partners on a 'case by case' basis, using feedback to help in developing a robust transfer system, with flexibility and provision for joint-

working, as an available option.

17. A further workload area relates to compliance issues at permitted sites, mainly alleged breaches of planning conditions. These are presented in a district / borough alphabetical order.

Permitted sites (compliance issues)

17. **Cobbs Wood Industrial Estate**, Ashford.
18. **The Old Tilmanstone Colliery**, Pike Road, Eythorne.
19. **Flisher Energy, Fernfield Lane**, Hawkinge.
20. **Cube Metals**, Unit A, Highfield Industrial Estate, Bradley Road, Folkestone.
21. **RS Skips**, Apex Business Park, Shorne.
22. **Unit 2, Katrina Wharf**, Wharf Road, Gravesend.
23. **Mayfield Grammar School, Pelham Road, Gravesend**
24. **Maidstone Grammar School**, Barton Road, Maidstone.
25. **East Kent Recycling**, Oare Creek, Faversham.
26. **K&S Services, Cleve Hill Farm**, Cleve Hill, Graveney
27. **Borough Green Sandpits**, Borough Green.
28. **Wrotham Quarry (Addington Sandpit)**, Addington, West Malling.
29. **H&H Celcon**, Ightham
30. **Land to the south of Manor Way Business Park**, Swanscombe

Meeting Enforcement Objectives

Overview

18. The planning enforcement team are vigilant, being aware of trends and constantly seeking new ways to stay ahead of any potential planning contraveners. Patterns are analysed, along with the potential in multi-agency

settings of any new enforcement powers becoming available to public sector regulators. This awareness also helps us to meet our own enforcement objectives.

19. Since the last Committee Meeting and as mentioned at the start of this report there have been several new developments to bring to Members attention.

Environment Agency (EA) Permitting

20. Historically the Environment Agency would notify KCC planning of sites that had applied for a waste permit (formally a waste management licence). The applicant would be informed at this juncture that planning permission was also required to process waste, which would then be openly known to all parties.
21. This legislative safeguard was removed a number of years ago when the EA was given greater independence by government. This has always been regarded as a retrograde step in the county planning enforcement field, as confirmed at peer group meetings across authorities. In fact, some alleged contraveners will tell us that they didn't even realise that they needed planning permission.
22. This lack of communication has contributed to a number of waste management facilities becoming established under EA legislation, ahead of a planning decision, as first required, on the suitability of any site. Regrettably, it is now a recognised part of our workload.
23. Officers have sought operational ways to address this through the EA, and for the situation to be corrected at government level. Meanwhile, an interesting twist is that whilst making enquiries into another matter it was discovered that the EA had consulted our KCC Biodiversity team on a permit application. As a result, on that case at least, we have an indication now of where a new potential waste management use might wish to be sited.
24. This and similar channels of early information will be traced to help all parties to be aware of the primacy of the planning system over the location of waste management activities. KCC Planning Enforcement will also seek direct notification / consultation from the EA, to ensure on environmental and amenity grounds (alongside similar interests) that the need for planning permission is known from the outset and followed.

Her Majesty's Revenue & Customs (HMRC)

25. At previous Regulation Committees, the reality of organised criminal gangs allegedly operating within the waste management field, has been discussed. The need to involve HMRC has been apparent, since they hold draconian landfill tax enforcement powers. Those usually operate in liaison with the EA but for

Members' information, KCC planning enforcement was recently able to arrange for their involvement in a strategic level case.

26. KCC requested through the Environment Agency that HMRC be invited to a corporate case review meeting. Four officers attended from the organisation, representing various facets of tax and financial interests. They have become part of a strengthened multi-agency team and will now evaluate the case from their perspective and report back to the other parties.
27. This breakthrough is significant for the County Planning Enforcement Service. It has been a long-held ambition to actively involve HMRC on serious cases, given their formidable enforcement powers in the waste field, acquired in 2018. Officers made early contact with their new specialist team but operational arrangements were reserved for the EA. The desire going forward, is to develop a constructive working relationship within the context of multi-agency teams, potentially also forging independent enforcement links.

Consultation response

28. Between Committee Meetings, Members have been briefed by officers on a set of consultation documents produced by DEFRA entitled 'reform of the waste carrier, broker, dealer registration system in England' and 'the introduction of mandatory digital waste tracking' (from origin to end-use). These represent Government's aspiration to modernise, tighten and improve the EA waste management regime, primarily focussing on upper tier commercial activity, such as construction companies and similar scaled enterprises. Hopefully, this will also help to mount a more comprehensive challenge to organised waste crime, which has become an increasing feature of this area of work.
29. DEFRA has sought responses from interested parties on the reform of waste handling procedures, which KCC has responded to in a largely positive vein, incorporating the full range of Members' views. An update will be given to Members when the findings have been processed.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

30. In addition to our general visits to sites, we also undertake monitoring visits on permitted sites and investigate complaints arising from alleged breaches of planning control at those sites. Monitoring provides useful compliance checks against each operational activity and an early warning of any alleged and developing planning contraventions. Those within the statutory monitoring charging scheme are currently restricted in favour of other work priorities, although investigation of alleged breaches that are drawn to the Council's attention have continued to be investigated. Until April 2022 investigation and

resolution of alleged planning contraventions at permitted sites were being undertaken by a consultant planning enforcement officer. We are currently out to advert to recruit a replacement officer dedicated to permitted sites.

Resolved or mainly resolved cases requiring monitoring

31. Alongside the above monitoring regime there is a need to maintain a watching brief on resolved or mainly resolved enforcement cases which have the potential to reoccur. Under normal circumstances, 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. For the moment, this initiative has also been reduced to allow a diversion of resources to more immediate and pressing duties.

Conclusion

32. The County Planning Enforcement service has continued throughout the pandemic, overcoming lockdown hurdles and achieving some good and credible results in the process. A surge of cases has occurred since restrictions were lifted, which are being progressively worked through. However, there have also been some interesting developments since the last Regulation Committee, which hopefully will be of benefit to the service over both the short and longer terms.
33. Ways are being developed, to achieve an early warning on waste management sites established under EA Permit arrangements, prior to planning permission. Also, the long-held ambition of the planning enforcement team to include HMRC in cases where organised waste crime is suspected, is starting to materialise. This chimes with the enforcement aspects of the Defra consultations, as responded to recently by this Authority. We shall continue to seek innovative ways to improve planning enforcement holistically, as part of our wider regulatory role.
34. Permitted compliance work within the wider Group and associated monitoring is another work stream being given due attention.

Recommendation

35. I RECOMMEND that MEMBERS NOTE & ENDORSE:
 - (i) the actions taken or contemplated in this report.

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| Case Officers: KCC Planning Enforcement |
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Background Documents: see heading.

Document is Restricted

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