

REGULATION COMMITTEE

Tuesday, 21st January, 2025

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

REGULATION COMMITTEE

Tuesday, 21st January, 2025, at 10.00 am Ask for: **Hayley Savage**
Council Chamber, Sessions House, County Telephone: **03000 414286**
Hall, Maidstone

Membership (15)

Conservative (10): Mr S C Manion (Chairman), Miss S J Carey (Vice-Chairman),
Mr D Beaney, Mr T Bond, Mr P Cole, Mr M C Dance, Mr J M Ozog,
Ms L Parfitt, Mr H Rayner and vacancy

Labour (2): Ms J Meade and Dr L Sullivan

Liberal Democrat (1): Mr I S Chittenden

Green and
Independent (2): Mr M Baldock and vacancy

UNRESTRICTED ITEMS

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

1. Membership
 To note that Dr Lauren Sullivan has joined the committee.
2. Apologies and Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes of the meeting held on 17 September 2024 (Pages 1 - 4)
5. Home to School Transport Appeals Update (Pages 5 - 8)
6. Update from the Public Rights of Way and Access Service - Common Land and Village Greens (Pages 9 - 14)
7. Update on Planning Enforcement Issues (Pages 15 - 20)
8. Other Items which the Chairman decides are Urgent

Motion to exclude the press and public for exempt business

That under section 100A of the Local Government Act 1972 the public be excluded from the meeting 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 press and public)

9. Update on Planning Enforcement Cases (Pages 21 - 38)

Benjamin Watts
General Counsel
03000 416814

Monday, 13 January 2025

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, 17 September 2024.

PRESENT: Mr S C Manion (Chairman) Miss S J Carey (Vice-Chairman)
Mr M Baldock, Mr D Beaney, Mr P Cole, Ms J Meade, Mr J M Ozog, Ms L Parfitt and
Mr H Rayner

IN ATTENDANCE: The Team Leader - Planning Enforcement, The Senior Planning Enforcement Officer, Mr G Rusling (Head of Public Rights of Way & Access), Mrs L Wilkins (Definitive Map Team Leader), Ms H Savage (Democratic Services Officer), Ms S Bonser (Solicitor) and Mrs S Holt-Castle (Director of Growth and Communities)

UNRESTRICTED ITEMS**73. Apologies and Substitutes**

(Item 1)

Apologies were received from Mr Bond, Mr Chittenden, Mr Dance, and Mr Lewis.

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

(Item 2)

There were no declarations of interest.

75. Minutes from the meeting held on 29 July 2024

(Item 3)

RESOLVED that the minutes of the Committee meeting on 29 July 2024 are correctly recorded and that they be signed by the Chairman.

76. Update from the Public Rights of Way and Access Service

(Item 4)

1. The Definitive Map Team Leader introduced the report which provided a summary of the current position in respect of applications to amend the Definitive Map and Statement (DMS), and highlighted points within the report in relation to Section 53 Applications, applications to divert, extinguish or create public rights of way, applications made under the Town & Country Planning Act 1990, backlogs, legislation, and the cut-off-date coming into force on 1 January 2031.
2. Further to questions and comments from Members, it was noted that:

- The diversion of public rights of way on development sites under the Town & Country Planning Act 1990 was a district power and the Council processed orders on behalf of districts under a service level agreement. There was a long period between confirmation of a public path order and certification of a new route and this period was managed through a temporary closure of an existing public right of way. Conditions were being sought through the planning process for new routes to be brought forward at an earlier point in a development.
- Clarification on the district's role in relation to the diversion of public rights of way on development sites would be helpful.

3. RESOLVED that the report be noted.

77. Update on Planning Enforcement Issues

(Item 5)

1. The Planning Enforcement Team Leader introduced the report which covered the work of the Planning Enforcement Team since 7 May 2024.
2. RESOLVED that the actions taken or contemplated in the report be noted and endorsed.

78. Other Items which the Chairman decides are Urgent

(Item 6)

There were no urgent items.

79. Exempt Minutes from the meeting held on 29 July 2024

(Item 7)

RESOLVED that the exempt minutes of the Committee meeting on 29 July 2024 are correctly recorded and that they be signed by the Chairman.

80. Update on Planning Enforcement Cases

(Item 8)

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)

1. Mr Beaney declared an interest that he rented a workshop at Alkham Valley Garden Centre in Dover.
2. The Planning Enforcement Team Leader introduced the report which covered the work of the Planning Enforcement Team since 7 May 2024.
3. The Planning Enforcement Team Leader gave an update on unauthorised (or part unauthorised) planning enforcement matters setting out actions taken or

contemplated at Hoads Wood, Bethersden, Ashford; Swanton Lane, Littlebourne, Canterbury; Warden Point/Third Avenue, Eastchurch, Isle of Sheppey; Raspberry Hill Park Farm, Iwade, Sittingbourne; Bell Lane Farm, Minster-on-Sea, Isle of Sheppey; Ancient Woodland Adjacent to Knoxfield Caravan Site, Dartford; Oaktree Farm, London Road, Halstead; Manor Farm, Willow Lane, Paddock Wood; Knowle Farm, Malling Road, Teston; Court Paddock Farm, Ightham; Former Travel Lodge/Brother Hood Woods, Boughton Bypass Dunkirk; The Pines Nursery, Gravel Castle Road, Barham; Pike Road/Thornton Kennels, Tilmanstone; Shelford Landfill, Broad Oak Road, Canterbury; Cube Metals, Unit A, Highfield Industrial Estate, Bradley Road, Folkestone; R S Skips, Apex Business Park, Shorne; East Kent Recycling, Oare Creek, Faversham; Borough Green Sandpits, Platt; Wrotham Quarry (Addington Sandpit), Addington, West Malling; H & H Celcon, Ightham.

4. RESOLVED that the enforcement strategies outlined in paragraphs 7 to 136 of the report be noted and endorsed.

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By: Andrew Ballard – Principal Democratic Services Officer
 To: Regulation Committee – 21 January 2025
 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 2024 to 31 December 2024 and a brief comparison with transport appeals statistics from 2010 to 2023.

1. Home to School Transport Appeal Statistics 2024

(1.1) For the period between 1 January 2024 to 31 December 2024 a total of 137 individual appeals were considered by Members of the Transport Appeal Panels of this Committee. 29% 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 A along with a comparison with appeals held in 2010 to 2023.

(1.2) The approximate cost to the Council in supplying transport for those successful appeals for the period mentioned above totals: **£58,078.13**. This compared to 2023 with total costings of £396,176.00

(1.3) An additional 20 appeals were received/scheduled but were not heard due to them being either reassessed by the Transport Team or withdrawn by the parent.

(1.4) There are a further 11 appeals that are still waiting to be heard which are scheduled for January/February 2025.

(1.5) 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
- Childs safety
- Review cases

2. Options available to parents as to how their appeal can be heard

(2.1) Following Covid, revised arrangements were made in order to facilitate appeals and these have now become standard practice. Parents are provided with three options as to how they wished their appeal to be heard. These options are, face to face appeals which are held at Sessions House, Maidstone, virtual appeals via video conference on Microsoft Teams; and finally, paper-based appeals where Members considered the case based on the written submissions only.

(2.2) The following table provides Members with a breakdown of how appeals were facilitated during 2024 and the percentage of those being successful.

	Appeals heard	% Upheld
Paper Based Appeals	40	29%
Virtual Appeals	66	48%
Face to Face	32	23%

3. Transport Appeal Statistics – 2023

(3.1) For the period between 1 January 2023 to 31 December 2023 a total of 142 appeals were considered by Transport Appeal Panels. 56% were upheld at least in part (e.g. time-limited assistance).

4. Local Government & Social Care Ombudsman

(4.1) If parents remain dissatisfied and believe that they have suffered injustice as a result of maladministration by the Panel, they are advised of their rights to pursue their complaint with the Local Government & Social Care Ombudsman (LGSCO). This is not a right of appeal and has to relate to issues such as failure to follow correct procedures or failure to act independently and fairly, rather than just that the person making the complaint believes the decision to be wrong.

(4.2) During the last year, eight complaints were received, with two cases still waiting a final decision. The LGSCO provide a breakdown of their findings at <https://www.lgo.org.uk>

5. Recommendation Members are asked to note this report.

Appendix A – Home to School Transport appeal table

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 2024**

Month	Total Scheduled	Total Heard	Upheld	Not Upheld	% Upheld	Approx Cost of transport
January	14	11	3	8	27%	£5,160.00
February	9	8	0	8	0%	£0
March	9	8	0	8	0%	£0
April	4	2	0	2	0%	£0
May	10	10	4	6	40%	£24,144.80
June	12	11	5	6	45%	£1,263.60
July	19	17	5	12	29%	£3,567.24
August	20	19	6	13	31%	£2,550.00
September	16	11	2	9	18%	£3,078.21
October	18	15	5	10	33%	£0
November	14	13	5	8	38%	£13,040.00
December	12	12	5	7	42%	£5,274.28
TOTALS	157	137	40	98	29%	£58,078.13

**TABLE 2
HOME TO SCHOOL TRANSPORT APPEALS - 2010-2023**

Year	Upheld	Not Upheld	Total Heard	% 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%
2016	72	65	137	52%
2017	102	89	191	53%
2018	87	78	165	53%

2019	89	77	166	54%
2020	76	42	118	64%
2021	75	42	118	60%
2022	50	54	104	48%
2023	80	62	142	56%

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

A report by the Head of Public Rights of Way and Access to Kent County Council's Regulation Committee on Tuesday 21st January 2025.

Recommendation:

I recommend that Members consider this report and note its content.

Introduction

1. Kent County Council is a 'Commons Registration Authority', which means that it is responsible for holding the legal records of all registered Common Land and Village Greens in the county – known as the 'Registers of Common Land and Village Greens' – and for dealing with applications to amend those Registers under the Commons Act 2006 ("the 2006 Act").
 - 1.1 The majority of applications received are made under section 15(1) of the 2006 Act, which provides that any person may make an application to the County Council to register land as a new Town or Village Green, where it can be shown that the land has been used:
 - As of right (i.e without force, secrecy, or permission);
 - For a period of at least 20 years;
 - For the purposes of lawful sports and pastimes;
 - By a significant number of the inhabitants of any locality or any neighbourhood within a locality; and
 - Use has continued up to the date of application or, where use has ceased to be as of right, it did so no more than one year prior to the date of application.
 - 1.2 It is also possible for applications to be made by landowners to voluntarily register land in their ownership as a new Village Green under section 15(8) of the 2006 Act (in which case it is not necessary to demonstrate any evidence of use). This can be useful in situations where, for example, local Councils wish to ensure their land is protected against possible future development, or where developers wish to formally dedicate open space within new developments.
 - 1.3 Additionally, the County Council is also responsible for dealing with other kinds of applications made under the 2006 Act to amend the Registers, for example where the extent of the registered Common Land or Village Green was incorrectly recorded on the Registers.
 - 1.4 Note that whilst the County Council is responsible for managing the legal records, it has no powers in terms of management or enforcement issues relating to Common Land or Village Green, which instead fall to either local Councils or landowners to deal with. Enforcement issues can also be raised by individuals by way of application to a Magistrates Court.

Current Applications under the Commons Act 2006

2. Over the last year, six applications under section 15 of the Commons Act 2006 have been determined by the County Council. Of those, three applications were refused and the remaining three resulted in the successful registration of new Village Greens at Herne Bay (VG298), Tonbridge (VG299) and Hoath (VG300). The determined applications are listed at **Appendix A**.
- 2.1 Two of the refused applications followed Public Inquiries, each lasting several days, held in June 2023 (in respect of Two Fields at Westbere) and March 2024 (in respect of Bunyards Farm at Allington). In both cases, a Barrister was appointed by the County Council to act as an Inspector and hear evidence in support of and in opposition to the applications, before preparing a report to the County Council with a recommendation as to the outcome for each case. These kinds of application are often complex and time-consuming to deal with.
- 2.2 In 2024, six new applications were received to register land as new Village Green (an increase on the previous year), of which one was subsequently withdrawn by the applicant prior to work commencing on it¹. There are currently four outstanding applications to record new Village Greens (listed at **Appendix A**), two of which comprise voluntary applications by developers that are on hold pending completion of the developments (because the land cannot be registered as a Village Green until it is available for recreational use).
- 2.3 In addition to the outstanding applications relating to Village Greens, the County Council also has four outstanding applications relating to Common Land. These relate to historic omissions in respect of Common Land that was never formally registered, an administrative error in respect of a Village Green being mistakenly removed from the Register and, finally, an update in respect of ownership information regarding Rights of Common. Two of those applications are currently with the Planning Inspectorate (because they are of a type for which the Inspectorate is the 'determining authority'), and the other two will be referred to the Regulation Committee Member Panel for final decision in due course.

Repeal of the 'cut-off date' in respect of recording Public Rights of Way

3. In addition to maintaining the Registers of Common Land and Village Greens, the PROW and Access Service is also responsible, as Members will be aware, for the legal record of Public Rights of Way, known as the Definitive Map.
- 3.1 In 2000, the Countryside and Rights of Way Act introduced a deadline, known as the 'cut-off date', for the recording of new public rights of way on the basis of historic evidence. After this date – originally specified as 1st January 2026 – it would no longer be possible to record public rights of way on the basis of historic evidence, and those rights would effectively be lost. The purpose of this provision was to provide, from the 'cut-off date', certainty to landowners, local authorities and users as to the nature and extent of public rights over land, although applications made on the basis of user evidence (over a period of at least twenty years) could continue to be made.

¹ This was an application for voluntary dedication of land as a Village Green by the landowner and therefore the usual questions as to the public interest of allowing a withdrawal did not arise.

- 3.2 Over recent years, there has been much debate as to the merits, or otherwise, of this so called 'cut-off date', and many changes in policy, with the Government announcing (in early 2022) its intention to repeal the date altogether, before subsequently determining (in October 2023) to reinstate and extend it to 1st January 2031.
- 3.3 However, on 26th December 2024, the Government announced that the latest 'cut-off date' (set for 2031) would be repealed when parliamentary time allows. The Press Release is available here:
<https://www.gov.uk/government/news/government-steps-in-to-save-historic-rights-of-way-from-being-lost-to-the-nation>
- 3.4 In practical terms, this means that it will continue to be possible to submit applications to record public rights purely on the basis of historic, documentary, evidence. However, it is hoped that the repeal will result in a reduction in the rate at which applications are being submitted and, in the longer term, the total number of applications made.
- 3.5 In the December announcement Ministers also indicated their wish to continue with the wider package of reforms to streamline the processes relating to the Definitive Map and Statement.

Recommendation

4. I RECOMMEND Members consider this report and note its content.

Contact Officer:

Graham Rusling – Public Rights of Way and Access Service Manager
Public Rights of Way & Access Service
Tel: 03000 413449 - Email: graham.rusling@kent.gov.uk

Appendices:

APPENDIX A - List of outstanding applications under the Commons Act 2006

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**APPENDIX A:
Schedule of Commons Act 2006 applications**

Outstanding Village Green applications (under section 15)

Description	Parish	Member(s)	Status
Land at Hoplands Farm (voluntary dedication) (VGA682)	Hersden	Mr. A. Marsh	On hold pending construction of development
Land at Cockering Farm (voluntary dedication) (VGA692)	Thannington	Mr. M. Sole	On hold pending construction of development
Church Street Playing Fields, Whitstable (VGA693)	Whitstable	Mr. R. Thomas	In progress
Land at Duncan Down (voluntary dedication) (VGA699)	Whitstable	Mr. M. Dance	At consultation

Other outstanding applications to amend the Registers

Description	Parish	Member(s)	Status
Application to amend 16 pieces of Common Land in the Sevenoaks area (CAA19)	Seal and Sevenoaks Weald	Ms. M. McArthur Mr. R. Gough	In progress
Application to register missed Common Land at Greenway Forstal (CAA21)	Harrietsham	Ms. S. Prendergast	With the Planning Inspectorate for decision
Application to re-register land at The Moor as a Village Green (CAA25)	Hawkhurst	Mr. S. Holden	With the Planning Inspectorate for decision
Applications to transfer rights of common at Higham Common (CAA26 & CAA27)	Higham	Mr. B. Sweetland	At consultation

Applications determined in 2024

Description	Parish	Member(s)	Outcome
Application to register land known as Two Fields as a Village Green (VGA681)	Westbere	Mr. A. Marsh	Declined (following Public Inquiry)
Application to register land at Bunyards Farm as a Village Green (VGA687)	Aylesford	Mr. A. Kennedy	Declined (following Public Inquiry)
Application to register Burton Down Park as a Village Green (VGA695)	Herne Bay	Mr. D. Watkins	Accepted – land registered as a Village Green
Application to register land at Beacon Road as a Village Green (VGA696)	Herne Bay	Mr. D. Watkins	Declined
Application to register Upper Castle Fields as a Village Green (VGA697)	Tonbridge	Mr. M. Mr. P. Steptoe	Accepted – land registered as a Village Green
Application to register land at Marley Fields as a Village Green (VGA698)	Hoath	Mr. A. Marsh	Accepted – land registered as a Village Green

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Update on Planning Enforcement Issues

Item 7

Report by Head of Planning Applications Group to the Regulation Committee on 21st January 2025.

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 into events, operational matters and activities of the County Planning Enforcement service, since the 17th September 2024 Regulation Committee.
2. Planning enforcement workloads remain high, from small to medium case size to the strategic level. The common work format at practically all levels now is a shared and collaborative pattern with varying degrees of connection between parties.
3. This helps to cohere multiple remits and allows for more regular and targeted monitoring of sites. Working links are strengthened through the circulation of operational intelligence to all parties on an equal basis. Costs, expertise and resources are similarly shared, with the benefit of a united enforcement front on site, an holistic approach and the boosting of morale.

Report Format

4. Our reporting to the Regulation Committee on planning enforcement matters comprises of two main parts.
5. The first being this 'open' 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 in relation to team actions with other regulatory bodies.
6. The second is the 'closed' or 'exempt' report (within Item 9 of these papers) containing restricted details on cases. These report the work conducted, in priority order, with the strategic level cases first (with a County Council interest / remit). Followed then by district referrals, including those where issues of jurisdiction remain, including 'cross-over' work with partner bodies and finally alleged compliance issues at permitted sites.
7. This allows for confidential discussions with Members on alleged contravening

Update on Planning Enforcement Issues

Item 7

behaviour and the responses required. It further safeguards both enforcement strategies and legal evidence. Member endorsement is sought on individual sites and in terms of group regulatory initiatives. The format is self-contained and effective.

8. To balance the need for transparency, a list is provided, under paragraph 9 below, of the cases that are covered in the exempt report. This includes live and new cases 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. Any material change in the circumstances of the sites is brought to the Committee's attention.
9. Our current and immediate operational workload, qualified by remit and with resource priority is as follows:

County Matter cases (complete, potential, forming a significant element or as a regulatory group contribution)

- 01 **Hoads Wood**, Bethersden, Ashford
- 02 **Swanton Lane**, Littlebourne, Canterbury
- 03 **Third Avenue and Warden Point**, Eastchurch, Isle of Sheppey
- 04 **Raspberry Hill Park Farm**, Raspberry Hill Lane, Iwade, Sittingbourne
- 05 **Bell Lane Farm**, Minster-on -Sea, Isle of Sheppey
- 06 **Land Adjacent to Knoxfield Caravan Site**, Darenth Wood Road, Dartford
- 07 **Oaktree Farm**, Halstead, Sevenoaks

District or EA referrals (or those district or EA cases of potential interest)

- 08 **Manor Farm, Willow Lane**, Paddock Wood
- 09 **Knowle Farm**, Malling Road, Teston, Maidstone
- 10 **Court Paddock Farm**, Ightham
- 11 **Former Travel Lodge / Brotherhood Woods**, Boughton Bypass Dunkirk
- 12 **The Pines Nursery**, Gravel Castle Road, Barham
- 13 **Pike Road / Thornton Kennels**, Tilmanstone

14 Cloverleaf, Bad Munstereifel Road, Ashford

10. All cases are triaged, researched and investigated to grasp the scope and extent of the activities being reported. In addition, this initial work seeks to establish whether there is a statutory remit for the County Council. Some cases may be passed to other authorities and agencies, whilst others require our attendance and support within multi-regulatory settings.
11. A further workload area relates to alleged compliance issues at permitted sites. These mainly relate to alleged breaches or monitoring of planning conditions, arising from site management issues.

Permitted sites (compliance issues)

- 01 **Shelford Landfill, Broad Oak Road, Canterbury**
- 02 **Cube Metals**, Unit A, Highfield Industrial Estate, Bradley Road, Folkestone.
- 03 **RS Skips**, Apex Business Park, Shorne.
- 04 **East Kent Recycling**, Oare Creek, Faversham
- 05 **Borough Green Sandpits**, Platt, Borough Green
- 06 **Wrotham Quarry (Addington Sandpit)**, Addington, West Malling
- 07 **H&H Celcon**, Ightham
- 08 **Land at 54 The Street, Mereworth**
- 09 **McAleers, Plot 1 North East Cross Keys Coaches, Caesars Way, Folkestone,**

Meeting Enforcement Objectives

Alleged strategic waste crime

12. There are a number of strategic planning enforcement cases spread across the county, requiring priority attention in a group regulatory context. Each site has attracted a dedicated task force, drawn from specialised staff, with a police presence. Three sites, at Third Avenue, Eastchurch (Isle of Sheppey), Hoads Wood, Bethersden, Ashford and more recently Swanton Lane, Canterbury are subject to on-going Environment Agency (EA) Restriction Orders, preventing alleged unauthorised access for the importation of waste materials and their associated environmental and amenity impacts.

13. These direct actions are now considered as a serious operational response in worst-case scenarios. Indeed, the EA is currently out to consultation on service charge adjustments, by way of increasing resources and capacity to address environmental crime.

Other, largely small to medium size sites

14. In addition to KCC Planning Enforcement active engagement in the strategic sites, it is involved with a range of small to medium size sites, which are becoming more common and problematic. These are usually traditional in nature but with some cases exhibiting waste crime tendencies and apparent links with other sites. The site operations are also increasingly more persistent and defiant, needing a reply from the public sector side to match.
15. Collaborative working helps in this respect by overcoming the limitations of single authority actions, with more site visits, monitoring and compliance checks to maintain regulatory team presence on site and the possibility of more decisive interventions.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

16. In addition to general visits to sites, we also undertake monitoring visits on permitted sites. They provide useful compliance checks against each operational activity and an early warning of any alleged and developing planning contraventions. A limited number of statutory monitoring visits have been undertaken. Alleged planning contraventions at permitted sites are currently being addressed with additional support from agency staff.

Resolved or mainly resolved cases requiring monitoring

17. 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. Cases are routinely reviewed to check for compliance and where necessary are reported back to the Committee.

Conclusion

18. County planning enforcement is a demanding sphere of work both in content and complexity. The working context is also changing with the need for a collaborative approach with other regulatory bodies increasingly becoming a default action. Environment Agency engagement in this field in particular is more apparent and expected and able to draw upon bespoke powers from Central Government. Against this backdrop, there have been a number of notable successes.

19. Recommendation

I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

Case Officers: KCC Planning Enforcement

03000 413380

Background Documents: see heading.

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

Agenda Item 9

Document is Restricted

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