

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

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

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

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

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

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

Schedule 2: Alleged breaches on Permitted Minerals & Waste Sites

Appendix 2

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

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