

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 County Council is directly resolving the restoration issues on site.</p> | <p>This landfill site is the subject of an exempt report to these papers (see Item 15).</p> |
| 2 | <p>DC3/AS/09COMP/0009 Woodlands Park, Biddenden (Member: Michael Hill)</p> | <p>The alleged depositing of waste materials on adjacent agricultural land.</p> | <p>To assist the EA and Ashford BC in their enforcement of the site.</p> | <p>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.</p> | <p>Following a successful prosecution by the EA and with the support of officers from KCC and Ashford BC the deposited waste materials have now been removed from the site (see paragraph 11 of Item 12 of these papers).</p> |

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| 3 | DC3/AS/08/COMP/0006 Church Lane, Sellindge (Member: Andrew Wickham) | Alleged unauthorised composting activity, with construction of a new access point, internal track and turning area / operational pad. | To test whether the case was within the County Council's waste-related remit. | The activity has ceased. A retrospective planning application for retention of the access has been submitted to Ashford Borough Council. | Ashford BC holds the enforcement lead on the access and the EA have a court case pending on the composting activity. I am now able to remove from the Schedules. |
| 4 | Canterbury DC3/CA/09/COMP/0013 Seasalter Lane, Seasalter (Member: Mike Harrison / Mark Dance) | Canterbury City Council originally reported the alleged depositing of waste materials under the A299 flyover, off Seasalter Lane. That became a base for building-related purposes and a Canterbury City Council (CCC) matter. | To stop the activity and have the site restored. | CCC did not pursue the breach. Nevertheless, KCC in owning part of the land and controlling the rest has had a corporate duty to address the breach. | The Planning Enforcement Team has secured removal of all materials and restoration of the land. Kent Highways and Property Services will now need to secure the land from any future trespass and grass over (see paragraphs 12 – 15 of Item 12). |

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| 5 | <p align="center">Gravesham</p> <p>DC3/GR/COMP/0013 Red Lion Wharf Crete Hall Road Northfleet</p> <p>(Member Leslie Christie / Harold Craske)</p> | Importation of waste wood, stockpiling and shredding. | To cease importation and secure removal of the high residual stockpile of waste wood. | SEEDA as the landowner responsible have attempted to find process outlets for the waste wood. That has attracted a specialist firm to the site. | A planning application is being processed for temporary wood shredding, pending redevelopment of the wharf. The scheme includes removal of the original stockpiles (see paragraphs 28–30 of Item 12). |
| 6 | <p align="center">Maidstone</p> <p>DC3/MA/05/COMP/0010 Monk Lake (formerly known as Riverfield Fish Farm), Staplehurst</p> <p>(Member: Mrs Paulina Stockell)</p> | Alleged breaches of planning permission granted by Maidstone BC for a fish farm. That included concern over the quantities of waste materials entering the site. | Maidstone BC (MBC) has held primary responsibility for enforcing the site. | Retrospective planning permission for the enhanced development was granted by Maidstone BC, with integral landscaping. | Natural England (NE) is currently investigating complaints of weeds being spread locally from the development. NE is the enforcing body under the 1959 Weeds Act. I have referred them to MBC. I now shall now remove from the Schedules. |

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| 7 | DC3/MA/04/COMP/0010 Unit 10, (Blu-3 UK) Detling Airfield, Detling, Maidstone (Member: Ms Jenny Whittle) | Alleged processing of imported waste materials, using crushing and screening plant. | To verify and arrest the breach. | The operators have voluntarily agreed to cease the use and restore the site. Injunctive action is currently reserved. | Removal and restoration is well advanced and should be complete in the near future. I shall give the latest position at the Meeting (also see paragraphs 16 – 19 .of Item 12). |
| 8 | DC3/MA/04/COMP/0060 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 have been convicted in the Magistrates Court for waste-related offences. The fines and costs were in excess of £71,000. | Under Members' request and encouragement, the EA are considering their next option of serving a Notice for removal of the deposited waste materials by road and / or by water (R. Medway). |
| 9 | Sevenoaks DC3/SE/09/COMP/0001 Park House Farm, Eynsford (Member: Roger Gough) | Alleged unauthorised waste transfer station including mixed waste materials. | A District Council mixed-use activity was identified, with Sevenoaks DC now taking the enforcement lead. | There is no direct remit for the County Council. However, we have stayed with the case to ensure a solution is place before withdrawing. That has included a recent 'all-party' meeting at Eynsford Parish Council Offices. | A unified approach among the enforcement bodies has been sought. Sevenoaks DC and the EA have their front-line part to play. I shall stay in reserve, advising as necessary. Meanwhile, I shall remove this item from the Schedules. |

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| 10 | DC3/SW/04/COMP/0059 Four Gun Field, Upchurch (Member: Keith Ferrin) | Alleged waste-activities on a former brickfield 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 and upheld at Inquiry. The operator has then appealed against the Planning Inspector's decision. That is due to be heard in the High Court on 4.11.10. | This case is the subject of a confidential report (see Item 16). There are no current complaints but continuing support is sought for any High Court action deemed necessary to restrain the use. |
| 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. | Tipping has ceased. A site audit revealed an apparent change in the use of the site from cattle grazing to a horse-based enterprise. | I am reserving enforcement action, pending the outcome of talks between the land-owner and Swale BC on the extent of any land repair needed to support the new horse-related business. KCC will be consulted on any submitted scheme. |
| 12 | DC3/SW/10/COMP/0011 Thirwell Farm, Hernhill (Member: Andrew Bowles) | Alleged 'agricultural improvements' through the importation / depositing of waste materials. The site is located adjacent to a flood plain and a local Nature Reserve and SSSI. | To see if Swale BC was correct in its assessment that such works were Permitted Development. The County Council had previously dissuaded the activity, confirming that it needed planning permission. | The importation of inert waste materials was damaging the land but through EA and County intervention that has now ceased. Grading and levelling has taken place in readiness for final top -soiling. | Swale BC (SBC) has responsibility for the site. I was disappointed at not being consulted, which would have proved decisive. I have since agreed with SBC, the outline of a far stricter and specified approach to such proposals. |

Schedule 2: Alleged breaches on Permitted Minerals & Waste Sites

Appendix 2

| | Site & Case Reference | Alleged Breach | Objectives / Actions | Progress | Notes / Remarks |
|---|---|--|---|--|--|
| 1 | <p align="center">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>Alleged breaching of conditions attached to the original 1995 planning permission for a Waste Transfer Station and unauthorised expansion onto adjoining units in (part) default of a confirmed Enforcement Notice.</p> | <p>To prevent further breaching and secure restoration of the site. The overall activity has recently been scaled down.</p> | <p>The planning application to rationalise the use on the enlarged site and house the core activities within a fully enclosed building remains invalid. A more limited scheme has also been submitted but equally remains invalid.</p> | <p>Enforcement Action has been reserved pending an application. That has not materialised. The breaches must therefore be addressed and I would seek Member support for an enforced return to the original site area (see paragraphs 31 - 40 under Item 12).</p> |
| 2 | <p align="center">Tonbridge & Malling</p> <p>DC3/TM/08/COMP/0013 Aylesford Metals Co. Ltd, Mill Hall, Aylesford</p> <p>(Member: Peter Homewood)</p> | <p>Complaints from local residents of out of hours working and visual amenity impacts from the over-stacking of scrap.</p> | <p>To ensure compliance with the base planning permission and related Enforcement Notice.</p> | <p>Activity on site is at the moment reasonably balanced. Re-location holds the key to resolving issues on site. There are two potential alternative sites, in favour of housing at Mill Hall.</p> | <p>Close discussions are taking place with the operator, on the running of the current scrap yard and on potential replacement sites. Members already support the seeking of an Injunction should co-operation be lost, with site impacts escalating unduly.</p> |