

Regulation Committee – 25th January 2011
Active Enforcement Cases

Appendix 1

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>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>Progress on the site and an outline of remaining works / maintenance are given within Item 9 of these papers</p>
2	<p>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 has attracted a specialist firm to the site. A 3 year temporary planning permission has now been granted (with S106 Agreement), for removal of the waste wood and recovery of the site's development potential.</p>	<p>The case is more fully reported under paragraphs 16 to 19 of Item 7 of these papers.</p>

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	Maidstone				
3	DC3/MA/10/COMP/A01 Seaview Farm, Southstreet Road, Stockbury (Member: Ms Jenny Whittle)	Alleged depositing and waste materials on agricultural land	To verify and arrest this apparent breach	This activity arose as a result of the EA requiring a local skip operator to remove deposited waste materials from another nearby site. The materials were brought to this site instead.	Enforcement action on the part of the EA has resulted in removal of the waste materials and restoration of the land.
4	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 arrest the breach.	The operators voluntarily agreed under close negotiating pressure to cease the use and restore the site. Injunctive action was reserved to this effect, with the support of Members.	Removal and restoration is now complete. Full compliance with planning law has been achieved. The case is reported in more detail under paragraphs 11 to 15 of Item 7 of these papers.
5	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 as the lead enforcement authority in this instance.	The landowner, operator and business have already 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 still actively considering the option of serving a Notice for removal of the deposited waste materials, by road and / or by water (i.e. the River Medway).

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6	<p>Shepway</p> <p>DC3/SH/10/COMP/A02</p> <p>Keith Cornell Waste Paper Ltd, Lympe Industrial Park, Lympe</p> <p>(Member: Ms Susan Carey)</p>	Alleged unauthorised waste-related recycling use on industrial land resulting in local residential complaints of noise and fire risk.	To achieve a reduction in the current amenity impacts through voluntary restraint, pending submission of a retrospective planning application.	Protracted negotiation has resulted in agreement by the operator to voluntarily limit the use and submit a retrospective planning permission.	Initial pre-application talks have taken place. However, Members' endorsement is sought as a contingency for the service of an Enforcement Notice, should a planning application not materialise and undue amenity impacts occur.
7	<p>DC3/SW/04/COMP/0059</p> <p>Four Gun Field, Upchurch</p> <p>(Member: Keith Ferrin)</p>	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 then appealed the Planning Inspector's decision in the High Court. The case was heard on 4th November 2010 and the appeal was dismissed. A verbal request for leave to appeal the judgement was denied. A formal written request has since been made but is so far undecided.	This case is the subject of a confidential report (see Item 12 of these papers). There are no current complaints but continuing support is sought for any High Court action deemed necessary to restrain any recurrence of the previous set of breaches.

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8	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 check to see if Swale BC was correct in its assessment that such works were Permitted Development. The County Council had previously dissuaded the activity, declaring that it needed planning permission.	The importation of inert waste materials was damaging the land but through EA and County Council intervention that has now ceased. The land is currently used for the storage of straw bales.	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. That has already been applied to comparable cases. I propose to now remove from these schedules.

Schedule 2: Alleged breaches on Permitted Minerals & Waste Sites

Appendix 2

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
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>	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.	To prevent further breaching and secure restoration of the site.	The overall activity has been scaled down, pending the outcome of complementary planning applications designed to regularise the set of breaches across 3 Industrial Units and provide a 'fit-for-purpose' waste transfer building, to cover the core site activities.	In view of the submissions, I now seek Members' support for Enforcement Action to continue to be reserved, pending their joint outcome. The applications are currently being processed.
2	<p>Tonbridge & Malling</p> <p>DC3/TM/08/COMP/0013 Aylesford Metals Co. Ltd, Mill Hall, Aylesford</p>	Complaints from local residents of out of hours working and visual amenity	To ensure compliance with the base planning permission and related Enforcement	Activity on site is at the moment reasonably balanced. Re-location	Close discussions continue with the operator, on the running of the current scrap

	(Member: Peter Homewood)	impacts from the over-stacking of scrap.	Notice.	holds the key to resolving issues on site. There are two potential alternative sites, in favour of housing at Mill Hall.	yard and on potential replacement sites. Members already support the seeking of an Injunction should co-operation be lost, with site impacts escalating unduly.
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3	TM/08/3715 Borough Green Landfill Site, Wrotham Road, Borough Green (Member: Ms Valerie Dagger)	Complaints received from Borough Green and Wrotham Parish Councils of mud on the road, apparently from Borough Green Landfill site and in alleged breach of condition 7 of planning permission TM/08/3715	To trace the source, stop the problem and ensure that there is no recurrence.	KHS, Kent Police and the EA became involved, alongside my own intervention. Following this, the site closed, only to be re-opened once the problems with the wheel and chassis cleaning equipment had been rectified. That is now the case.	The site is operational again with all parties apparently content with the action taken and the current standard of vehicle management and highway protection. I shall monitor the situation however, to ensure that there is no repeat of the earlier incident of mud on the Wrotham Road.