

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>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>Restoration is progressing and the neighbouring residential park has been briefed on the extensive efforts of KCC in the past and the plans now for reinstatement.</p>
2	<p>DC3/AS/06/COMP/ Church Lane, Sellindge (Member: Andrew Wickham)</p>	<p>Previous unauthorised composting activity on open farmland. This involved the construction of a new access and hard surface, accepted by Ashford B.C. as permitted development and which they report has been used recently for the tipping of a ‘grey-coloured’ material.</p>	<p>Breaching ceased following the service of a Planning Contravention Notice, resulting in a negotiated settlement. The EA have also pursued their own action. It is for Ashford BC to decide on the future of the access and hard surface.</p>	<p>The access and hard surface remain as unauthorised district development. The tipped material is in fact paper sludge, applied to enhance the agricultural quality of the land. Ashford BC has previously confirmed this practice as permitted development.</p>	<p>The EA control the application of paper sludge at the site. It is now for the Borough Council to decide whether the use of the access and hard surface is acceptable in planning terms or not. I shall therefore remove from these schedules.</p>

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
3	<p>Canterbury</p> <p>DC3/CA/COMP/ A299 Underpass, Seasalter Lane, Seasalter</p> <p>(Members: Mike Harrison / Mark Dance)</p>	Unauthorised use of road underpass for builders merchants use.	Vacation of use and materials. The site has been cleared but from ongoing monitoring, a new amount of wooden pallets and rails were found under the under pass.	The neighbouring landuser was challenged. It transpires that the items were there to be used for the erection of a fence, to prevent his stabled horses from entering the underpass.	This case demonstrates the value of monitoring and highlights an improvement on site for enhanced security of the Underpass. I shall now remove again from these schedules.
4	<p>Gravesham</p> <p>DC3/GR/COMP/0013 Red Lion Wharf Crete Hall Road Northfleet</p> <p>(Members: 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.	A 3 year temporary planning permission has been granted (with S106 Agreement), for removal of the waste wood and recovery of the site's development potential.	Implementation of the planning permission is currently being arranged between the operator and third parties.
5	<p>Maidstone</p> <p>DC3/MA/11/COMP/A01 Seaview Farm, Southstreet Road, Stockbury</p> <p>(Member: Ms Jenny Whittle)</p>	Alleged depositing of waste materials on agricultural land	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	Construction aggregate as opposed to waste materials had been deposited on the land in connection with the unauthorised development of a caravan site. Maidstone B.C. are taking the lead in this case.	This is a district planning matter, which Maidstone BC are currently pursuing. I shall therefore remove from these schedules.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
6	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 and there has been no recurrence of the breach on site. I shall therefore remove from these schedules.
7	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.	The EA have served a Removal Notice and are pursuing removal of the deposited waste and reinstatement of the land. I shall therefore remove from these schedules.
8	DC3/MA/11/COMP/ Longton Woods, Detling (Member: Ms Jenny Whittle)	The alleged depositing of waste materials in woodland	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	Access to the woodland is through a metal gate leading directly from the A249. The gate was found to be insecure and two small stockpiles of mixed waste materials fly-tipped just inside the entrance.	The landowner was advised of the insecure gate and site clearance was referred to Maidstone B.C., who have S215 Site Clearance powers at their disposal. I shall therefore remove from these schedules.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
	Sevenoaks				
9	DC3/SE/11/COMP/ Kent & Surrey Golf Club (formerly Edenbridge Golf Club) Edenbridge (Member: Peter Lake)	Importation, depositing and storage of waste materials on land at the Golf Club, reported by the EA.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	It was established that 1200 tonnes of clean clay was being stored in the Golf Club car park for developing the existing tees.	A planning application for this development has been submitted to Sevenoaks D.C. who have taken the planning lead in this case. I shall therefore remove from these schedules.
10	DC3/SE/11/COMP/ Oak View Stud Farm & Business Park Horton Kirby (Member: Roger Gough)	Depositing and storage of waste materials on the land.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	The site involves a mix of activities which falls to Sevenoaks D.C. to regulate. The stockpiles of materials were found to arise from internal groundworks.	This constitutes a district planning matter. I shall therefore remove from these schedules.
11	DC3/SE/11/COMP/ Marwood House Crockenhill (Member: Roger Gough)	The importation, depositing, land raising and storage of waste materials on agricultural land.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit. If not, to advise and assist in brokering a solution to the site given its scale and impact.	Sevenoaks DC have regulated this site to date, including an on-going equestrian development and caravan park with ancillary storage. Concerns over the recent importation of construction spoil has led to SDC referring the activity to the County Council.	The site has been investigated and whilst the case seemingly remains a district matter, sufficient doubt has been cast over the planning status of the recent material inputs for the Environment Agency to withdraw the site's exemption from their own set of controls.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
12	DC3/SE/11/COMP/ Willow Farm Crockenhill (Member: Roger Gough)	The importation and depositing of waste materials to raise the land.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	Waste materials have been imported and deposited on the land to develop (district sanctioned) earthbunds to form enclosures in the form of manure pits to store animal waste generated internally on the farm landholdings prior to being spread on the farmland as a fertilizer.	This represents a district planning matter with no apparent County Council element. No commercial composting venture is taking place and I intend to return the case to SDC to regulate in company with the Environment Agency. I shall therefore remove from these schedules.
13	SE/10/03196/FUL. Brasted Sandpits Brasted (Member: Richard Parry)	Delayed restoration of a former sand quarry with some unauthorised infilling.	To achieve restoration to original levels, in compliance with the County Council's confirmed Enforcement Notice.	The EA pursued the errant tipping through the courts, resulting in the site being sold to the adjoining Golf Club. A planning application has since been submitted to SDC for a 9 hole par 3 Golf Course, completion of restoration and a Golf Academy.	County Council officers have been consulted by SDC on the recent application, replying in a positive vein, with regard to the creative solution found towards meeting the outstanding site restoration requirements. I shall update Members on progress of the application, at the Meeting.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
14	DC3/SE/11/COMP/ Mussenden Lane Horton Kirby (Member: Roger Gough)	The importation and depositing of waste materials on agricultural land.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	Small stockpiles of inert waste materials from external ground works have been imported and deposited on the land without authority. Sevenoaks D.C. and the Environment Agency are both investigating the activity.	This very recent case is still being evaluated. However, it is not an apparent County Matter and very likely requires district level intervention. I shall update Members on any new developments at the Meeting.
15	Shepway DC3/SH/10/COMP/A02 Keith Cornell Waste Paper Ltd, Lympne Industrial Park, Lympne (Member: Ms Susan Carey)	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 reduce the amenity impacts of the use and to submit a retrospective planning permission. Pre-application talks have taken place but an application is still awaited.	No recent complaints have been received from local residents. As a precaution however, I would seek Members continuing support for the service of an Enforcement Notice, should a planning application fail to materialise and / or any undue amenity impacts occur.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
16	DC3/SH/11/COMP/A02 Moores Turf & Topsoil Brenzett (Member: Ms Carole Waters)	Waste material stockpiles are encroaching into the countryside without authority.	To arrest and retract the alleged breach.	Agreement has been reached for the alleged breach to be urgently addressed within the time frame of the Lawful Use Application currently being processed for the site. That seeks lawful planning status for inert waste processing activities on the land.	I shall inform Members at the Meeting on the level of compliance reached and any relationship that holds with the Lawful Use Application currently being processed. As a contingency however, I would seek Members continued support for any proportionate enforcement action deemed necessary.
17	Swale 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.	The County Council's Enforcement Notice is now confirmed following 3 High Court appeals. Compliance is now required with the Enforcement Notice.	This case is subject to a confidential report (see Item 11 of these papers).
18	DC3/SW/11/COMP/ APM Metals Sittingbourne (Member: Mike Whiting)	Unusual site traffic movements disrupting peak-hour flows.	To urgently alleviate the problem.	Jurisdiction of the site was not immediately apparent but the operator was contacted and a practical solution found. Phased use of the site was organised by radio, using remote parking spots.	Essential site improvements had restricted operational space on site, decanting site vehicles onto the road. The operator was quick to respond and being aware of no further complaints I shall now remove from these schedules.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
19	DC3/SW/11/COMP/ Milton Creek Sittingbourne. (Member: Mike Whiting)	Over stacking and stock-piling of site materials causing collapse of the creek bank structure, resulting in the blockage of water flow within the creek and obstruction to navigation. This partly involves alleged trespass onto Medway Ports Authority land.	To see whether enforcement of the district planning permission for production of ' <i>growing media</i> ' (i.e. soil compost) at the site, warrants the further intervention of the County Council?	A joint meeting involving officers from KCC, Swale B.C., the Environment Agency and Medway Ports Authority has taken place. Investigation is on-going. Whilst not an apparent County Matter, a team co-ordinating role has been adopted.	The pooling of powers from so many regulatory bodies should see an early return of the site to compliance and for the damage done to the site and its immediate environs to be put right. To assist that process, I would seek Members' support for County 'team' involvement in any required court action.
20	Tonbridge & Malling DC3/TM/11/COMP/ FEL Skip Hire Addington (Member: Ms Sarah Hohler)	Unauthorised waste transfer station.	TMBC reported the presence of an unauthorised waste transfer station at the site. However, the Environment Agency had already taken the enforcement lead.	FEL Skip Hire sublet part of the site to conduct this alleged unauthorised activity. On hearing of this, the main leaseholder terminated their lease and the company has since ceased trading and gone into liquidation.	The EA have confirmed that the remaining skips and residual waste materials have now been cleared but the site remains under close surveillance. I shall 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 style="text-align: center;">Ashford</p> <p>DC3/AS/COMP/ Ripleys Scrap Metal Recycling Tennyson Road Ashford</p> <p>(Member: George Koowaree)</p>	Over-stacking of permitted metal stockpiles and related additional noise and disturbance.	To urgently bring the stockpiles back down and in compliance.	The company Managing Director was directly approached, who accepted ownership of the problem and his company's vulnerability to prosecution under a Breach of Condition Notice on site. He traced the problem to some outdated site machinery (i.e. over 30 years old).	The current over-stacking is being addressed by the operators. However, future problems should hopefully be averted by the bringing forward of site investment into more modern and capable machinery. I shall keep Members informed on this potential and positive site improvement.
2	<p style="text-align: center;">Dartford</p> <p>DA/10/1232 Easy Load Ltd Dartford Heath</p> <p>(Member: Jan Ozog)</p>	Alleged unauthorised use of soil screening machine on site.	To have the machine removed or the activity regularised through a planning application.	A revised scheme of working was permitted at the March Planning Applications Committee. The screener will be removed in favour of a 'Trommel' recycling machine.	The latest permission gives the opportunity for higher waste recovery rates on improved controls on site. I now propose to remove from these schedules.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
3	DA/10/01025/COU Phoenix Yard 150A Lower Hythe Street, Dartford (Member: Avtar Sandhu)	Previous exceeding of permitted waste transfer activity.	Ensure compliance with the base planning permission.	Combined County Council and EA intervention arrested the series of breaches. However, Dartford BC has since granted an alternative Timber Yard permission.	The change of use from waste transfer to Timber Yard gives jurisdiction to DBC. I shall therefore remove from these schedules and related monitoring list.
4	Maidstone DC3/MA/04/COMP/0005 D&D Waste Recycling, Units 6,12 & 13 Detling Airfield, Detling, Maidstone (Member: Ms Jenny Whittle)	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.	Complementary planning permissions were granted at the March Planning Applications Committee. These offer 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.	The permissions offer enhanced waste recovery and modern site controls. I shall now remove from these schedules.
5	Tonbridge & Malling DC3/TM/08/COMP/0013 Aylesford Metals Co. Ltd, Mill Hall, Aylesford (Member: Peter Homewood)	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.	Activity on site remains reasonably in balance. Re-location holds the key to resolving issues on site. There are two potential alternative sites, in favour of housing at Mill Hall.	The site is being closely monitored whilst re-location is sought. Members already support the seeking of an Injunction should co-operation be lost, with site impacts escalating unduly.

6	<p>TM/09/3231 New Earth Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling, Kent, ME19 4PN</p> <p>(Members: Mrs S Hohler, Mrs T Dean and Mr R Long)</p>	<p>Alleged breaches of planning permission relating to odour nuisance in parts of Offham, Kings Hill and West Malling since the beginning of 2010 (and ongoing).</p> <p>Alleged breach of Environmental Permit.</p>	<p>To investigate concerns and ensure that the terms of the planning permission are complied with. Also, to encourage the Environment Agency to ensure that the terms of the Environmental Permit (which provides the main odour controls) are complied with and any action required to resolve the odour problems is implemented.</p> <p>Site visits established odour problems associated with the site.</p> <p>Discussions with operator, Environment Agency, KCC Waste Management, Borough Council, Parish Councils and local residents (e.g. at Liaison Committee).</p> <p>Invited the operator to seek approval to address a number of discrepancies between the permitted and “as built” in-vessel composting facility and provide for improved ventilation / odour control.</p> <p>The Environment Agency issued an enforcement notice relating to contravention of Odour Management Plan at end of March 2011.</p>	<p>The operator initiated a review of its operations which led to a number of apparent deficiencies relating to the ventilation system, management practices and the leachate tank being identified. The operator has prepared an odour reduction plan designed to rectify these and other problems. Some equipment has already been improved or replaced and other measures are planned to be implemented.</p> <p>A submission has also been made pursuant to condition 5 of planning permission TM/09/3231 to regularise a number of discrepancies between the permitted and “as built” facility and provide for improved ventilation control. This is currently the subject of consultation with relevant parties.</p>	<p>Despite various actions by the operator, complaints about odour are still being made (to the Environment Agency and operator), albeit that the number and frequency has reduced. These matters were most recently discussed by the Liaison Committee on 6 April 2011.</p> <p>KCC will need to decide if the recent submission is acceptable (once technical consultee responses have been received).</p> <p>The issue of complaints was included in paragraph 6 of the report to Planning Applications Committee on 15 February 2011 relating to planning application TM/10/3056 for renewable energy generating equipment at the site (which was deferred at the applicant’s request). This application remains to be determined.</p> <p>KCC officers will continue to liaise with relevant parties to seek to ensure that any odour problems are satisfactorily resolved.</p>
---	--	---	---	---	--

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
7	TM/08/175 Gallaghers Ltd Workhouse House Lane Pit, Ryarsh. (Mrs Sarah Hohler)	Alleged breach of site restoration scheme through the introduction of new materials on site.	To halt the activity.	On receiving complaints from local residents, the company were approached and importation of materials was stopped.	Swift intervention by officers has dealt with the matter. The site will be monitored though to prevent any recurrence.

Schedule 3: Alleged breaches on Permitted County Council Developments

Appendix 3

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
1	Swale Tunstall School Bredgar (Members: Mike Whiting & Alan Willicombe)	Alleged breach of planning permission, concerning informal car parking in front of the Listed School building, which itself is within a Conservation Area.	To help alleviate the parking issue at the site and within its village context. Whilst the School are not actually in breach of any planning permission, we are continuing to monitor the situation.	Given the lack of progress since the last unsuccessful planning application, it is clear that no one party is in a position to remedy the school parking problem on their own, and therefore a group of local representatives is needed to try and broker a mutually acceptable solution.	In the meantime, the Diocese and the Education Authority are considering improving upon their earlier submitted planning package to incorporate some properly managed parking on the school site with high quality landscape planting to complement the Conservation Area setting.