

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 landfill site has now been sealed, restored, contoured and seeded with a wild flower mix. The site is being left to settle, with leachate under active review. Gaps in the perimeter fencing are being bridged.</p>	<p>The neighbouring residential park has been kept informed of progress and any ‘day-to-day’ disturbance has been dealt with promptly. Final tree planting will take place from October onwards.</p>

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2	<p style="text-align: center;">Maidstone</p> <p>DC3/MA/11/COMP/ Longton Woods, Detling</p> <p>(Member: Ms Jenny Whittle)</p>	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 to remove the material and secure the site. That has now happened and the site is restored. I shall therefore remove from these papers.
3	<p style="text-align: center;">Sevenoaks</p> <p>DC3/SE/11/COMP/ Marwood House Crockenhill</p> <p>(Member: Roger Gough)</p>	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 (SDC) have jurisdiction over the site, given the equestrian development and caravan park with ancillary storage. Importation of construction spoil has ceased.	The County Council's and EA joint intervention has brought importation to a halt. Nevertheless, it is for SDC to consolidate the position, under any advice they may request from KCC and the EA.

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4	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 rather than County Council case. It has therefore been returned to SDC to regulate together with the Environment Agency. There has been no further complaint and I shall therefore remove from these schedules.
5	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 were consulted by SDC on the original set of proposals and replied in a positive vein. That application has since been superseded and our views invited once more. I intend to reply largely as before and commend this creative solution to delayed restoration of a former sand quarry.

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6	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 were found deposited on the land without authority. Sevenoaks D.C. and the Environment Agency are both investigating the activity.	Whilst the case fell within the planning remit of Sevenoaks DC, the errant stockpiles of spoil were removed by the landowner under advice from the County Council. It remains for SDC and the EA to monitor continued compliance. I shall therefore remove from these schedules.
7	Former MOD Chelsfield Ammunition Depot, Shacklands Road, Shoreham (Member: Roger Gough)	Shoreham Parish Council reported to KCC the presence of a mobile crusher at the above site. It is located within the Metropolitan Green Belt and AONB.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	Investigations have taken place. The crusher was being stored and not used. There was no detectable waste management use and jurisdiction remains with Sevenoaks DC.	The site has a complex planning history and includes recent complaints of non-compliance with the B8 Lawful Use for storage & distribution. That however is a SDC matter to deal with. I now intend to remove from these schedules.

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8	<p style="text-align: center;">Shepway</p> <p>DC3/SH/10/COMP/A02 Keith Cornell Waste Paper Ltd, Lymgne Industrial Park, Lymgne</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.	The operator has voluntarily re-located the noisy bottle recycling use away from those affected. Indeed, local residents have submitted noise logs confirming a definite benefit. However, they also report a continuing and general noise problem. The applicant's own noise adviser points to enhanced acoustic fencing at the estate perimeter, as the likely solution.	Negotiations are proceeding with the estate landowner for enhanced amenity fencing. Meanwhile, a draft retrospective application has been received for comment by officers. A potential solution to this vexed issue is slowly emerging. I would seek contingency support however for the service of an Enforcement Notice, should a viable solution flounder.
9	<p>DC3/SH/11/COMP/A02 Moores Turf & Topsoil Brenzett</p> <p>(Member: Ms Carole Waters)</p>	Waste material stockpiles encroaching into the countryside without authority.	To arrest and retract the alleged breach.	The alleged breach has been urgently addressed within the time frame of a recent and now granted Lawful Use Certificate for inert waste processing on site.	Compliance has been reached, without the need for any formal enforcement action. The Lawful Use and related boundaries have been carefully drawn and should ensure an overall improvement in the organisation and standard of operation at the site. I shall continue to monitor the site.

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10	<p style="text-align: center;">Swale</p> <p>DC3/SW/04/COMP/0059 Four Gun Field, Upchurch (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.	Compliance is now being sought with the County Council's confirmed Enforcement Notice. That is by means of planning applications submitted to Swale BC for retention of site infrastructure.	The case is reported in more detail between paragraphs 22 and 24 of these papers.
11	<p>DC3/SW/11/COMP/ APM Metals Sittingbourne (Member: Mike Whiting)</p>	Unusual site traffic movements disrupting peak-hour flows.	To urgently alleviate the problem.	Swale BC hold jurisdiction but the operator was contacted by County officers and a practical solution found. Phased use of the site was organised by radio, using remote parking spots.	Essential site improvements (required by the EA) have restricted operational space on site, decanting site vehicles onto the road. The operator was quick to respond, though an element of the problem remains. Works are not yet complete but the EA are applying the necessary pressure.

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12	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 'growing media' (i.e. soil-based 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 prompted an on-going investigation into the problem. There is no direct County Council remit but a team co-ordinating role has been adopted.	The pooling of powers from a range of regulatory bodies should prove sufficient to ensure a reversal of damage on site and in the water channel. Swale BC holds the lead and the EA, Medway Ports Authority and SBC Technical Services have the task of finding an engineering solution to the overall problem. I shall keep Members informed of progress, as SBC drive the case.
13	KCC/SW0194/2011 SITA UK Limited Unit 15A Ridham Dock Industrial Estate (Members: Mr M. Whiting & Mr A. Whillicombe)	Alleged unauthorised wood-shredding.	To seek to regularise the on-site wood-shredding activities through submission of a retrospective planning application.	SITA secured the use of the site earlier this year and stopped the activity. They then applied for permission. The case is was due to be considered at yesterday's Planning Applications Committee, with a recommendation for conditional planning permission.	I shall inform Members of the outcome of the application at the Meeting.

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 has taken personal ownership of the problem. He traced the issue to some outdated site machinery and made other site adjustments. He has further met with those living next to the site and offered an enhanced ‘buffer-strip’, with road surfacing, improved landscaping and gated private access.	The current over-stacking is being addressed by the operators, including the acceleration of investment into more modern and capable machinery. The largely voluntary ‘side’ improvements are in the form of a draft planning application, which is due to be submitted shortly. I shall keep Members informed of these proposals, which are styled very much within the spirit of the current Localism Bill.

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2	<p style="text-align: center;">Dartford</p> <p>DA/10/1232 Easy Load Ltd Dartford Heath</p> <p>(Member: Jan Ozog)</p>	<p>Alleged unauthorised use of soil screening machine on site.</p> <p>It has also been reported that the cross-sectional height of machinery, very recently permitted has been breached, creating a potential noise, dust and visual problem.</p>	<p>To have the screener removed.</p> <p>To assess the alleged additional amenity impacts being caused, to see if they are acceptable within planning terms. Failing that, to ensure that the recently permitted elevations are honoured.</p>	<p>The screener is due to be removed in favour of the permitted 'Trommel' recycling machine.</p>	<p>The permission granted in March 2011 gives the opportunity for higher waste recovery rates and improved controls on site. That potential benefit however, is at risk of being overshadowed by the alleged breach of the new permission. Should a retrospective application not be supportable by officers, I would seek Members support for the service of Breach of Condition Notices to correct any site irregularities.</p>
3	<p style="text-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>Re-location holds the key to resolving issues on site. A suitable site has now been identified and a planning application for relocation is imminent. If granted, a legal agreement would secure an end to the present use of Mill Hall.</p>	<p>The site is being closely monitored whilst re-location is sought. Officers are acting as a bridge and solving any issues between the operator and local residents as they arise.</p>

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4	<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. The EA would separately enforce the terms of the Environmental Permit (the main odour controls)</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>The application has been supplemented since May 2011 and the number of complaints has reduced significantly in recent months, as further improvements have been implemented at the site.</p> <p>Officers expect to report this application to KCC’s Planning Applications Committee on 11 October 2011. Further information on these issues will be included in the relevant Planning Applications Committee report.</p>	<p>A close working relationship is being maintained with relevant parties and it is hoped that any future complaints will continue to become less frequent until they become exceptions rather than the rule (as we would expect from any well run waste management facility).</p>
7	<p>TM/08/175 Gallaghers Ltd Workhouse Lane Pit, Ryarsh.</p> <p>(Mrs Sarah Hohler)</p>	<p>Alleged breach of site restoration scheme through the introduction of new materials on site.</p>	<p>To halt the activity.</p>	<p>On receiving complaints from local residents, the company were approached and importation of materials was stopped.</p>	<p>Swift intervention by officers has dealt with the matter. The site will be monitored though to prevent any recurrence. I am unaware of any further disruption of this sort.</p>

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	<p style="text-align: center;">Swale</p> <p>Tunstall School Bredgar</p> <p>(Members: Mike Whiting & Alan Willicombe)</p>	<p>Alleged breach of planning permission, concerning informal car parking in front of the Listed School building, which itself is within a Conservation Area.</p>	<p>To help alleviate the parking issue at the site and within its village context.</p> <p>Whilst the School are not actually in breach of any planning permission, we are continuing to monitor the situation.</p>	<p>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.</p>	<p>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.</p> <p>I have being investigating progress and I shall report on any positive moves forward at the Meeting.</p>