

KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held at Sessions House, County Hall, Maidstone on Tuesday, 31 January 2006.

PRESENT: Mrs P A V Stockell (Chairman), Mr T J Birkett, Mr A H T Bowles, Mr C J Capon, Mr A D Crowther, Mr J A Davies, Mr J B O Fullarton, Mr T Gates, Mr C Hart, Mr I T N Jones, DL, Mr S J G Koowaree, Mr R L H Long, TD, Mr R A Pascoe, Mr C T Wells and Mr B P Wood.

IN ATTENDANCE: The Principal Case Officer, Public Rights of Way, Mr C Wade (with Ms M McNeir); the Assistant Democratic Services Manager, Mr G Rudd; the Operations Manager, Mr P Hardwick; the Principal Planning Officers, Mr R Gregory and Mrs S Thompson (with Mr A Goodison); and the Democratic Services Officer, Mr A Tait.

UNRESTRICTED ITEMS

1. Minutes

RESOLVED that the Minutes of the meetings of the Committee held on 27 September 2005 and 15 December 2005 and of the Member Panel (Town or Village Green) held on 22 September 2005 are correctly recorded and that they be signed by the Chairman.

2. Application to extinguish part of Public Footpath ZU29 at Sittingbourne (Item 3 – Report by Divisional Director – Environment and Economy)

RESOLVED that the report be received and that a Panel of Members be appointed to consider the application for the extinguishment of part of Public Footpath ZU29 at Sittingbourne under the new provisions.

3. Home to School Transport Appeal Statistics (Item 4 – Report by Head of Democratic Services)

RESOLVED that:-

- (a) the report be noted; and
- (b) the Chairman of the Select Committee on Home to School Transport be informed of the Committee's concern that it is reportedly not examining the Policy itself.

4. Update on Planning Enforcement Issues (Item 5 – Report by Head of Planning Applications Group)

(1) The Chairman agreed to write to the Area Director for Kent Unified Courts Administration requesting a response to the former Chairman's letter of August 2005 and subsequent reminders.

(2) RESOLVED:-

- (a) the actions taken or contemplated on the respective cases set out in paragraph 5-101 of the report be endorsed;
- (b) agreement be given to the Chairman's offer to write again to the Area Director for Kent Unified Courts Administration in respect of the delays that are occurring within the Kent Court system in dealing with breaches of planning control; and
- (c) the Officers involved in the work of the enforcement service be congratulated and thanked for their work.

5. Enforcement action involving Russell Surfacing Ltd on land adjacent to Detling Aerodrome Industrial Estate, Detling, Maidstone and Cooper's Waste Management on land at Detling Aerodrome Industrial Estate, Detling
(Item 6 – Report by Head of Planning Applications Group)

RESOLVED that :-

- (a) the three successes at appeal be noted together with the outcome of the recent public footpath prosecution as set out in paragraphs 1 and 13 of the report; and
- (b) approval be given (should it become necessary) to the prosecution and injunctions strategy outlined in paragraph 12 of the report in relation to the Russell Surfacing Ltd case and in paragraph 19 of the report in relation to the Cooper Waste Management case.

6. Village Green at Booth Field, Harrietsham (VG238) and application to register a village green at Sandyhurst Lane, Westwell, Ashford
(Item 7 – Urgent report by Divisional Director – Environment and Economy)

(1) The Chairman declared this item to be urgent on the grounds that decisions had recently been taken in the High Court which would require action to be taken before the next meeting of the Committee.

(2) The Principal Case Officer, Public Rights of Way tabled a report on the recent case in the High Court where the Judge had recommended that two areas of Booth Field, Harrietsham should be remitted to the Registration Authority for reconsideration. This had followed all party agreement that the cricket field should be removed from the Register of Town and Village Greens. He also reported orally on the decision of the High Court that the decision not to register a village green at Sandyhurst Lane, Westwell should be quashed.

(3) RESOLVED that-

- (a) the recent High Court judgements on these cases be noted;
- (b) if required, a non-statutory Public Inquiry be held into the remaining two sections of the land at Booth Field, Harrietsham to re-determine their status; and
- (c) the application to register a town or village green at Sandyhurst Lane, Westwell be determined, using a procedure to be decided by the Divisional Director – Environment and Economy in consultation with the Chairman following consultation with the parties concerned.

EXEMPT ITEMS
(Open Access to Minutes)

(Members resolved that under Section 100A of the Local Government Act 1972 the public be excluded from the meeting for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 12 and 13 of Part 1 of Schedule 12A of the Act)

7. Update on Planning Enforcement issues at Deal Field Shaw, Charing

(Item 9 – Report by Head of Planning Applications Group)

(Exempt under paragraphs 12 and 13)

- (1) The Principal Planning Officers reported on the latest enforcement position concerning the Shaw Grange former landfill site in Charing.
- (2) RESOLVED that:-
 - (a) approval be given to the Head of Planning Applications Group to attempt to minimise the cost to the County Council of the restoration works at the site and of the subsequent maintenance and management and related exposure to liability as outlined in paragraphs 11 to 13 of the report and
 - (b) authorisation to seek tenders for the required works be reaffirmed.

8. Update on Planning Enforcement issues at Larkey Wood, Chartham

(Item 10 – Report by Head of Planning Applications Group)

(Exempt under paragraphs 12 and 13)

- (1) The Principal Planning Officers reported on the latest enforcement position at Larkey Wood, Chartham.
- (2) RESOLVED that approval be given to:-
 - (a) the enforcement strategy outlined in paragraphs 6 to 9 of the report;
 - (b) the seeking of an extension of the current restoration order to 30 September 2006 in order to secure a return of the site to agriculture; and
 - (c) the provision of a screener on site (if sought by the defendant and his advisers) to accelerate the move towards restoration, within the stipulations outlined in paragraph 9 of the report.

9. Update on Planning Enforcement case at Detling Quarry, Detling

(Item 11 – Report by Head of Planning Applications Group)

(Exempt under paragraphs 12 and 13)

- (1) The Principal Planning Officer reported the latest enforcement position concerning Detling Quarry, Maidstone.
- (2) RESOLVED that approval be given to the updated enforcement strategy outlined in paragraph 9 of the report, not precluding the service of Breach of Condition Notices should they prove necessary.