

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.</p>	<p>The site is now in its planting and landscaping phase.</p>
2	<p>Canterbury</p> <p>DC3/CA/11/COMP Faversham Road, Seasalter, Whitstable (Members: Mark Dance / Mike Harrison)</p>	<p>Canterbury City Council (CCC) reported that waste materials were being buried in the shingle on the beach to the rear of The Sportsman Public House.</p>	<p>To investigate and establish whether the reported activity falls within the County Council’s planning enforcement remit.</p>	<p>The waste materials were identified as spoil from the works to the causeway. The lead enforcement action is being taken by the Environment Agency, supported by CCC.</p>	<p>The waste materials have now been excavated, removed and the site restored. CCC has overall control of the situation and will monitor the remaining causeway works. I shall therefore remove from these schedules but report back on any recurrence.</p>

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3	<p style="text-align: center;">Maidstone</p> <p>DC3/MA/11/COMP Bydews, Farleigh Hill, Maidstone (Member: Alan Chell)</p>	<p>Unauthorised re-modelling of residential land through the importation of waste materials to raise the land in question.</p>	<p>To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.</p>	<p>Maidstone BC (MBC) has assumed the enforcement lead through service of an Enforcement Notice. The planning breach has now ceased but restoration of the land remains outstanding.</p>	<p>Advice has been sought through the local County Member Alan Chell, on an enforced route to restoration. An option I would recommend for MBC to consider would be for MBC to apply for a court mandatory injunction. If granted, that would in effect require restoration to be carried out by court order. I have forwarded such advice and in the meanwhile, I shall remove from these schedules.</p>
4	<p>DC3/MA/11/COMP Former KCC Offices, Royal Engineers Road, Maidstone (Member: Ian Chittenden)</p>	<p>Report of unauthorised importation, storage and recycling of waste materials within the grounds of the former County Council offices.</p>	<p>To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.</p>	<p>This site benefits from a temporary planning permission granted by MBC for 'B8' storage of waste materials to support the ongoing Maidstone Town Centre High Street refurbishment. There is no evidence of any waste recycling.</p>	<p>A copy of my site report has been passed to MBC, to assist in the monitoring and control of their own planning permission. In the circumstances, I now intend to remove from these papers.</p>

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5	DC3/MA/11/COMP Wormshill / Frinstead (Member: Jenny Whittle)	Report of the unauthorised in-filling of a small chalk pit in the vicinity of Norwood Farm located in the rural area of Wormshill and Frinstead.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	The EA had initially intervened, bringing an apparent close to the activity. A thorough area search confirmed that there was no further evidence of any alleged unauthorised tipping.	No further reports have been received of similar alleged unauthorised activity in this area. I therefore intend to remove from these papers.
6	Sevenoaks DC3/SE/11/COMP/ Marwood House Crockenhill (Member: Roger Gough)	The importation, depositing, land raising and storage of waste materials on agricultural land. Of late, that has included the supply of materials for construction of a security bund, apparently sanctioned by Sevenoaks DC (SDC).	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.	SDC have jurisdiction over the site, given the equestrian development, caravan park, builders' merchants and ancillary storage. A retrospective planning application for the builder's yard has been received by SDC. Inputs of materials for the bund construction have been stopped by the EA, pending further investigation.	The County Council and EA's recent and further joint intervention has brought the latest round of importation to a temporary halt. That should assist SDC in attempting to consolidate the planning position, taking any advice they may require from KCC and the EA. I shall report further at the Meeting on any new developments on site. Otherwise I shall remain on monitoring alert.

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7	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 and revised set of proposals. We have commended both as creative solutions to delayed restoration of a former sand quarry. Unfortunately, the application was refused. I hope to report to the Meeting on the prospect of any further revised proposals being submitted.
8	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 noise complaints and related disturbance from local residents.	To achieve a reduction in the current amenity impacts through voluntary restraint, pending determination of the current application for retention of the use.	The operator has voluntarily re-located the noisy bottle recycling use away from those affected. That has provided some benefit but a continuing and general noise problem persists. The application will test in particular whether the noise issue is overriding or not?	The planning application will not have been determined by the date of this Committee. I confirm however that I shall report to the next available Meeting. That would include the outcome of any necessary discussions with Shepway DC and the EA on the pooling of amenity controls.

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9	DC3/SH/11/COMP/A02 Moore's Turf & Topsoil Brenzett (Member: Ms Carole Waters)	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 are now fixed and enforceable. I shall now add the case to my monitoring list.
10	DC3/SH/11/COMP Johnsons Recycling Ltd, Unit 1 Park Farm Close, Folkestone (Member: Richard Pascoe)	Shepway DC reported that an alleged unauthorised waste scrap metal recycling use was taking place in this Industrial estate, near other independent waste uses.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	It was established that the current operator had re-located to this site from a residential area in Folkestone.	In line with enforcement guidance, a retrospective planning application is expected in an attempt to regularise the use.
11	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.	Compliance has either been reached with the County Council's confirmed Enforcement Notice, or planning permission granted by Swale BC.	A notable success has been achieved. The site is quiet, compliance has been reached and Swale BC has agreed to resume control. Thanks have been extended by them to Members and Officers for KCC's intervention and role in the case.

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12	DC3/SW/11/COMP/ APM Metals Sittingbourne (Member: Mike Whiting & Alan Willicombe)	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 as part of the Site Permit) have generated the temporary off-traffic issues. The EA have been pressing for early completion of the works. I am currently seeking confirmation on the state of play at the site.
13	DC3/SW/11/COMP/ Milton Creek Sittingbourne. (Member: Mike Whiting & Alan Willicombe)	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 assumed responsibility for finding a solution to 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, with technical input from the EA, Medway Ports Authority and SBC Technical Services. I shall periodically inform Members of progress on receipt of briefings from Swale BC.

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14	KCC/SW0194/2011 SITA UK Limited Unit 15A Ridham Dock Industrial Estate (Members: Mr M. Whiting & Mr A. Willicombe)	Alleged unauthorised wood-shredding.	To seek to regularise the on-site wood-shredding activities thorough submission of a retrospective planning application.	SITA secured the use of the site earlier last year and stopped the activity. The use has since been granted retrospective planning permission at the 6 th September 2011 Planning Applications Committee.	I now intend to remove the case from these schedules, in favour of normal permitted site monitoring.
15	DC3/SW/10/COMP Hooks Hole, Chestnut Street, Borden (Member: Keith Ferrin)	Alleged unauthorised in-filling of agricultural land through the importation of and depositing of waste materials	I initially reported this case in Schedule 1 of the Regulation Committee Report submitted for the Meeting on 9 September 2010. The Committee resolved to reserve enforcement action pending the outcome of talks between the landowner and Swale BC (SBC) on a retrospective planning application and on KCC being consulted on any subsequent scheme.	Swale BC granted planning permission in July 2011 for re-profiling of the land, to help complete the overall change of use from mixed agricultural use to the keeping of horses. The outline of this planning solution was negotiated by KCC officers. Technical advice was also offered. By not being consulted however, the County Council was unable to make any further and specialised contribution.	Waste materials are now being imported to the site in order to re-profile the section of land in question. I have advised the EA so as to ensure that the imported inert waste materials are of the necessary standard and free of contamination. All other matters are for Swale BC to determine, monitor and enforce.

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16	SW/05/COMP/0016 Woodgers Wharf, Horsham Lane, Upchurch (Member: Keith Ferrin)	Unauthorised use of marine wharf for screening and crushing of imported concrete beams and alleged related waste management breaches	To arrest the alleged breaches and return the site to its lawful wharf-related use.	<p>A County Council confirmed Enforcement Notice (EN) requires restoration of the site, largely through the direct removal of the central stockpile of concrete beams.</p> <p>Potential sea defence contracts have offered the prospect of complete removal by barge. However, the contracts have yet to materialise.</p> <p>Independent advice has been organised through Remade South-East on alternative outlets and a report is awaited.</p>	<p>I am satisfied that genuine attempts are being made by the owner / occupier to find outlets for the surplus concrete beams. That is now being assisted by Remade South East.</p> <p>Crushing of the greater quantity of waste beams is prohibited under the EN, even though that might be the landowner's preferred option.</p> <p>Notwithstanding, the overdue restoration of the site, I would seek Members' support in the overall circumstances of the site to continue to reserve Enforcement Action.</p> <p>I intend to review the situation, when the Remade report is received.</p>

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 bring the stockpiles back down and in compliance.	<p>The company Managing Director has taken personal ownership of the points of issue at the site, meeting with local residents in person.</p> <p>The stockpiles were reduced on last inspection and permission has been granted for an enhanced ‘buffer-strip’, with adjoining residents, including road surfacing, improved landscaping and gated private access.</p>	<p>The over-stacking issue is being addressed more directly through the acceleration of investment into more modern and capable machinery.</p> <p>The voluntary ‘side’ (i.e. buffer-strip) improvements are underway and the high site block wall has been extended as a further amenity benefit. I shall keep Members informed of progress, since these works and the way they have come about are very much within the spirit of the newly assented Localism Act.</p>

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2	<p>Dartford</p> <p>DA/10/1232 Easy Load Ltd Dartford Heath</p> <p>(Member: Jan Ozog)</p>	<p>Alleged unauthorised use of soil screener on site.</p> <p>Also, the cross-sectional height of machinery, 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 has now been removed off-site.</p> <p>The operators have acknowledged the use of plant different to that approved under their planning permission, admitting contravention. They have submitted a fresh application incorporating the new plant. The application is currently invalid, requiring an updated noise report.</p>	<p>Retrospective planning permission would allow for control to be recovered.</p> <p>However, if a refusal is warranted, I would seek Members continued support for the service of Breach of Condition Notices to correct any site irregularities.</p>
3	<p>DC3/DA/11/COMP Waste Recycling Centre 2-8 Little Queen Street, Dartford</p> <p>(Member: Avtar Sandhu MBE)</p>	<p>Complaints from local residents regarding the use of large goods vehicles damaging and blocking the approach route to the site in alleged contravention of the lawful Established Use Certificate for the site, granted on appeal in 1993.</p>	<p>To help KHS, Dartford BC, the Traffic Commissioners and the Police in alleviating the problem of damage to the highway, pavements, street furniture and buildings when LGVs approach and exit the site. At the same time, encouraging re-location of this historic use.</p>	<p>We have met with the operator and his planning consultant and impressed upon them the sensitivity of the site and the Company's responsibility towards local residents. They have agreed to institute tighter operational procedures.</p>	<p>The Company has responded positively to our intervention. Discussions have already turned to the subject of relocation. Attempts will be made to broker that more permanent solution to the site. I shall report further to the next Meeting.</p>

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4	<p align="center">Swale</p> <p>DC3/SW/11/COMP Sweep Kuusakoski Ltd Waste Electronic and Electrical Equipment (WEEE) recycling,, Gas Road, Sittingbourne</p> <p>(Member: Mike Whiting & Alan Willicombe)</p>	<p>Alleged breach of operational procedures at this waste recycling facility, which was granted permission in 2007. Complaints of noise and related disturbance have been received, along with an allegation and admission of 'out of hours' working.</p>	<p>A planning application is currently being processed for a proposed extension to the site. This affords the opportunity for reviewing the existing activity in the context of proposed site revisions, including any proposed extension to the current operating hours.</p>	<p>The noise issues raised in a petition prompted by the current application are already receiving detailed attention in the context of the revised scheme, by Jacobs the County Council's noise advisors. The out of hours dimension will also need to be factored in.</p>	<p>The current application will not have been determined by the time of this Meeting. I shall therefore need to report on the decision reached at the next Meeting in May, including any measures to address any issues relating to hours of working.</p>
5	<p>SW/10/1436 Countrystyle Recycling Ltd, In -Vessel Composting (IVC) and Materials Recovery Facility (MRF), Ridham Dock Road, Iwade.</p> <p>(Member: Mr Whiting / Mr Willicombe)</p>	<p>A number of breaches were found during a visit to the site on 1 November 2011. These <u>include</u>:</p> <ul style="list-style-type: none"> • open/broken roller shutter door to the MRF (where gypsum waste is currently being processed) • open/broken roller shutter door (where shredded wood waste is being part stored) 	<p>To repair 2 broken roller shutter doors in the MRF building in order to contain waste and control dust nuisance</p>	<p>The operator has prioritised repair of both doors and I can confirm that they are now fully operational</p>	<p>This entry shows the benefit of active site monitoring, with the operator responding urgently.</p> <p>The original permission ref SW/05/1392 gives consent for IVC and MRF. The opportunity for introducing the processing of low grade wood waste as a fuel source for a biomass plant was also granted in May 2010 (ref SW/09/894). An extension to the MRF building also formed part of that consent in order to ensure this activity was contained and</p>

		<ul style="list-style-type: none"> • External processing of low grade wood waste • External storage of stockpiled shredded wood • Dust control problems and containment issues arising from those activities above. • Concrete pad outside the permission area <p>Some minor alterations to the approved site layout were also found.</p>	<p>To assess any additional amenity impacts being caused and whether they are acceptable within planning terms</p> <p>To encourage a planning application to remedy this breach and establish its relevance to the gypsum recycling activity taking place in the MRF building</p>	<p>The operator is preparing a planning application in order to regularise this activity</p> <p>[NB A recent fire has apparently destroyed the wood processing machine and a quantity of stockpiled materials. The overall extent of the damage is being ascertained].</p>	<p>did not create any noise or dust nuisance given the sensitive location of the site (i.e. Ramsar, SSSI, SPA). Neither the biomass plant nor MRF building extension have been implemented, however wood is still being processed at the site. An application is being prepared to remedy this activity which will require an assessment of any impacts associated with this external activity on the nearby designated areas.</p> <p>The site will also need to be regularly monitored along with the EA who are seeking to address dust issues on site also.</p> <p>Should retrospective and valid applications for the wood waste activity and concrete pad not be received by 31st March 2012, I would seek Members support for the service of Breach of Condition Notices to correct any site irregularities and an Enforcement Notice in relation to the concrete pad.</p>
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6	<p>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>Relocation holds the key to resolving issues on site. A suitable alternative site has been identified and the relevant planning application is due to be considered at the 17th January 2012 Planning Applications Committee. There is a recommendation for planning permission, subject to conditions and a S106 Agreement to bring an end to the current Mill Hall activity.</p>	<p>The site is being closely monitored whilst the relocation scheme is being processed. The site benefits from an outline planning permission for housing, granted by TMBC. Should permission be granted and relocation occurs, housing is the current and preferred redevelopment option for the Mill Hall site.</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>The school parking problem remains unresolved.</p> <p>No one party is in a position to remedy the situation on their own. A mutually acceptable solution will need to be brokered among local interests. Talks have taken place but have so far proved inconclusive.</p>	<p>The Diocese and the Education Authority may yet improve 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 intend to report back when either an application has been submitted or a workable solution has been found.</p>

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2	KCC/SE/0472/2011 Seal CEP School, Seal (Member: Nick Chard)	A timber-framed modular building sited within the school grounds adjacent to the existing built envelope, has been erected without planning permission. The purpose was to provide suitable teaching accommodation for pupils with Special Educational Needs.	The School were invited to make a planning application to regularise the development.	A planning application was received on 1 st November 2011 and is currently being considered by this Planning Authority.	I shall report on the outcome of the retrospective planning application at the May Meeting.