

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</p> <p>(Member: Charlie Simkins)</p>	Previous multiple breaching of landfill permissions, Enforcement Notices and High Court Injunctions.	To secure restoration of the site in the public interest.	The site has now been restored and is being monitored and maintained.	The site was inspected by Members on 26 th March 2013, in its restored state. Landscaping remains but I propose for now to remove from these schedules.
2	<p>Canterbury</p> <p>DC3/CA/03/COMP/OO53 Larkey Wood Farm, Chartham</p> <p>(Member: John Simmonds)</p>	Apparent unauthorised waste-related activities on site.	This site is subject to a confirmed Enforcement Notice, prohibiting the importation, stockpiling and storage of waste materials and the presence of a soil-screener on site. The Notice is underwritten by County Court Injunctions and a County Court Control Order.	<p>Compliance was reached with the Enforcement Notice in late 2009, following a staged site-recovery plan.</p> <p>Regrettably, this has started to slip again, with stockpiles of waste wood, soils and hardcore appearing on site.</p>	The aim is to have the site returned to the way it was left in 2009. The preferred means is by active monitoring. However, the reticence of the owner / occupier means that we may need to access available powers. The case is subject to an Exempt Report as Item 9.

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3	<p>Dartford</p> <p>KCC/DA/0123/12 LanceBox Ltd Plot 14 Manor Way Business Park, Swanscombe</p> <p>(Member: Peter Harman)</p>	Alleged receipt, storage and processing of construction / demolition waste, including wood waste.	<p>A ‘4-point’ plan has been devised, in return for KCC reserving enforcement action. The terms include:</p> <ul style="list-style-type: none"> a) Withdrawal of a Lawful Use Application (LDC) b) Submission of delayed planning application; c) Continued trading only under tight KCC / EA interim controls. d) Reduction of stockpiles / ‘stand-off’ distance from adjoining chalk cliff face. 	<p>Concerning the ‘4-point - plan’: the LDC has been withdrawn; the planning application has been progressed through a series of consultant reports, which are now being drawn together but submission is still awaited; trading has continued under interim controls and the stockpile of wood has been removed. .</p> <p>I am currently monitoring the site to evidential standard on a monthly basis, combining as necessary with the EA.</p>	<p>Finalisation of the outstanding draft planning application is now long overdue. I am therefore actively pursuing submission.</p> <p>In the meanwhile, I would seek Members continued support for the taking of enforcement action on a contingency basis. That would include the serving of an Enforcement Notice; underwritten if necessary by a County / High Court Injunction.</p> <p>I would confirm however, that I currently receiving no complaints.</p>

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4	<p>Shepway</p> <p>DC3/SH/10/COMP/A02 Keith Cornell Waste Paper Ltd, Lympe Industrial Park, Lympe</p> <p>(Member: Ms Susan Carey)</p>	<p>Alleged unauthorised waste-related recycling use on industrial land, resulting in noise complaints and related disturbance to local residents.</p>	<p>To achieve a reduction in the current amenity impacts through voluntary restraint, pending the outcome of an application for retention of the use.</p>	<p>The business of the applicant went into receivership in 2012. This resulted in the removal of the breach and any previous amenity impacts.</p> <p>The site has since been sublet to a local business created by former employees. However, this in turn has ceased to trade.</p>	<p>Planning jurisdiction for this vacant unit has now returned to Shepway District Council.</p> <p>I shall therefore remove from these schedules.</p>
5	<p>KCC/SH/0323/2012 [DC3/SH/12] Cube Metal Recycling Unit A Highfield Industrial Estate Folkestone</p> <p>(Member: Bob Neaves)</p>	<p>This site was brought to the attention of KCC by Kent Police and the Environment Agency (EA).</p> <p>Its operation consists of the importation, sorting and processing of scrap metals, for later despatch.</p>	<p>To achieve planning compliance and supportive control through an EA Permit.</p>	<p>A retrospective planning application is being processed.</p>	<p>I shall continue to monitor the situation in the meanwhile.</p>

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6	<p>Swale</p> <p>KCC/SW/0136/12 Sheerness Recycling Ltd Unit 34 Klondyke Ind Est Queenborough</p> <p>(Member: Angela Harrison)</p>	Alleged importation of construction and demolition spoil, with mechanical screening.	<p>To exact compliance and planning control.</p> <p>On the evidence I have seen, I remain unconvinced on any lawful use arguments.</p>	<p>Agreement has been reached with the operator for withdrawal of the Lawful Use application, in favour of a retrospective planning application.</p> <p>Pre-application advice has been sought and given.</p>	<p>The required planning application is now awaited. However, as a contingency, I would seek Member's continued support for the service of an Enforcement Notice should that become necessary.</p>
7	<p>DC3/SW/04/COMP/0059 Four Gun Field, Upchurch</p> <p>(Member: Mike Baldock)</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.	<p>Following the exhaustion of planning and High Court Appeals, the terms of the County Council's Enforcement Notice were eventually complied with.</p> <p>A planning application has since been submitted to Swale B.C. for mixed-housing development and public open space.</p>	<p>Outline planning permission has now been granted by Swale BC, in part in substitution for the problematic Lawful Use Certificates. A return to a normal quality of life now seems within the grasp of neighbouring residents.</p> <p>I now propose to remove from these schedules.</p>

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8	SW/05/COMP/0016 Woodgers Wharf, Horsham Lane, Upchurch (Member: Mike Baldock)	Unauthorised use of marine wharf for screening and crushing of imported concrete beams and alleged related waste management breaches.	<p>To arrest the alleged breaches and return the site to its lawful wharf-related use.</p> <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>Crushing of the greater quantity of waste beams for sale to the open market is prohibited under the EN.</p>	<p>Potential sea defence contracts offered the prospect of complete removal by barge. However, the contracts have failed to materialise.</p> <p>Independent advice organised by the County Council through Remade South-East, has similarly failed to find alternative outlets for removal of the beams as they stand.</p> <p>In all the circumstances, negotiation has now switched to active pursuit of an 'on-site' solution i.e. using the beams in whole, broken or in a highly specified crushed form to create a hard-surface platform, ready for a beneficial after-use such as the parking of boats.</p>	<p>An 'on-site' solution would ensure that any amenity impacts arising from 'off-site' haulage were avoided. This represents a potentially sustainable solution, within the spirit and purpose of the National Planning Policy Framework. Subject in this case, to nature conservation interests being adequately safeguarded.</p> <p>Regrettably however, the owner / occupier has recently deceased.</p> <p>Nevertheless, discussions are continuing in a positive way with the family's planning consultant. Helpfully, commitment towards an urgent resolution on site remains.</p>

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9	<p>DC3/SW/04/COMP/0049 Raspberry Hill Park Farm, Iwade</p> <p>(Members: Lee Burgess & Roger Truelove)</p>	<p>Unauthorised importation, burning and depositing of mixed construction spoil, stationing of mobile homes and haulage distribution use on the waste deposit</p>	<p>KCC and Swale BC's 3 Enforcement Notices were upheld on Appeal. They require the unauthorised uses to be removed from the site, within given timescales, which have since expired.</p> <p>Restoration of the deposited material has been pursued but complications have arisen. Key site personnel are in custody and there is a Court Restraining Order, preventing removal of potential further evidence from the land.</p>	<p>I am reporting this case again to Committee, in the prospect of a different approach to restoration of the County Council interest in the site.</p> <p>Swale BC has an application for 5 gypsy / traveller caravans and 1 touring caravan. This effectively covers the area the subject of KCC's Enforcement Notice.</p> <p>New owner / occupation has led to constructive negotiations between their representatives and the Borough and County Planning Authorities.</p> <p>Former unauthorised land- raising has already been reduced, representing a significant move forward in the case.</p>	<p>Swale BC has invited the County Council's view on the current planning application. The line I have taken is a pragmatic one.</p> <p>Levelling, ground preparation and the construction of multiple caravan pitches, with associated surfacing and circulation spaces, could be argued to represent an alternative, though no less exacting form of restoration than that envisaged under our own Enforcement Notice.</p> <p>A tightly specified scheme with planning conditions could well offer a more precise and controllable solution to the site, than the generic steps within the Notice.</p> <p>I shall keep Members informed of this encouraging turn of events.</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>Gravesham</p> <p>DC3/GR/COMP/0013 Red Lion Wharf Crete Hall Road Northfleet</p> <p>(Members: Sue Howes & Narinderjit Thandi)</p>	Importation of waste wood, stockpiling and shredding.	To cease importation and secure removal of the high residual stockpile of waste wood.	A three year temporary permission (with associated S106 Agreement) has secured near removal of all waste wood on site.	I shall monitor the site to completion and report back to Members when full compliance is reached.
2	<p>Tunbridge Wells</p> <p>DC3/TW/12 CLC Construction Ltd Westdene Five Oaks Green</p> <p>(Member: Alex King MBE)</p>	<p>Material change of use from a former scrapyards to the servicing of utility contracts, with the stockpiling of spoil on site and the exchange of material between jobs, with the remainder being sent for processing and alternative re-use.</p> <p>The site is within the countryside and the Metropolitan Green Belt. It is also close to housing.</p>	<p>To control the level of use on the site pending the outcome of the current retrospective planning application.</p> <p>The stockpile having grown in height is restricted in the interim to the height of the lorry cab of the vehicles bringing the material to the site. That is clear to all parties and very visibly enforceable.</p>	A retrospective planning application is still being processed. However, the applicants have been advised to withdraw the crushing and screening elements and seek a temporary permission for the storage of material.	<p>Enforcement action is being reserved.</p> <p>The stockpile height is being held in check.</p> <p>I would seek Members' support however, for the serving of an Enforcement Notice.</p> <p>I shall keep the Committee informed on progress at this sensitive location.</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	Tunbridge Wells KCC/ TW/12/1694 The Skinners Kent Academy, Blackhurst Lane, Tunbridge Wells, Kent. TN2 4PY. (Member: Chris Hoare)	Alleged breach of permitted construction hours of. 08.00 and 18.00 Monday to Friday, and 09.00 to 13.00 on Saturdays, with no works on Sunday or Bank Holidays.	To ensure strict compliance of these hours in the interests of local amenity and the integrity of planning law.	The applicant / Project Manager and Head of Property and Infrastructure have been formally reminded of the need for strict planning compliance.	<p>The alleged breaches were further reported to the Local Member and the then Cabinet Member for Education Mike Whiting, in line with the County Council's internal enforcement protocol.</p> <p>No recurrence has been reported. Nevertheless, tight vigilance will be maintained.</p>