

Active Enforcement Cases

Schedule 1: Contraventions on (part) unauthorised sites

	<u>Site &amp; Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
1	<p><b>Canterbury</b></p> <p>DC3/CA/03/COMP/OO53 Larkey Wood Farm, Chartham</p> <p>(Member: John Simmonds)</p>	<p>Apparent unauthorised waste-related activities on site.</p>	<p>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>	<p>Compliance was reached with the Enforcement Notice in late 2009, following a staged site- recovery plan.</p> <p>Regrettably, there is a run of new alleged breaches on site, including (but not exhaustively): the stockpiling of waste wood, soils, hardcore and miscellaneous retail / factory clearance items &amp; mobile accommodation units for salvage.</p>	<p>The aim is to have the site returned to the way it was left in 2009.</p> <p>The site has been inspected by this Authority, Canterbury City Council, the EA and Kent Police, in a single investigating action.</p> <p>The case is subject to an <b>Exempt Report</b> as <b>Item 13</b> of these papers.</p>

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2	<p style="text-align: center;"><b>Dartford</b></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>Enforcement action has been reserved pending submission of a retrospective planning application.</p> <p>Trading has continued in the meanwhile under tight KCC / EA interim controls.</p>	<p>The stockpile of wood has been removed, showing compliance and good intent.</p> <p>However, a retrospective planning application is long overdue. That situation is no longer tenable. An operation of this type, whatever its planning merits cannot continue in the absence of planning control.</p> <p>I have pursued the scheme on that basis, stating that planning control must now be upheld.</p>	<p>This Committee has shown patience in reserving enforcement action, while awaiting submission of a retrospective planning application.</p> <p>I have conveyed the mood of the Committee to the operator by requiring that a timetable for submission is received before the Meeting.</p> <p><b>Members support for the taking of enforcement action, is still required, should the operator fail to respond.</b> That would include the serving of an Enforcement Notice; in turn under-written as required, by a County / High Court Injunction.</p>

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3	<p style="text-align: center;"><b>Gravesham</b></p> <p>DC3/GR/2013 Beechwood Road Meopham</p> <p>(Member: Bryan Sweetand)</p>	Alleged fly-tipping on private land	To assist KCC Waste Management (Enforcement) in pursuing alleged criminal activity.	Difficulties have arisen in establishing the identity and location of the landowner(s). Planning Enforcement however has advised our internal colleagues on potential ways to solve the problem.	<p>Waste Management (Enforcement) have been advised to pursue the alleged crime through liaison with the Kent Police Rural Team and to approach Gravesham B.C. for the service of a 'Site Clearance' Notice under Section 215 of Town and Country Planning Act 1990 (as amended).</p> <p><b>I shall now remove from these schedules.</b></p>
4	<p style="text-align: center;"><b>Maidstone</b></p> <p>KCC/PRE/MA/0197/2013</p> <p>Units 6, 13 &amp; 14 Detling Airfield Industrial Estate Detling</p> <p>(Member: Jenny Whittle)</p>	Periodic escalations in waste volumes on site and related alleged internal breaches of planning control. The latest episode has resulted in an unauthorised extension to the permitted operating base.	<p>To steer and secure an overall and more permanent planning solution to the site, avoiding recurring problems.</p> <p>Breach of Condition notices and a confirmed Enforcement Notice are to hand but a new operator has taken over the site and has already removed most of the surplus waste.</p>	It is now proposed to consolidate the use of the extended site and to enclose the main waste activities, within properly orientated and appointed buildings.	<p>I view the current turn of events in a positive light. The inherited alleged breaches are now largely under control. Pre-application talks have taken place and I anticipate a revised application within a reasonable timeframe. <b>I shall continue to monitor</b> the site in the meanwhile.</p>

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5	DC3/MA/04/COMP/0060 Tutsham Farm, West Farleigh  (Member: Mrs Paulina Stockell)	Depositing of builders waste on the southern bank of the River Medway	Cessation of tipping and to secure restoration.	The EA has taken the enforcement lead on this case given their waste, pollution control, river protection remit and waste removal powers. Those are all being exercised (post prosecution), in the gradual removal of the waste deposits over this summer.	The EA are to be commended on their action, encouraged and supported by KCC Officers and this Committee.  <b>I shall continue to monitor the site</b> , in connection with the EA and <b>report back to Members</b> when all of the waste has been removed and the land reinstated.
6	<b>Shepway</b>  KCC/SH/0323/2012 [DC3/SH/12] Cube Metal Recycling Unit A Highfield Industrial Estate Folkestone  (Member: Bob Neaves)	KCC were alerted to this site by Kent Police and the Environment Agency (EA).  The activity includes the importation, sorting and processing of scrap metals, for later despatch.	To achieve planning compliance and supportive control through an EA Permit.	A retrospective planning application is being processed. Outstanding noise control information has been submitted and is being assessed. An early determination of the application is being sought.	The application is well advanced in the development management process. I expect an early determination. I shall report on the outcome at the next Regulation Committee Meeting.

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7	<p style="text-align: center;"><b>Swale</b></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>A retrospective planning application is awaited</p> <p>Pre-application advice has been sought and given, as the first stage of an appropriate submission.</p>	Pending a valid application. I would seek Member's support on a contingency basis for the <b>service of an Enforcement Notice</b> , should that become necessary.
8	<p>DC3/SW/04/COMP/0059 Four Gun Field, Upchurch</p> <p>(Member: Mike Baldock)</p>	Recent site activity has appeared to suggest a resumption of previous alleged waste processing activities, on this former brickfield site with an associated lawful use.	<p>To ensure that no waste-related use is carried out on site, particularly given its sensitivity close to housing.</p> <p>It transpires that the latest activities are merely ground works for the new housing development.</p>	<p>The County Council's Enforcement Notice has now been complied with.</p> <p>Outline planning permission for housing / public open space has been granted by Swale BC.</p>	<p>The Swale BC permission will eventually displace the Lawful Use Certificates.</p> <p><b>I now propose to finally remove from these schedules.</b></p>
9	<p>Brotherhood Travellers site Dunkirk ME13 9LN</p> <p>(Member: Andrew Bowles)</p>	Alleged waste burning on site.	To review jurisdiction.	Swale BC officers and the Police have separately visited the site and confirm that the burning of on-site materials was extinguished by Kent Fire & Rescue.	The site remains under the jurisdiction of Swale BC but I have made it known to them that KCC, the EA (Crime & Permitting teams) are available for advice and support.

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10	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>In the absence of any credible alternatives, restoration talks have switched to active pursuit of an ‘on-site’ solution i.e. using the beams to help 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>I reported to the last Meeting that the landowner is now deceased. Commitment to an early restoration of the site remains but Probate issues have delayed and complicated matters. In the circumstances, <b>I shall continue to negotiate a permanent solution. In the meanwhile, I propose to remove from these schedules. I shall return with a more definite briefing</b> for Members, when family financial and property issues are more settled.</p>

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11	<p>DA3 / SW/2013</p> <p>Thirlwell Farm Drove Lane, Hernhill</p> <p>(Member: Andrew Bowles)</p>	<p>Unauthorised importation of land-raising materials to the site, causing incidental landscape damage.</p> <p>More recent inputs of material have been made, with no apparent land-based justification.</p>	<p>Swale BC sanctioned the initial works as permitted development and holds the planning enforcement initiative on the latest round of importation, especially given their confirmed Enforcement Notice on the site.</p> <p>The EA are separately investigating the activities and liaising with both the County and Borough Planning Authorities.</p>	<p>Importation has been brought to a halt. It would seem partly in response to regulatory activity at Larkey Wood, Chartham (see Schedule 1, No.1 and Exempt Report, Item 13). The two sites are in common ownership.</p>	<p><b>I shall continue to monitor</b> events with the EA, offering technical and tactical advice to Swale BC, as required.</p> <p><b>Members' support is sought, on a contingency basis for the taking of enforcement action</b> (should that be required), to include the serving of an Enforcement Notice; under-written as required, by a County / High Court Injunction.</p>
12	<p><b>Thanet</b></p> <p>DA3/TH/2013 Northwood Road Ramsgate</p> <p>(Member: Martyn Heale)</p>	<p>Alleged amenity impacts from excessive noise and related highway obstruction.</p>	<p>To see if any planning enforcement remit applies?</p> <p>On investigation, no County Matter waste activities, or highway obstruction was found.</p>	<p>At one property, a large metal container was noticed in their front garden, with a small skip on open ground to one side. That in turn was accompanied by a small stockpile of wooden planks.</p>	<p>It was apparent that some form of residential works were being carried out, which fall to Thanet D.C. to regulate.</p> <p>In view of this <b>I shall now remove this case from the Schedules.</b></p>

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13	<p><b>Tonbridge &amp; Malling</b></p> <p>Former Upper Bell PH, Blue Bell Hill Village</p> <p>(Member: Peter Homewood)</p>	<p>Importation, depositing and stockpiling of demolition spoil.</p> <p>The former public house was part demolished by the landowner. A S215 Notice was served by Tonbridge &amp; Malling BC (TMBC) to secure complete demolition of the building on visual amenity grounds. The spoil was to be removed off site.</p>	<p>To investigate the activity with TMBC officers and to decide on the lead authority.</p> <p>Whilst the building was demolished, the spoil was removed and stored on land within the same landownership, directly opposite. It was then screened by an unauthorised perimeter fence, attracting an Enforcement Notice from TMBC, for its removal.</p>	<p>A site meeting was held between KCC, TMBC and the landowner. No County Waste remit was found and by agreement the site was left with the Borough Council.</p> <p>It had been accepted on site that the demolition stockpile was being held, pending its re-use as part of redevelopment plans for the related sites.</p>	<p>I was surprised that TMBC later suggested that a waste transfer activity had been established, supported by the storage of waste.</p> <p>I confirmed by return that that was not the case but in parting offered enforcement advice on how to complete the case.</p> <p><b>I shall now remove from these schedules.</b></p>
14	<p><b>Tunbridge Wells</b></p> <p>Top Bungalow, Frieszley Lane, Cranbrook.</p> <p>(Member: Seán Holden)</p>	<p>Importation of builders' demolition spoil and alleged burying and burning on site, with associated heavy machinery noise.</p>	<p>To co-ordinate with the established efforts of Tunbridge Wells BC's Planning Enforcement and Environmental Health teams and the Environment Agency</p>	<p>The case is under co-ordinated and active investigation by linked agencies.</p>	<p>Whilst the powers of the other regulatory bodies may be the most appropriate and proportionate in this case, I shall continue to liaise with them. <b>Meanwhile, I would seek support from Members on a contingency basis for the serving of an Enforcement Notice,</b> should that become necessary.</p>



**Schedule 2: Alleged breaches on Permitted Minerals & Waste Sites**

***Appendix 2***

	<u>Site &amp; Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
1	<p><b>Dartford</b></p> <p>DA3/DA/1993 A Winchester &amp; Sons Waste Recycling Centre Little Queen Street Dartford</p> <p>(Member: Tom Maddison).</p>	<p>Complaints from local residents of amenity impacts By virtue of noise and dust arising from existing site operations.</p> <p>This site was brought to the attention of this committee in 2012 when local residents complained of the use of large goods vehicles damaging and blocking the approach road to the site.</p> <p>This issue has since been alleviated through highway restrictions.</p> <p>The focus has now switched to alleged on-site issues.</p>	<p>To review available control powers among the three main regulators (KCC, Dartford BC and the EA) in order to see what might be done to alleviate any ongoing amenity impacts.</p> <p>The site operates under an Established Use Certificate, with complex roots.</p> <p>In these circumstances, the EA has the more complete and direct set of powers, to address any issues on site.</p>	<p>The EA has been alerted to the site by the Local County Member Mr Tom Maddison. He, the Local District Member and MP have all been active on behalf of local residents, especially concerning their quality of life.</p> <p>The EA have first been reviewing site activities against the terms of the Environmental Permit. They are also shortly to monitor air quality using specialist equipment.</p>	<p><b>I shall report back to Members</b> on the outcome of the current EA intervention.</p> <p>I shall do what I can in the meanwhile to encourage relocation of the use to a more suitable site. I should stress however, that the ultimate decision on that lies with the operator.</p>

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2	<p align="center"><b>Gravesham</b></p> <p>DC3/GR/COMP/0013 Red Lion Wharf Crete Hall Road Northfleet</p> <p>(Members: Sue Howes &amp; 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 as S106 Agreement) has secured complete processing and near removal of all waste wood on site.	Remaining stockpiles are now processed and ready for despatch. <b>I shall remove from these schedules</b> for now and return with photographs of an empty site.
3	<p align="center"><b>Tunbridge Wells</b></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 scrapyard 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, visibly enforceable and largely observed.</p>	The application is well advanced in the development management process. I expect an early determination. I shall report on the outcome at the next Regulation Committee Meeting	<p>Enforcement action is being reserved.</p> <p>The stockpile height is being held in check.</p> <p>However, I would still seek <b>Members' contingency support</b>, for the <b>servicing of an Enforcement Notice</b>, should that become necessary.</p> <p><b>I shall keep the Committee informed</b> on progress at this sensitive location.</p>

**Schedule 3: Alleged breaches on Permitted County Council Developments**

***Appendix 3***

	<b><u>Site &amp; Case Reference</u></b>	<b><u>Alleged Breach</u></b>	<b><u>Objectives / Actions</u></b>	<b><u>Progress</u></b>	<b><u>Notes / Remarks</u></b>
1	<p><b>Maidstone</b></p> <p>KCC/ MA/13/0015</p> <p>St Johns C of E Primary School, Provender Way, Grove Green. ME14 5TZ</p> <p>(Member: Paul Carter)</p>	<p>Alleged construction of a permitted 2 classroom extension, beyond permitted hours of 0800 – 1800 weekdays and 0900 – 1300 Saturdays, with no work on Sunday. The complaints are of early starting, before 8 am weekdays, 9 am on Saturday, along with unauthorised working on Sundays.</p>	<p>To ensure immediate observance of construction hours, in line with the internal enforcement protocol.</p>	<p>I have investigated the case and alerted the project manager. Steps have immediately been put in place to ensure full compliance with the permitted working hours.</p>	<p>I shall report on any further details at the Committee Meeting.</p>