

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 style="text-align: center;">Ashford</p> <p>DC3/AS/03/COMP/0090 Shaw Grange, Charing (Member: Richard King)</p>	<p>Multiple breaching of landfill permissions Enforcement Notices and High Court Injunctions</p>	<p>To prevent further breaching and secure restoration of the site.</p>	<p>The site has now been acquired as a means of directly addressing the enforcement issues on site.</p>	<p>This landfill site in need of restoration is the subject of an exempt report to these papers (see Item 10).</p>
2	<p>DC3/AS/08/COMP/0006 Church Lane, Sellindge (Member: Charles Findlay)</p>	<p>Alleged unauthorised composting activity at a rural location, involving the construction of a new access and hardsurface, receipt of two main streams of waste (sewage sludge and wood chippings), and their mixing and informal composting, before being deposited on adjoining land.</p>	<p>To investigate and see if the activity falls within the County Council's waste related remit.</p>	<p>Planning Contravention Notice served on 28 April 2008. This required the landowner to declare his position and to give details of the use. That prompted a site meeting and the grounds of a negotiated settlement.</p>	<p>The activity has ceased. A retrospective planning application for a composting use on the land with retention of the access and hard surfacing has been withdrawn. That was given the recommendation for refusal on need and policy grounds. Removal of all parts of the development are now required and contingency support is sought for the service of an Enforcement Notice.</p>

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3	<p style="text-align: center;"><u>Dover</u></p> <p>DC3/DO/O8/COMP/0007 Roman Road, Dover</p> <p>(Members: Gordon Cowan & Bill Newman)</p>	<p>Unauthorised depositing of waste materials on private agricultural land</p>	<p>To investigate and see if the activity falls within the County Council's waste related remit.</p>	<p>The tipping has been halted and restoration is in progress. A negotiated solution has been found. The submission of a scheme of restoration, respecting adjoining contours and capable of being enforced, has been submitted and vetted.</p>	<p>The restorative works were due for completion by 31 October 2008. However, due to inclement weather the deadline has been extended until 30 April 2009 to enable a quality finish to this visually significant site.</p>
4	<p style="text-align: center;">Maidstone</p> <p>DC3/MA/05/COMP/0010 Monk Lake (formerly known as Riverfield Fish Farm), Staplehurst</p> <p>(Member: Mrs Paulina Stockell)</p>	<p>Alleged breaches of planning permission granted by Maidstone BC for a fish farm. There is concern at the quantities of waste materials entering the site</p>	<p>Maidstone BC has primary enforcement responsibility. It is being advised by specialist retained Counsel under the recommendation of County Officers.</p>	<p>The EA has issued an Exemption from Site Licensing. Maidstone BC however has served an Enforcement Notice to arrest the use and secure restoration. That has been appealed. The means and timescale for determination is awaited.</p>	<p>KCC holds no immediate remit on available evidence. However, I have made myself available to the Borough Council for enforcement and technical advice.</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 holds the enforcement lead on this case given their waste, pollution control, river protection remit and waste removal powers. That includes the ability to trace the origin of the tipped material through transfer documentation.	The EA have all necessary powers to deal with the breach, including site clearance. KCC are in a supportive role. Members have previously authorised the service of an Enforcement Notice if needed and / or the seeking of an injunction, to further protect the landholding from any further deposits.
6	Sevenoaks DC3/SE/07/COMP/0014 Morley's Farm, Morley's Road, Sevenoaks (Member: Nick Chard)	Unauthorised waste recycling facility reported by the EA.	To investigate and see if the activity falls within the County Council's waste related remit	Long established use of minor waste recycling facility through hand sorting of waste materials, in part for agricultural purposes.	An invalid application for Lawful Use to retain the activity has been submitted to this Authority. However, potential re-location offers an alternative planning solution. The relative merits of each are being evaluated.

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7	DC3/SE/08/COMP/0010 Warren Court Farm, Knockholt Road, Halstead (Member: Richard Parry)	Unauthorised depositing of waste materials (including 'soils' and wood chipping) reported by Sevenoaks DC.	To secure a stop to the activities and restoration	Discussions with the landowner have resulted in agreement to cease further importation of waste materials and removal of the current waste stockpiles.	A negotiated settlement has resulted in satisfactory compliance by the deadline of 30 November 2008. Sevenoaks DC and the EA have been kept informed, with a view to supportive action under their own remits if necessary.
8	DC3/SE/09/COMP/0001 Park House Farm, Bower Lane, Eynsford (Member: Roger Gough)	Unauthorised waste transfer station including mixed waste materials.	To secure a stop to these waste-related activities within the enforcement remit of the County Council.	The landowner has been advised by this Authority and the EA to cease the unauthorised waste related activities.	A Planning Contravention Notice will be served on all relevant parties to gather in information to assist in formulating an enforcement action plan. In this context, Members support is sought for the issuing of a Temporary Stop Notice and / or Enforcement Notice, as required.

9	<p style="text-align: center;">Shepway</p> <p>SH/05/1425. A20 Scrapyard, Rear of Airport Café, Main Road, Sellindge</p> <p>(Member: Susan Carey)</p>	Storage and breaking of disused vehicles without planning permission	To establish the planning status of the activity. If deemed to be unlawful to ensure removal of the use and restoration of the site.	A Certificate of Lawful Use Application has been expected but has not materialised.	I intend to conduct a full review of the case when time allows, including the likelihood of receiving a credible and supportable Lawful use application. I am concerned to ensure consistency with other enforcement cases. Members continuing support is sought for the serving of an Enforcement Notice, if required.
10	<p>DC3/SH/08/COMP/0014 Land north of Southern Way, Folkestone</p> <p>(Member: Roland Tolputt)</p>	Unauthorised depositing of waste materials, including construction and demolition spoil has significantly raised the land formerly used and owned by KCC and Railtrack plc as reported by Shepway DC.	Cessation of tipping and to secure restoration.	Enquiries and a site inspection established that the site was already under investigation by Shepway DC and the EA. Planning Contravention Notices have been served on both private landowners. Importation and depositing of waste materials has ceased.	<p>Further investigations are taking place with Shepway DC and the EA. See paragraphs 15 to 17 in the main papers for further details.</p> <p>I now seek Members support for the serving of a Temporary Stop Notice and / or Enforcement Notice should any unauthorised waste depositing resume.</p>

	Swale				
11	DC3/SW/05/COMP/0016 Woodgers Wharf, Upchurch (Member: Keith Ferrin)	Unauthorised use of marine wharf for screening and crushing of imported spoil and alleged related waste management breaches	To arrest the alleged breaches and return the site to its lawful wharf-related use	An Enforcement Notice has been served and upheld at appeal. No further importation and has occurred on site.	Restoration is required under the timescales set within the Enforcement Notice. I shall monitor the site accordingly.
12	DC3/SW/04/COMP/0059 Four Gun Field, Upchurch (Member: Keith Ferrin)	Alleged and sporadic waste-activities on a former brickfield related 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	An Enforcement Notice has been served on the alleged waste-related breaches on site. The Notice has been appealed. A Public Inquiry was convened on 7 and 8 January 2009, and then adjourned to 2 March 2009. This is to allow further submissions by the Appellant and questioning by KCC and local residents.	Given that the Public Inquiry is adjourned but still in session, I am unable to discuss at this Meeting the issues arising at the hearing. I shall however report fully to the next Meeting. In the meanwhile, continued support is sought for any injunctive action that may prove necessary.

13	<p>DC3/SW/04/COMP/0049 Raspberry Hill Park, Farm, Iwade</p> <p>(Members: Brenda Simpson / 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 all traces of the unauthorised uses to be removed from the site, within given timescales.</p>	<p>Compliance monitoring with the Enforcement Notice is required. There have been no further breaches on site.</p>	<p>The operators are currently in prison but the landowners have been pursued for removal of the extensive waste deposits and restoration. However, following the convictions of the site operators a Court Restraining Order has been served on the landowner to prevent any dispossessions from the land. Counsel's advice is being sought on how to approach restoration in these circumstances.</p>
14	<p>DC3/SW/07/COMP/0004 Chapel Lane, Lower Halstow</p> <p>(Member: Keith Ferrin)</p>	<p>Unauthorised importation and depositing of waste</p>	<p>To secure removal of a required quantity of waste according to road and site conditions</p>	<p>A figure of 20 vehicle loads to remove has been agreed with the landowner.</p>	<p>The deadline for removal has not been met. The reasons given do not persuade me from the need for further but proportionate action. With Members support I shall continue with the help of the County Solicitor, to seek a viable alternative to the use of an Enforcement Notice.</p>

15	<p style="text-align: center;">Thanet</p> <p>TH/06/729 Unit JIC and J7 Westwood Industrial Estate Margate</p> <p>(Member: Bill Hayton & John Fullarton)</p>	<p>The original site unit has temporary planning permission for a recycling centre. However, the operator has moved the business to a larger unit on the same industrial estate without planning permission.</p>	<p>Cessation of waste inputs and clearance of waste from the new site in absence of a valid planning permission.</p>	<p>This new alleged contravention has arisen from routine site monitoring.</p> <p>The operator and landowner have been informed of the alleged unauthorised activities.</p>	<p>Options are to vacate the new site and revert to the original permitted site or to seek retrospective planning permission at the larger unit. Discussions have taken place on the latter but no application has yet materialised. I therefore seek contingency support for the service of BCNs and / or an Enforcement Notice as required.</p>
16	<p style="text-align: center;">Tunbridge Wells</p> <p>DC3/TW/06/COMP/0011 Eaglesden Farm, Mill Street, Iden Green, Benenden</p> <p>(Member: Roger Manning)</p>	<p>Importation of waste spoil into a small valley</p>	<p>To ensure no further tipping and to arrive at the best form of restoration in the circumstances.</p>	<p>The EA has secured a conviction against the landowner in the Magistrates Court in the sum of £15,000 with £3,500 in costs.</p>	<p>No further waste depositing has occurred and the land has been shaped and contoured. Under consultation with the EA and KCC Highways it is considered the best solution to leave the site as it stands. With Members agreement I intend to remove this case from the schedules but maintain a monitoring presence.</p>

17	DC3/TW/06/COMP/28 Durrants Farm, Maidstone Road, Paddock Wood (Member: Alex King)	Unauthorised waste recycling facility reported by the EA.	To assist the EA in their enforcement lead.	Prosecuted by the EA. Site operator convicted in the Magistrates Court in April 2008. Fined £10,000 with £2,500 costs.	Sporadic and recent reports of further breaches have been received from the EA. I intend to conduct a case review to see if formal KCC intervention is required. In that event I seek Members continuing support for the service of an Enforcement Notice and Temporary Stop Notice, if required.
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Schedule 2: Alleged breaches on Permitted Minerals & Waste Sites

Appendix 2

	<u>Site & Case Reference</u>	<u>Details of 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>Multiple breaching of landfill permissions, Enforcement Notices and High Court Injunctions (q.v. No.1, Schedule 1).</p>	<p>To prevent further breaching and secure restoration of the site.</p>	<p>The site has now been acquired as a means of directly addressing the enforcement issues on site.</p>	<p>This landfill site in need of restoration is the subject of an exempt report to these papers (see Item 10)</p>
2	<p>DC3/AS/04/COMP/0003 Ripley's Scrapyard, Tennyson Road (Member: George Koowaree)</p>	<p>Local complaints of noise and vibration.</p>	<p>To help improve the level of local amenity protection within the powers available.</p>	<p>Permission has been granted to further improve and rationalise the site layout and amenity safeguarding. The noise issue is being addressed, as the site is upgraded and by a team including KCC, ABC and the EA.</p>	<p>The site improvements are still taking place. Close liaison has been established between local residents, the operator and monitoring and enforcement bodies. The optimum level of amenity safeguarding is being sought, within the scope of available powers. No further noise complaints have been received.</p>

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3	AS/94/1155 Hegdale Quarry, Challock (Member: Charles Findlay)	Phasing of extraction at the site has departed from the approved plan impacting on timescales for phased removal of historically tipped wastes in the valley adjoining the site. Unconnected materials have been separately imported to the site and an apparent independent contracting use has been introduced.	Removal of alien stockpiles from the site and any secondary planning use. With a return to proper phasing, with removal of the unauthorised tipped materials and attendant restoration.	These breaches have been indentified from a chargeable monitoring visit. A return visit is required to establish the current level of compliance.	This web of alleged contraventions on site is complex and demands close attention to detail. I intend to approach the breaches in the order given. To strengthen my enforcement stance I seek Members continued support for the serving of BCNs and / or an Enforcement Notice if as required.
4	Dartford DA/00/72 & DA/04/993 150a Lower Hythe Street, Dartford (Member: Tom Maddison)	Unauthorised waste-related extension to existing permitted waste transfer station into adjoining area	To pull back the extended use to the original footprint area and then attend to less serious operational breaches under the original waste transfer permission	First objective achieved.	Full compliance with the original permission will need to be periodically monitored. The EA have so far taken the lead in this respect. Continuing support for the serving of BCNs is needed, should that enforcement route prove necessary.

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5	<p>Tonbridge & Malling</p> <p>DC3/TM/04/COMP/0019 Borough Green Sand Pit, Platt Industrial Estate, Borough Green</p> <p>(Member: Peter Lake)</p>	Complaints of windblown sand, noise, extended hours of working and mud on the road	To ensure compliance with the relevant planning permission	Three planning applications pertaining to the site and in part covering these issues have a resolution to grant planning permission, subject to completion of a S106 Agreement.	The S106 Agreement has been concluded allowing release of the planning permissions. New and updated controls are now available. I therefore intend to remove the case from this schedule, subject to ongoing monitoring.
6	<p>DC3/TM/03/COMP/0005 Addington Sandpit, Addington</p> <p>(Member: Sarah Hohler)</p>	A series of technical breaches on site, including slope stability and delayed restoration in part of the site	For the alleged breaches to be urgently addressed, with comprehensive remedial plans submitted for prior approval	The required schemes have been submitted and approved under planning permission TM/07/2545	The means are now available under the latest planning permission to resolve all outstanding matters on site. I therefore propose to remove from these schedules and monitor accordingly.

7	<p>DC3/TM/08/COMP/0013</p> <p>Aylesford Metals Co. Ltd, Mill Hall, Aylesford</p> <p>(Member: Geoff Rowe)</p>	<p>Complaints from local residents of out of hours working and amenity impacts from the over stacking of scrap.</p> <p>The current uses on the site seemed to have intensified from the previous upsurge in scrap metal sales. However, the recent economic downturn has resulted in the over-stacking on site and related alleged breaches</p>	<p>To ensure compliance with the base planning permission and confirmed Enforcement Notice.</p>	<p>Meetings have been held with both local residents and the site operator to reach a negotiated settlement on the alleged breaches.</p>	<p>I am seeking Members support for the serving of BCNs; a potential prosecution under the existing Enforcement Notice or re-service, according to the legal advice now being sought. Further details are available under paragraphs 18 to 20 in the main papers</p>
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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;">Shepway</p> <p>SH/07/261 Lympne Primary School, Octavian Drive, Lympne (Member: Ms S Carey)</p>	Roof and upper level design details not carried out fully in accordance with the planning permission.	To regularise the planning position.	An alternative design solution was granted at 13 May 2008 Planning Applications Committee.	The alternative design has since been implemented and the school completed for occupation in September 2008. I therefore intend to remove from these schedules.
2	<p style="text-align: center;">Swale</p> <p>SW/02/221 Preston Depot, Canterbury Road, Faversham (Member: T.Gates)</p>	Extension of site for waste aggregate recycling outside of the original permitted area	To regularise the position.	The content of a retrospective planning application to address (amongst other matters) the identified breach has been negotiated with KCC Highways.	The breach has been contained and a planning application is expected shortly, seeking to regularise the breach.