

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>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.	<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>The site has been inspected by KCC, Canterbury City Council, the EA and Kent Police, in a single investigating action.</p> <p>Regrettably, there are new alleged breaches on site, including (but not exhaustively): the stockpiling of waste wood, soils, hardcore and miscellaneous retail / factory clearance items & mobile accommodation units for salvage.</p>	<p>Having been allegedly further breached, the restoration requirements of the Enforcement Notice may now be revisited.</p> <p>Full restoration is required and I would seek Members support for this principled stance.</p> <p>The case is subject to an Exempt Report as Item 10 of these papers.</p>

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2	KCC/CA/0324/2013 Wilson Skips, Wealden Forest Park, Herne Common (Member: Alan Marsh)	Apparent unauthorised waste storage and handling on site	To achieve planning compliance through negotiation, including encouragement and advice to re-locate to a more suitable site. Planning applications submitted in 2002 and 2004 for a similar waste management use were refused on the grounds that the activity was inappropriate at this location.	An application for a certificate of lawful use was received in October 2013. It was being claimed that over a period of ten years the site had been used continuously as a skip business and for related waste storage. However, on closer examination, it was clear that lawful use did not apply and under advice, the application was withdrawn.	No amenity complaints have been received regarding this site. The EA are also available to control the use. In the circumstances, I would seek Members support for enforcement action to be held in reserve , pending relocation of the use, which the operators are now actively pursuing. The site will be monitored on a regular basis, ready to be reviewed at subsequent Committee Meetings .
3	Dartford KCC/DA/0123/12 LanceBox Ltd Plot 14 Manor Way Business Park, Swanscombe (Member: Peter Harman)	Alleged receipt, storage and processing of construction & demolition waste, including wood waste.	Enforcement action has been held in reserve pending submission of a retrospective planning application. Trading has continued in the meanwhile under tight KCC / EA interim controls.	The long overdue and retrospective planning application has now been received.	I would seek Members continued support for the reserving of enforcement action (i.e. an Enforcement Notice / injunction), pending determination of the application, when the situation may be reviewed.

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4	<p>Dover</p> <p>KCC/DO/COMP/2013 Nt Rix Scaffolding Ltd, Astley Avenue, Dover</p> <p>(Members: Pam Brivio & Gordon Cowan)</p>	<p>Importation and depositing of substantial volumes of hardcore in the open countryside.</p> <p>The material has been traced to the new demolition arm of Nt Rix Scaffolding.</p>	<p>To exact compliance and planning control.</p> <p>Importation / intended crushing of the material are without permission. That would not be supported by officers both in principle and practice. The location is entirely inappropriate, for such a use, especially being adjacent to a KCC school sports field and local wildlife site.</p>	<p>A Planning Contravention Notice (PCN) has been served (requesting an explanation of the alleged breach and intended remedial measures).</p> <p>A round-table meeting has recently and successfully been held between the operator, his agent and officers from KCC, Dover DC and the EA.</p>	<p>The PCN has been returned, obviating any court action. I have also required full removal of the hardcore by the date of the Meeting. Should that be achieved, I would seek Members support for the reserving of enforcement action pending restoration of the damaged land.</p> <p>The case is subject to an Exempt Report as Item 14 of these papers.</p>
5	<p>Maidstone</p> <p>KCC/PRE/MA/0197/2013</p> <p>Units 6, 13 & 14 Detling Airfield Industrial Estate Detling</p> <p>(Member: Jenny Whittle)</p>	<p>Periodic escalations in waste volumes on site and related alleged internal breaches of planning control. The latest episode resulted in an unauthorised extension to the permitted operating base.</p>	<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>	<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> <p>A planning application to that effect has now been received.</p>	<p>I view the current turn of events in a positive light. The alleged breaches are now largely under control. The application also displays a level of co-operation and intent to optimise such a use on the available site area. I shall remove from the Schedules but continue to monitor the site.</p>

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6	KCC/MA/COMP/2013 Foxdene, Rumstead Lane, Stockbury (Member: Jenny Whittle)	Mixed skip hire, storage and waste transfer activity.	The operators are currently claiming lawful use status from Maidstone BC (MBC). This includes the seeking of permission for related site engineering works. Both applications were submitted in early 2012.	The applications are long overdue for determination but instead of deciding them, MBC are now suggesting that the case is one for the County Council. I have reported further under paragraphs 19 – 23 of the main cover report to these Schedules.	I have analysed the case and met with MBC to assist in its handling. A mixed use of this type falls to MBC to deal with, both in terms of our Enforcement Protocol with them and by case law. I would seek Members support for this stance. .
7	KCC/MA/COMP/2013 Orchard Place, Heniker Lane, Sutton Valance (Members: Jenny Whittle / Eric Hotson)	Unauthorised waste uses / movements of large goods vehicles associated with such a use.	To investigate and see if there is a clear and discrete County Council activity to pursue, in addition to Maidstone BC's (MBC) long-term handling of the case.	A site visit confirmed that there was no evidence present of unauthorised waste uses or movements of large goods vehicles associated with such a use. There was also no presence of any plant, vehicles and containers to support such an alleged waste use.	The site appears to operate on a commercial basis, where fresh produce is grown locally under cover and sold to members of the public from a farm shop located on site. Such a use would fall to MBC to regulate. In the absence from MBC, of any information or briefing to the contrary , I propose to remove the item from these Schedules, at least for the time being.

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8	<p>Shepway</p> <p>KCC/SH/0323/2012 [DC3/SH/12] Cube Metal Recycling Unit A Highfield Industrial Estate Folkestone (Member: Bob Neaves)</p>	<p>KCC were alerted to this site by Kent Police and the Environment Agency (EA).</p> <p>The activity includes 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 has now been permitted, subject to conditions.</p>	<p>I shall now remove from these Schedules. The site will be monitored under normal arrangements.</p>
9	<p>Swale</p> <p>KCC/SW/0136/12 Sheerness Recycling Ltd Unit 34 Klondyke Ind Est Queenborough (Member: Angela Harrison)</p>	<p>Importation of construction and demolition spoil, with mechanical processing.</p>	<p>To assert planning control, through the submission of a retrospective planning application.</p> <p>Given its industrial location, the absence of no apparent overriding objections and no complaints, the operation has been allowed to continue, pending receipt of a planning application.</p> <p>It was separately agreed that at the point of submission a related / invalid lawful use application would be returned to the operator.</p>	<p>The long awaited planning application has now been received. This was intended to regularise the current use but in fact covers no part of the site.</p> <p>This unusual set of circumstances leaves the current activity with no form (or prospect) of control. That cannot continue.</p> <p>The application itself will be considered on its own individual merits.</p>	<p>Logic dictates that the current activity would be surrendered in favour of any new permission nearby. Commitments will be sought to that effect through the application.</p> <p>Short of this, I would seek Members support for the serving of an Enforcement Notice and / or the seeking of an injunction(s), in the event of any reluctance to concede the current use (following permission) or to stop (after a refusal). I shall keep Members informed.</p>

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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 and marine related after-use.</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, subject to nature conservation interests being adequately safeguarded.</p>	<p>Probate issues concerning the deceased landowner have now been resolved. A contracting firm and project manager have been employed and size reduction tests on the concrete beams have been completed.</p> <p>A scheme to remove the large stockpile of lintels and incorporate the material into the land is being finalised.</p> <p>The necessary works are planned to start and be completed during spring / summer this year.</p> <p>I shall keep Members informed on progress on site.</p>

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11	<p>DA3/SW/2013 Thirwell Farm, Drove Lane, Hernhill</p> <p>(Member: Andrew Bowles)</p>	<p>Unauthorised importation of land-raising materials to the site, causing damage to the land and to its landscape setting.</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 agricultural permitted development and still holds overall planning enforcement responsibility for the site. To their credit, they have a confirmed Enforcement Notice to use against any mobile residential use.</p> <p>The EA have a separate enforcement brief, liaising with both County / Borough Planning Authorities.</p>	<p>Importation has been brought to a halt by a combination of EA letters to all known tip companies using the site and Planning Contravention Notices by KCC to the same parties. Both sets of documents reminded those engaged in the activity that they were individually at risk of action as well as the landowning interests.</p>	<p>Members' support is sought, on a contingency basis for the taking of enforcement action (should that be required), to include the serving of an Enforcement Notice; underwritten as required, by a County / High Court Injunction(s).</p> <p>The case is subject to an Exempt Report as Item 11 of these papers.</p>
12	<p>Tunbridge Wells</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 has been investigated by linked authorities.</p> <p>There is a mix of planning uses on site which leaves the case with the Borough Council.</p>	<p>Whilst not holding the key planning remit. I shall continue to advise and liaise with those that do.</p> <p>I shall otherwise remove the case from these Schedules.</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>Wyecycle (Former Nacolts Brickworks, Nacolts Farm, Hinckley)</p> <p>(Member: Andrew Wickham)</p>	Operating on an extended site base and in the absence of full control.	<p>To monitor the site and pursue compliance, as required.</p> <p>The site has been jointly monitored with the Environment Agency.</p>	The original and permitted use (with core lawful elements) is closely reflected within the current activity and layout. A few stray skips need to be brought back into the yard but apart from that the footprint of the use has been respected.	This small recycling use is due to vacate the site within the next 12 months, in favour of potential housing development. Any site irregularities are capable of being dealt with under normal monitoring arrangements and liaison with the EA. I therefore propose to remove from these Schedules .
2	<p>Dartford</p> <p>DA3/DA/1993 A Winchester & Sons Waste Recycling Centre Little Queen Street Dartford.</p> <p>(Member: Tom Maddison).</p>	Complaints from local residents of amenity impacts by virtue of noise and dust arising from existing site operations.	<p>To seek the best formula of management control among the various regulators.</p> <p>The site operates under an Established Use Certificate, with complex roots. This means that the EA has the more complete and direct set of powers, to address any issues on site.</p>	The EA has reviewed site activities against the terms of the Environmental Permit. They have also monitored air quality using specialist equipment and sought any required adjustments on site.	<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> <p>I propose for present purposes to remove from these Schedules</p>

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3	KCC/DA/COMP/2013 FM Conway Ltd, Rochester Way, Dartford (Member: Jan Ozog)	Excessive storage of materials on site in breach of the planning height condition and well above the acoustic screen, designed to protect the amenity of local residents.	Advise the operators and require immediate and progressive reduction in stockpile heights.	The operators have responded, reducing the level of material and confirming by photograph.	An alleged breach of this type should not occur on a site of this size and stature. However, I am prepared to treat this as a 'one-off' occasion, particularly given the operator's urgency in correcting the situation.
4	Gravesham DC3/GR/COMP/0013 Red Lion Wharf, Crete Hall Road, Northfleet (Members: Sue Howes & Narinderjit Thandi)	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 a S106 Agreement) has secured complete processing of all waste wood on site and also now its complete removal. .	The site is now vacant and ready for re-development. I therefore intend to remove from these schedules .
5	Sevenoaks DC3/SE/03/COMP/0071 Brasted Sandpits, Sevenoaks (Member: Richard Parry)	Breach of the planning permission to extract sand from this site in the MGB, AONB and SLA	To secure early restoration of the site within the scope of the materials already on site.	Following intervention by the EA on the waste tipped at the site, a recovery scheme of restoration was imposed on the company / landowners. They in turn sold the site to the neighbouring golf club.	After several attempts, planning permission has eventually been granted by Sevenoaks DC for a 9 hole golf course extension. This incorporates the required site restoration and I shall therefore remove from these Schedules .

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6	<p>Tonbridge & Malling</p> <p>Sheerness Recycling Sanderson Way, Tonbridge</p> <p>(Members: Richard Long TD & Christopher Smith)</p>	<p>Local complaints of dust pollution; mud on the road and excessive stacking heights, in apparent breach of the operative planning permission for recycled aggregate & topsoil production.</p>	<p>To monitor and ensure that any corrective measures that may be needed are put into place.</p>	<p>Site operational practices and safeguards have been reviewed, with a focussed effort by the operator in reducing down any surplus material on site.</p>	<p>Since my intervention, I am unaware of any overriding planning control problems on site. Nevertheless, monitoring pressure will be used to maintain that position and to help reassure local residents.</p>
7	<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 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 retrospective planning application.</p> <p>The stockpile having grown in height has been restricted in the interim to the height of the lorry cab of the vehicles bringing the material to the site. That has been clear to all parties, visibly enforceable and largely observed.</p>	<p>Planning permission for a depot use with some waste storage / handling element has now been granted. It involves no mechanical processing of materials on site.</p>	<p>A planning solution has been found to a vexed problem within a sensitive location. The use is now governed to the site and planning conditions are available to monitor and keep the activity within its permitted bounds.</p> <p>In the circumstances, I now propose to remove this item from these Schedules.</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>Canterbury</p> <p>Greenbridge Park Gypsy & Travellers Site, Vauxhall Road, Canterbury</p> <p>(Member: Graham Gibbens)</p>	<p>Flytipping and burning on the adjoining river bank but still within County Council ownership.</p> <p>The flytipping is particularly galling since the site is only moments from KCC's Civic Amenity site almost opposite.</p>	<p>To assert the Internal Enforcement Protocol, requiring County Council land and activities to be managed and controlled to the same standard and requirements as in the private sector.</p> <p>Robust and secure landscaping should help deter further tipping and allow the visual amenity of this section of the site's perimeter to be recovered.</p>	<p>The section of fencing removed to gain vehicular access to the river bank has been reinstated and secured with specially designed bolts. This has physically constrained any further flytipping by vehicle at least.</p> <p>The EA is investigating the overall matter alongside the KCC Gypsy & Travellers Unit. The site is coincidentally within view of the nearby EA offices, allowing close and on-going vigilance by them.</p>	<p>A landscaping scheme is currently being researched and designed by P&E Division's internal Landscape Architect. I shall report to the next Meeting on progress.</p> <p>This case is also subject to Exempt Item 13 within these papers.</p>

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2	<p>Sevenoaks</p> <p>Barnfield Park, Gypsy & Travellers Site, Ash Road, Sevenoaks.</p> <p>(Members: David Brazier & Bryan Sweetland)</p>	<p>Unauthorised importation and deposit of commercial and demolition waste within the rear site paddock.</p> <p>Also, waste depositing within the passing bays and parallel drainage ditches to the site access road.</p> <p>With both bodies of waste being set alight, causing smoke and acrid fumes to the residents and the surrounding area.</p>	<p>To physically stop and deter any further depositing, focussing County Council resources for the moment on alleged strategic waste breaches within the paddock area.</p>	<p>A physical barrier of concrete ‘Milton Pipe’ rings has been set along the most vulnerable paddock field boundary.</p> <p>The inside of the concrete rings have been filled with hardcore from the field deposits, both reinforcing the strength of the barrier and making an early start in the clearance and restoration of the paddock.</p>	<p>Extensive and direct action has brought the major element of waste depositing to a halt. The site access issue will need separate attention. Site security will also need to be actively reviewed; at least during this vulnerable and major post-tipping phase.</p> <p>This case is also subject to Exempt Item 12 within these papers.</p>