

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> | <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>The site has been inspected by KCC, Canterbury City Council, the EA and Kent Police, in a single investigating action.</p> <p>Further alleged breaches demand full restoration.</p> <p>At the same time, the site is being repossessed by the mortgage company. The commitment to restore the site will transfer with the land. Specialist teams will then be deployed (at private expense) to clear the site and return the land to its original state.</p> | <p>Site clearance and restoration can only begin in earnest when the land is repossessed. The procedure is lengthy and complex but now well advanced. Whilst the land is in transition, the regulatory team are ensuring that any site activities are held in check.</p> <p>A case conference involving all relevant parties can be convened at short-notice, to secure the required restoration. I would therefore seek Members support for the reserving of injunctive action, pending repossession of the land.</p> |

| | <u>Site & Case Reference</u> | <u>Alleged Breach</u> | <u>Objectives / Actions</u> | <u>Progress</u> | <u>Notes / Remarks</u> |
|---|---|---|--|---|---|
| 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. | An application for a certificate of lawful use, for a skip business and related waste storage, has been withdrawn. It was clear that lawful use did not apply. No amenity complaints have been received regarding this site. The EA are also available to control the use. | Members continued support is sought for enforcement action to be held in reserve , pending relocation of the use. That in turn is still being actively pursued, potentially including a site already with planning permission for the use. I propose to continue monitoring the site but for the time-being remove the case from these schedules. |
| 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 planning application has been received. At the request of officers further supporting information is being prepared to allow a full and proper planning assessment to be made. | 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. |

| | <u>Site & Case Reference</u> | <u>Alleged Breach</u> | <u>Objectives / Actions</u> | <u>Progress</u> | <u>Notes / Remarks</u> |
|---|--|---|---|---|--|
| 4 | <p style="text-align: center;">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 was traced to the new demolition arm of Nt Rix Scaffolding.</p> | <p>To exact compliance and planning control.</p> | <p>A round-table meeting has been held between the operator, his agent and officers from KCC, Dover DC and the EA. This required future compliance but was also used to discuss re-location and expansion plans.</p> | <p>Full compliance has now been achieved and the damaged land has been satisfactorily restored.</p> <p>I therefore intend to remove from these Schedules.</p> |
| 5 | <p style="text-align: center;">Maidstone</p> <p>MA/13/2191 & 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 largely brought the operation back to compliance.</p> | <p>Planning permission was recently granted at the 9th April 2014 Planning Applications Committee to consolidate the use of the extended site and to enclose the main waste activities, within two new buildings. This represents a significant commitment to the site and level of investment. Higher recycling rates would be possible, in the context of modern environmental and amenity controls.</p> | <p>I view the current turn of events in a positive light. The improvements on site and the promise of the recent planning permission, give me confidence in the site's future and likely compliance with planning controls. In this context, I intend to remove from the Schedules but continue to monitor the site.</p> |

| | <u>Site & Case Reference</u> | <u>Alleged Breach</u> | <u>Objectives / Actions</u> | <u>Progress</u> | <u>Notes / Remarks</u> |
|---|--|---|--|--|--|
| 6 | KCC/MA/COMP/2013 Foxdene, Rumstead Lane, Stockbury (Member: Jenny Whittle) | Mixed skip hire, storage and waste transfer activity. | The operators are claiming lawful use status from Maidstone BC (MBC). This includes the seeking of permission for related site engineering works. Both applications were submitted to the Borough Council in early 2012. | The applications remain with MBC to determine. I have nevertheless offered advice and assistance. | A mixed use of this type falls to MBC to deal with, in line with our Enforcement Protocol with them and by virtue of case law. I shall now remove from these Schedules but inform Members of the outcome of the applications. |
| 7 | KCC/MA/COMP/2013 Orchard Place, Heniker Lane, Sutton Valance (Members: Eric Hotson / at the boundary with Jenny Whittle) | 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 and a meeting with the landowner have confirmed a mixed use site, centring primarily on agriculture. There are polytunnels, a farm shop, agricultural and groundwork contracting, plant hire, a commercial fishing lake, office and residential uses. Small scale crushing and screening is used to occasionally generate materials and soils for the growing of produce and maintenance of existing hard surfaces. | The site is a multi-use District Matter. Material processing is integral to the overall enterprise. There is no apparent County Council jurisdiction, which I have confirmed both to MBC and the owner / occupier. In the circumstances, I propose to remove from these Schedules but maintain a watching brief. |

| | <u>Site & Case Reference</u> | <u>Alleged Breach</u> | <u>Objectives / Actions</u> | <u>Progress</u> | <u>Notes / Remarks</u> |
|---|--|--|--|--|--|
| 8 | <p style="text-align: center;">Shepway</p> <p>Little Neverend Farm Pye Corner, Ulcombe (Member: Jenny Whittle)</p> | <p>Allegations of an unauthorised waste use were reported by Maidstone BC (MBC) in March 2014.</p> | <p>To investigate and see if there is a clear and discrete County Council activity to pursue, in addition to MBC's long-term handling of the case.</p> <p>A site visit and meeting have taken place with the site operator / resident.</p> | <p>The primary use of the site is for commercial landscaping, supported by the local hire of small-scale plant, machinery and mini-skips. Other uses in the mix include haulage, commercial logging and storage, baling and bulking of farm-related plastic materials as part of a nationally run scheme. No recycling actually takes place on the site.</p> | <p>This integrated mix of uses falls to MBC to regulate. I have confirmed as such to the Borough Council and the owner / occupier.</p> <p>I shall now remove this case from the Schedules but maintain a watching brief.</p> |

| | <u>Site & Case Reference</u> | <u>Alleged Breach</u> | <u>Objectives / Actions</u> | <u>Progress</u> | <u>Notes / Remarks</u> |
|---|--|---|---|--|---|
| 9 | <p style="text-align: center;">Swale</p> <p>KCC/SW/0136/12 Sheerness Recycling Ltd Unit 34 Klondyke Ind Est Queenborough</p> <p>(Member: Angela Harrison)</p> | Importation of construction and demolition spoil, with mechanical processing. | <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 been received but since withdrawn, alongside the Lawful Use application.</p> <p>Circumstances have changed at the site. The land is apparently no longer available to the operator, given a potential alternative development. Coincidentally, the Environment Agency (EA) has required closure of the site in the absence of an Environmental Permit. That remains the position.</p> | <p>I am content for the EA to maintain the enforcement lead. However, I would seek Members support on a contingency basis for the servings of an Enforcement Notice and / or the seeking of an injunction(s), to respond to any potential future breaches.</p> <p>I shall remove from the Schedules for now but keep a monitoring presence.</p> |

| | <u>Site & Case Reference</u> | <u>Alleged Breach</u> | <u>Objectives / Actions</u> | <u>Progress</u> | <u>Notes / Remarks</u> |
|----|--|---|---|---|---|
| 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. | To arrest the alleged breaches and return the site to its lawful wharf-related use. A County Council confirmed Enforcement Notice (EN) requires restoration of the site. With Members endorsement that has turned to 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. | 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. A contracting firm and project manager have been employed and size reduction tests on the concrete beams have been completed. | The scheme to remove the large stockpile of lintels and to incorporate the material into the land is still awaited. I am now pressing for its urgent submission, as the details have to be vetted before the works can commence. There have been drainage complications but that should not be allowed to delay matters. Every chance needs to be given for the works to hit the construction window, this year. All elements are in place but urgency needs to be injected into finalising the detail. I shall impress this upon the landowner. The weight of Member support would greatly assist in finally resolving this matter. |

| | <u>Site & Case Reference</u> | <u>Alleged Breach</u> | <u>Objectives / Actions</u> | <u>Progress</u> | <u>Notes / Remarks</u> |
|----|--|--|--|---|---|
| 11 | <p>DC3/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>The site has operated in tandem with Larkey Wood, Chartham (see item 1 of this Schedule).</p> | <p>Swale BC (SBC) 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>Apart from repossession proceedings at the related Larkey Wood site, the operator has also been declared bankrupt. The official receiver is therefore investigating the possible seizure of the Thirwell site. I am trying to ascertain how far this has reached, without infringing on live confidential matters.</p> <p>The two sites are closely linked, which tends to complicate matters.</p> | <p>Notwithstanding the difficulties, there remains the prospect of full restoration at private cost.</p> <p>In the meanwhile, Members' support is still sought, as a contingency 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). I shall keep Members informed.</p> |
| 12 | <p>Willow Farm & Equestrian Centre, Hansletts Lane, Ospringe, Faversham ME13 0RS.</p> <p>(Member: Andrew Bowles)</p> | <p>Perimeter earth bunding, in a line of about 50 metres in length, north of the M2 and is in height between 1.5 and 2 metres.</p> | <p>To investigate this apparent planning breach and decide jurisdiction with Swale Borough Council (SBC).</p> <p>Investigations are now complete.</p> | <p>The main uses on the site are equestrian, agriculture, residential, retail and leisure; all of which would fall to Swale Borough Council (SBC) to regulate. Indeed they have been contacted already by the owner. The bunding material has been moved internally, which only serves to reinforce the point.</p> | <p>The development is apparently intrinsic to improvements on the land. Planning permission is required from SBC and an application is currently in hand.</p> <p>As the scheme falls outside of the County Council's remit I shall now remove from these Schedules.</p> |

| | <u>Site & Case Reference</u> | <u>Alleged Breach</u> | <u>Objectives / Actions</u> | <u>Progress</u> | <u>Notes / Remarks</u> |
|----|--|--|--|---|---|
| 13 | <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 have continued to advise and liaise recently 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>Dartford</p> <p>KCC/DA/COMP/2013 FM Conway Ltd, Rochester Way, Dartford (Member: Jan Ozog)</p> | <p>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.</p> | <p>Advise the operators and require immediate and progressive reduction in stockpile heights.</p> | <p>The operators have responded, reducing the level of material and confirming by photograph.</p> | <p>Since the earlier alleged breach, I can confirm from monitoring that there has been no resumption and I shall therefore remove from these Schedules.</p> |
| 2 | <p>Tonbridge & Malling</p> <p>Sheerness Recycling Sanderson Way, Tonbridge (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 first intervention, stockpile heights have again strayed upwards. However, I am applying monitoring pressure to ensure that the site returns to compliance. I shall keep Members informed.</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;">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>Advice has been taken on a suitable landscaping scheme, which presents a sustainable and long-term solution to the problem. A number of options have been explored (e.g. fencing, a concrete structure, earth bunding and related planting). Each of these is in turn being discussed with the Environment Agency (given their remit along the riverside, including flood protection). I shall inform Members on the solution adopted and the measure of success.</p> |

| | <u>Site & Case Reference</u> | <u>Alleged Breach</u> | <u>Objectives / Actions</u> | <u>Progress</u> | <u>Notes / Remarks</u> |
|---|--|---|--|--|---|
| 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. I have received no further complaints of tipping in the main Paddock area. A plan for removing the waste in a staged way is now required. The site access issue will need separate attention.</p> <p>I propose with Members’ support to task KCC Gypsy & Travellers section with producing a staged site recovery plan for the Paddock and site access protection measures, in time for the 3rd September 2014 Regulation Committee Meeting.</p> |