

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 MBE)</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, relating to the previous landowner.</p> <p>Compliance was reached with the Enforcement Notice in late 2009, following a staged site-recovery plan.</p>	<p>Further alleged breaches demand full restoration.</p> <p>Having apparently defaulted on his payments, the site has now been repossessed by the mortgage company. They in turn have attempted to sell the land.</p> <p>I would advise Members that any duties towards restoration under the Enforcement Notice, runs with the land.</p>	<p>The mortgage company has been advised to clear the site and return the land to its original state.</p> <p>I continue to seek Members support (on a contingency basis) in the taking of court action in relation to the Enforcement Notice and related injunctions under any part of the controlled area.</p> <p>This case is subject to an Exempt Report under Item 11 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.	Relocation of the business has now taken place to a larger and more suitable industrial site within Hersden.	I shall now remove this 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 submitted and is currently being processed.	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.
4	KCC/ENF/DA/059/2014 Court Wood House, New Barn Rd, Longfield. (Member: Jeremy Kite MBE)	Unauthorised landraising, pressing onto an adjoining Public Right of Way (PROW)	To ensure that there is no County Matter waste spoil depositing breach and to protect the line of the PROW	The identified spoil is from a subterranean swimming pool development, granted planning permission on appeal. The adjoining spread of material is part of a required landscaping scheme. Dartford BC (DBC) is the relevant planning authority.	I have advised DBC that spot heights on site would assist compliance. PROW will need to enforce the line of the footpath, as a lateral restraint on the scheme. Existing mature trees will also need protecting from the depositing of spoil nearby. I shall keep Members informed.

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5	<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>Compliance has now been achieved and the damaged land has been satisfactorily restored.</p> <p>Some small further stockpiles of material were mentioned by Councillor Cowan at the last Meeting.</p>	<p>Control over these further stockpiles rests with Dover DC and the EA. I shall however assist them on a team basis in ensuring their removal.</p> <p>I shall now remove from these Schedules.</p>
6	<p style="text-align: center;">Swale</p> <p>SW/05/COMP/0016 Woodgers Wharf, Horsham Lane, Upchurch</p> <p>(Member: Mike Baldock)</p>	<p>Unauthorised use of marine wharf for screening and crushing of imported concrete beams and alleged related waste management breaches.</p>	<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. 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.</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>A contracting firm and project manager have been employed and size reduction tests on the concrete beams have been completed.</p>	<p>The scheme to remove the large stockpile of lintels and to incorporate the material into the land has now been received. Final details are being agreed before the works commence. I am trying to ensure that either restoration has either begun before the Committee Meeting or a definite start date is available. Every attempt is being made to meet the window of opportunity this year I shall update Members further at the Meeting.</p>

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7	DC3/SW/2013 Thirwell Farm, Drove Lane, Hernhill (Member: Andrew Bowles)	<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 Environment Agency has a separate enforcement brief, liaising with both County / Borough Planning Authorities.</p>	<p>Apart from repossession proceedings at the related Larkey Wood site, the former operator has also been declared bankrupt and has just been released on licence from prison on firearm offences.</p> <p>The Official Receiver has previously identified the Thirwell Farm site as a potential asset within the landowner's estate. I am seeking confirmation on whether this might still be the case? This could offer a route to restoration and include reinstatement of the public right of way which crosses the site.</p>	<p>Restoration at private cost is still the objective.</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; under-written as required, by a County / High Court Injunction(s). I shall keep Members informed.</p>

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8	<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 (TWBC) 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>KCC does not hold a direct planning remit.</p>	<p>As complaints from local residents have continued I have decided to meet on site again with the various regulatory parties to help co-ordinate a plan of action.</p> <p>I have suggested to TWBC the service of a S215 Site Clearance Notice, which is not available to the County Council and should offer the required controls.</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 style="text-align: center;">Dover</p> <p>Ovendens, Thornton Lane, Eastry (Member: Leyland Ridings MBE & Steve Manion as complainant)</p>	Unregulated waste activities, burning and cement lorry cleansing, with alleged discharge of slurry into the drainage system	<p>To monitor and if necessary enforce the conditions attached to this planning permission.</p> <p>Also, to bring to the attention of the Environment Agency for investigation and potential action under their powers.</p>	The case is under investigation by both authorities.	I request Member support for the service of Breach of Condition Notice(s) as a contingency measure if required, as part of any co-ordinated action with the EA.
2	<p style="text-align: center;">Sevenoaks</p> <p>Ideal Waste Paper, Teardrop Centre, London Rd, Farningham (Member: Roger Gough)</p>	Unauthorised storage of waste materials in the car park and related operations, contrary to planning conditions.	To monitor and enforce the conditions attached to this planning permission.	The Environment Agency (EA) has already required the external storage to be removed by 30.11.14, using controls under the Waste Management Permit.	There will be co-ordinated action with the EA. I should however request Member support for the service of Breach of Condition Notice(s) as required.

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3	<p style="text-align: center;">Shepway</p> <p>Cube Metals Ltd, Highfield Industrial Estate, Bradley Rd, Folkestone</p> <p>(Member: Bob Neaves)</p>	Operating outside of permitted hours	<p>To monitor and enforce the conditions attached to this planning permission.</p> <p>Also, to bring to the attention of the Environment Agency (EA) for investigation and potential action under their powers.</p>	The case is under investigation by both authorities.	I request Member support for the service of Breach of Condition Notice(s) as a contingency measure if required, as part of any co-ordinated action with the EA.
4	<p style="text-align: center;">Swale</p> <p>DC3/SW/11/COMP/ Milton Creek Crown Quay Lane Sittingbourne</p> <p>(Members: Roger Truelove & Lee Burgess)</p>	Over stacking and stock-piling of site materials causing collapse to the banks of the creek, resulting in blocked water flow within the creek and obstruction to navigation. This partly involves an alleged trespass onto Medway Ports Authority land.	To see whether enforcement of the district planning permission for production of 'growing media' (i.e. soil-based compost) at the site, warrants the further intervention of the County Council?	<p>A previous multi-agency approach (i.e. KCC, Swale BC, the Environment Agency and Medway Ports Authority) achieved a level of compliance. This was consolidated within a retrospective planning permission.</p> <p>The site is now required as part of a local regeneration scheme. The stockpile of materials will therefore need to be removed.</p>	<p>The Environment Agency has required treatment of the waste stockpile before removal off site. A planning application for these works has been submitted to the County Council and is being processed.</p> <p>I shall keep Members informed on this case.</p>

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5	<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 first intervention, stockpile heights have again strayed upwards. However, I am applying monitoring pressure to ensure that the site returns to compliance. I shall continue with this until the situation is stabilised.</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 has been 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>I have received no further complaints and photographs by the Gypsy & Travellers Unit confirm that the problem is under control.</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>

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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. 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>A staged site recovery plan for the Paddock and site access protection measures are now required in order to begin reversing the damage caused to the site by uncontrolled waste depositing.</p>

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3	Polhill Caravan Site, London Rd, Dunton Green, Sevenoaks (Member: Richard Parry)	Unauthorised depositing of waste materials within the curtilage of the KCC regulated travellers' site.	To assist officers from the Gypsy & Traveller Unit in the prevention of further unauthorised tipping of waste materials. .	A physical barrier of concrete 'Milton Pipe' rings is to be laid to physically prevent any further trespass on the grounds of the site. This will be reinforced by a 2 metre high fence, which again should help to protect the vulnerable land near to the site entrance.	I regard these works as permitted development under Part 12 (Development by Local Authorities) Class A (a) of the Town & Country General Permitted Development) Order 1995 (as amended) and may therefore proceed without the need for planning permission. I shall keep Members informed on the case.