

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>	Multiple breaching of landfill permissions Enforcement Notices and High Court Injunctions	To prevent further breaching and secure restoration of the site.	The site has now been acquired as a means of directly addressing the enforcement issues on site.	This landfill site in need of restoration is the subject of an exempt report to these papers (see Item 9.).
2	<p>DC3/AS/08/COMP/0006 Church Lane, Sellindge (Member: Charles Findlay)</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.	To investigate and see if the activity falls within the County Council's waste related remit.	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.	The activity has ceased. A retrospective planning application for a composting use has been withdrawn. Removal of all parts of the development are now required and support is sought on a contingency basis for the service of an Enforcement Notice. The EA and Ashford BC (EHO) have their own pollution and amenity remits to use.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
3	<p style="text-align: center;">Canterbury</p> <p>DC3/CA/09/COMP/0006 Hillborough Business Park, Herne Bay (Member: David Hirst)</p>	Recent complaint of alleged unauthorised waste activities involving alleged unlicensed Skip Businesses.	To investigate and see if the activity falls within the County Council's waste related remit.	Site to be inspected.	The EA have been informed with a view to inspecting the site within their own powers and remit.
4	<p>DC3/CA/09/COMP/0007 Canterbury Business Park, Hersden (Member: Alan Marsh)</p>	Recent complaint made by Canterbury City Council of alleged unauthorised tipping of waste building materials.	To investigate and see if the activity falls within the County Council's waste related remit.	Site to be inspected.	I shall need to liaise with Canterbury City Council on the details of the case and in order to establish jurisdiction.
5	<p style="text-align: center;"><u>Dover</u></p> <p>DC3/DO/08/COMP/0007 Roman Road, Dover (Members: Gordon Cowan & Bill Newman)</p>	Unauthorised depositing of waste materials on private agricultural land	To investigate and see if the activity falls within the County Council's waste related remit.	The tipping was halted and a negotiated solution found for restoration, respecting adjoining contours and with the capability of being enforced.	The site was visited on 24 April 2009 and satisfactory restoration has been completed. I shall now add the site to my monitoring list.

	Site & Case Reference	Alleged Breach	Objectives / Actions	Progress	Notes / Remarks
6	DC3/DO/COMP/09/0003 Timberlakes, Port Richborough, Ramsgate Road, Sandwich (Member: Leyland Ridings)	Alleged unauthorised use for the storage and baling of paper and plastic waste materials. Dover DC report that this site generates regular complaints of untidiness.	To investigate and see if the activity falls within the County Council's waste related remit.	The site has been visited.	The existing use on site appears to be a district matter. However, the planning history is being reviewed in order to accurately establish jurisdiction.
7	Maidstone DC3/MA/05/COMP/0010 Monk Lake (formerly known as Riverfield Fish Farm), Staplehurst (Member: Mrs Paulina Stockell)	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	Maidstone BC has primary enforcement responsibility. It is being advised by specialist retained Counsel under the recommendation of County Officers.	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 has still to be established.	KCC holds no immediate remit on available evidence.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
8	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 prepared the ground for potential prosecution. No further tipping has been reported. KCC are in a supportive role. Members have 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.
9	DC3/MA/09/COMP/0008 Land off Redwood Glade, Bredhurst (Members: Paul Carter / Jean Law)	Report by MBC of the depositing of waste materials at this site.	To investigate and see if the alleged activity falls within the County Council's waste-related remit.	From sight of the evidence provided by MBC it is apparent that the primary use of the land is as a Builders Merchant.	Matter returned to MBC for action within their wider- ranging enforcement remit.
10	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.	There remains an invalid application for Lawful Use to retain the activity. However, potential re- location offers an alternative planning solution. The relative merits of each are being evaluated.

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
11	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. Sevenoaks DC and the EA have been kept informed, with a view to supportive monitoring within their own remits. I shall now remove to the monitoring list.
12	DC3/SE/09/COMP/0001 Park House Farm, Bower Lane, Eynsford (Member: Roger Gough)	Unauthorised waste transfer station including mixed waste materials.	To investigate and see if the activity falls within the County Council's waste related remit	The landowner has been instructed by this Authority and the EA to cease any unauthorised waste-related activities.	A District Council mixed use activity is apparently occurring. Nevertheless, contingent support is sought for the issuing of a Temporary Stop Notice and / or Enforcement Notice, as required.
13	Shepway SH/05/1425. A20 Scrapyard, Rear of Airport Café, Main Road, Sellindge (Member: Susan Carey)	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. Meanwhile, continuing support is sought for the serving of an Enforcement Notice, if required.

14	DC3/SH/08/COMP/0014 Land north of Southern Way, Folkestone (Member: Roland Tolputt)	Unauthorized depositing of waste materials, including construction and demolition spoil raising 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.	All waste imports have now ceased and the site has been inspected in the presence of both landowners. A negotiated settlement has enabled satisfactory restoration of the land ahead of schedule.
15	<p style="text-align: center;">Swale</p> DC3/SW/05/COMP/0016 Woodgers Wharf, Upchurch (Member: Keith Ferrin)	Unauthorized 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. A compliance strategy is in hand. I shall continue monitoring the site.

16	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 was served, appealed against, heard at Inquiry and upheld. However, the landowner / operator have sought leave to appeal the Inspector's decision in the High Court.	Given the potential High Court hearing and complaint by the appellants to the Information Commissioner, I am unable to comment any further publically on the case. To assist, I have prepared a confidential report to Committee as Item 8. Continuing support is sought for any High Court action deemed necessary to restrain the use.
17	DC3/SW/04/COMP/0049 Raspberry Hill Park, Farm, Iwade (Members: Brenda Simpson / Roger Truelove)	Unauthorised importation, burning and depositing of mixed construction spoil, stationing of mobile homes and haulage distribution use on the waste deposit.	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.	Compliance monitoring with the Enforcement Notice is required. There have been no further breaches on site.	The operators are currently in prison but the landowners have been pursued for restoration. However, following the convictions of the site operators a Court Restraining Order has been served which effectively 'freezes' the situation on site. Counsel's advice has just been received on the way forward and is currently being absorbed.

18	<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. Also, to ensure future protection of the land.</p>	<p>An agreed 20 vehicle loads have still to be removed..</p>	<p>A balanced approach is required. I shall persist in ensuring that the agreed restoration is honoured. Should that be the case, I am prepared to forego service of an Enforcement Notice, in favour of written legal commitments from the landowner to ensure no repeat of the activity.</p>
19	<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.</p> <p>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>

20	<p>DC3/TH/09/COMP/0004 Stonelees Golf Course, Ebbsfleet Lane, Ramsgate</p> <p>(Member: Charles Hibberd)</p>	<p>Report by Thanet DC that excessive stockpiles of waste materials are being deposited and recycled at this location.</p>	<p>To investigate and see if the activity currently falls within the County Council's immediate waste remit.</p>	<p>The site has been visited and it transpires that this alleged contravention is intrinsically 'bound-up' with a planning permission in place to extend the golf course, as granted by Thanet DC.</p>	<p>Thanet DC has been informed that the alleged breach should as a first resort be tackled through the current golf course permission and as such would fall to that Authority to enforce.</p>
21	<p>Tonbridge & Malling</p> <p>DC3/TM/09/COMP/0002 Land off Ford Lane, Trottscliffe</p> <p>(Member: Sarah Hohler)</p>	<p>Report by Tonbridge & Malling BC that large volumes of waste are being stockpiled on land between the M20 and M26.</p>	<p>To investigate and see if the activity falls within the County Council's waste-related remit.</p>	<p>The site has been visited revealing that waste has been deposited around the base of a series of trees. The activity has been exempted from environmental permitting by the EA.</p>	<p>The exemption has been challenged by KCC and the EA are in the process of revoking it. They will then monitor removal of the material off-site.</p>

22	<p style="text-align: center;">Tunbridge Wells</p> <p>DC3/TW/06/COMP/28 Durrants Farm, Maidstone Road, Paddock Wood</p> <p>(Member: Alex King)</p>	<p>Unauthorised waste recycling facility reported by the EA.</p>	<p>To assist the EA in their enforcement lead.</p>	<p>The site operator has already been prosecuted by the EA.</p>	<p>KCC is supporting the intervention of the EA which has so far proved successful in the context of the site. I therefore intend to remove the site to the monitoring list, returning to these schedules only if the service of an Enforcement Notice and / or Temporary Stop Notice is warranted.</p>
----	---	--	--	---	---

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 9.)</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 well progressed. The optimum level of amenity safeguarding is being sought, within the scope of available powers. No further noise complaints have been received and I propose to remove to the monitoring list.</p>

	<u>Site & Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
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 and to develop a strategy for resolution.	This web of alleged contraventions on site is complex and demanding. 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. Continuing support for the serving of BCNs is needed, should that enforcement route prove necessary. In the meanwhile, I shall add to my monitoring list.

5	<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 economic downturn appears to have contributed to the over-stacking on site and related alleged breaches</p>	<p>To ensure compliance with the base planning permission and related 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>The operator has failed to respond through negotiation and formal action is now required.</p>	<p>A staged series of letters have been sent with action in mind. I am now seeking the best combination of actions through Counsel, including: the serving of BCNs; a potential prosecution under the existing Enforcement Notice (c 1971); its re-service or injunctive action through the County / High Courts.</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	Swale SW/02/221 Preston Depot, Canterbury Road, Faversham (Member: T.Gates)	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 has been received, seeking to regularise the breach. The application is due to be reported to the 26 May 2009 Meeting of the Planning Applications Committee.