

Report by Head of Planning Applications Group to the Regulation Committee on 3rd May 2016.

Summary: Update for Members on planning enforcement matters.

Recommendation: To endorse the actions taken or contemplated on respective cases.

Unrestricted

Introduction

1. This report provides an update on planning enforcement and monitoring work carried out by the Planning Applications Group since the 26th January 2016 Regulation Committee Meeting.
2. As part of the reporting format, alleged unauthorised sites are now considered as exempt business. This helps to protect the content of any planning enforcement strategies being followed. Alleged breaches on permitted Minerals and Waste sites and on County Council Developments, along with this report will continue to be considered in open business.
3. This report summarises alleged unauthorised activity and is supported by a schedule which is exempt. However, a list of the cases covered in the schedule is given in paragraph 6 of this report.

Report Format

4. The report otherwise follows its established format, equipping Members with the essential facts of a series of cases, varying in their degree of complexity and challenge. The following sub-divisions may also be called upon as required:
 - Achievements / successes [including measurable progress on existing sites]
 - New cases, especially those requiring Member endorsement for action
 - Significant on-going cases
 - Other cases / issues of interest and requests by Members
5. Members may wish to have verbal updates at Committee on particular sites from the schedules (ideally with prior notice) or reports returned to the next Meeting. The report continues to give details of general site monitoring and progress on statutory chargeable monitoring for minerals development.
6. The list of cases covered under the schedule, attached to Item 7 (exempt report) of these papers includes:
 - **Mount Pleasant Farm**, Seasalter Lane Yorkletts, Whitstable.
 - **Land adjoining Long Hill playing field**, Romans Road, Dover.

- **Aylesham Road, bridleway**, Dover
- **RS Skips Ltd**, Unit 4, Apex Business Park, Queens Farm Road, Gravesend
- **Nuralite Industrial Estate**, Canal Road, Higham
- **'Pit Stop Café'** site, near Lychgate Services, Dargate
- **Thirwell Farm**, Drove Lane Hernhill
- **Persimmon housing development**, Coleshall Farm, Sheppey Way, Iwade
- **Top Bungalow**, Frieszley Lane, Cranbrook.

Meeting Enforcement Objectives

Themes

7. The County Council's Planning Enforcement team are continuing to integrate with other regulatory bodies in a more holistic approach to combating planning contraventions. For instance, there is an attempt to forge new links with HM Revenue & Customs (HMRC) and the Complex Investigations Team of Trading Standards. This potentially opens new avenues of enquiry and sanctions, especially in the more demanding and complex cases. More extensive research and precision is required in this type of work but there are potential rewards in terms of more complete and effective actions.
8. Co-ordination and the joining of powers are key to achieving shared goals. Such working relationships need to be developed and maintained. The required energy and commitment is being invested, which is helping in the resourcing of cases. It also allows a pooling of information and to ensure that all relevant authorities are briefed on areas of common interest. Indeed, the County Council along with other large organisations has a duty under relevant statutes to report any suspicious activity to the relevant authorities, particularly in the areas of criminal and financial misconduct. Alleged evasion of landfill tax would be an example.
9. At a strategic level, the Environment Agency continues to host peer group meetings including KCC Planning Enforcement and our counterparts from Surrey and East and West Sussex. A presentation on waste enforcement awareness training (principally for District Councils) is in preparation, along with good practice guides. Different types of early warning systems are also being considered given the common problem of construction spoil and soils being deposited and processed at unauthorised locations. This tends to increase during the warmer months and as the economy improves.

Enforcement capacity

10. Enforcement capacity derives in large part from the networking of available resources across the public sector. This in turn needs to be efficiently targeted, ideally in an intelligence-led way.

Achievements / Successes

11. Larkey Wood, Chartham is our most recent achievement from a planning enforcement perspective. Work continues on the case to ensure compliance with the secured enforcement strategy. Members will recall that restoration of the original and 'overspill' sites have been secured within the housing development scheme, granted planning permission by Canterbury City Council. All relevant costs have been absorbed by the private developer. Attention has now switched to the discharging of conditions under the planning permission, with a site de-contamination scheme already in place and archaeological safeguarding under current discussion. The time and resources freed from this site are being put to use by the County Planning Enforcement team in other pressing cases.

New Cases, especially those requiring action / Member support

12. There are no substantive new cases requiring particular Member attention under this section.

Significant on-going cases

13. I give advice and progress on a number of significant on-going cases in the schedule attached to Item 7 of these papers.

Other cases / issues of interest and requests from Members

14. No cases identified on this occasion.

Monitoring**Monitoring of permitted sites and update on chargeable monitoring**

15. In addition to our general visits to sites as a result of planning application work, we also undertake routine visits to some sites to formally monitor them under the statutory monitoring charging scheme. Since the last Regulation Committee, we have made a further 12 chargeable monitoring visits to mineral and waste sites, yielding a related income to the Group.

Resolved or mainly resolved cases requiring monitoring

16. Alongside the chargeable monitoring regime there is a need to maintain a watching brief on resolved or mainly resolved enforcement cases which have the potential to reoccur. This accounts for a significant and long-established pattern of high frequency site monitoring. Cases are routinely reviewed to check for compliance and where necessary are reported back to the Committee. In this instance, there are no cases to report back.

Conclusion

17. The County Planning Enforcement Team is actively seeking to share common enforcement workloads with other regulatory teams in the public interest. The approach has value at a range of scales. Waste planning contraventions tend to derive from a network of sources. The public sector response needs to be equally co-ordinated and decisive. The free-flow of accurate and precise information is vital to the success of any single or joint action. Intervening in an intelligence-led way is becoming increasingly important, given the level of sophistication and challenge, particularly in the larger and more complex cases. Traditional planning enforcement may offer a central core of action but in modern and more demanding contexts a more holistic approach is needed.

Recommendation

18. I RECOMMEND that MEMBERS NOTE & ENDORSE:

- (i) the actions taken or contemplated in this report.

Case Officers: Robin Gregory and Jasmine Hamid

03000 413380 / 413384

Background Documents: see heading.