

Report by Head of Planning Applications Group to the Regulation Committee on 13th September 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 3rd May 2016 Regulation Committee Meeting.
2. As part of the reporting format, alleged unauthorised sites are 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 10 (exempt report) of these papers includes:
 - **Land adjoining Long Hill playing field**, Romans Road, Dover.
 - **Aylesham Road, bridleway**, Dover
 - **Sewage Treatment plant**, Betteshanger, Deal.

- **RS Skips Ltd**, Unit 4, Apex Business Park, Queens Farm Road, Gravesend
- **Malling Wood**, Bell Lane, Boxley.
- **Five Acre Wood School**, Maidstone.
- **Little Hill Care Home St Michaels**, Tenterden
- **'Pit Stop Café'** site, near Lychgate Services, Dargate
- **Thirwell Farm**, Drove Lane Hernhill
- **Willow Farm Equestrian Centre**, Hanslett Lane, Faversham.

Meeting Enforcement Objectives

Themes

7. The County Council's Planning Enforcement team is continuing to work collaboratively with other regulatory bodies in combating planning contraventions and breaches of allied legislation. Closer links are being forged with existing enforcement partners, covering land, environmental and amenity interests. New bodies are also being added in an innovative way, with access to more direct business-related powers and sanctions. The evidential threshold is normally higher within these areas of commercial regulation but the sanctions can be more meaningful. These further operational links are offering new and important avenues of enforcement. All embracing contraventions require an all embracing response.
8. Whilst closer working brings an operational benefit to all parties, it should be pointed out that there is a duty to co-operate among such bodies in any event. Page 12 of the DCLG's 'A Plain English Guide to the Localism Act', November 2011, states that: "*The duty requires local authorities and other public bodies to work together on planning issues*". Regulatory bodies may have specialist responsibilities but they share a single public purpose and interest. Allied to this, the County Council along with other large organisations has a duty under relevant statutes (and particularly in relation to NAFN – the National Anti-Fraud Network) 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. These are reflected in multi-agency meetings for bodies operating within Kent, at the same venue. However, the problems associated with errant quantities of bulk construction-type materials finding their way onto land (for deposit and / or processing) are generic within and outside of the Kent County border. This activity is particularly prevalent during the summer months, as now.

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.

Enforcement and related policies

11. The County Council adopted its Minerals & Waste Local Plan on 14th July 2016. A number of policies are relevant to the planning enforcement arena but I would draw attention to two of them:

- **Policy CSW3** 'Waste Reduction' – This seeks the minimisation of construction spoil at source, as an example of positive development management. This in turn will reduce the potential for planning enforcement problems further along the line (see first attached extract).
- **Policy DM22** – 'Enforcement' – This gives policy support to existing planning enforcement work and with adopted status will help to reinforce the County Council's position in any formal actions (see second attached extract). It will also give a local plan policy focus for combined action with other authorities in the context of paragraphs 7 to 9 above.

Achievements / Successes

12. **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.
13. I reported to the last meeting on site de-contamination works and archaeological safeguarding. All surplus and extraneous materials have been removed from site and land contouring has been advanced. I hope to report in more detail at the Meeting, following a planned further site inspection.

New Cases, especially those requiring action / Member support

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

Significant on-going cases

15. I have given advice and progress on a number of significant on-going cases in the schedule attached to Item 10 of these papers.

Other cases / issues of interest and requests from Members

16. No cases identified on this occasion.

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

17. 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 25 chargeable monitoring visits to mineral and waste sites, yielding a related income to the Group.

Resolved or mainly resolved cases requiring monitoring

18. 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

19. The County Planning Enforcement Team continues to integrate and work more closely with other regulatory bodies, tied to a common public interest. Waste planning and allied breaches within the private sector usually interrelate. They require the same connected response from the public sector. The interchange of high quality and up to date information is vital in ensuring the success of any single or joint action. Planning enforcement powers relate to land. This single focus has been developed by the team into a co-ordinating role, with the aim of combining actions across multiple authorities and sites.

Recommendation

20. I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

Case Officers: KCC Planning Enforcement Team

03000 413380 / 413384

Background Documents: see heading.