

Report by Head of Planning Applications Group to the Regulation Committee on 28th January 2020.

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 25 September 2019 Regulation Committee Meeting.
2. As part of the reporting format, alleged unauthorised sites are considered by Members as exempt items, for information purposes, strategy and endorsement. This helps to protect the content of any planning enforcement approaches being taken, which we may subsequently rely upon in court and legal actions.
3. This report summarises alleged unauthorised activity. There is a further exempt report within (Item 10) of these papers with an attached schedule, containing restricted details of cases. However, a list of the cases covered in the schedule is given under paragraph 7 below.

Report Content

4. This report covers planning enforcement objectives, in response to the nature and patterns of alleged contraventions. This in turn is complemented by information on new and impending legislation and modernising proposals for the development of the service within the overall vision and values of the County Council.
5. The current throughput of cases is included, with those the planning enforcement team are currently engaged in, leading or advising upon. These vary in their degree of complexity and challenge. The level of involvement of the County Council also varies, according to enforcement jurisdiction, legal technicalities and case management among the regulatory bodies.
6. There is a further section on general site and compliance monitoring, incorporating the statutory chargeable element with relation to minerals development and final concluding comments.
7. The list of cases covered under the schedule, attached to Item 10 'Update of Planning Enforcement Cases' (Exempt report) in order of presentation are:
 01. **Mount Pleasant Farm**, Seasalter Lane, Yorkletts, Whitstable.
 02. **Double-Quick Farm**, Lenham, Maidstone

03. **Court Wood House**, New Barn Road, Southfleet
04. **Land to the rear of Salinas**, Darenth Wood Road, Dartford
05. **Fairfield Court Farm**, Brack Lane, Brookland, Romney Marsh.
06. **Fleetmix Ltd**, Aggregate Stockpile, Northfleet, Kent.
07. **Environment First Ltd**, Lested Farm, Chart Sutton, Maidstone
08. **Little Neverend Farm**, Pye Corner, Ulcombe.
09. **Highfield Residential Development / Meadow**, Faversham Road, Lenham
10. **Thirwell Farm**, Drove Lane, Hernhill
11. **George Bell Farm**, Plum Pudding Lane, Hernhill, Faversham
12. **Ashford Wastewater Treatment Works**, Canterbury Road, Bybrook, Ashford
13. **Stonepit Restoration Ltd**, Stone Pit 2, St James Lane, Greenhithe, Dartford.
14. **East Kent Recycling Site D**, Oare Creek, Faversham Kent
15. **Borough Green Sandpits**, Platt Industrial Estate, St Marys Platt.
16. **Blaise Farm Quarry**, AD Facility, Kings Hill, West Malling
17. **Wrotham Quarry**, Addington, West Malling
18. **Spires Academy**, Bredlands Lane, Sturry, Canterbury.
19. **Wentworth Primary School**, Wentworth Drive, Dartford
20. **Maypole Community Primary School**, Franklin Road, Dartford.
21. **Mayfield Grammar School**, Pelham Road, Gravesend.
22. **Three Lakes Caravan Park**, Murston, Sittingbourne
23. **Mount Joy**, Coombe Walk, Yorkletts.
24. **Hawthorn Cottages**, May Street, Herne Bay.
25. **Land at Stockbury Valley** (Longton Wood), Detling Maidstone.
26. **Water Lane / Moat Road**, Headcorn, Maidstone.

27. Rear of Orchard at Crouch Lane, Sandhurst, Tunbridge Wells

8. The above represents the current County Planning Enforcement workload. This ranges from County Matter cases at one end, through to supportive work in the public interest on district cases, at the other. Within that it further includes cases that are being investigated, which may ultimately not be for this Authority and strategy and case management advice to other regulatory authorities.

Meeting Enforcement Objectives*Workload focus*

9. The workload focus for the planning enforcement team since the previous Committee Meeting in September 2019 has been mainly divided between our core County Matter cases and a raft of district referrals. Compliance issues on sites permitted by the County Council is a further work stream. This in relation to Borough Green Sandpits (no.15, within paragraph 7 above) has involved the service of a Planning Contravention Notice on operational matters.
10. The district referral element is receiving particular attention at the moment, to assist all parties. A checklist and guidance are being produced, which should help inform the assessment process and clarify jurisdictional responsibilities. It also allows for continued attention on site, which ever of the planning authorities ultimately lead or assist in the case. Better initial documentation to the County Council from respective district councils would be a considerable help in this changeover procedure or as a basis for discussing jurisdiction, where legal advice is needed.

Government initiatives

11. Over the last few years the Government has become more attentive to environmental issues, including waste management. The 'Waste and Resources Strategy' links to the Government's 25 Year Environment Plan, where it has pledged to leave the environment in a better condition for the next generation. Waste its production, treatment and decisive enforcement, is intrinsic to the Government's plan for the environment. Historically waste management would be guided by the waste hierarchy with landfill being the least desirable option. Now the aim is for a circular economy of reuse, repair or recycle. This encapsulates the approach already taken in relation to enforcing restoration on contravention sites.
12. A new strategic approach to eliminating waste crime (Prevent, Detect and Deter) is also being rolled out by the Government. There is particular encouragement to the sharing of intelligence between front-line regulatory bodies, including our own County Planning Enforcement team. Government agencies such as the Environment Agency and Her Majesty's Revenue and Customs (HMRC), along with the police, help to complete multi-faceted teams, intended as appropriate, to be organised within Joint Units for Waste Crime (JUWC) crime. Internal organisational changes within the County Council are helping to facilitate such initiatives.
13. The Planning Enforcement team is alert to these initiatives at Government level. Our

strategic knowledge of individual and apparent networks of sites, along with their planning histories could prove to be a valuable asset in such a multi-agency and structured context.

Going forward

14. Organised crime and waste crime in particular, within the context of this report, remains pervasive. Tighter procedures and organisation between planning authorities will help. New powers and legislation from Government, will further assist and allow a more co-ordinated and holistic response. The full context of the problem must be understood and responded to decisively. The County Planning Enforcement team is providing as much input to this and case strategy advice as it can. The Waste and Resources Strategy has a chapter on waste crime, which contains greater operational detail on these new and emerging tools within the public sector armoury.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

15. In addition to our general visits to sites, we also undertake routine visits on permitted sites, to formally monitor against the statutory monitoring charging scheme. This provides useful compliance checks against each operational activity and an early warning of any alleged and developing planning contraventions.

Resolved or mainly resolved cases requiring monitoring

16. Alongside the above 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 workload remains at a high and challenging level. A number of cases are becoming increasingly tied to alleged criminal hubs and demonstrate aspects of organised crime, particularly in the handling of waste streams. Mainstream cases will respond to normal planning enforcement powers. However, a new set of working relationships with allied enforcement authorities are being developed to help in tackling more entrenched, sophisticated and damaging activities, in environmental and amenity terms, on site. Ultimately, Joint Units for Waste Crime (JUWC) should offer the kind of operational context that is required for this type of work.

Recommendation

18. I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

Update on Planning Enforcement Issues

Item 7

Case Officers: KCC Planning Enforcement

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Background Documents: see heading.