

## KENT COUNTY COUNCIL

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### REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 28 January 2020.

PRESENT: Mr A H T Bowles (Chairman) Mr S C Manion (Vice-Chairman)  
Mr M A C Balfour, Mr D L Brazier, Mr I S Chittenden, Ms S Hamilton,  
Mr P M Harman, Mrs L Hurst, Mr R A Marsh, Mr D Murphy, Mr J M Ozog,  
Mr R A Pascoe and Mr H Rayner (Substitute for Mr A M Ridgers)

ALSO PRESENT: Mr A R Hills

IN ATTENDANCE: Mr A Ballard (Principal Democratic Services Officer),  
Mr S Bagshaw (Head of Fair Access), Mr C Chapman (County Transport Eligibility  
and Co-ordinated Admissions Manager), Mr G Rusling (Public Rights of Way &  
Access Service Manager), Mr R Gregory (Team Leader - Planning Enforcement) and  
Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### 1. Minutes

*(Item 3)*

RESOLVED that the Minutes of the Committee meeting held on 25 September 2019 and of the Member Panel held on 3 December 2019 are correctly recorded and that they be signed by the Chairman.

#### 2. Dates of future meetings

*(Item 4)*

The Committee noted the following future meeting dates:

Wednesday, 20 May 2020;  
Thursday, 24 September 2020;  
Thursday, 28 January 2021; and  
Wednesday, 23 June 2021.

#### 3. Home to School Transport Appeals Update

*(Item 5)*

(1) The Principal Democratic Services Officer reported an overview on Home to School Transport statistics for the period between 1 January and 31 December 2019, including a brief comparison with the statistics from 2010 to 2018.

(2) RESOLVED that the report be noted.

#### 4. Oral Update from the PROW Team

*(Item 6)*

(1) The Public Rights of Way and Access Manager gave an oral summary of the current position in respect of applications to amend the Definitive Map and Statement. He informed the Committee that the Secretary of State had declined to confirm the Order for the diversion of Public Footpath SR22 at Shoreham. The Secretary to refuse to make an Order to divert Public Footpath SR49 from the at grade Foot Crossing to a stepped bridge at Otford.

(2) The Public Rights of Way and Access Manager said that the Regulations and Guidance associated with the Deregulation Act had still not been issued. The Priority Statement would need to be reviewed once this had occurred in order to decide whether to give Section 53 applications greater priority.

(3) The Public Rights of Way and Access Manager informed the Committee of the judgement of the *Court of Appeal in the Wiltshire Council v. Cooper Estates 2019* case which had given greater prominence to the impact of Local Planning Policies in determining whether a trigger even had occurred, preventing the processing of a Village Green application. A further significant judgement had seen the Supreme Court allow appeals by Lancashire and Surrey against registration on the grounds that the two parcels of land in question had ben used by right rather than as of right.

(4) RESOLVED that the report be noted.

## **5. Update on Planning Enforcement Issues** (Item 7)

(1) The Team Leader (Planning Enforcement) gave an update on planning enforcement and monitoring work carried out since the previous meeting of the Committee. He drew attention to the Government initiatives on environmental issues, particularly in respect of its strategic approach to the elimination of waste crime, including the sharing of intelligence between front-line regulatory bodies.

(2) RESOLVED that the actions taken or contemplated in the report be endorsed.

## **EXEMPT ITEMS**

### **(Open Access to Minutes)**

*(Members resolved under Section 100A of the Local Government Act 1972 that the public be excluded for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act.)*

#### **6. Update on Planning Enforcement cases**

*(Item 10)*

(1) Mr A R Hills was present for this item pursuant to Procedure Rule 16.21 and spoke.

(2) The Team Leader – Planning Enforcement gave an update on unauthorised planning enforcement matters setting out actions taken or contemplated at Yorkletts, Whistable; Double-Quick Farm, Charing; new Barn Road, Southfleet; Darenth Wood Road, Dartford; Fairfield Court Farm, Romney Marsh; Fleetmix Ltd, Northfleet; Lested Farm, Chart Sutton; Little Neverend Farm, Ulcombe; Faversham Road, Lenham; Thirwell Farm, Hernhill; George Bell Farm, Hernhill; Washford Wastewater Treatment Works, Bybrook; Stone Pit 2, Greenhithe; Oare Creek, Faversham; Borough Green Sand Pits; Blaise Farm Quarry, Kings Hill; Wrotham Quarry; Spires Academy, Sturry; Wentworth Primary School, Dartford; Maypole Community Primary School, Dartford; Mayfield Grammar School, Gravesend; Three Lakes Caravan Park, Murston; Mount Joy, Yorkletts; Hawthorn Cottages, Herne Bay; Stockbury Valley; Water Lane/Moat Road, Headcorn; and Crouch Lane, Sandhurst.

(3) The Team Leader – Planning Enforcement reported correspondence from the Local Member, Mr P B Bartlett on Ashford Wastewater Treatment Works, where a recent meeting on site between interested parties had shown that positive actions were being taken to better manage odour from the site, to the benefit of local air quality.

(4) Mrs S V Hohler expressed support for Offham Parish Council's concerns in respect of Blaise Farm, Offham and noted that KCC Planning and the Environment Agency were monitoring the situation. On Wrotham Quarry, Addington, she reported that it had been some time since she last received complaints from local residents on heavy traffic routeing and hours of working and that operator liaison with local communities seemed to have improved.

(5) The Team Leader – Planning Enforcement updated the Committee on Wentworth Primary School in respect of the painting of yellow line waiting restrictions.

(6) The Team Leader – Planning Enforcement reported correspondence from the Local Member, Mrs A D Allen in respect of Maypole Community Primary School in which she gave details of the negotiations she had facilitated between local parties. These had been very positive and indicated that a resolution could be achievable. On being informed of the submission of a noise and impending colour assessment survey, the Committee agreed to the removal of Mayfield School from the list.

(7) The Committee agreed with support from the Local Member, Mr H Rayner that the Head of Planning Applications Group should write further to the operator of

Borough Green Sand Pits to emphasise the Committee's disquiet at the alleged breaches and need for their early resolution.

- (8) RESOLVED that subject to (6) and (7) above, the enforcement strategies set out in paragraphs 5 to 22 of the report and in the Appendix be endorsed.