

Update on Planning Enforcement Issues

Item 5

Report by Head of Planning Applications Group to the Regulation Committee on

17th September 2024.

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 into events, operational matters and activities of the County Planning Enforcement service, since the 7th May 2024 Regulation Committee. There was a further confidential meeting of the Committee held on 29th July 2024, the contents of which cannot be addressed in this open report.
2. Planning enforcement workloads remain, especially at the strategic level, though medium to smaller sites are also well represented. At all levels, collaboration with ally bodies is a common and beneficial way of working for all parties, with the format translating well in most cases. It particularly helps with sites that attract interest from multiple remits, along with those that require frequent monitoring. Expertise and specialist equipment can be shared (such as drones) helping to optimise all available capabilities in the public interest.

Report Format

3. Our reporting to the Regulation Committee on planning enforcement matters comprises of two main parts.
4. The first being this 'open' report, summarising in general, our findings and observations relating to enforcement matters, for discussion. In addition, it includes the nature of the alleged unauthorised activities and types of responses, incorporating as much as can be released on operational matters without prejudicing any action that the Council may wish to take, or in relation to team actions with other regulatory bodies.
5. The second is the 'closed' or 'exempt' report (within Item 8 of these papers) containing restricted details on cases. These report the work conducted, in priority order, with the strategic level cases first (with a County Council interest / remit). Followed then by district referrals, including those where issues of jurisdiction remain, including 'cross-over' work with partner bodies and finally alleged compliance issues at permitted sites.
6. That format allows for free discussion of alleged contravening behaviour, enabling patterns to be revealed. This in turn is discussed confidentially with

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Members, in order to safeguard both enforcement strategies and legal evidence. Member endorsement is sought on individual sites and in terms of group regulatory initiatives.

7. To remain as transparent as possible, a list is provided, under paragraph 8 below, of the cases that are covered in the exempt report. This covers those sites currently active, or new reported activities requiring investigation. Those previously reported and inactive, remain on a 'holding / monitoring' database to be brought back to the Committee, should further activity occur, or as an update on site restoration and after-uses.
8. Our current and immediate operational workload, qualified by remit and with resource priority is as follows:

County Matter cases (complete, potential, forming a significant element or as a regulatory group contribution)

- 01 **Hoads Wood**, Bethersden, Ashford
- 02 **Swanton Lane**, Littlebourne, Canterbury
- 03 **Warden Point and Third Avenue**, Eastchurch, Isle of Sheppey
- 04 **Raspberry Hill Park Farm**, Raspberry Hill Lane, Iwade, Sittingbourne
- 05 **Bell Lane Farm**, Minster-on -Sea, Isle of Sheppey
- 06 **Ancient Woodland Adjacent to Knoxfield Caravan Site**, Darenth Wood Road, Dartford
- 07 **Oaktree Farm**, Halstead, Sevenoaks

District or EA referrals (or those district or EA cases of potential interest)

- 08 **Manor Farm, Willow Lane**, Paddock Wood
- 09 **Knowle Farm**, Malling Road, Teston, Maidstone
- 10 **Court Paddock Farm**, Ightham
- 11 **Former Travel Lodge / Brotherhood Woods**, Boughton Bypass Dunkirk
- 12 **The Pines Nursery**, Gravel Castle Road, Barham

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13 Pike Road / Thornton Kennels, Tilmanstone

9. All alleged unauthorised cases received are triaged, researched and investigated to establish whether there is a statutory remit for the County Council. Some cases may ultimately revert to other authorities and agencies and there will be those which we may contribute to within multi-regulatory settings.
10. A further workload area relates to alleged compliance issues at permitted sites. These mainly relate to alleged breaches of planning conditions, arising from site management issues.

Permitted sites (compliance issues)

01 Shelford Landfill, Broad Oak Road, Canterbury

02 Cube Metals, Unit A, Highfield Industrial Estate, Bradley Road, Folkestone.

03 RS Skips, Apex Business Park, Shorne.

04 East Kent Recycling, Oare Creek, Faversham

05 Borough Green Sandpits, Platt, Borough Green

06 Wrotham Quarry (Addington Sandpit), Addington, West Malling

07 H&H Celcon, Ightham

Meeting Enforcement Objectives

Alleged strategic waste crime

11. There are a number of strategic planning enforcement cases spread across the county, requiring priority attention in a group regulatory context. Each site has attracted a dedicated task force, drawn from specialised staff with police involvement from all operational perspectives. Three sites, at Third Avenue, Eastchurch (Isle of Sheppey), Hoads Wood, Bethersden, Ashford and more recently Swanton Lane, Canterbury are subject to Environment Agency Restriction Orders, preventing alleged unauthorised access for the importation of waste materials and associated environmental damage and amenity impacts. This ultimate direct action is now a considered option in the more severe cases, both as an urgent first resort and as a means to consolidate any escalating series of actions.

Other, largely small to medium size sites

12. KCC Planning Enforcement is actively engaged in the strategic sites but there are

a range of small to medium size sites, which are becoming more numerous, with approximately, three times the expected referral rate to this Authority over the summer. These are of a traditional nature in general but in some cases waste crime features can be detected and the sites are invariably more persistent and difficult to turn around.

13. Collaborative efforts with other bodies are needed to keep ahead of this surge in cases. It helps to overcome the limitations of single authority actions and generally speaking, provides a quicker and more complete response from the public sector side. Indeed, there are multiple operational benefits for all of the regulatory parties involved.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

14. In addition to general visits to sites, we also undertake monitoring visits on permitted sites. They provide useful compliance checks against each operational activity and an early warning of any alleged and developing planning contraventions. A limited number of statutory monitoring visits have been undertaken. Alleged planning contraventions at permitted sites are currently being addressed with additional support from agency staff.

Resolved or mainly resolved cases requiring monitoring

15. 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. Under normal circumstances, 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. For the moment, this initiative has also been reduced to allow a diversion of resources to the priority strategic enforcement cases mentioned and the surge in other cases within this report but remains on a reactive basis.

Conclusion

16. County planning enforcement is a demanding sphere of work both in content and through increasing complexity. The strategic sites persist but importation of waste at three of them has been stopped in a group regulatory context by Environment Agency Restriction Orders. The recent surge in medium to smaller sites is another operational priority, completing now a spectrum of concern at all levels of activity. In that context, group regulatory work becomes ever more important especially keeping a full range of available actions open.

17. Recommendation

I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

Case Officers: KCC Planning Enforcement

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Background Documents: see heading.