

KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 9 June 2022.

PRESENT: Mr S C Manion (Chairman) Mrs S Hudson (Vice-Chairman)
Mr M Baldock, Mr I S Chittenden, Mr P Cole, Mr M C Dance, Ms S Hamilton,
Mr B H Lewis, Mr T L Shonk and Mr H Rayner

IN ATTENDANCE: Mr R Gregory (Team Leader - Planning Enforcement),
Mr G Rusling (Public Rights of Way & Access Service Manager) and Hayley Savage
(Democratic Services Officer)

UNRESTRICTED ITEMS

7. Substitutes

(Item 1)

Apologies were received from Mr Love, Mr Jeffrey, and Mrs Parfitt-Reid. Mr Rayner was attending as substitute for Mr Love.

8. Declarations of Interests by Members in items on the Agenda for this meeting.

(Item 2)

There were no declarations of interest.

Later in the meeting, Mrs Hudson declared an interest under Item 7 – *Update on Planning Enforcement Cases* – and said she was a school governor at Maidstone Grammar School.

9. Minutes

(Item 3)

RESOLVED that the Minutes of the Committee meeting on 27 January 2022 and of the Mental Health Guardianship Sub-Committee on 31 March 2022 are correctly recorded and that they be signed by the Chairman.

10. Update from the Public Rights of Way and Access Service (Oral Report)

(Item 4)

- (1) The Public Rights of Way and Access Service Manager provided a verbal update since the last meeting.
- (2) The Public Rights of Way and Access Service Manager said it had been concluded that there was no trigger event affecting the site of the Westbere Village Green application and a decision was taken on that basis. The decision

was subsequently subject to an application for judicial review set to be heard in the High Court on 14 and 15 July 2022.

- (3) Inspectors' Reports and Recommendations for Whitstable Beach and Herne Bay Village Green applications had been received and were with applicants and landowners for final comment. An officer report and recommendation would be presented to the Regulation Committee at a future meeting.
- (4) The Public Rights of Way and Access Service Manager referred to the 2026 cut-off date for applications to record Public Rights of Way on the Definitive Map and Statement and said in February 2022 the Department for Environment, Food and Rural Affairs (Defra) announced it was the government's intention to repeal the cut-off date and introduce other legislative measures to simplify the process around dealing with definitive map modification orders. The Planning Rights of Way and Access Service Manager said the cut-off date had been driving an increased number of applications and projections would be carried out to determine the required resource for the potential backlog, and this would be reported to the Regulation Committee and the Growth, Economic Development and Communities Cabinet Committee.
- (5) Mr M Baldock proposed, and Mr B Lewis seconded that:

"The Regulation Committee puts on the record its support for the government's decision to remove the Definitive Map cut-off date of 1 January 2026 for the recording of historic rights of way".

- (6) The motion set out in (5) above was agreed unanimously.

RESOLVED that the verbal report be noted.

11. Update on Planning Enforcement Issues

(Item 5)

- (1) The Planning Enforcement Team Leader endorsed the recognition given to Andy Tait, from the officer-side, and introduced the report which covered the work of the Planning Enforcement Team since 27 January 2022.
- (2) The Planning Enforcement Team Leader said the Planning Applications Group was in the process of recruiting a new Planning Enforcement Officer for compliance issues at permitted sites and, moving out of the covid-19 pandemic, the team was ensuring that on any case the team's knowledge and range of enforcement powers were accessible and used in the right ratio. The Planning Enforcement Team was working through a surge of cases in the unauthorised field which may be related to the lifting of restrictions following the pandemic.
- (3) The Planning Enforcement Team Leader referred to Environment Agency waste permits and thanked Members for their comments on the two consultations entitled 'Reform of the Waste Carrier, Broker, Dealer Registration System in England' and 'Introduction of Mandatory Digital Waste Tracking' which had been well received by Defra. The Planning Enforcement Team Leader highlighted the importance of working with partners and referred to HM

Revenue and Customs' (HMRC) involvement on a strategic case and their powers to prosecute any alleged organised crime in a systematic way.

RESOLVED that the actions taken or contemplated in the report be noted and endorsed.

12. Other Items which the Chairman decides are Urgent *(Item 6)*

This item was taken before Item 5.

Members noted the positive contribution that Andy Tait, Democratic Services Officer, who was retiring in June 2022, had made to the Regulation Committee during his time at KCC.

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)

13. Update on Planning Enforcement cases *(Item 8)*

- (1) The Planning Enforcement Team Leader gave an update on unauthorised (or part unauthorised) planning enforcement matters setting out actions taken or contemplated at Raspberry Hill Park Farm, Iwade; Warden Point, Eastchurch; Surf Crescent, Eastchurch; Foxdene, Stockbury; Chetney Marshes, Iwade; Springhill Farm, Fordcombe; Water Lane, Thurnham; Hoads Wood Farm, Bethersden; Double Quick Farm, Lenham; Woodside East, Shadoxhurst; Ringwold Alpine Nursery, Dover Road, Ringwold; Fairfield Court Farm, Brack Lane, Brookland, Romney Marsh; Chapel Lane, Sissinghurst; Land off Maypole Lane, Canterbury; Manor Farm, Willow Lane, Paddock Wood; Cobbs Wood Industrial Estate, Ashford; Old Tilmanstone Colliery, Pike Road, Eythorne; Flisher Energy, Fernfield Lane, Hawkinge; Cube Metals, Unit A, Highfield Industrial Estate, Bradley Road, Folkestone; R S Skips, Apex Business Park, Shorne; Unit 2, Katrina Wharf, Wharf Road, Gravesend; Mayfield Grammar School, Pelham Road, Gravesend; Maidstone Grammar School, Barton Road, Maidstone; East Kent Recycling, Oare Creek, Faversham; K & S Services, Cleve Hill Farm, Cleve Hill, Graveney; Borough Green Sandpits, Platt; Wrotham Quarry (Addington Sandpit), Addington, West Malling; H & H Celcon, Ightham; Land to the south of Manor Way Business Park, Swanscombe.
- (2) The Planning Enforcement Team Leader highlighted the importance of involving partners and government bodies with specialised powers in the enforcement of cases.
- (3) Members discussed the possibility of internal recruitment (beyond a new Planning Enforcement Officer for permitted sites) as a way of attracting people

into this part of the profession. The Planning Enforcement Team Leader noted the idea as a way to develop new capacity and to help address the lack of people specialised in this area.

- (4) RESOLVED that the enforcement strategies outlined in paragraphs 9 to 159 of the report be noted and endorsed.