

SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and also as might be additionally indicated.

Item C1

Waste transfer station for the consolidation and onward shipment of end of life lead acid batteries at Unit 11d - 11e Dolphin Park, Cremers Road, Eurolink, Sittingbourne, Kent, ME10 3HB – SW/17/506523 (KCC/SW/0319/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 7 February 2018.

Application by Mr A Milner - Commercial Batteries Ltd for waste transfer station for the consolidation and onward shipment of end of life lead acid batteries at Unit 11d - 11e Dolphin Park, Cremers Road, Eurolink, Sittingbourne, Kent, ME10 3HB – SW/17/506523 (KCC/SW/0319/2017)

Recommendation: Permission be GRANTED subject to conditions.

Local Member: Sue Gent

Classification: Unrestricted

Site

1. The application site lies within the large Eurolink Industrial Estate in Sittingbourne which accommodates a variety of light and general industrial uses and warehousing. Eurolink is situated to the north east of Sittingbourne town centre to the north of the main London to Kent Coast railway line. Dolphin Park lies approximately 5 miles from junction 5 of the M2 via the A249 dual carriageway with good access to the motorway from Castle Road via the Sittingbourne Northern Relief Road to the Grovehurst Junction with the A249. Units D and E are accessed via Cremers Road and through the yard area of the adjoining units A-C. The application site is divided from the adjoining yard by a secure fence (which runs around the perimeter of the site) and gate which completely separates off the remaining yard area, Unit E being the end of the development. The whole of this terraced group of units (A-E) is fenced off from Cremers Road with their own gated access.
2. At the bottom of the yard is a small wooded area which forms the boundary of the industrial area with Church Road and the residential development beyond and largely screens the application site. The industrial estate is generally set at a lower level than Church Road and the only view of the application site from outside of the industrial estate is from some distance along Church Road to the north of the site and then only the upper portion of the units and their roofs are visible.
3. The total floorspace across the two units is approximately 918 square metres (including a small office space over two floors) and the yard area is about 859 square metres, marked out with a number of parking bays immediately to the front of the units and up

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against the northern boundary fence. The units have a large open internal floorspace with full height roller shutter doors as well as personal access doors and windows to an internal office space to the front of each unit. There is also a mezzanine floor above the office space with windows to the front in Unit D.

4. The application site lies within a groundwater Source Protection Zone 1 (SPZ1) where the Environment Agency (EA) give the highest consideration to the risk of pollution and suggest prevention measures if appropriate.

General Location Plan



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Site Location



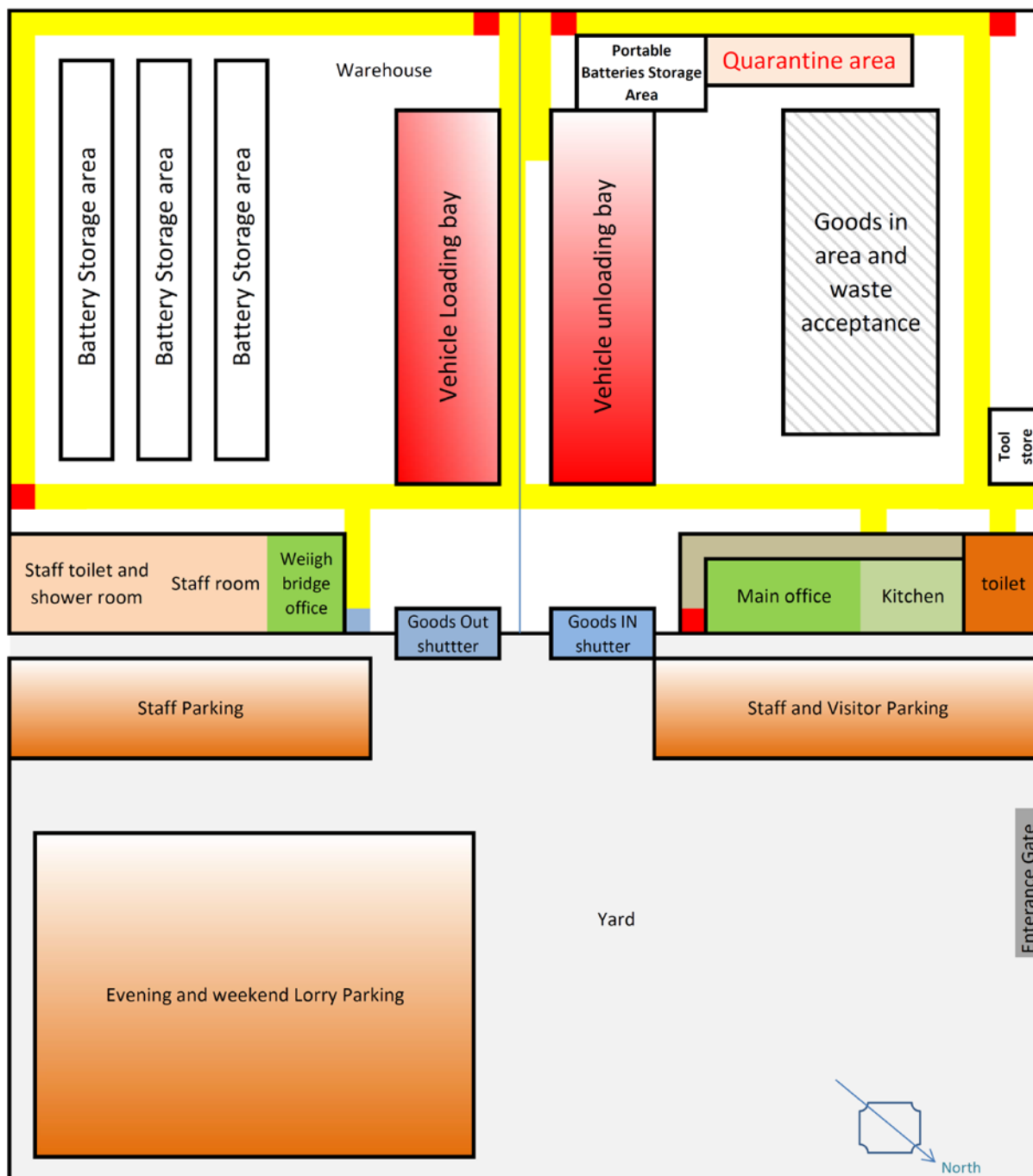
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Application Site Plan



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Site Layout



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Proposal

5. The application is for the change of use to a waste transfer station for the consolidation and onward shipment of end of life lead acid batteries. In simple terms the batteries would be collected from the user brought back to the site, sorted and packed and wrapped onto pallets for onward shipment to the recyclers. It is not proposed that any processing of the batteries would take place at this site. It is understood that the site has previously been used for B1/B8 light industrial/general storage uses. The Applicant would use 2 forklift trucks and hand operated pallet trucks to move the pallets around inside the building. .
6. Following early discussions with the EA, a specific acceptance procedure would have to be set out in the environmental permit, which would restrict the acceptance of lead acid batteries only. However it is accepted that there may be a small element of contamination (non-lead batteries) within a load. The Applicant estimates that in an average week they would import approximately 200 tonnes of batteries of which a maximum of around 0.5% (10kg) might not be lead and these are most likely to be alkaline batteries which are not considered hazardous. This contaminated element would be consolidated and sent on to an approved treatment facility (currently in Halifax). The Applicant is seeking permission for a maximum storage capacity of 50 tonnes at any one time which would equate to an annual throughput of 15,000 tonnes.
7. It is proposed that the facility would operate 0700 – 1800 hours Monday – Friday and 0700 hours – 1300 hours on Saturday. It is expected to provide jobs for 4 personnel in addition to the 3 currently employed within the business, although it is hoped this could rise to around 10-15 after the first year.
8. It is intended that all openings within the building will be banded to prevent any liquid from leaving the building. The floors of the units are sealed concrete and there is no drainage to outside of the building thereby containing any water. The proposals have to be subject to a Fire Protection Plan as part of the permitting regime.
9. The Applicant has indicated that they intend to operate a maximum of 4 HGV's and one light goods van although they would build up to this number of vehicles over the first few years of operation. Initially they envisage a third party haulage operator taking away one container per day for onward recycling building up to two per day. So in total they expect an average of 6 HGV visits (12 movements) per day, with one LGV (2 movements) as well as 10 staff cars visiting each day.

Planning Policy

10. **National Planning Policy Framework (NPPF) (March 2012)** sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.

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11. The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 1 (Building a strong, competitive economy), 3 (Supporting a prosperous rural economy), 4 (Promoting sustainable transport), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment), and 13 (Facilitating the sustainable use of minerals) are of particular relevance.
12. The NPPF seeks local planning authorities to look for solutions rather than problems and to approve sustainable development that accords with the development plan, unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, the Framework seeks that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF policies.
13. **National Planning Policy Guidance (NPPG) (March 2014 (as updated))** supports the NPPF including guidance on planning for air quality, climate change, environmental impact assessment, flood risk and coastal change, light pollution, minerals, natural environment, noise, transport and waste (amongst other matters). The waste section of NPPG advises that the aim should be for each Local Planning Authority to be self-sufficient in dealing with their own waste in the context of the 'proximity principle'. It requires waste planning authorities to plan for sustainable management of waste including wastewater. Adequate water and wastewater infrastructure is needed to support sustainable development. A healthy water environment will also deliver multiple benefits, such as helping to enhance the natural environment generally and adapting to climate change.
14. **National Planning Policy for Waste (NPPW) (October 2014):** The NPPW should be read in conjunction with amongst other matters the NPPF and Waste Management Plan for England (WMPE) 2013. It recognises the need to drive the management of waste up the 'Waste Hierarchy' and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country's waste ambitions through amongst other matters helping to secure the recovery of waste without endangering human health and without harming the environment.
15. **Waste Management Plan for England (WMPE) 2013:** The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero waste economy as part of the transition towards a sustainable economy. It also promotes the waste hierarchy as a guide for sustainable waste management. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and last of all disposal (landfill). The plan encourages policies which lead to reductions in hazardous waste arisings and the wider application of the waste hierarchy to the sound management of hazardous waste.

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Development Plan Policies:

16. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (July 2016):** As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. Policy CSW 1 gives support where, when considering waste development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by National Policy.
17. Policy CSW2 recognises that to deliver sustainable waste management solutions for Kent any proposal should demonstrate how they will help drive waste up the waste hierarchy whenever possible. The bulking up of these end of life batteries allows an economy of scale that makes it viable to ship onto other companies who then subsequently recycle the waste batteries.
18. Whilst it is recognised that the waste batteries are a hazardous waste, this proposal is solely for transfer and does not result in the disposal or processing of the hazardous waste. Policy CSW12 seeks to maintain net self-sufficiency for the management of hazardous waste throughout the plan period and that facilities will be granted in locations specified in Policy CSW6, regardless of whether their catchment areas for waste extend outside of Kent. Policy CSW6 encourages proposals to avoid sensitive nature conservation and landscape designations and of specific relevance in this case Groundwater Protection Zones 1 and Flood Risk Zone 3b. However it also recommends suitable locations provided the proposals would not result in an adverse impact upon the environment and communities, and as such the location of this site on an existing industrial estate meets that criteria. The view of the EA with regard to the impact upon the SPZ will of course be critical in determining this application.
19. There are also a number of Development Management Policies included in the Plan relevant to the consideration of the proposed development: Policy DM1 (Sustainable Design), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), and DM13 (Transportation of Minerals and Waste).
20. **Swale Borough Local Plan 2017:** Policies DM7 (Car Parking Standards) and DM14 (General Development Criteria).

Consultations

21. **Swale Borough Council** - No objection subject to no objections from statutory consultees. The Councils' Environmental Health Officer raises no objection and the case officer considers the proposal would not be significantly different from other uses on the industrial estate in terms of use, traffic and visual amenity and is unlikely to have any significant impacts upon residential amenity.

Environment Agency - No objection. The application site is located in a sensitive

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setting - Source Protection Zone 1 for a public water supply. The application is for a small scale development, but it is intended to handle hazardous waste materials. Under our precautionary principle for protecting groundwater we would normally object to such facilities in an SPZ1, however, considering all waste controls will be controlled via the waste management permit and all activity will be inside a building on an impermeable surface, we have no objection to this application. We have provided pre-application advice for the permit on this site. The Fire Prevention Plan will be fully assessed as part of the permit application. The Standard Rules 2015 No16 does not stipulate that the permit cannot be within a Source Protection Zone 1. The Agency has subsequently commented that a standard rules permit would cover the planned activities and this would only allow for the storage and separation of the batteries and would not allow treatment.

Kent County Council Highways and Transportation - No objection. The 2 units in this planning application are already in industrial/commercial use, and therefore will generate HGV movements at present under the extant use. The proposal does not materially changes the nature of vehicle activities associated with the site, when compared to what could take place currently within the B1/B2 and B8 uses permitted here. Consequently, provided the following requirements are secured by condition or planning obligation, then no objection is raised on behalf of the local highway authority:

- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

Sustainable Drainage - No objection. Regarded as low risk to the water environment

County Fire Officer - No objection. Following examination of the plans provided, the access provided for fire appliances appears to be satisfactory.

Public Health England - No comments received.

Local Member

22. The local County Member Mrs Sue Gent was notified of the application on 19th December 2017 no views have been received to date.

Publicity

23. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 31 neighbouring industrial and residential properties.

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Representations

24. In response to the publicity, 3 letters of representation have been received, although 2 are from the same objector. The key points raised can be summarised as follows:

- There is no need for another licensed waste site.
- The company has no evidence of commercial sustainability and will be located within a rental property.
- The material will be unloaded outside of the warehouse in the yard with no interceptors for drainage thus risking damage from spillages.
- The Applicant does not add anything by recycling the batteries and is only a trader in waste which is not needed.
- The activities would need to be subject to a specific bespoke EA permit.
- The use would not be a B8 but a suis generis recycling plant.
- The risk of fire and resultant fire water and chemical spill is underestimated.
- The safe storage of spent batteries is very important as they often retain residual charge and shorting of the batteries can lead to catastrophic fires; there is no mention of control measures for fire prevention or realistic control of contaminated fire water for which 900 litres containment is completely inadequate.
- Emissions to the air from a fire would contain heavy metals and represent a risk to public health.
- There is no mention of fire detection/prevention during the hours that the premises are unattended.
- Drainage of trade effluent is not dealt with appropriately.
- The area is susceptible to surface water flooding although the risk is low, although it scored high priority for Countryside Stewardship under the Flood Risk Management Priorities schedule for England.
- A scrap dealer license will be needed.
- There is no design and access statement and no recognised need for such a facility in the vicinity.
- This proposal will threaten the continuing success of facilities already providing this service locally.
- The application is inadequate and deficient and does not have all the information contained in it.

Discussion

25. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 10 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

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- Need and Sustainability
- Groundwater Protection
- Fire Risk Considerations
- Traffic and Access
- Other Amenity impact and other issues.

Need and Sustainability

26. Hazardous waste arising in Kent is one of the smaller streams of waste and its management is typically characterised by the following:

- Hazardous waste is often produced in small quantities,
- Hazardous waste management facilities are often highly specialised with regional or even national catchment areas,
- Considerable movement of hazardous waste occurs with both waste originating in Kent going outside the county for management and hazardous waste coming in to the county for management.

27. Policy CSW12 of the Kent Minerals and Waste Local Plan (KMWLP) requires the County to maintain net self-sufficiency in the management of hazardous waste. Whilst this policy is largely aimed at addressing capacity for flue residues from Allington Energy from Waste facility and asbestos landfill capacity, it is also relevant to this proposal. The policy goes on to state that proposals for built hazardous waste management facilities will be granted planning permission in locations specified in Policy CSW6, regardless of whether their catchment areas for waste extend outside Kent.

28. Policy CSW6 seeks to identify sites that are appropriate for waste management facilities and generally seeks to avoid those where there would be an impact upon sensitive nature conservation sites, those of high landscape value, within the Green Belt and Groundwater Protection and Flood Risk Zones. It goes on to support proposals that move waste further up the hierarchy in specified locations, such as within existing industrial areas providing there is no adverse impact upon the environment and communities.

29. This proposal whilst solely for the collection and bulking up of waste lead acid batteries, does follow the aims of Policy CSW2 to drive waste to ascend the Waste Hierarchy wherever possible. The improved economies of scale that waste transfer supports makes the onward recycling of this waste product more viable.

30. The potential amenity impacts of the proposed development and those upon groundwater will be discussed later in this report. In principle however I am satisfied that there is a need for this waste management facility and that it represents sustainable development in accordance with the policies contained in the development plan.

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Groundwater Protection

31. As set out in my report above the application site lies just within a Groundwater Protection Zone 1 which covers a large portion of the Sittingbourne central urban area. Groundwater provides a third of drinking water in England and Wales, and it also maintains the flow in local rivers. In some areas of Southern England, groundwater supplies up to 80% of the drinking water and it is therefore necessary that these sources are protected to ensure that water is completely safe to drink. The Environment Agency (EA) has defined Source Protection Zones (SPZs) for groundwater sources such as wells, boreholes and springs used for public drinking water supply. These zones (inner, outer and total catchment) show the risk of contamination from any activities that might cause pollution in the area. The zones are used in conjunction with the EA Groundwater Protection Policy to set up pollution prevention measures in areas which are at a higher risk, and to monitor the activities of potential polluters nearby.
32. SPZ1 is the zone closest to the abstraction point and therefore recognised as being of the highest sensitivity from potential pollution. As set above Policy CSW6 of the KMWLP looks for allocated sites to avoid such areas. However as the lead pollution prevention control authority the EA advises whether the proposal is considered acceptable in this regard. Their comments in this regard are repeated:

“The application site is located in a sensitive setting - Source Protection Zone 1 for a public water supply. The application is for a small scale development, but it is intended to handle hazardous waste materials. Under our precautionary principle for protecting groundwater we would normally object to such facilities in an SPZ1, however, considering all waste controls will be controlled via the waste management permit and all activity will be inside a building on an impermeable surface, we have no objection to this application.”

They go on to comment:

“The Standard Rules 2015 No16 does not stipulate that the permit cannot be within a Source Protection Zone 1.”

Fire Risk Considerations

33. The management of the risk of pollution within this source protection zone will be assessed and the EA have informed us that they have provided pre-application advice for the permit on this site. Containment of spills and in particular management of water in the event of a fire are matters they consider.
34. The Applicant fully acknowledges the need for their permit application to be accompanied by a Fire Protection Plan (FPP) and following the concerns expressed by one of the objectors provided more information in support of this planning application. The application proposes that only 50 tonnes of batteries could be stored at any one time (this would also be restricted within the permit). The batteries are not expected to be on site for more than two working days as they would be shipped out to an approved

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recycler as soon as possible. The Applicant comments that with the restricted quantities to be stored within the building there would be adequate space for good segregation to minimise fire spread. Lead acid batteries are also considered low risk which is why they are widely used in the automotive industry and a single stream (lead acid only would also be restricted in the permit), properly packed and stored, would further reduce any risk.

35. Furthermore sand and/or a powder or CO2 would be used to extinguish a fire with water being used as a last resort as it should generally not be used with electrical fires. The floor of the building is sealed concrete with no internal drains and the building would be fully bunded to prevent the escape of any liquids. The Applicant further expects the FPP to detail the fire detection/prevention systems and this would form part of any approved plan as part of the permit application.
36. The EA have commented that the Fire Prevention Plan would be fully assessed as part of the permit application. On the basis of this advice I am confident that the EA would ensure that appropriate mitigation measures be secured as part of the permitting process to ensure there would be no adverse impact upon the groundwater.
37. It should also be noted that Kent Fire and Rescue Service were consulted upon this application and whilst they only comment on accessibility for their appliances, they raise no objection.

Traffic and Access

38. The application site is situated within an existing industrial estate which has good access via the estate roads out onto the strategic road network. It is proposed that the operator would run up to 4 of their own HGV's for collecting the waste batteries and expect a maximum of 2 third party haulage vehicles (either shipping containers for export or curtain-sided trailers for UK recyclers) per day to take the sorted and palletised batteries away. The collection vehicles are expected to leave at 0700 in the morning and then return in the afternoon after completing the day's collections. Some of the larger vehicles may stay out overnight depending upon weight restrictions and travel distances, but no vehicle is expected to do more than one run a day. This would result in a maximum of 12 HGV movements per day from the site. In addition the operator runs one light goods vehicle which also be used to collect the waste batteries and bring them back to site.
39. In addition to the operational vehicles there is parking available for employees on site within the yard area. The Applicant has stated that they would provide a lockable safe store within the warehouse for any one cycling to work. All loading and unloading activities would take place within the building and their own fleet of vehicles would be locked within the building at night and weekends.
40. My Highways advisor acknowledges that the 2 units would have generated a number of HGV movements under their previous B1/B2 and B8 (industrial and warehousing) permitted uses. He does not consider that the proposal materially changes the nature of

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those vehicle activities associated with the site and consequently does not object to the proposals, subject to the safeguarding of parking and loading/unloading and manoeuvring areas.

Other Amenity Impact and Other Issues

41. This proposal is for a change of use within existing industrial units and as such only requires planning permission because a waste use falls outside of the general industrial/storage uses permitted for the site. The proposed activities are not dissimilar to any others taking place elsewhere within the industrial area as it does not involve any processing and is therefore unlikely to introduce any additional amenity impacts. It is noted that the Borough Council Environmental Health Officer has no objection to the proposals. The sustainable drainage team were invited to comment on the proposals in terms of surface water drainage and they consider the risk to the water environment to be low. No amendment to the external appearance of the buildings is proposed and no additional structures within the yard area are intended.
42. The views into the site are limited to those longer distance views when travelling south along Church Road and then due to the industrial estate being set at a slightly lower level sight of the units is restricted. The units are further screened by the small area of woodland that lies between the yard area and Church Road. The nearest residential properties lie approximately 50 metres (in a straight line) to the east side of Church Road and are themselves set at a lower level than the road itself. A junior and infant school and All Saints Church and hall also lie to the east and south of the application site. However the topography and proximity of Church Road is such that I am satisfied there would be no impact from the waste transfer proposals and the change of use would not be discernible from outside of the industrial estate.

Conclusion

43. The proposal relates to the change of use of existing units on the Eurolink industrial estate to a waste transfer of end of life lead acid batteries (industry, automotive and portable). The batteries are collected by the operators own vehicles, sorted, bulked up onto pallets and shrink wrapped before being collected by third party hauliers for onward shipment to the recycling companies. There is no processing of the batteries and all sorting and stocking would take place within the building.
44. There is policy support for sustainable waste management proposals which move waste up the hierarchy and waste transfer of this nature introduces economies of scale which make onward shipment to the recycling companies viable.
45. The change of use of the buildings would not result in any external changes to the building and there would be no additional visual impact in the vicinity. There are no objections to vehicle numbers or access subject to the safeguarding of parking and manoeuvring areas. The activities associated with the waste transfer for the batteries is not dissimilar to general warehouse and storage activities that take place elsewhere on

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the industrial estate. However this application allows the opportunity for specific controls on the way the site is operated and planning conditions relating to throughput, limits on storage quantities, hours of operation and numbers of vehicles etc., would be appropriate. In addition the operations would need to be subject to a waste permit controlled by the Environment Agency as the lead authority for pollution prevention matters. As such the environmental impacts of the operations would be strictly controlled and monitored in accordance with the requirement of any permit issued. The Environment Agency acknowledges that the site lies within a groundwater source protection zone and raises no objection to the proposals.

46. On the basis of the above I am satisfied that the proposals represent a sustainable waste management activity which would not result in any significant impacts upon the industrial area or the amenity of the residential properties beyond. I am satisfied that the proposals are therefore in accordance with the Development Plan and recommend that planning permission is granted.

Recommendation

47. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- Time Limit for commencement
- Hours of operation
- Maximum quantities of batteries stored at any one time
- Total throughput of waste batteries
- Details of installation and maintenance of bunding
- Safeguarding of parking and turning area

Case Officer: Andrea Hopkins	Tel. no: 03000 413394
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Background Documents: see section heading
