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Dear Member

PLANNING APPLICATIONS COMMITTEE - TUESDAY, 15 MARCH 2011

I am now able to enclose, for consideration at next Tuesday, 15 March 2011 meeting of the Planning Applications Committee, the enclosed supplementary appendix to the item set out below. This appendix consists of the notes from the public meeting at Lympe Village Hall on Monday, 8 February 2010. It replaces Appendix 4 (the meeting notes from 24 June 2008) which also appear at Appendix 3.

A hard copy will be made available at the Committee meeting on 15 March 2011.

Agenda No	Item
C1	<u>Application SH/08/124 - Materials Recycling Facility, Anaerobic Digestion Plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge; Countrystyle Recycling Ltd (Pages 1 - 10)</u>

Yours sincerely

Peter Sass
Head of Democratic Services & Local Leadership

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APPLICATION SH/08/124 – CONSTRUCTION AND OPERATION OF A MATERIALS RECYCLING FACILITY, ANAEROBIC DIGESTION PLANT AND ASSOCIATED OFFICE AND PARKING FACILITIES AT OTTERPOOL QUARRY, ASHFORD ROAD, SELLINDGE, ASHFORD.

NOTES of a Planning Applications Committee public meeting at Lympne Village Hall on Monday, 8 February 2010.

MEMBERS PRESENT: Mr R E King (Chairman), Mr R E Brookbank, Mr A R Chell, Mr W A Hayton, Mr C Hibberd, Mr R J Lees, Mr R A Pascoe, Mr M B Robertson, Mr K Smith and Mr A T Willicombe. Mrs S J Carey was present as the Local Member.

OFFICERS: Mrs S Thompson, Mr M Clifton and Miss A Watts (Planning); and Mr A Tait (Legal and Democratic Services).

SHEPWAY DC: Mrs S Newlands

SELLINDGE PC: Cllrs N Fursdon (Chairman), C Abbott, K Baxter, D Haining, and P Holt.

LYMPNE PC: Cllr Mrs G Keeble

THE APPLICANTS: Countrystyle Recycling Ltd (Mr N Cormack-Walshe)

ALSO PRESENT were Michael Howard, MP, representatives of the Sellindge Residents Association and some 170 members of the public.

(1) Members visited the application site shortly before the public meeting. Notes of this visit are contained in a separate document.

(2) The Chairman opened the meeting. He explained that its purpose was for the Committee Members to listen to the views of the local residents and the applicants. He explained that the application had been made by Countrystyle Recycling Ltd and that it had neither originated nor been promoted by Kent County Council. The most likely time for the application to come to Committee was April or May 2010.

(3) Mr Clifton said that since the previous public meeting in June 2008, the Planners had needed to gather further information and comments from both the applicants and from the statutory consultees.

(4) Mr Clifton then described the application. He said that there were two components to it. The first was for a Materials Recycling Facility (MRF) to cater for 75k tonnes per annum of co-mingled waste (i.e. paper, wood, glass and metal). This would be sorted and bulked for transportation and discharged directly into the building.

(5) The second component was for an Anaerobic Digestion Plant (ADP), treating 20k tonnes per annum of organic food (including raw and cooked

meat) and green waste. This would be brought on site in sealed containers, transported to the building's tipping facility, sorted, shredded and put into the digester via the feed hopper. In-vessel probes would then be used to determine the required temperature for composting. The end products would be bio gas (which would be fed into the National Grid) and sludge cake (fertiliser and liquid for recycling). The processes used would involve storage in a covered building, negating the threat of emissions or bio-aerosols.

(6) Mr Clifton went on to say that the application would generate up to 168 vehicle movements per day (84 in and 84 out). Improvements to the access arrangements would include improved visibility splays and the discouragement of HGVs in Sellindge by requiring them to turn right out of the site onto the A20/M20.

(7) Mr Clifton concluded his presentation by describing some of the concerns raised by local residents and the Sellindge Residents Association. These included ground contamination, particularly in respect of the water table levels in relation to the on-site activities; emissions (the Planners were in dialogue with the Environment Agency on this issues); negative air pressure; and traffic impacts.

(8) Mrs Carey (local Member) informed the meeting that she represented the affected parishes of Sellindge, Lympne, Newing Green and Westhanger. As the local member, she would have the opportunity to address the Committee so she would not be rehearsing all her arguments against the application at this time. She thanked the Committee Members for coming to the meeting and hoped that they would listen very keenly to the points made by the local residents.

(9) Michael Howard, MP said that many of the claims made by the applicants should not be taken at face value. For example, they had claimed that they had a strong regard for the environment and local amenity. Yet when KCC had rightly asked for a detailed Environmental Impact Assessment (EIA) they had contested the need for it and appealed against the requirement. Eventually they had been forced to comply when the Secretary of State had ruled in KCC's favour.

(10) Mr Howard continued by saying that the applicants had not included the correct information within the EIA that they had eventually produced. For instance, they had underestimated the groundwater levels by measuring them during the summer months of July to September. The EIA had also failed to provide the necessary drainage and infrastructure plan.

(11) Mr Howard then said that the applicants had not fully considered the traffic impacts. Although they had agreed to ensure that vehicles exiting the site would turn right towards Junction 11 of the M20, they had not considered that the HGVs would need to get to the site in the first place and that they should aim to discourage them from exiting at Junction 10 and travelling through Sellindge.

(12) Mr Howard said that the facility had been designed to deal with materials from East Kent (Ashford, Dover and Shepway). The applicants had, however, stated during the site visit that they would take materials from a much wider area including Maidstone.

(13) Mr Howard said that he had initially intended to go through each of the criteria within the Kent Waste Local Plan. He would not do so but would instead summarise his views by saying that the application failed to meet the standards that were contained within the Plan.

(14) Mr Howard said in conclusion that Sellindge was an attractive village but that it existed in a fragile environment. The application (if approved) would be the tipping point that would blight the village and this was not a legacy that today's generation should leave to its successors.

(15) Mr Baxter from Sellindge PC said that the entrance to the site was opposite the Airport Café. Permission had recently been granted for 9 industrial units to be erected there. This would clearly generate a considerable amount of traffic, which would all enter and leave that site directly opposite the quarry entrance. Further traffic build up would occur as a result of the Link Park industrial development.

(16) Mr Baxter continued that many foreign drivers who were unfamiliar with the local area tended to use Sat Navs. These were programmed to direct vehicles to exit the M20 at Junction 10 and travel through Sellindge rather than at Junction 11. East Kent would grind to a halt whenever Operation Stack was added to the equation.

(17) Mr Baxter added that the entrance to the site was projected to be little more than the width of 1 lorry. It was well known that lorry drivers drove to the pick-up site very early in the morning; probably before the gates to the site were open. He asked what provision there was to cater for the lorries that would be queuing to get into the site at that time and suggested that they would most probably cause unacceptable congestion.

(18) Mr Baxter then turned to the environmental and landscape aspects of the application. He said that the Parish Council believed that the former quarrying work had stopped because it had reached the water table. The trees on the western edge of the site had been taken down since the previous public meeting. This had already had a detrimental impact on the landscape. The visual impact of the buildings associated with the proposed development would be all the greater.

(19) Mr Breen, the owner of the Airport Café said that he had been disappointed to hear only vague answers from the applicants to some very specific questions. For example, they had been asked which other plants of the type applied for were in operation in the UK and did not seem to know the answer.

(20) Mr Breen then said that the Airport Café was a family-orientated business which provided a focus for all the local villages. It was within the 250 metres that was stipulated in the UK as a minimum distance from an area where food was prepared. It needed to be born in mind that the minimum distance in the USA was 500 metres.

(21) Mr Breen went on to say that he had seen lorries in the vicinity with liquid leaking from the back. He had experienced the horrendous smell which had resulted in the summer months. He asked what would happen if four or five lorries were queuing outside the site and spilling liquids at the same time. This would encourage flies, rodents (rat droppings) and seagulls.

(22) Mr Breen was also concerned that there could be traffic problems caused by slow-turning HGVs in a road with a 50mph speed limit in close proximity to a dangerous bend.

(23) Mr Breen then referred to the Airport Café's permitted development which had required the construction of a slip road. This was surely also needed for the quarry opposite. However, if they were to create one, they would need to pull up all the trees. This would make the site even more open than it already was. He asked the Committee to reject the application on these grounds.

(24) A local resident from Barrow Hill on the A20 said his child suffered from asthma and was therefore very concerned about health-related issues. The proposed operation was going to take place on top of an aquifer. He did not believe that any amount of security would make this development risk free and gave as an example the site from which Foot and Mouth had escaped. He believed, in any case, that the commercial nature of the site would lead to lapses in site security. An accident was quite possible at any time because the lorries would be exiting right at a slow speed, going over both lanes of the A20. Should this happen, it was likely that sludge spillage would contaminate the aquifer. He asked the Committee to note that the lights along Otterpool Lane had been erected in response to existing problems with HGVs.

(25) Mr Lello from the Sellindge Residents Association said that whilst the residents of Sellindge were relieved that HGVs were to be diverted away from the village, this now meant that they would be travelling through Newingreen instead. The background to this application was that the growing amount of commercial and industrial traffic (as well as traffic associated with new housing development over the next 10 to 15 years) would lead to the A20 being very heavily used. This development would compound the situation.

(26) Mr Lello then said that there were a number of discrepancies in the application and that he would write separately to the KCC Planners to itemise them. He asked whether anyone who made this number of errors should be running a hi-tech biological plant.

(27) Mr Lello then said that the Residents' Association's Technical Adviser had agreed that facilities such as the one proposed were generally very good

but that they did have a tendency to go wrong. In Connecticut for example the site had been very good but had then blown up. This led him to ask what would happen to the gas that was produced by this process? Where and how would it be stored? What back-up safety measures were in place? The bio-filtering process would give off a “bad-egg” smell of sulphur. This could be contained but only at the expense of giving off ammonia.

(29) Mr Lello asked how much water would be used by the anaerobic digester each day, how it would be supplied and where it would run off to. This was an example of the information which was lacking. He then asked whether the applicants were in a position to give an assurance that no skips would be left open on site? Were they in a position to assure that the site would only be used by HGVs and that private vehicles would not use it for parking or at weekends. He had been told that Countrystyle Recycling had a history of starting early and finishing late and of undertaking far more vehicle movements than permitted. Firm, clear assurances were needed on all these points.

(30) In response to Mr Lello, Mr Clifton said that the Planners were investigating all the issues relating to groundwater. The Environment Agency was also adamant that an internal drainage plan was needed. The application was for standard working hours. If permission were granted, these would be specified within the planning conditions. It was not stipulated within the application where the waste would be spread. This would be dictated by who the waste product would be sold to. The Environment Agency would carry out checks on the product at its destination point. There would be no open skips on site and all waste brought onto the site would be in covered vehicles. There were no parking details contained within the application, and any permission would be in accordance with the drawings submitted. The County Planning Authority could only consider the application brought forward on its merits. They could consider the cumulative effect of other permitted development but could not pre-suppose that other applications would follow.

(31) Mr Clifton then said that the Planners had asked the Environment Agency for advice on whether there were likely to be bio-aerosol emissions arising from the fermentation and maturation process.

(32) Mrs S Newlands (Local District Councillor – Shepway DC) said that the greatest problems associated with the application were the environmental ones. She was therefore concerned that the Environmental Statement said very little more than the original one that had accompanied the application. This included the use of maps that were out of date in that they did not show the mink farm or the houses in Lower Lympe. These were the houses that would be most affected when the prevailing wind carried the smell away from the site.

(33) Mrs Newlands then said that there was already a problem with lorry drivers tipping their rubbish onto the road before entering the industrial estate. An example of this had occurred when 58 bottles of urine had been discovered on the roadside. This problem would increase if more lorries were

to use the A20 (where her husband had noted that it was already being used by 1 lorry per minute). Local residents were frightened to go out at night because of them. Tackling congestion along the A20 was already a high priority and permitting this development would add to the problem.

(34) Mrs Newlands continued asked the Committee Members to bear in mind that the Sellindge/ Lymyne area was an AONB within the Plan adopted by KCC and Shepway DC. None of the questions put to the applicants in this respect had yet been answered.

(35) Mrs Newlands went on to say that the airfield site (to the south) was full of natural springs. A lot of the water from there went to the racecourse by a route that went underneath the A20. If pollutants were picked up on the way to the racecourse there would be very great problems.

(36) Mrs Newlands concluded her remarks by saying that a planning brief had been developed for the Industrial Estate to cater for the intensity of its use. To the south east, on the other hand, lay all the popular tourist attractions (the castles, the race course, the zoo and the Church). These were to be found as far away as Farthingloe (some 10 miles to the east of the site). Further traffic pressures had arisen as a result of the increase in housing in the area from 700 to 2,000. She asked for the application to be rejected for all the reasons given.

(37) Mr Morris from "Upper Otterpool" (south east of the site) said that he had lived within 200 metres of the site for the past 25 years. He named the previous site operators and told the meeting that he had needed to complain about the fumes (the rooms in his house would fill with fumes), noise and lighting on several occasions. Eventually, the Environment Agency had closed the site down. This had happened some 5 or 6 years earlier. He did not wish to be the victim of yet another hazardous operation.

(38) Mr Morris then said that a similar plant to that applied for had been closed down by the Environment Agency in Holdsworthy in Devon. He warned that there would be a danger of this also happening in Sellindge because the water table was only about 0.6 metres from the surface. The buildings would need substantial foundations, which would take them below the water table. He quoted the application's statement that the buildings proposed were similar to those that had been there before. This, he said was nonsense as there had only been 2 or 3 portacabins on site during previous operations. He asked how many other of the applicants' statements were untrue.

(39) Other members of the public commented on the application and their views are summarised below:-

(a) How would the question of black water, grey water and run off water from the site be dealt with? When people washed down, they would wash off grease, oil and dust. What would stop these pollutants getting into the groundwater? *Mr Clifton said that this question would be covered within*

the Committee report. The Environment Agency had required further details on this question within the Site Infrastructure Plan.

(b) What would happen to the gasses and waste when the site broke down? This was particularly important because of the schools in the vicinity of the site.

(c) The applicants had claimed that there were 7 badger sett entrance holes. In fact there were 24 of which 15 were in use. They were particularly prevalent all over the south east corner of the site. Countrystyle Recycling had indicated that they wished to fence off these entrances at a distance of 50 metres. However, if they did this they would have to run the fences through all the buildings. If they did not, then they would fail to meet the guidance set out in PPG 9 and by English Nature. Mr Clifton said that further advice on this matter had been sought from the KCC Biodiversity Officer who had agreed that it was appropriate to re-assess the site for further mitigation.

(d) How would the vehicles be vetted to ensure that toxic waste was not brought on site? Mr Clifton said that this would fall under the responsibility of the EA. The developer would have a duty of care. All waste carriers had to have a licence and each load had its own audit trail. This would enable the EA to undertake spot checks and follow up any unacceptable outcomes.

(e) Sellindge and Lympne needed leisure facilities such as a swimming pool rather than further industrial development. Mr Clifton explained that the County Planning Authority could not take such considerations into account when considering the merits of the application.

(f) If the applicants understood the strength of feeling within the village, they would withdraw the application. A protest march had recently been held and 900 people had signed a petition against the development. The site was on the highest point in the locality making its surroundings more vulnerable to the polluting effects of wind-blown dust.

(g) Sellindge was already being blighted by the building of 1500 additional homes and the proposed Lorry Park. Mr Clifton replied that no application had yet been received for a lorry park, although he was aware of suggestions.

(h) Several members of the public said that the application had been lodged two years earlier. They asked why KCC was taking so long to determine the application and why it was not simply rejected out of hand. Mr Clifton said in response that every application that was submitted to KCC had to be given proper consideration and that this sometimes involved gathering more information than initially presented. This had been the case on this occasion as there had been lengthy discussions between the Planners and the applicants on the question of whether an Environmental Impact Assessment was needed. The Planning Authority was duty bound to gain all the information necessary to make a safe decision.

(i) Was Otterpool Quarry identified in the Kent Waste Local Plan as an appropriate site for the proposed facility? Would the Planners be looking into the workings of similar sites in the UK? Mr Clifton replied that the site had not been identified in the Waste Plan. Whenever such an application came forward, it was assessed against criteria-based policies. Information would be requested from the Environment Agency on the operation of similar sites.

(j) A resident from Newingreen who's property was on the A20 said that he believed that the number of lorry movements proposed might actually be understated. For instance, lorries might pick up and leave with half loads. The Chairman said that this would not be a matter that the Committee could take into account. This was because it would be the duty of other agencies to ensure that conditions were properly enforced. The Planning Applications Committee could not assume that they would not be.

(k) There were four tourist attractions in the vicinity: Lympne Castle, Westenhanger Castle, the race course and Port Lympne. The latter attracted about 100,000 visitors each year. If permission were granted, these visitors would have to travel in behind slow-moving HGVs. Constructing this plant would be incompatible with the tourist attractions and with the areas status as an AONB.

(l) The smell from other anaerobic digestion plants had been so strong that it had stopped one local resident in his tracks. This smell was not needed in a locality where there were houses, schools and tourist attractions.

(m) It was absolutely that a decision on this application was made as soon as possible. The local villages had already been blighted by the length of time that it had taken to determine it. The decision should be to refuse permission because the development (when added to Dungeness, the Channel Tunnel, the Industrial Park) would contribute to the death of Sellindge and Lympne.

(n) The applicants had had to consider alternative sites within the Environmental Assessment. What were the Planners' views of the applicants' conclusions? Mr Clifton replied that the sites chosen by the applicants were being assessed against the criteria set out within the Kent Waste Local Plan. Anyone who wished to inspect the document and comment on its conclusions was welcome to do so as it was open to the public.

(o) There would also be planning implications during the construction period. Had these been considered? Mr Clifton replied that if permission were granted, the same hours of operation and maximum number of lorry movements would apply as for the actual facility itself. The cut and fill exercise and spoil removal would involve some 25 loads being taken off site each day.

(40) Mr Clifton asked everyone to understand that local planning concerns were taken very seriously. In particular, the highest recorded water levels

would need to be established in order that the recommendations to the Committee were as secure as possible.

(41) Mrs Carey thanked the Committee members for coming to the meeting and for listening intently to all the local concerns.

(42) The Chairman thanked everyone for attending. He confirmed that he and all the Committee members had found it very helpful. The notes of this meeting would be appended to the report to the determining Committee meeting.

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