

PLANNING APPLICATIONS COMMITTEE

Tuesday, 7th December, 2010

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 7th December, 2010, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **01622 694342**

*Tea/Coffee will be available from 9:30 **outside the meeting room***

Membership (18)

Conservative (16): Mr R E King (Chairman), Mr J F London (Vice-Chairman),
Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr J A Davies,
Mr T Gates, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby,
Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr C P Smith,
Mr K Smith and Mr A T Willicombe

Liberal Democrat (1): Mr M B Robertson

Independent (1) Mr R J Lees

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Membership - To note the appointment of Mr P M Homewood to the Committee
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 2 November 2010 (Pages 1 - 6)
5. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application MA/10/167 - Materials Recycling Facility and transfer station for waste recovery at SBS Recycling, Straw Mill Hill, Tovil; Pinden Ltd (Pages 7 - 44)
2. Application GR/09/286 - Bulk aggregates Import Terminal handling up to 3 million tpa and associated infrastructure, including reinstated rail access at Northfleet Works, The Shore, Northfleet; Lafarge Cement UK (Pages 45 - 108)
3. Application AS/10/1010 - Extension of the timescale for the implementation of Permission AS/06/4 (Waste transfer Station) until 8 May 2014 at Waterbrook Park; Waterbrook Avenue, Ashford; Robert Brett and Sons Ltd (Pages 109 - 120)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal AS/10/1211 - Proven 15kw wind turbine on a 15m mast in the school playing field at Aldington Primary School, Roman Road, Aldington; Governors of Aldington Primary School (Pages 121 - 138)
2. Proposal SW/10/545 - Floodlit synthetic turf pitch at The Abbey School, London Road, Faversham; Governors of The Abbey School (Pages 139 - 154)
3. Proposal SE/10/2312 - Single storey extension to the existing sports hall for storage and spectators at The Valence School, Westerham Road, Westerham; Governors of The Valence School (Pages 155 - 166)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)

Monday, 29 November 2010

KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of A meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 2 November 2010.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mr C Hibberd, Mr G A Horne MBE, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith, Mr K Smith and Mr A T Willicombe

ALSO PRESENT: Mr I S Chittenden, Mr L Christie, Mr H J Craske and Mr D S Daley

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Wooldridge (Team Leader - Mineral Developments), Mr P Hopkins (Principal Planning Officer), Mr R White (Transport and Development Business Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

58. Minutes - 12 October 2010
(Item A3)

RESOLVED that the Minutes of the meeting held on 12 October 2010 are correctly recorded and that they be signed by the Chairman.

59. Site Meetings and Other Meetings
(Item 5)

The Committee agreed to the postponement of the tour of permitted development sites scheduled for 16 November 2010. It also noted the arrangements for the site visit and public meeting in respect of the Hermitage Quarry, Aylesford application.

60. Application MA/10/167 - Materials Recycling Facility and transfer station for waste recovery at SBS Recycling, Straw Mill Hill, Tovil, Maidstone; Pinden Ltd
(Item C1)

(1) Mr M B Robertson and Mr A R Chell both informed the Committee that they had been lobbied by objectors to the application. They both declared that they had not expressed a view on the application prior to the meeting and were able to approach it with an open mind.

(2) The Chairman declared that all Members of the Committee had been lobbied electronically by objectors to the application. All the Committee Members present were entitled to vote on the application as they had not expressed any view in response to this lobbying.

(3) Mr K Smith was not present for the whole item and therefore did not vote in its determination.

(4) Mr I S Chittenden and Mr D S Daley were present for this item subject to Committee Procedure Rule 2.24 and spoke.

(5) Five letters of objection were tabled. These were from Mr and Mrs Hackett, Mr and Mrs Bianchina, Mr and Mrs Cocks, Dr Felicity Simpson (CPRE) and Cllr Fran Wilson from Maidstone Borough Council. The Chairman delayed discussion of the application in order to enable this correspondence to be read.

(6) Mr D Mortimer (from Tovil Parish Council), Mr G Stead and Mr P Aelen from DHA Planning spoke in opposition to the application. Mr I Thompson from Environmental Scientifics Group spoke in reply on behalf of the applicants.

(7) Mr M B Robertson moved, seconded by Mr A R Chell that the application be refused permission on grounds relating to the changed character of the local area.

(8) Following discussion, Mr T Gates moved, seconded by Mr R J Lees that the question be put.

Motion carried 11 votes to 6.

(9) On being put to the vote, the Motion set out in (7) above was Lost by 7 votes to 9.

(10) Mr R A Pascoe moved, seconded by Mr R J Lees that the recommendations of the Head of Planning Applications Group be agreed.

Motion carried 10 votes to 7

(11) RESOLVED that permission be granted to the proposed materials recycling facility subject to conditions including the standard time condition; hours of operation; a limit to the annual waste throughput; limits to vehicle movements; noise restrictions; a scheme of noise monitoring; a requirement for compliance with noise restriction by the submission and implementation of noise mitigation measures (including, if necessary, appropriate measures should the adjacent site be developed for housing); dust management plan including physical dust suppression and dust monitoring scheme; drainage, a contaminated land assessment; parking arrangements; site lighting; security fencing; acoustic fencing; boundary treatment; biodiversity improvements including a bespoke bat roost; tree protection; landscaping; boundary treatment including details of materials and gradients of the bunding as well as the proposed plant species, sizes and densities; and other standard and operational conditions.

61. Application AS/10/1010 - Extension of the timescale for the implementation of Permission AS/06/4 (Waste Transfer Station) until 8 May 2014 at Waterbrook Park, Waterbrook Avenue, Ashford; Robert Brett and Sons Ltd
(Item C2)

RESOLVED that permission be granted for the extension of the timescale for the implementation of Permission AS/06/4 until 8 May 2014 subject to conditions,

including conditions covering hours of working, including peak hour restrictions; the number of vehicle movements; landscaping and floodlighting; noise, dust and odour controls; archaeological investigations; drainage; footpath diversions; ecological mitigation; details of the low energy internal lighting to be employed in the waste transfer building; and details of the design of any heating to be employed within the waste transfer building prior to its installation which shall have regard to the BREEAM energy standards.

62. Application GR/09/286 - Bulk aggregates Import Terminal handling up to 3 million tpa and associated infrastructure, including reinstated rail access at Northfleet Works, The Shore, Northfleet; Lafarge Cement UK
(Item C3)

(1) Mr L Christie and Mr H R Craske were present for this item subject to Committee Procedure 2.24. Mr Christie spoke. Mr Craske had to leave the meeting before he could speak and therefore submitted his views to the Democratic Services Officer who read them out.

(2) The Head of Planning Applications Group asked the Committee to note the following amendments to the report:-

- Paragraph 3, page 51 - "vineyard" not "vinyard";
- Paragraph 6, page 52 - "18 trains per week" not "per annum";
- Paragraph 8, page 52 - Aspden's Kiln (Scheduled Ancient Monument) is not actually within the Northfleet Works site (it is just off the site);
- Paragraph 14, page 54 - "9,000 tonnes" not "9 tonnes" (in stockpiles);
- Paragraph 15, page 54 - "conveyors and hoppers" not "conveyor sand hoppers"; and
- Paragraph 42, page 61 - 3rd bullet point should read "13,500 HGV movements" not "13,599".

(3) The Head of Planning Applications Group referred to paragraph 81 of the report and asked the Committee to include the implementation of a travel plan within the conditions in order to assist in seeking sustainable transport objectives.

(4) In agreeing the recommendations of the Head of Planning Applications Group, the Committee agreed to the inclusion of a condition requiring measures to prevent mud and debris on the highway (e.g. sheeting of loaded HGVs

(5) RESOLVED that permission be granted to the application subject to the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 3 of the report and to conditions, including conditions covering a 5 year time limit to implement the permission; a maximum of 3 million tonnes per annum of imports; the prior approval of various details (including conveyors, gatehouse / security lodge, weighbridge, parking arrangements, external construction materials and fencing); the prior approval of a Code of Construction Practice (relating to air quality, noise, vibration, geotechnics and soil contamination and waste); crushed rock only being stored outside the enclosed aggregate storage building exceptionally in the event of plant / equipment failure or unless otherwise agreed; protection of Port of London Authority radar equipment; the prior approval of a Tunnels Report (dealing with current condition, repairs / remedial measures,

monitoring, maintenance and management of road and rail access tunnels and cliffs above their portals); hours of use (ship, barge and rail arrival, departure, loading and unloading and HGV movements being permitted 24 hours a day 7 days a week with all other activities restricted to between 0700 and 1800 hours Monday to Friday, 0700 and 1300 hours on Saturdays with no working on Saturday afternoons, Sundays, Bank and Public Holidays unless the prior written approval of the County Council has been obtained to depart from these hours); measures to prevent mud and debris on the highway (e.g. sheeting of loaded HGVs); no more than 1.2 million tonnes of materials being exported by road each year; the implementation of a travel plan; safeguarding of the Fastrack route; HGVs entering and leaving via Thames Way (A226) and only using The Shore, Granby Road and Crete Hall Road unless delivering locally, in emergencies or otherwise agreed beforehand); no more than 200 HGV movements between 0700 and 1000 hours and 1600 and 1900 hours in any one day; no more than 13,500 HGV movements in any one calendar month; rights of way being kept free of obstruction and available for use unless formal replacements are provided; the rating noise level not exceeding the background noise level by more than 3dB; measures being employed to minimise noise impacts of vehicles, railway locomotives and wagons, ships and barges, plant, machinery and other equipment; reversing vehicles and plant not emitting warning noise that is audible at noise sensitive properties; no commercial operations taking place until a dust management plan has been submitted and approved; the implementation of flood risk and water protection measures; the submission and approval of a foul and surface water management scheme; the submission, approval and implementation of a contaminated land assessment scheme; archaeology; ecological mitigation, compensation and enhancement; a landscaping scheme; and no external lighting until an appropriate scheme has been submitted and approved.

63. Proposal AS/10/1211 - Proven 15kw wind turbine on a 15m mast in the school playing field at Aldington Primary School, Roman Road, Aldington; Governors of Aldington Primary School
(Item D1)

RESOLVED that subject to the views of Jacobs (Noise) permission be granted to the proposal subject to conditions, including conditions covering the standard time condition for implementation; the development being completed in accordance with the approved plans; ecology advice being sought in the event of dead bats being found around the turbine; maximum night and day noise limits; and a consultant being employed to measure the noise impacts in the event of complaints being received relating to noise.

64. County matters dealt with under delegated powers
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;

- (b) consultations on applications submitted by District Councils and Government Departments;
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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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

Development of a Materials Recycling facility at SBS Recycling, Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2010.

Application by Pinden Ltd for proposed development of a Materials Recycling Facility at Straw Mill Hill, Tovil, Kent. - MA/10/167.

Recommendation: Permission be granted subject to conditions.

Local Member: Alan Chell

Classification: Unrestricted

Background

1. The application was considered by the Planning Applications Committee on the 2 November 2010 when Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO conditions in the resolution in paragraph 97 of the report attached in appendix 1 to this report. At that time the County Council determined the application on the basis that the South East Plan (May 2009) (i.e. the Regional Strategy) was no longer part of the development plan. The Secretary of State had announced that the Regional Strategies were to be revoked with immediate effect on 6 July 2010. This information had been relayed to all Local Planning Authorities by Steve Quartermain, Chief Planner, Department of Communities and Local Government in his letter of the same date.
2. As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, Steve Quartermain advised Local Planning Authorities and the Planning Inspectorate on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. Steve Quartermain also advised that: a proposed clause of the Localism Bill will enact the earlier commitment to abolish Regional Strategies; that the Bill is expected to begin its passage through Parliament before Christmas; and that this will return decision-making powers in housing and planning to local authorities.

3. He further advised that Local Planning Authorities and the Planning Inspectorate should still have regard to the above letter in any decisions they are currently taking. However, the Quartermain Letter is now being challenged in the High Court and must in my view carry very little weight until such time as the as the Court decision is known.
4. As the decision notice relating to this application had not been issued at the time of the judgement that the Secretary of State had acted beyond his powers in the revocation of the Regional Strategies, it is necessary to consider whether a different conclusion would have been reached had the policies of the South East Plan been considered alongside the previously existing development plan policies when members resolved to grant permission.
5. The 2 November committee report is attached as Appendix 1. This further report considers the impact of the South East Plan now being part of the development plan. **In determining this application members should consider both reports.**

South East Plan (May 2009)

6. The most relevant policies are: CC1 (Sustainable Development), CC2 (Climate Change), CC4 (Sustainable Construction and Design), CC6 (Sustainable Communities and Character of the Environment), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM10 (Noise), W2 (Sustainable Design, Construction and Demolition), W5 (Targets for Diversion from Landfill), W6 (Targets for Recycling and Composting), W7 (Waste Management Capacity Requirements), W17 (Location of Waste Management Facilities), C4 (Landscape and Countryside Management).

Discussion

7. Members will be aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraph 6 above and paragraph 18-20 of Appendix 1 are of greatest relevance. The key issue to consider as a result of the South East Plan still being part of the development plan is whether consideration of relevant policies in the Plan would lead to a different conclusion on the application to that reached at the November Planning Applications Committee.
8. I consider each of the above South East Plan Policies in turn:-
 - Policy CC1 seeks sustainable resource use and the conservation and enhancement of the physical and natural environment;
 - Policy CC2 seeks to reduce greenhouse gas emissions through more efficient resource use, reducing need to travel and reducing waste to landfill;
 - Policy CC4 seeks to ensure sustainable design and construction of all new development from increasing recycling to increase biodiversity gain;
 - Policy CC6 seeks actions and decisions associated with the development and use of land to actively promote the creation of sustainable and distinctive communities,
 - Policy NRM1 seeks to maintain and enhance groundwater resources by avoiding adverse effects of development on the water environment;
 - Policy NRM5 states that net biodiversity loss should be avoided and net gain pursued;
 - Policy NRM9 seeks to protect and enhance air quality and reduce the

- environmental effects of traffic;
 - Policy NRM10 seeks to minimise noise impacts;
 - Policy W2 encourages waste minimisation and recycling and the re-use of construction and demolition materials;
 - Policy W5 seeks to achieve the strategic need for waste to be diverted from landfill to other areas of waste management including re-use and recycling;
 - Policy W6 sets targets for recycling and composting within the South East;
 - Policy W7 seeks local authorities to meet waste management capacity requirements, including re-use of existing and provision of new facilities;
 - Policy W17 sets out appropriate locations for waste management facilities. This policy gives priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. Compatibility of existing sites should be assessed on their accessibility from urban areas, transport links and compatible land uses which include previous or existing industrial land uses, contaminated or derelict land. Fourthly the proposed development should be tested against whether it is capable of meeting a range of locally based environmental and amenity criteria;
 - Policy C4 seeks to ensure that proposals respect and enhance local landscape character and secure mitigation where necessary;
9. The South East Plan's focus is on achieving sustainable development, protecting the environment and combating climate change. The principle of sustainable development in the South East Plan follows guidance given in National Planning Policy Statements and Guidance Notes. The issues dealt with by the above policies were previously addressed in the 2 November 2010 Committee report (Appendix 1) in the context of this National guidance and saved development plan policies within the Kent Waste Local Plan (1998) and the Maidstone Borough Local Plan (2000). The application to be determined remains unchanged from that previously set out and the only material change in circumstances has been the quashing of the Secretary of State's instruction to revoke the Regional Spatial Strategies.
10. In my opinion the proposed development accords with the South East Plan sustainable development policies (CC1: Sustainable development, CC4: Sustainable design and construction and CC6: Sustainable communities and enhancement of character of environment). The proposals would assist in meeting targets for the reduction of waste materials going to landfill. The proposal would provide the benefit of a local facility for recycling of construction and demolition skip waste produced within the Maidstone Borough area which is currently exported and processed outside of the Borough. The proposed development would re-use existing disused industrial buildings, associated office buildings and industrial land.
11. It is recognised that the nature of the Tovil area has changed over the last 10 or so years. However in planning terms, the site is allocated for employment use in the Maidstone Borough Plan and currently benefits from planning permission for a B2 (industrial) and B8 (storage and distribution) land uses. The site has previously been used for waste paper processing. As such it must be recognised that the site could re-open at any time for these activities without modern restrictions on noise, dust, odour, vehicle movements, hours of working, landscaping, biodiversity gain nor the highway improvements proposed in this application. Considering this I am of the opinion that subject to appropriate conditions the applicant's proposal accords with the sustainable development policies set out within the South East Plan, including policies CC6 and C4.

12. Other key South East Plan Policies in relation to this case are in respect of waste management. In my opinion, these South East Plan policies on balance add further support to the need for local recycling facilities such as this to meet targets for diversion of waste from landfill and for increasing recycling of wastes. Policies W2, W5, W6 and W7 set out the need for local authorities to build capacity for recycling of waste to meet targets for diversion of waste from landfill. Policy W17 of the South East Plan gives guidance for the location of waste management facilities, following the same principles set out within Planning Policy Statement 10 – Planning for Sustainable Waste Management and the Kent Waste Local Plan. Policy W17 sets out that waste management facilities are suitable for areas with good access to urban areas, good transport links and are on industrial allocated land such as this site, provided that local amenity and environmental considerations can be met. In terms of access the Divisional Transport Manager is not objecting to this proposal on the grounds that this proposal offers highways benefits by way of revised access arrangements and restrictions on HGV movements. It should be re-iterated that this site currently has no restrictions in place in terms of vehicle movements and could operate as a distribution or industrial facility without planning controls.
13. Policy W17 also sets out that local environmental and amenity concerns should be met. The South East Plan policies NRM 9 (Air Quality) and NRM 10 (Noise) seek to protect and enhance the local environment through reducing air pollution and containing noise. In this case the site as previously set out is currently unrestricted in terms of emissions. This proposal, in my view, would offer positive benefits in terms of restricting and mitigating noise and air quality impacts. Operations would be housed internally reducing dust and noise impacts and the number of potential lorry movements restricted thereby providing a positive benefit over the activities that could take place on this site. The application would also provide the opportunity to protect the water environment by ensuring modern drainage standards are met in accordance with South East Plan policy NRM 1 (Groundwater Quality) and biodiversity gain is achieved in terms of reptile translocation and the installation of a bespoke bat roost in accordance with South East Plan policy NRM5 (Biodiversity). On this basis with appropriate conditions and considering no objections have been raised by technical consultees in respect of amenity (noise, dust, odour, landscape) or biodiversity impacts, I am of the opinion that this proposals accords with the policies of the South East Plan in respect of waste management and amenity impacts.

Conclusion

14. Considering the most relevant development plan policies in relation to this development I consider that the South East Plan policies strengthen the case for permission to be granted and that the proposed development is in accordance with development plan policies. I remain satisfied that this proposal offers the opportunity to gain beneficial planning control of an unrestricted industrial allocated site. In the absence of objections from any of the County Council's technical advisors, in my opinion there are no justifiable grounds for refusal, as such I remain satisfied that the proposed development gives rise to no material harm, and is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. I also consider that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the conditions that I intend to attach to the planning permission. I therefore recommend accordingly.

Recommendation

15. I RECOMMEND that PERMISSION BE GRANTED for the proposed materials recycling

facility Subject to conditions including standard time condition, hours of operation; limit to annual waste throughput, limits to vehicle movements; noise restrictions; a scheme of noise monitoring; requirement for compliance with noise restriction by submission and implementation of noise mitigation measures (including if necessary appropriate measures should the adjacent site be developed for housing); dust management plan including physical dust suppression and dust monitoring scheme; drainage, a contaminated land assessment; parking arrangements, site lighting, security fencing, acoustic fencing, boundary treatment, biodiversity improvements including bespoke bat roost, tree protection; landscaping; boundary treatment including materials and gradients of bunding including proposed plant species, sizes and densities; and other standard and operational conditions.

Case Officer: Shaun Whyman

Tel. No. 01622 221055

Background Documents: see section heading.
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Appendix 1 – Previous Committee report

Item C1

Development of a Materials Recycling facility at SBS Recycling, Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167

A report by Head of Planning Applications Group to Planning Applications Committee on 2 November 2010.

Application by Pinden Ltd for proposed development of a Materials Recycling Facility at Straw Mill Hill, Tovil, Kent. - MA/10/167.

Recommendation: Permission be granted subject to conditions.

Local Member: Alan Chell

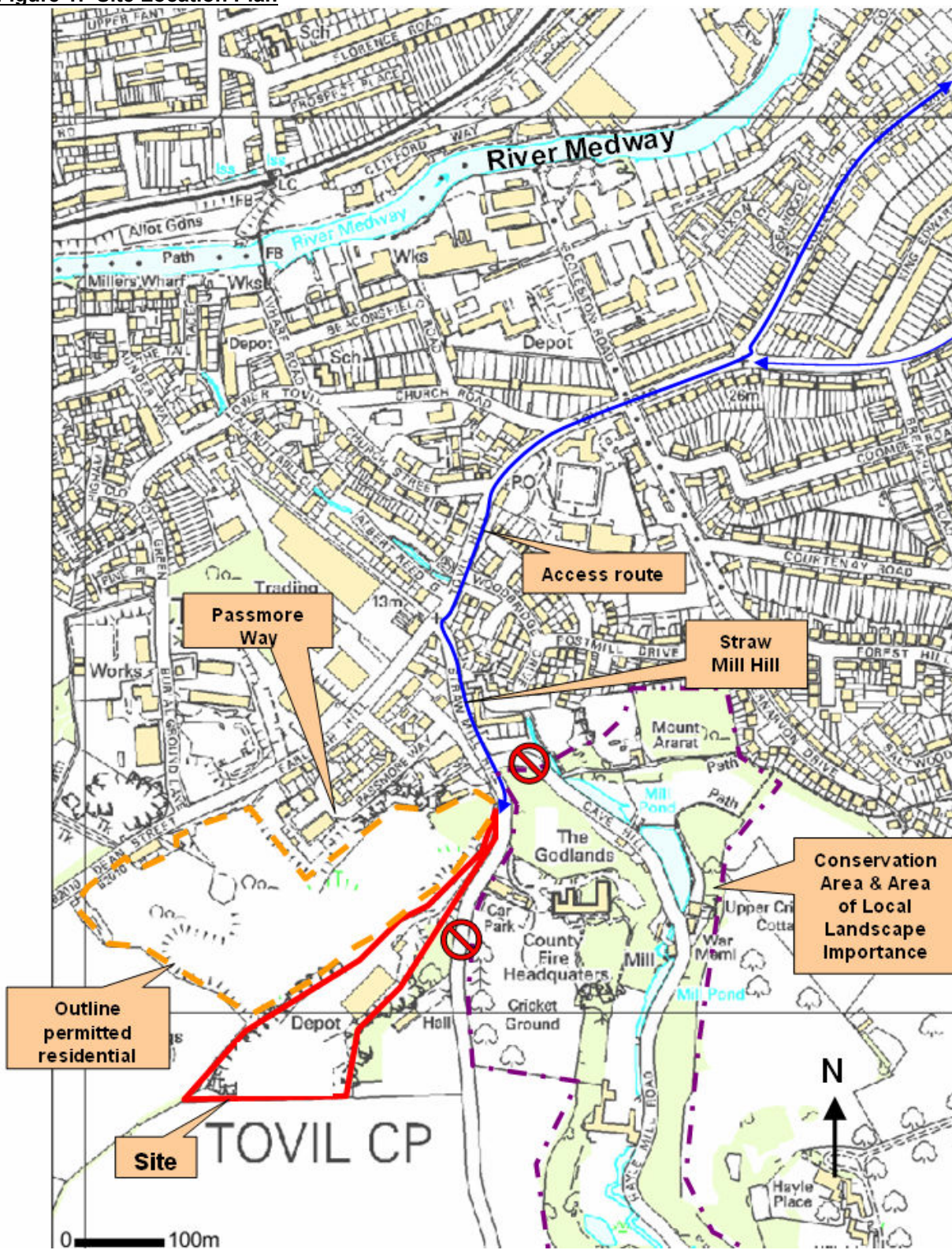
Classification: Unrestricted

Site description and background

1. The application site is located in the Parish of Tovil and lies approximately 1.6km south west of Maidstone Town Centre. The site is located on the former SBS Recycling site which is accessed directly off Straw Mill Hill via the B2010 at the bottom of Tovil Hill.
2. The site is an approximately triangular parcel land covering an area of 2.55 hectares. The site is set within a former ragstone quarry, set down approximately 6m to 8m from road level and is currently contained by banks around its perimeter. The applicant owns the freehold of the site.
3. The site is currently allocated within the Maidstone Borough Council Local Plan (2000) for unrestricted industrial use class B2 (industrial) or B8 (storage and distribution) and is also designated as employment land. The site was previously used and still has permission for unrestricted use as a waste paper recycling facility granted by Maidstone Borough Council in February 1987. The site consists of hardstanding with the burnt out remains of several former office and weighbridge buildings and a large steel portal framed warehouse building which remains in relatively good condition. The site is bounded to the south by open agricultural land, to the east is the Tovil Scout Group's Hall and grounds and east from this Stocketts Lane. The existing site entrance is shared with an adjacent garage door manufacturing company. To the north west of the site is the former Tovil refuse tip. However it is important to note that Maidstone Borough Council has previously granted outline permission for residential development of approximately 272 residential units adjacent to the north west boundary of the application site (MA/01/0686). This outline permission is currently subject to an application to Maidstone Borough Council to extend the time limit for implementing permission MA/01/0686 (MA/10/0256).

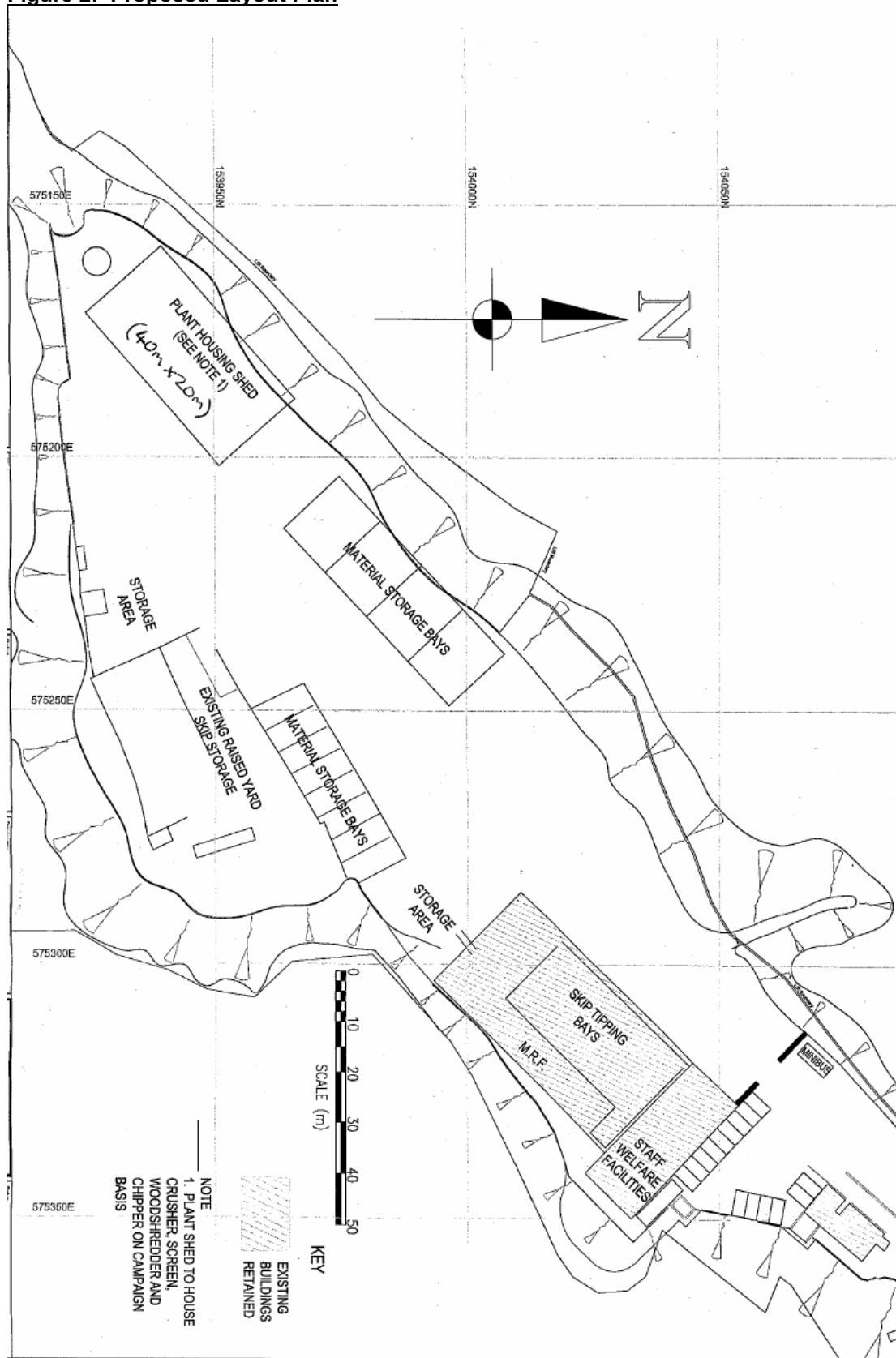
Development of a Materials Recycling Facility at SBS Recycling, Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167

Figure 1: Site Location Plan



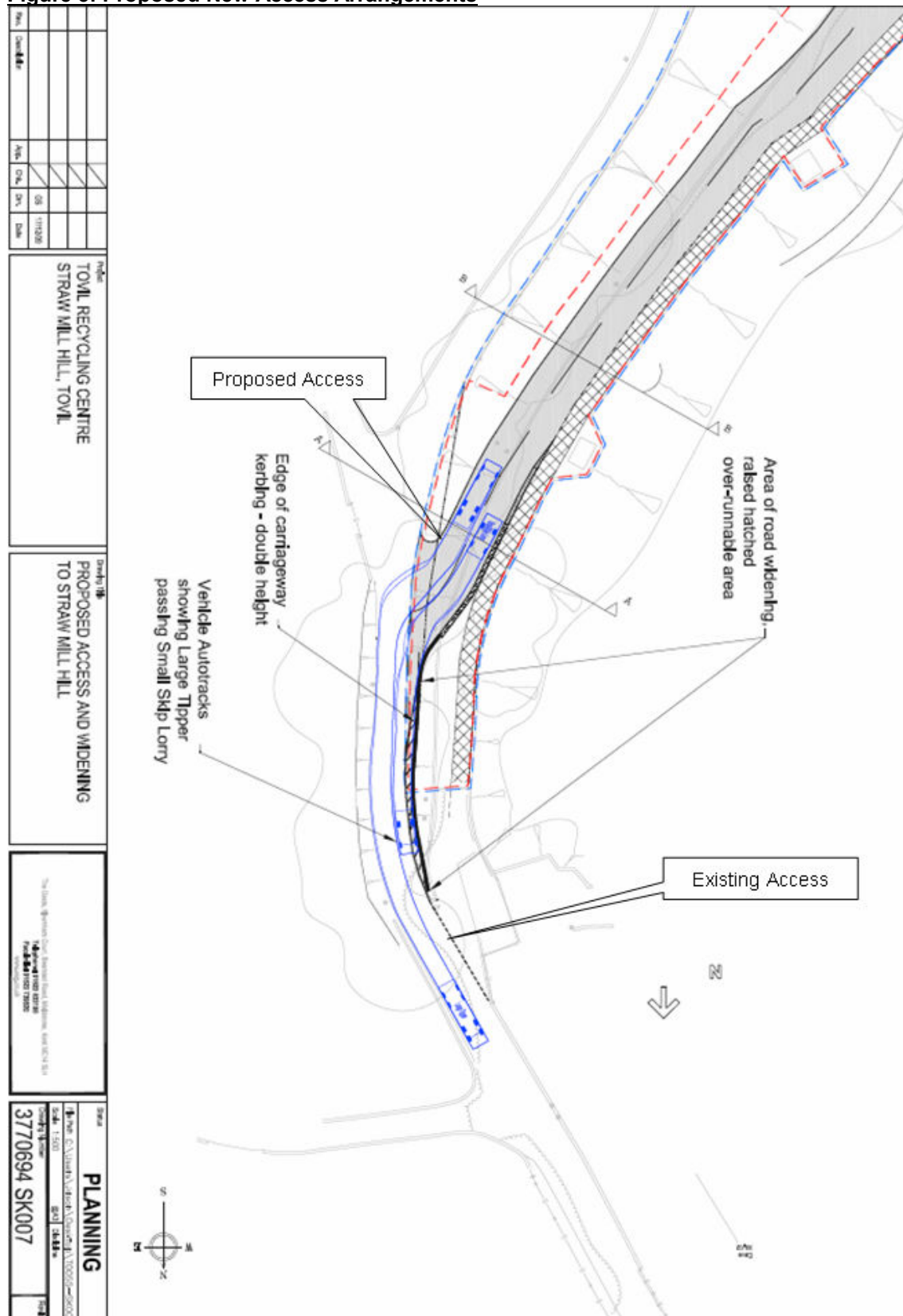
Development of a Materials Recycling Facility at SBS Recycling, Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167

Figure 2: Proposed Layout Plan



Development of a Materials Recycling Facility at SBS Recycling, Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167

Figure 3: Proposed New Access Arrangements



Development of a Materials Recycling Facility at SBS Recycling, Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167

4. Whilst the site itself does not lie within land designated for nature conservation, the land to the east of the site across Straw Mill Hill forms part of the Loose Valley Area of Local Landscape Importance. There are no public rights of way affected by the site, however the adjacent land owner to the north west has a right of access along part of the sites access road. The site is approximately 140m from the nearest residential property at Rockwell Court in Passmore Way. However as mentioned in paragraph 3 above an outline planning permission was granted in February 2005 for the development of residential properties on the adjoining land to the north west of the site. This planning permission, which has not been implemented to date, is subject to a further application to extend the time limits for implementation. At the time of writing this application has not yet been formally determined by the Borough Council.
5. A Planning Applications Committee Members' site visit was held on 13 April 2010. This was also attended by the applicant, representatives of Tovil Parish Council, local conservation groups and representatives from the local community. The site visit enabled Members to view the applicant's site and its relationship with the surrounding area and listen to the views of interested parties. Notes of the site visit are attached at [Appendix 1](#).

Proposal

6. The proposal is for the development of a materials recycling facility, which would process construction and demolition wastes to enable their recycling and reuse. The proposed maximum annual throughput of waste for the site would be 90,152 tonnes per annum. The site would be accessed from a new improved access road egressing further to the south of Straw Mill Hill. The new access road would have wider vision splays and an increased width to allow lorries to enter and egress more safely than the current access allows. The main warehouse building on site would be refurbished. This would then be used to house a materials recycling facility which would mechanically and physically sort incoming locally sourced construction and demolition wastes into individual waste streams.
7. The method by which the accepted waste types would be processed would vary depending on the type of the waste. Materials would enter the site through the main entrance via skip and road lorries. Waste carrying vehicles would pass over the weighbridge, have their load inspected and then deposit their load within the main warehouse building. The incoming waste load would then be processed through the materials recycling facility which would separate the load into different waste streams. Recyclable waste streams such as soils, hardcore, concrete, wood, metals, green waste and plasterboard would then be either separated into open storage bays to the south west of the main building to await export, or further processed on a campaign basis in a new processing building (labelled plant housing shed in figure 2) which would be located in the south west corner of the site. Processing would occur through concrete crushing and screening, wood shredding and chipping and a soil screener. Processed materials would then again be moved to storage bays to wait sufficient bulking up to be exported. These materials would then be finally loaded back onto lorries for exportation from the site.

Development of a Materials Recycling Facility at SBS Recycling, Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167

8. The new processing building located in the south western corner of the site would consist of a steel portal framed warehouse. This building would be approximately 40m (w) by 20m (d) by 12m (h). The building would be acoustically insulated and have PVC curtaining over shutter doors to reduce noise and dust emissions. The existing warehouse building and other associated buildings would be refurbished and re-used to house site operations, offices and a weighbridge.
9. The applicant is proposing to create a new site entrance further to the south along Straw Mill Hill (illustrated in figure 3). This new entrance would enable two HGVs to pass along the access road and enable passing at the pinch points along Straw Mill Hill. The applicant is proposing to address the pinch points by the widening of the site entrance and by including raised overrunnable kerbing. This would enable HGVs to pass but discourage car drivers to use the extra highway width. The new entrance would also include wider visibility splays and create a separate entrance to that currently shared with the adjacent garage door company. The new entrance would egress opposite the Kent Fire Service Headquarters. The proposed new access would also assist in segregating the proposed site movements from a proposed cycle and emergency vehicle access from the proposed adjacent housing development as approved in outline by Maidstone Borough Council.

Traffic Generation

10. The applicant states that the waste proposed to be processed at this facility would be largely sourced from within the Maidstone Borough; these waste sources are already in existence and are currently exported from the Borough for recycling. To assess transport impacts the applicant has included a Transport Statement and further Addendum to the Transport Statement within the application. Within these statements the applicant predicts that the proposal would generate a maximum of 138 vehicle movements per day (69 in, 69 out). Of these 138 movements the applicant predicts that there would be 92 HGV movements per day (46 in, 46 out). These vehicles would enter and egress the site via the industrial signed route along the B2010 and the A229 towards the M20 and beyond. The applicant has stated that the majority of HGV movement would consist of small to medium sized skip lorries solely under his control. The applicant has also stated that his drivers would be instructed and tracked via global positioning systems (GPS) to ensure that no other route would be used. The applicant in his application states that the majority of HGVs would leave the site between 0700 and 0730 hours and return throughout the day in an even distribution before the evening peak to both reduce traffic queuing and increase efficiency.
11. The applicant has made assurances that he is willing to accept controls which would cap the daily amount of HGV movements using the site to 92 movements (46 in, 46 out).

Hours of Operation

12. The site is proposed to operate between the following hours:

0700 – 1800 hours	Monday to Friday
0700 – 1300 hours	Saturdays (with no operation of Crusher/Shredder/Screeners)
Site Closed	Sundays and Bank Holidays

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Noise Generation

13. The proposal would have the potential to generate noise from both the operation of vehicles and machinery within the site and from the movement of vehicles entering and leaving the site.
14. The site is set down within a former quarry and is well screened from all sides. The south and east boundaries of the site are screened by trees, foliage and the cliff wall of the quarry. The north western site boundary is at present formed from an earth bund. This side however marks the boundary between the application site and the permitted but not yet implemented housing development. As a result of concerns raised at the Members' site visit relating to amenity impacts the applicant amended his proposal to create a new building in the south western corner of the site to house the further processing equipment (being the crusher, screener and shredder). The applicant has made assurances that the shredder, crusher, screener or any other high level noise generating piece of equipment would not operate on Saturdays.
15. The applicant has also submitted a noise assessment in relation to the potential impacts of the development with the application. This assesses potential noise from the proposed development when measured at the nearest residential receptors, and which also takes into account the potential development of the area which is subject to outline permission for housing development.

Air Quality and Dust

16. The applicant states that there would be no materials accepted onto site which would generate odour. The applicant has supplied an Air Quality Assessment with the application.
17. The applicant has proposed a Dust Management Plan which the applicant accepts would be enforceable via condition on any future consent. The applicant operates a site at Dartford which they are proposing to use as a model for the dust mitigation measures to be used on this site. These would include the use of dust suppression misting system and monitoring by on site management to ensure use when required.

Planning Policy Context

18. **National Planning:** Policies PPS1 (Delivering Sustainable Development), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning and Waste Management), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).
19. **Kent Waste Local Plan (Saved Policies) (March 1998):** W3 (Locational Criteria), Policy W6 (Need), Policy W7 (Re-use), W9 (Location of facilities), Policy W18 (Noise, Dust and Odour), Policy W19 (Surface and Groundwater), Policy W21 (Nature Conservation), W22 (Road Traffic and Access), W25 and 25A (Plant and Buildings) and W31 (Landscaping).
20. **Maidstone Borough Council Local Plan (2000):** Policy ENV 42 (protected verges), Policy ED2 (Retention of Employment Sites), ENV35 (Areas of Local Landscape

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Importance)

Consultations

21. **Maidstone Borough Council (MBC):** raises **objections** to the proposal on two principle grounds;
1. In the absence of evidence to the contrary, the noise generated by plant, machinery and general working on the site is likely to cause significant harm to the residential amenities of the occupants of the proposed dwellings to the north west of the site. The application is therefore contrary to South East Plan policies NRM10 and W17 and the Kent Waste Local Plan 1998 Policies W7, W9 and W18.
 2. The application documentation predicts a significant increase in the volume of goods vehicle traffic visiting the site. The Council is concerned that the local highway network (particularly at Straw Mill Hill and its junction with Tovil Hill) is not adequate to deal satisfactorily with this additional traffic to the detriment of highway safety. The application is therefore contrary to The South East Plan 2009 Policy W17 and the Kent Waste Local Plan 1998 Policies W3, W7, W9 and W22.
22. In response to supplementary information submitted in support of the Transport Addendum which included a reduction in vehicle movements the Borough Council stated: “This Council obtains advice on highways from Kent Highway Services and I assume that you will seek their advice on such matters. In the absence of ‘in house’ highways advice the Council maintains its previously expressed objections”
23. Maidstone Borough Council in response to revised noise assessment information including the housing of the noisiest processing equipment within a building state that in the opinion of their Environmental Health Officer (EHO) “the noise assessment fails to demonstrate that the proposed housing to the north west of the site would not be significantly affected. The EHO questions the methodology embodied in the noise report and the effectiveness of the mitigation measures proposed. Further to this the EHO states that little detail is given as to the scale and extent of bunding and fencing: it could be that such measures would need to be so extensive that they would themselves be harmful to the outlook of the potential outline residential properties and detrimental to the appearance of the area.
24. **Tovil Parish Council:** raise **objections** to the application on the following grounds:
1. The site is bounded on two sides with residential development, with further housing planned to the rear of the site.
 2. Harm to amenity from the proposed development in terms of Noise and Dust.
 3. Traffic issues - High level of vehicle movements proposed
 4. Highways Issues – unsuitable roads for HGVs due to narrow road widths (pinch points) and safety issues blind spots, no footpaths.
 5. Planning permission for housing adjacent to the site with cycle and emergency access using the same access as that of the proposed development.
 6. Operating hours of 0700 to 1800 unacceptable in residential area
 7. Lack of consultation by both applicant and local authority.
 8. Impact on Loose Valley Conservation Area.

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9. Raised kerbing is inappropriate for this area and also ineffective.
 10. Actual noise assessment of equipment operating at this site should be undertaken.
 11. Scepticism concerning how campaign processing will be monitored and ensured.
 12. Uncertainty concerning how the sealed nature of the building will be ensured
 13. Would like absolute certainty concerning noise mitigation measures before determination.
 14. Adequate measures required for dealing with dust and atmospheric conditions.
25. **Environment Agency (EA):** raise **no objection** to the proposals provided conditions are attached to any permission to investigate contaminated land and details of site drainage. The EA also provide various guidance and informatives concerning development on potentially contaminated land and drainage.
 26. **Natural England:** raise **no objection** to the proposals in relation to protected species. Natural England welcomes the submission of the ecological survey with the application. Natural England recommends consulting KCC's Biodiversity Officer and Kent Wildlife Trust in relation to the Loose Valley Local Wildlife Site.
 27. **KCC Biodiversity Officer:** raise **no objection** to the proposals subject to conditions which would ensure that biodiversity enhancements are secured including details of proposals for the installation of a bespoke bat roost and management and monitoring details, details of a lighting plan, details of tree clearance management plan taking into consideration breeding birds, a precautionary badger survey, habitat creation and management plan and a biodiversity management and monitoring plan.
 28. **Kent Wildlife Trust:** raise **no objection**, in principle, to the development subject to planning conditions being used to secure the completion of avoidance, mitigation, compensation and enhancement measures as mentioned in the application. The Trust would also like to ensure that Natural England have been consulted on impacts to protected species.
 29. **Divisional Transportation Manager (DTM):** raises **no objection** subject to conditions. The applicant produced both an initial Transport Statement and after consultation and the Members' site visit produced an Addendum to the Transport Statement. Within the addendum to the Transport Statement the applicant has suggested capping of the annual waste throughput of the site to 90,152 tonnes per annum (TPA). This would produce a total of 138 vehicle movements per day of which 92 would be from HGVs. The applicant has compared these figures with those which could be potentially created by the uptake of the site's current designation of B2 (industrial) or B8 (storage and distribution) use. The applicant estimates that uptake of these uses could potentially generate 258 vehicle trips per day of which 100 would be HGVs. The proposals would therefore generate less traffic and fewer HGV movements than that which could be created if the currently permitted B2 or B8 use of the site were to be taken up.
 30. The Transport Addendum also addresses concerns relating to the width of Straw Mill Hill and its ability to accommodate large vehicles. An improved access arrangement has been proposed which would improve visibility and sight lines. Furthermore the improved access would allow for HGVs to pass along the site access road. The applicant is also proposing a traffic management system to control inbound and outbound vehicle movements to reduce the likelihood of two HGVs from the site

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passing along Straw Mill Hill. Vehicle swept path analysis has been provided to indicate that there is sufficient space for vehicles to enter, turn and leave the site in forward gear.

31. In conclusion the DTM states that there would be no highway objection to the proposals subject to conditions including a cap on annual site throughput; a limit to HGV movements; details of revised access arrangement in accordance with the principle set within drawing number 3770694 SK007 (as shown in figure 3 in paragraph 3); details of loading/unloading arrangements; details of parking arrangements; parking areas kept unobstructed and for this purpose only; details of paving and drainage; details of the traffic management system; and confirmation of visibility splays and future maintenance of site boundary foliage.
32. **KCC Noise (Jacobs):** Raise **no objection** to the proposals. Jacobs initially requested some further information concerning a number of issues. The applicant clarified these queries and produced a second noise assessment. The second noise assessment clarified that the site would only operate between 07:00 – 18:00 hours weekdays and between 0700 – 1300 hours on Saturdays but without the noisiest equipment i.e. Crusher/Shredder or Screener in operation. It further clarified that operations would be housed within the two buildings and noise breakout from these buildings was modelled. Further to this a series of calculations were provided using measured background data, known equipment noise levels and a calculated noise propagation model to predict worst case noise levels when measured at closest existing residential properties and those theoretical properties permitted on the land to the north west. This information illustrated that, with certain mitigation, under worst case scenario predicted noise levels at the nearest sensitive receptors would be at or below existing background levels. This is an indication that complaints from noise sources are unlikely in accordance with BS:4142.
33. Jacobs conclude that they are satisfied that provided a condition is placed upon any permission to ensure noise rating levels do not exceed background noise level at any sensitive receptor, no nuisance from noise would be caused.
34. **KCC Odour & Air Quality Consultant (Jacobs):** Raise **no objection** to the proposals. Jacobs are of the opinion that the proposed mitigation measures and the existing topographical and tree screening would keep dust nuisance to a minimum level. Best practice mitigation techniques and the proposed dust monitoring as detailed in the application would verify the effectiveness of the mitigation measures and should concerns arise over deposited dust levels in the future further consideration and mitigation could be provided.
35. In regards to air quality; the background air pollutant concentrations are currently low in the vicinity of the site. The proposals would result in some increase in vehicle movements; however the modelled emissions from this increase would be negligible. As such the development proposed would have a negligible impact on the overall air quality of the area, and therefore be unlikely to result in detriment to local air quality.
36. **KCC Landscape Consultant (Jacobs):** Raise **no objection** to the proposals subject to conditions which require details for approval of the exact line of the root protection hazard tape; details of the security fencing including form, colour, and positioning; details of the proposed bunding / acoustic fencing if required, details of boundary

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treatment landscaping scheme including gradients, full planting details identifying plant species, sizes and densities.

37. **Campaign to Protect Rural England:** In their comments to Maidstone Borough Council raise **objection** to the proposals due to the potential impacts from lorry traffic on local amenity. CPRE state that the nature of the Tovil area is now a residential area unsuitable for this type of development and associated impacts from lorry traffic, noise, dust and air pollution. CPRE consider that the proposals would have an adverse impact on sustainability as this development is not “in the right place at the right time” and would not be in the interests of the people of Tovil. CPRE also state the proposals would have a negative impact on both the Loose Valley Conservation Area and local wildlife and biodiversity.
38. **Valley Conservation Society:** raise **objection** to the proposals on the grounds of harm to residential amenity; HGV movements through the Loose Valley (Cave Hill and Hayle Mill Road); increase in HGV traffic on unsuitable local roads; detrimental impacts on the Loose Valley Conservation Area; and hours of operation.

Representations

39. The application was advertised in a local paper and a site notice was posted. 53 letters of objection from members of the public, 1 letter of objection from an adjacent business and 1 letter of objection from the solicitors of the adjacent land owner to the north west, an objection from the Tovil Scout Group located to the south east, a letter from the North Loose Valley Residents Association and 3 petitions, two organised by the Maidstone Liberal Democrats with a combined total of 233 signatures and another organised by a local resident with 398 signatures. A copy of the reasons for both petitions is set out in appendix 2 of this report. The main reasons for objection are as follows;
- Increase in HGV movements (with associated traffic noise, disturbance, vibration and dust).
 - Amenity issues (noise, dust, odour and air quality).
 - Safety issues both road users and pedestrians.
 - Highway issues due to unsuitable carriageways for HGV traffic, blind spots at junctions, pinch points where Lorries struggle to pass and general highway safety concerns.
 - Mud, dirt and debris on the highway.
 - Rubbish/litter generation.
 - Nature of area has now changed from an industrial to residential area. 300 residential properties near to the site with potentially more permitted to be built.
 - Too early to start at 7am.
 - Possible use of cut through roads through the Loose Valley Conservation Area.
 - Harm to verges.
 - Harm to the Loose Valley site of Local Landscape Importance.
40. I have also received an objection letter from the Kent Fire Service (based in Stocketts Lane). It raises objections principally on the same grounds as mentioned above.

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Local Members

41. The County Council Member for Maidstone South, Mr **Alan Chell**, was notified of the application on 30 November 2006. No comments have been received to date.
42. Mr **Ian Chittenden** County Council Member for Maidstone North East and Maidstone Borough Councillor for Maidstone South and Mr **John Wilson** the Maidstone Borough Council Member for the South Ward both **object** to the proposals principally on the same grounds as mentioned above under the representations of the local residents of Tovil and Loose.

Discussion

Introduction

43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraphs (18 – 20) are of greatest relevance.
44. Until the Kent Minerals and Waste Development Framework has been adopted as a replacement for the Kent Waste Local Plan (1998), and any identified sites and locational criteria have been subjected to a Sustainability Appraisal and Strategic Environmental Assessment as part of that process, Planning Policy Statement 10 (PPS10) requires that planning authorities should ensure proposals are consistent with its policies.
45. PPS10 advocates a growth in waste management facilities reflecting the waste hierarchy, which priorities reduction, re-use, recycling and recovery (in that order). The Statement seeks to reduce waste that is directed to landfill and states that a substantial increase in recovery of waste and reduction in waste to landfill is required across the Country. If the proposed development is considered acceptable in my opinion it would help contribute towards the Statement's objectives of reducing the amount of waste to landfill and improve waste recovery.
46. Whilst the need for this type of facility is clearly recognised in order to divert waste from going to landfill this should be balanced against locational criteria and whether the proposed facility would result in harm to local amenity. There is policy protection for amenity in general and from waste operations specifically set out within Planning Policy Statement 10, the Maidstone Borough Local Plan and the Kent Waste Local Plan. Policy W9 of the Kent Waste Local Plan requires that proposals for waste development which fall outside of those locations considered to be suitable in principle for such development should be considered against whether the proposals seek to minimise impacts on local and natural environments, have ready access to an appropriate road network and whether the proposals are located on existing industrial type use classes B2 (industrial) or B8 (storage) sites. This site is located within a former quarry and on an existing designated B2/B8 Industrial site. Industrial type locations such as this usually have ready access to the primary route network. In this case whilst the site does not have ready access to the primary route network it is accessed from the A229

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via the B2010 and Straw Mill Hill, this route remains a signed industrial route suitable for HGVs from the A229. Whilst the site is located on industrial land, it has to be recognised that the nature of the Tovil area has evolved to a more residential area. The nearest existing residential receptor from the site entrance lies approximately 50 metres to the north. However the nearest existing residential receptor to the main site lies approximately 140 metres to the north west at Passmore Way. The site also lies adjacent to existing adjacent business premises immediately to the north of the site entrance. Taking this into account the acceptability of this development at this location should be considered having regard to the suitability of the site access and associated impacts on local amenity.

47. Given the above policy background and taking into account the responses received during the consultation process, in my view the main issues to be balanced against the need for additional recycling facilities relate to concerns over traffic, access and highway safety, residential amenity, noise, dust, odour and air quality, biodiversity and ecological impacts and landscape and visual impacts.

Traffic, Access and Highway Safety

48. Objections concerning traffic and access impacts from this proposal have been raised by Maidstone Borough Council, Tovil Parish Council, local Councillors, Kent Fire Service, local residents, business and land owners. These objections relate to the suitability of the site location in relation to access routes for HGV movements. The operator has submitted a transport statement with a later addendum as part of the planning application. The transport information supplied analyses the proposed impact of the development on the local highway network in detail. The applicant has stated within the application that they propose a cap on the total HGV movements from the proposed development. The applicant is suggesting a cap of 92 HGV movements per day (46 in, 46 out) with a total proposed traffic impact of 138 vehicle movements per day including all vehicles. The applicant's transport statement compares the proposed site use and associated traffic generation with the potential permitted site use. The site currently has an unrestricted permission for B2 (industrial) or B8 (storage) industrial type uses with no restrictions on vehicle movements. The previous use of the site was as a waste paper processing facility.
49. Transport policies within PPS 10 and the Kent Waste Local Plan aim to ensure that new development is appropriately located with ready access onto the primary route network, and does not cause detrimental impacts to highway safety and amenity. In this case the site is located on the site of a former quarry and waste paper processing facility which is serviced by minor non-primary routes, namely Straw Mill Hill and the B2010 to access the A229. Whilst the nature of the Tovil area has without doubt changed over the last 30 or so years, the roads which service the area have not. The site is accessed by a designated industrial route signposted as being suitable for HGV movements accessing the industrial area in Tovil. The applicant states that his vehicles would only use Straw Mill Hill and the B2010 to access the primary route network at the A229 from the site. The applicant has stated specifically that his vehicles would not use Cave Hill as a cut through as this route would not be suitable for HGVs due to its narrowness. The proposed route (as illustrated in figure 1) would take vehicles through Tovil which lies on the southern periphery of Maidstone. Tovil Parish Council has objected on the grounds that the Tovil area and its road network are no longer suitable for this kind of

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activity and the level of lorry movements proposed. Other highway related objections have been raised concerning the narrow width of Straw Mill Hill causing a pinch point where two lorries are not able to pass safely. Objectors have highlighted that there are schools nearby which access onto the B2010 and a children’s playground on the corner of Albert Reed Gardens and the B2010 towards Maidstone. Objectors feel that increasing lorry movements along these routes may cause highway safety impacts.

50. Despite these claims it must be stressed that this site is on land which is designated as suitable within the Maidstone Borough Council Local Plan as B2(Industrial) & B8 (Storage) employment land. Furthermore the site’s current planning permission does not have any restrictions or controls on access routes or vehicle movements. An objection has also been raised by the adjoining land owner to the north west of the site. This land currently lies vacant but has the benefit of an outline planning permission for the development of approximately 272 residential units granted by Maidstone Borough Council. This proposal includes the sharing of the existing access with the proposal site for emergency vehicle access and a proposed cycle path.
51. The Divisional Transport Manager (DTM) was initially consulted on the application and then in respect of the objections raised concerning traffic, access and highway safety impacts from the proposal. The DTM's comments have been made in response to the above highway objections received and based on the Transport Statement (TS) and Addendum to the TS supplied by the applicant. The TS and Addendum compare the potential highway impacts of the proposed development with the potential highway impacts of the existing permitted use. The TS uses traffic data collected locally in 2009 to assess what additional impact the proposals would have on the road network. Objectors have noted that this traffic data was collected during the school summer holiday period claiming the data to be misrepresentative. However the DTM has pointed out that this is not the case as the number of HGV movements on roads would not be affected by school term traffic.
52. The TS and Addendum demonstrates that over a 11 hour working day 138 vehicle movements (69 in, 69 out) would be generated, of these movements 92 would be HGV movements (46 in, 46 out) and the remaining 46 would consist of light vans and cars (23 in, 23 out). The TS goes on to compare this with the potential number of vehicle movements which could be generated if the existing B2 (industrial) or B8 (storage) permission were to be taken up. The TS uses TRICS traffic data to analyse the potential movements which could be generated if a typical B2 or B8 industrial use was in operation at this site. This data is shown for quick comparison in table 1 below.

Table 1. Potential totals of all vehicle traffic per day related to site use (with inclusive HGV movements in brackets)

Use	Arrivals	Departures	Totals
Potential B2 / B8 use	129 (50)	129 (50)	258 (100)
Proposed Waste use	69(46)	69(46)	138 (92)

53. Table 1 shows that the number of overall vehicle movements associated with the proposed waste use would be potentially lower than what could currently occur if the

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existing B2 (industrial) or B8 (storage) permission were to be taken up. The DTM when commenting on this application states that the potential permitted use of the site very much limits what restrictions could be reasonably justified in this case. The DTM states that the applicant's TS demonstrates that this proposal would create similar daily movements of HGV traffic to and from site as the currently permitted use with a significant decrease in overall traffic movements. In light of this information the DTM confirms that there can be no justifiable highway objection in terms of traffic generation. Furthermore it should be noted that currently there are no restrictions on HGV movements at the site, as such the site if occupied could potentially generate as many if not significantly more HGV movements than is proposed under this application.

54. The TS Addendum addresses objections in relation to the narrow width of Straw Mill Hill and a pinch point where the safe passing of two HGVs was questioned. The applicant, to address these concerns has included a redesigned site access. This new access would include a new entrance with increased width to allow two lorries to pass along the site access and increase visibility splays for drivers egressing the site. Objections have been made by the adjacent site owner who previously had the benefit of an outline permission for the development of 272 residential units (an application to extend the time limit for implementation has been submitted to Maidstone Borough Council). This site would share the existing access to the applicant's site for cyclists and emergency vehicles accessing his site. At present this emergency access and cycle access would be in direct conflict with vehicles accessing the application site, thus highlighting safety concerns. The applicant has addressed these concerns in the proposed redesigned new site access by increasing the road width and including a cycle refuge to create physical separation between the potential cyclists and HGVs.
55. Swept path and photographic evidence has been supplied by the applicant to demonstrate that two lorries and a cyclist are able to pass along the revised site access, and that two lorries can pass along Straw Mill Hill itself. The applicant is proposing to install raised kerbing at the site entrance which lorries could ride over in the event that they meet at the narrowest point on Straw Mill Hill which is located at the existing site entrance. Tovil Parish Council have objected to the proposal for using raised kerbing as being both inappropriate and ineffective. The DTM disagrees with this view and states that the revised access plans offer an improvement over the current access.
56. To further manage traffic from the site the applicant is proposing a traffic management plan. This would further reduce the probability of two large vehicles having to pass along Straw Mill Hill. The applicant would control vehicle movements by the use of a 'Geo-Manager' software system which would monitor live progress of his vehicles using both radio and GPS. This would then enable the controlled release of vehicles leaving the site via traffic lighting to ensure that they would not pass incoming vehicles along Straw Mill Hill.
57. The DTM concludes, in his opinion, that in light of the above information he has no objection to the application on highways grounds subject to conditions. On this basis, considering the existing permitted site use could generate over and above the vehicle movements proposed, I consider that with appropriate conditions limiting the hours of operation, number of vehicle movements and further details of the redesigned site access the proposals would provide an opportunity for greater restriction and controls over the site which may be beneficial in highways terms. Having regard to the views of the DTM and subject to appropriate conditions, I am satisfied that the proposed facility

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would be acceptable in terms of highway and traffic impacts and an overriding objection on highway grounds cannot be sustained.

Amenity Impacts

58. This site is roughly triangular in shape and is situated within a relatively well contained parcel of land; the site is set down approximately 6 to 8 metres from the road on 2 sides and is surrounded by an approximately 6m earth bund to the other side. There is dense well established foliage on the south eastern and southern site boundaries and an established bund to the northwest boundary. The site is situated at the closest point approximately 140m away from the nearest sensitive receptor. There is however potential for residential properties to be built along the northwest boundary of the site, which would bring residential development to the immediate north-western boundary of the site. The proximity of residential and potential residential receptor raises the need for consideration and examination of local amenity impacts which could potentially be caused by the proposal. These relate in particular to impacts from noise, dust, air pollution and odour, light pollution and visual and landscape impacts. The main policies in regards to the control of amenity impacts from waste operation are found within the Kent Waste Local Plan and within the principals set out within Planning Policy Statement 10 and Planning Policy Guidance 24: Planning and Noise (PPG24).

Noise Impacts

59. PPG 24 provides guidance on how the planning system should balance the adverse impacts of noise without placing unreasonable restriction on development. As a general principle, however noisy development should be sited away from noise sensitive land uses. In the decision making process the planning authority must consider whether it is practicable to control noise levels, or to mitigate the impact of noise through conditions. Policy W18 of the Kent Waste Local Plan requires development to satisfactorily address the means of controlling noise, dust odour and other emissions.
60. Objections have been raised concerning the proposals potential noise impact from Maidstone Borough Council, Tovil Parish Council, the County Member for Maidstone North East and Borough Councillor for Maidstone South and local residents. Considering the proximity of both existing and proposed residential development it is necessary to consider the noise impacts arising from the proposed development in the determination of this proposal.
61. The proposed facility would without doubt generate noise through its operations and associated vehicle movements. The facility would include noise generating activities such as the tipping and sorting of wastes and further processing of sorted wastes through crushing, shredding and screening equipment. However all of these noise generating activities would be housed within both the existing and new a purpose built building. These buildings would have appropriate sound insulation and attenuation measures to contain noise as far as practicably possible.
62. As part of the supplementary information submitted with the application two noise impact assessments were submitted. These were carried out in accordance with BS4142; (method for rating industrial noise affecting residential development), BS7445;

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(Description and measurement of noise) and other relevant standards and guidance. The first noise assessment was submitted with the planning application. Subsequently after consultation and the Members' site visit the proposals were amended and therefore required a revised assessment. The revised noise report sought to address noise concerns by housing the further processing of wastes within an insulated new building and with the operators commitment to not run the waste processing machinery (crusher/shredder /screener) on Saturdays.

63. To establish background noise levels noise monitoring surveys were carried. A long-term survey was undertaken at a location representative of the nearest potential property to the plant equipment (at the permitted outline housing site) and 4 sample surveys were undertaken at locations representative of the nearest existing residential properties. These surveys were undertaken during normal weather conditions whilst there were no operations at the proposal site. The noise assessments measured background levels ranging from 36 – 38 LA90 across the surveyed locations.
64. The assessment included data showing noise level surveys and manufacturer sound levels from similar equipment to that proposed in order to predict and assess the potential noise impact arising from the proposed facility. A noise propagation model using local data concerning the characteristics of the Tovil site was set up using computer software to calculate noise emissions from the proposed development. This enabled a modelled worst case noise scenario to be set up where the site would be at its busiest and noisiest in terms of operations and vehicle movements. This was modelled as being with the MRF running, the wood shredder running with an excavator feeding it, with 6 skip lorries arriving and tipping their loads within an hour and with a bulk collection vehicle on site. Using these predicted noise levels a scheme of mitigation measures was designed to ensure that the proposed development would not generate noise exceeding current background levels when measured at the sensitive receptors as requested by KCC's Noise Consultant Jacobs.
65. The applicant's scheme illustrated that noise level would not exceed background levels at any of the measured locations. The rating level at the nearest existing dwelling in Passmore Way would be 30dB being some 6dB below the measured background level. At the proposed dwellings at the adjacent site to the northwest the rating level would be 38dB being the same as the measured existing background level. This would indicate that in accordance with BS4142 complaints would be unlikely. Maidstone Borough Council has cast doubt over whether this scheme would be possible and whether the results would be achievable in relation to the outline housing site adjacent.
66. In the absence of the outline housing scheme being developed the noise assessment demonstrates that the mitigation measures proposed (i.e. the enclosure of the building and the site layout) would ensure that noise levels generated at the site would not be greater than the existing background levels when measured at the nearest residential receptor. Should the outline housing site be developed, then the nearest residential receptor would be closer to the proposed waste management development. The 2005 housing development outline permission incorporated a condition to address noise considerations by requiring an acoustic assessment to identify the noise exposure category of the housing site and then produce a scheme of acoustic mitigation to ensure that noise levels within potential future dwellings and their rear gardens conform to limits set by the Borough Council.

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67. Should further noise mitigation be necessary on the waste management site to ensure that background levels are not exceeded at the nearest residential receptors, the applicant has committed to providing additional mitigation measures in the form of further insulation of the buildings walls and roofs with acoustic lining and the covering of all but two of the roller shutter doors on the MRF building. These sound absorbent linings would reduce reverberation and provide sound attenuation. If necessary to meet noise requirements there would also be a bund (or possibly an acoustic fence) positioned along the north-west site boundary (tapering lower to the north of the existing building) and a 2.3m acoustic barrier along the access road.
68. Should Members be minded to grant permission, taking account of the above and having regard to the advice from Jacobs (Noise) and in the interests of protecting amenity, I would recommend a condition is imposed requiring that noise levels from operations when measured at any noise sensitive property do not exceed existing background levels. In addition I would also recommend that a condition is imposed requiring prior to commencement of development the submission and approval of a noise monitoring scheme. Such a scheme should make provision for a noise monitoring regime and should the adjacent site be developed for housing the submission, approval and implementation of appropriate additional noise mitigation measures to ensure background noise levels are not exceeded.
69. Having regard to this, the County Council's noise advisor considers that noise from the proposed operations would not cause detriment to amenity if permission were to be granted, subject to a condition that the noise rating levels do not exceed the existing background noise level when measured at any sensitive receptor. In my opinion the principle of industrial and storage development on this site has already been established and with the imposition of suitable conditions to control noise as set out in paragraph 68 above the proposal would offer an opportunity for planning control of operations at this site. On this basis I am satisfied that the proposals would accord with the above national and development plan policies and there are no overriding objections on noise grounds.

Air Quality, Dust and Odour Impacts

70. Air quality impacts from the development could potentially be caused through fugitive dust emissions from the proposed operations at site and from traffic using the site. Objections have been raised by Tovil Parish Council and local residents in regards to detrimental air quality impacts from the proposed development. No objections have been raised by the County Council's Dust and Air Quality Consultant.
71. The main policy guidance on air quality, dust and odour impacts is set out within PPS10 and Kent Waste Local Plan policy W18. In general, guidance and policies within these documents require the planning authority to be satisfied as to the means of controlling dust, odours and other emissions. This should be considered particularly with regard to the effect of potential emissions on nearby sensitive receptors. In this case the nearest existing residential receptor is approximately 140m from the site. However the potential outline permitted housing should be considered which as discussed above would be immediately adjacent to the north west boundary of the site.

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72. The applicant has submitted an Air Quality Assessment with the application to assess the impact of both traffic emissions and fugitive dust emissions that could arise from the operational elements of the proposed development. Dust and odour mitigation measures have also been proposed to reduce any adverse impact on surrounding sensitive receptors. In addition, future predicted road traffic flows have been used to model air pollution levels.
73. The assessment has been undertaken in accordance with specific international, national and local policy and guidance. The assessment considered the potential impacts on the main sensitive receptors as being residential areas and schools in the area.
74. In terms of traffic emissions, the assessment has calculated the concentration of NO₂ (Nitrogen Dioxide) and PM₁₀ (fine particles) levels at selected sensitive receptors for 'without development' and 'with' development scenarios. Potential increases in pollution would be mainly caused by the increases in traffic from the site. It should be noted that there are currently no sensitive receptors such as houses or schools within 140 metres of the site. The calculations also took into account the background pollutant levels. The assessment concludes that the properties of Tovil Hill and Woodbridge Drive (north of Straw Mill Hill) would be the worst affected receptors from traffic emissions. It is predicted these would experience increases in NO₂ of 5% and increases of PM₁₀ of 1.5% when compared to the vacant site levels. However, even with these increases at the worst affected properties the predicted levels are well within levels set within Maidstone Borough Council's Air Quality Strategy objectives of 40 µg/m³ for NO₂ and 40 µg/m³ for PM₁₀. The applicant has also investigated the impacts the development would have on Maidstone Borough Council's Town Centre Hotspots, and again concludes that the impact from this development is negligible compared with overall traffic levels. Furthermore I should point out that this represents a worst case scenario given that the site could become operational under the terms of the existing unrestricted permission.
75. The County Council's Air Quality and Dust Advisor concurs with the air quality assessments findings and concludes that the proposed development would not have any significant impact upon the nearby residential properties and the surrounding local network. The Air Quality Advisor justified this by reasoning that increases in traffic movements from and to the site would not have a significant impact as predicted potential pollutant concentrations would be well below the air quality objectives as set within Maidstone Borough Council's Air Quality Strategy. Since the Air quality assessment the applicant further revised the vehicle movements from 138 movements per day to 90 per day so the true impact would be less than the levels predicted in the air quality impact assessment.
76. In terms of any dust and odour nuisance, the assessment has considered the effects from the construction and operational aspects of the proposed development and proposed measures to mitigate any adverse effects on both existing and potential surrounding receptors. In this case it must be recognised that most operational activities would take place within the confines of a building which would have sealed entrances via PVC curtaining. The concrete crusher, screener and shredders would be fitted with in situ dust suppression units to control dust in buildings in accordance with Health and Safety regulations. Secondly the topography and surrounding perimeter

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vegetation of the site would not be conducive for the migration of fugitive dust from operations onto nearby residential properties. However, as with the traffic emissions assessment, the development has been assessed according to the location of sensitive receptors. The assessment advises that with the implementation of best practice and a Dust Management Plan as indicated within the application, dust nuisance arising from the operational development would be negligible. I would recommend that if members were minded to grant permission a dust management plan would be conditioned to include mitigation measures to control dust from the site linked to the nearest sensitive receptor. As such if the outline permission for housing were to go ahead the proposals for dust management would be adequate to ensure that dust would not be an issue for these residential properties.

77. The County Council's Air Quality and Dust Advisor is satisfied that with good site management any impacts from dust could be adequately mitigated. In terms of odour the applicant is proposing to collect solely construction and demolition wastes in skips which by the wastes nature would be unlikely to cause odour issues, however as a precautionary measure in accordance with best practice appropriate protocols for the swift handling of any odour producing wastes would be adopted at site. Having regards to this the County Council's air quality advisor is satisfied that the proposals are unlikely to cause detriment to amenity through odour.
78. In the context of the above views and advice I am satisfied, subject to appropriate conditions ensuring that the dust management plan and a mitigation system would be appropriately designed and implemented before the commencement of waste management operations and suitably maintained, and with appropriate restrictions on the types of waste imported to the site, that the proposals would not cause any significant detrimental impact in terms air quality, odour or dust.

Biodiversity and Ecology Impacts

79. Ecology and biodiversity issues in relation to built development are a material planning consideration. Paragraph 14 of PPS9 states that "development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, the local planning authority should maximise such opportunities in and around developments..." In this case Natural England, Kent Wildlife Trust and the County Council's Biodiversity Officer were consulted on this application to consider the Phase 1 Habitat Survey supplied by the applicant as part of the supplementary information submitted in support of the planning application.
80. The applicant's initial Phase 1 Habitat Survey examined the potential for protected species on site (including bats, badgers, breeding birds, reptiles, amphibians and dormice). The habitat survey identified that the site has evidence of foraging bats, but low potential for bat roosts. Some buildings due to be demolished as part of the proposals show some evidence of bat activity and therefore the applicant proposes to include a new bespoke bat roost, details of which would be required for approved and installed prior to the demolition of buildings. To retain the site's potential for foraging bats low level lighting would be used, again details of which could be conditioned.
81. Whilst very little vegetation would be removed during the development there would be some tree clearance to create the new site access. The applicant proposes to submit a

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management plan for the removal of this habitat to ensure that best practice is followed and ensure breeding birds are not disturbed. The applicant aims to mitigate the loss of this habitat by a scheme of biodiversity enhancements including tree planting around the perimeter of the site. The details of this and a future management plan could be dealt with via condition to ensure that the level of mitigation is appropriate.

82. Natural England welcomed the inclusion of this information with the application and offered no objection subject to their standing advice concerning protected species. Kent Wildlife Trust offered no objection again subject to Natural England's standing advice and where necessary a planning condition on any future consent which would secure the completion of avoidance, mitigation, compensation measures mentioned in the applicant's report. The County Council's Biodiversity Officer in following Natural England's standing advice required an additional reptile survey to be undertaken by the applicant to establish presence of reptiles on site.
83. The reptile survey was conducted during between March and September 2010. The survey work concluded that the likely reptile population size was low and the amount and quality of reptile habitat within the site was very small and of low quality. Nevertheless the applicant recognises that it is an offence to intentionally kill or injure species protected under the 1981 Wildlife and Countryside Act. Considering this the applicant has proposed mitigation measures to protect any reptiles from harm that might arise during development work. Proposed mitigation measures follow the exclusion and capture method by the use of reptile fencing and then the trapping and relocation of reptiles to the adjacent buffer zone around the site during proposed ground works. The County Council's Biodiversity Officer considers the translocation approach suggested would be appropriate and is therefore satisfied that there would be no resultant harm to reptiles.
84. The County Council's Biodiversity Officer having regard to Natural England's standing advice is now satisfied that no harm to biodiversity would be caused by the proposed development subject to conditions which would ensure that biodiversity enhancements are secured including details of proposals for the installation of a bespoke bat roost, details of the site lighting plan; details of tree clearance management plan taking into consideration breeding birds; a precautionary badger survey; habitat creation and management plan and a biodiversity management and monitoring plan. On this basis subject to the imposition of conditions requested by the County Council's Biodiversity Officer I am satisfied that the proposed development would lead to no net loss of biodiversity at the site.

Landscape and Visual Amenity Impacts

85. The site is set at the base of a former ragstone quarry which was previously occupied by waste paper recycling activities and contains disused industrial buildings. The site is set down some 6 to 8 metres from road level and is currently well screened on two sides by dense established foliage and contained on the other side by an earth bund. Whilst the site is relatively well contained and would not have any significant visual impact on any existing residential properties or views, there is potential for views into the site from dwellings arising from the previous outline consent for housing on the adjacent land to the north west. The applicant accepts this and has suggested should the properties be built a scheme for mitigation of these views by way of either an earth

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bund or an acoustic barrier, and planting.

86. The applicant has highlighted that in their opinion the juxtaposition between the two sites has already been considered to be acceptable in the application to grant outline permission for residential development up to the boundary of an existing, albeit vacant industrial site. However despite this the applicant intends to provide some form of screening to ensure that the potential properties are adequately protected from noise and views into the site. In addition the expired outline housing scheme included the provision of a belt of vegetation including the planting of trees ranging from 2m to 12m in depth along the boundary line. An application to extend the time limit for the implementation of the outline permission is being considered by Maidstone Borough Council and currently remains undetermined. The applicant considers that given the current indeterminate nature of the adjacent housing application it is not possible to confirm the precise details of what landscape mitigation may be required. Whilst currently the site would have no visual impact on any of the surrounding land uses in recognition of the potential housing adjacent to the site the applicant has suggested that these details would be more effectively left for future consideration by way of condition relating to the stage of development of the adjacent land. With regard to comments by Maidstone Borough Council in relation to the visual impact of potential acoustic bunding in relation to the outline housing development, I am of the opinion that detail of this boundary treatment would be most appropriately left for consideration by condition on any future consent once the layout of the outline housing permission has been decided and development commenced.
87. The proposal site lies close to the Loose Valley Area of Local Landscape Importance and the Loose Valley Conservation Area. Objections to the proposals have been raised by Tovil Parish Council and the Valley Conservation Society on grounds of harm to the Loose Valley. The proposals would not use the road network through the Loose Valley along Cave Hill due to the narrow unsuitable nature of these roads for HGV traffic. Considering that there would be no additional traffic through this area, and that the site is set down from road level, well screened and that there is an unrestricted permission for B2 or B8 development at the site, in my opinion the proposals would not have any detrimental impacts on the Loose Valley over and above what could already occur at site. On this basis I do not consider there to be any negative impacts on the Loose Valley designated areas on landscape grounds.
88. The County Council's Landscape Advisor does not object to the proposals on visual impact grounds subject to conditions covering; pre-commencement of details of site security fencing including form, colour and location; details showing the exact line of tree hazard tape and details of boundary treatment including materials and gradients of bunding, proposed plant species, sizes and densities. On this basis and considering the above I do not consider that the proposals would cause any significant impact on landscape or visual amenity.

Hours of Operation

89. The proposal requests operating hours for 0700 – 1800 hours Monday to Friday and from 0700 to 1300 hours on Saturdays (with no operation of the noisiest equipment). The applicant is not proposing to work on Sundays, Bank Holidays or Public Holidays. These operating hours are standard operating hours for industrial uses. Local residents have objected to these operation hours for starting too early. These hours have been

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sought to ensure that the operator's drivers leave the site between 0700 and 0730 to ensure that they do not get held up during the morning peak traffic movements. The drivers would then return to the site after the morning peak in a steady distribution. The operator in his application has made a commitment that there would be no operation of the noisiest equipment on Saturdays being the Screener/Shredder or Crusher at weekend. Considering that noise restrictions would apply to operations at site ensuring that background noise levels are not exceeded I am satisfied that there would be no harm to amenity from the proposed hours of operation.

Conclusion

90. Whilst a significant number of objections have been raised against this proposal it is pertinent in my view to reiterate the surrounding nature of the proposal site and location. The site is set within a former quarry and is currently enclosed by vegetation and earth banking around its perimeter. The site is a brownfield industrial site which is designated as being suitable for industrial type development within the Maidstone Borough Local Plan. The site currently has the benefit of an unrestricted planning permission for waste paper recycling which could be taken up at any time. Whilst the nature of the area has changed to a mainly residential area; the site is accessed by a designated industrial route signposted as being suitable for HGV traffic and provides access to the main route network.
91. Objections have been raised concerning the suitability of this location for this type of development. Policy W9 of the Kent Waste Local plan sets out the criteria for locations suitable for waste separation and transfer. In this case the site does not fall within any of the listed locations and therefore is subject to being considered against appropriate criteria. The first of these is whether the proposals seek to minimise impact on the local and natural environment. This proposal offers considerable mitigation measures including the housing of equipment within buildings, noise mitigation measures, dust mitigation measures, ecological mitigation and allows for restriction and further control of site activities through the planning regime. On the whole the proposals would offer a positive benefit to the area over the existing permitted development at the site. Considering this I am of the opinion that the proposals seek to minimise the development impact on the local environment and are therefore in accordance with the first test.
92. The second criterion is that the proposals would seek to secure ready access to the main route network. In this case the proposal site is linked to the main route network at the A229 via Straw Mill Hill and the B2010, whilst this does bring vehicles through Tovil this route is designated as an industrial route as being suitable for HGV movements. The Divisional Transport Manager has been consulted on the suitability of this route for the level of HGV traffic proposed and is of the opinion that no highway objection could be sustained. The proposal again offers further restriction to the level of HGV movements from this site in future. Currently the site benefits from an unrestricted permission for B2 (Industrial) or B8 (Storage and Distribution). The applicant in their submission has demonstrated that if another use were to take up the existing permission it could potentially create more HGV movements than the proposals, and as the existing permission is unrestricted these movements could be well in excess of the levels proposed. On this basis I consider that the proposals would be in accordance

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with the second test.

93. The third test states that proposals for waste management facilities are within an established or committed general industrial type area (i.e. B2 or B8 use classes). As discussed above this site falls within an area designated as being suitable for industrial development and contains industrial buildings which would be re-used. In my opinion the site therefore fulfils this third test. Considering the above I am of the opinion that this proposal at this site is in accordance with policy W9 of the Kent Waste Local Plan as such this proposal for waste management facilities is suitable for this site at this location.
94. To summarise the proposal is for the re-use of existing site buildings together with the erection of a new building to provide a materials recycling facility enabling the recovery of construction and demolition waste which would help towards meeting diversion targets away from landfill. The facility would process some 90,152 tonnes of waste per annum. This would involve a capped number of 92 HGV movements per day (46 in, 46 out). The applicant has provided information to demonstrate that subject to appropriate conditions, noise, dust, odour and air quality concerns could be addressed to the satisfaction of the Divisional Transport Manager and the County Council's advisors on noise, dust, odour and air quality. Further information and mitigation strategies have been submitted by the applicant in respect of biodiversity and ecology interests. This information is in accordance with Natural England's Standing advice and to the satisfaction of Kent Wildlife Trust and The County Council's Biodiversity Officer. I am satisfied that all other matters raised within this report including details of boundary treatment, security fencing, lighting details & biodiversity mitigation strategies could be adequately addressed through the imposition of pre-commencement conditions if planning permission were to be granted.
95. Whilst I note the objections raised in respect of the site location, traffic, access and amenity issues, I am satisfied having regard to comments made by consultees that should permission be granted, provided appropriate conditions are imposed the proposed facility would not cause significantly more impact than what is currently permitted at this site. Furthermore the proposals offer an opportunity to place further restrictions and controls on the site. These further controls would enable the impact of the site on the local highway network to be limited in terms of vehicle movements, allow improvements to the existing access arrangements, and enable further control of the site in terms of noise, dust and odour and enable enhancements to site biodiversity.
96. In conclusion, I am satisfied that the proposed use of the site would be acceptable and that provided appropriate conditions are imposed to control any potential adverse impacts there are no overriding issues that would reasonably warrant this application to be refused. Accordingly I recommend that planning permission be granted subject to conditions.

Recommendation

97. I RECOMMEND that PERMISSION BE GRANTED for the proposed materials recycling facility Subject to conditions including standard time condition, hours of operation; limit to annual waste throughput, limits to vehicle movements; noise restrictions; a scheme of noise monitoring; requirement for compliance with noise restriction by submission and implementation of noise mitigation measures (including if necessary appropriate

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measures should the adjacent site be developed for housing); dust management plan including physical dust suppression and dust monitoring scheme; drainage, a contaminated land assessment; parking arrangements, site lighting, security fencing, acoustic fencing, boundary treatment, biodiversity improvements including bespoke bat roost, tree protection; landscaping; boundary treatment including materials and gradients of bunding including proposed plant species, sizes and densities; and other standard and operational conditions.

Case Officer: Shaun Whyman

Tel. No. 01622 221055

Background Documents: see section heading.
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APPENDIX 2 TO ITEM C1

APPLICATION MA/10/167 – DEVELOPMENT OF A MATERIALS RECYCLING FACILITY AND TRANSFER STATION FOR WASTE RECOVERY AT STRAW MILL HILL, TOVIL, MAIDSTONE.

NOTES of a Planning Applications Committee site meeting at Straw Mill Hill, Tovil on Tuesday, 13 April 2010.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr A R Chell, Mr C Hibberd, Mr J D Kirby, Mr R J Lees, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith, Mr K Smith and Mr A T Willicombe.

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

MAIDSTONE BC: Cllrs I S Chittenden and J A Wilson.

TOVIL PC: Mr D Mortimer.

THE APPLICANTS: Mr G East (Pinden Ltd), Mr I Thompson (ESG Consultants).

ALSO PRESENT were Dr F F Simpson (CPRE Maidstone), Mr G Stead (Valley Conservation Society), North Loose Residents Association (Mrs M Tomlinson) and some 10 members of the public, including Mr P Aelen (dha Planning on behalf of Mr Burke).

(1) The Chairman opened the meeting by explaining that the purpose of the meeting was to enable Members of the Planning Applications Committee to gather the views of interested parties and to familiarise themselves with the site.

(2) Mr Whyman and Mr Clifton introduced the application. Mr Whyman said that the site covered an area of 2.55 hectares. Of this, 1.4 hectares consisted of usable hardstanding. The site was located within a former ragstone quarry.

(3) Mr Whyman pointed out the bund to the north west side of the site and explained that the land behind it was owned by Mr Burke. Maidstone BC had granted permission for the construction of 275 properties on this land. This permission had lapsed but a further application had now been received by the Borough.

(4) Mr Clifton said that construction and demolition waste would be brought on site and sorted into individual waste streams by a new Materials Recycling Facility located in the main warehouse building on the eastern side of the site. Examples of the waste materials were soils, hard core, wood, plastics and paper. Once sorted, the waste would be exported to the southern end of the site for screening, crushing and shredding before being taken off site. The maximum waste throughput would be 140,000 tonnes per annum. The proposed hours of operation were 7am to 6pm Mondays to Fridays and 7am to 1pm on Saturdays. The maximum number of HGV movements would be 163 per day (in and out).

(5) Mr Clifton then said that two of the main issues for consideration by the Committee Members were the proximity of the site to future housing and noise and dust impacts.

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(6) Mr Clifton said that Maidstone BC had objected had objected to the application on the grounds of amenity issues (particularly noise and dust), the impact on future housing, the proposed access to the site and traffic impacts. In response to the latter concern, the applicants now intended to widen the visibility splays and to set a designated route for vehicles exiting the site to travel down Straw Mill Hill and then follow the B2010 and the A229.

(7) Mr Clifton then turned to the representations from other consultees. Tovil PC had raised objections, including the consideration that vehicles exiting the site would use narrow lanes as rat runs. The Loose Valley Residents Association had objected due to its concerns over the impact of the eastern boundary on the AONB on the other side of Stocketts Lane (which travelled due south immediately past the site access point). Kent Highway Services had requested further information on the ability of two vehicles to pass one another along Straw Mill Hill and on peak hour movements. Jacobs (Noise, Dust and Odour) had required further information on noise due to concerns over the impact on housing.

(8) Mr Clifton concluded his presentation by saying that the site was currently allocated within the Maidstone Borough Local Plan as suitable for industrial and warehouse uses within classes B2 – B8. It was a designated industrial site and had previously been used by Reeds for waste recycling.

(9) Mr Thompson (ESG Consultants) agreed that the Planners' presentation had been accurate and comprehensive. He asked the Committee to note that the site already had permission for waste paper recycling. He added that the applicants were aiming to mitigate the concerns raised by Jacobs, including the construction of an earth bank. In respect of the concerns over traffic, Mr Thompson said that the applicants' advisers had the site would generate less overall traffic than a normal B2-B8 category site. He invited everyone to look at the photographs that were on display which showed how vehicles were able to pass one another at points along Straw Mill Hill.

(10) Mr Chittenden from Maidstone BC said that if (as was expected) Maidstone BC granted a new permission for the housing development to the north west of the site, there would be 270 new houses which would be built very close to the bund between the site and the new residences. He went on to say that Tovil had previously been an industrial area but that it had now become a residential area with houses to the north and east. He then pointed out the location of a public footpath to the south of the site.

(11) Mr Chittenden then turned to the question of lorry movements. He explained that Maidstone's recycling plant lay to the south east. It served all of Maidstone (including as far west as Larkfield). He said that this would encourage 6 to 10 tonne lorries to turn right in order to attempt to avoid the traffic build up on the A229 Loose Road (which occurred frequently). Those vehicles would very soon reach a pinch point where the road was about a car's width wide. The site entrance itself was protected by a retaining wall which led to a 7ft drop. Mr Chittenden said in conclusion that there were a whole series of problems relating to traffic movement and congestion.

(12) Mr Wilson (Maidstone BC) said that he concurred with Mr Chittenden's comments. He also said that he considered that pedestrians' lives could be put at risk by lorries exiting the site at what was effectively a blind turn.

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(13) Mr Thompson said that the applicants intended to ensure that housing was protected from any amenity impacts arising from the site. It was also intended to separate traffic so that emergency vehicles and cycles were directed along the narrow lanes whilst the commercial vehicles used the main road from the site.

(14) Mr Stead (Valley Conservation Society) said that his observations of the Pinden Quarry in Longfield had led him to conclude that there would be major problems arising from dust (which the applicants would find difficult to contain) and traffic. He asked how it was proposed to control the waste that that was brought on site. He was concerned that this might include asbestos. He also asked whether KCC had a vested interest in the site (the Chairman confirmed that this was not the case).

(15) Mr East (Pinden Ltd) asked the Committee to note that the quarry at Longfield, which Mr Stead had referred to, was a chalk quarry which had different conditions to the ragstone quarry under discussion.

(16) Mr Mortimer (Tovil PC) said that he was concerned about the health and safety risks posed by operations on site. Whilst he acknowledged that the staff on site would be provided with safety equipment, this would not be true for the neighbouring residents.

(17) Mr Clifton informed the meeting that if planning permission were granted, the site would still need an Environmental permit which would regulate the waste that could be brought and recycled on site. This would be enforced through an audit trail for each operator, who would need to possess a Waste Carrier's Licence.

(18) Mr Aelen from dha Planning informed the meeting that he was speaking on behalf of Mr Burke, who owned the neighbouring land which was the subject of a planning application for housing development. He explained that the site was in the process of being reclaimed at a cost of £3.5 million. This neighbouring land had previously been used for ragstone extraction and waste tipping. One of the conditions attached to the lapsed planning permission had therefore been that the site had to be completely reclaimed. He pointed out that the application under discussion provided for emergency access over land where Mr Burke had the right of way.

(19) Dr Simpson (CPRE) said that she supported the views of Tovil PC as the character the village had changed from industrial to residential. This meant that the quality of life for the residents had now become the vital factor. The proposal was flawed because it was in the wrong location and would be bound to have an adverse effect on the neighbourhood.

(20) Dr Simpson continued by saying that suppressing the dust regime would require an enormous volume of water and that (whilst it was true that two lorries would be able to pass one another at certain points along Straw Mill Hill) there would be traffic jams as a result of the length of time it would inevitably take for them to do so. She then said that although waste would be brought on site in small lorries, the end product would be taken out again in much larger ones. The local road network had not been constructed for this type of traffic. Whilst it was possible to engineer the entrance itself, it would not be possible to do so for Straw Mill Hill and the other local roads.

(21) Mr Willicombe asked which direction the prevailing came from. Mr Clifton replied that it usually came from a south westerly direction. Mr Chittenden said that it could also come from the opposite direction.

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(22) Mr Robertson said that the Maidstone Borough Local Plan was out of date. At one time, the Tovil area had been similar to the Black Country. This had now changed to residential. He believed that the question that the Committee Members would need to consider was whether the effects on a residential area could be mitigated. He then asked whether there was any information relating to the lorry routes during previous operations on site.

(23) Mr Clifton replied to Mr Robertson by saying that information on this question was still being gathered. The applicants took the view that the vehicles entering and exiting the site via Straw Mill Hill would not be as great as in the past. The applicants had submitted further proposals in respect of the entrance that they shared with the neighbouring garage.

(24) Mr Hibberd asked what measures would be put in place to mitigate the noise from the development. He was aware that concrete crushing was a very noisy process. He asked what process would be used to sort the waste. Mr Clifton replied that this issue had been picked up by Jacobs. They were working on the assumption that the proposed housing development would take place.

(26) In response to a question from Mr K Smith, Mr Thompson said that the entire site was currently visible (under the terms of the existing permission) from the proposed housing development. A bank was therefore proposed to separate the two.

(27) Mr Chell asked whether it was intended that most lorries would leave the site when it opened early in the morning. Mr East replied that there would be an initial out flux of some 5 to 6 vehicles. There would then be about 1 movement per hour. The vehicles using the site would be tracked and monitored through radio contact. They would be prevented from entering Straw Mill Hill from the right or from exiting the site to the right.

(28) Mr Thompson said that the access modifications would consist of raising the road level to the top of the wall and then widening it and providing wider visibility splays.

(29) Mr Morgan (Tovil PC) said that the site was designated in the Tovil Parish Plan as suitable for recreation. A petition against the application had so far gathered 900 signatures.

(30) Mr J Brown from the neighbouring JB Garage said that 5 to 6 large artics made deliveries to his site every day. There had been difficulties when the waste paper unit had been on the application site due to the narrow width of the road. He estimated that at that time the site had seen two lorry movements per hour. The greatest difficulties had been experienced when road works had taken place. All local traffic tended to use Straw Mill Hill as a rat run so that it became choc a bloc. This was exacerbated by the difficulty of pulling out of Straw Mill Hill.

(31) A local resident said that he lived behind the fence in Straw Mill Hill. The gardens in his and neighbouring properties (6 in total) were 2m below the footpath. All these local residents were concerned about the possibility of lorries tipping over into their gardens.

(32) Mr Stead asked the Committee members to note the facilities in the vicinity of the site. These included the local Scout hut and camping site to the south and three children's playgrounds within a radius of 200 metres. The local footpaths did not even have a passing

**Development of a Materials Recycling Facility at SBS Recycling,
Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167**

area for cars, let alone pedestrians.

(33) Mr Clifton confirmed that all interested consultees would be re-consulted once the proposed improvements and information had been received.

(34) The Chairman thanked everyone for attending. The notes of the meeting would be appended to the Head of Planning Applications Group's report to the determining Committee meeting.

(35) Following the meeting, Members of the Committee inspected the plans, diagrams and photographs that the applicants had displayed on another part of the site. They also walked to the area to the northwest of the site where the housing development was proposed and viewed the site from that particular vantage point.

Item C1

**Development of a Materials Recycling Facility at SBS Recycling,
Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167**

APPENDIX 3 TO ITEM C1

Wording of local petitions

1.0 Liberal Democrats petition



17th March 2010

Dear Resident,

Planning application for a Waste Recycling Facility at Straw Mill Hill, Tovil

I am writing to you on behalf of myself and my colleague's councillor John Wilson and councillor Ian Chittenden concerning a planning application which has been submitted to Kent County Council.

As many residents will know, Tovil already suffers from considerable traffic problems due to the fact that the borough's only domestic waste collection facility is within the parish. We have been pushing for the provision of a second site in Maidstone for some years to relieve the pressure on local residents. Last year we succeeded in obtaining a commitment from Kent County Council that they seek a second site and they allocated some funding towards this. The County Council has now gone back on its promise and removed the funding from its budget for 2010/11.

We now face the probability of additional traffic problems due to the submission of an application for a Waste Recycling Facility (reference number MA/10/0167). Conservative-led Maidstone Council are also planning to axe the popular weekend freighter service – which, we believe, will inevitably lead to a big increase in vehicle numbers visiting Tovil Tip. **We do not believe that all the borough's recycling and domestic bring sites should be concentrated in the one small Tovil area.**

I, and my colleagues, will be doing all we can to oppose this application and we are asking for your assistance. It is very important that Kent County Council is made to feel the strength of local concern. It was that local strength of feeling that defeated a plan for a waste facility off Farleigh Hill in 1995, which would have had similar implications.

Please sign the petition below and return it to the address shown. Thank you for your help and co-operation. If you have any questions or comments please feel free to contact me at the above address.

Yours faithfully

**Development of a Materials Recycling Facility at SBS Recycling,
Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167**

2.0 Local resident petition

12th FEBRUARY 2010

COMMENTS ON TOWN PLANNING APPLICATION No. MA//10/TEMP/0002.

for the DEVELOPMENT of a MATERIALS RECYCLING FACILITY and TRANSFER STATION for WASTE RECOVERY

at

SBS RECYCLING Ltd
Straw Mill Hill, ME15 6XD

Outlined below are our concerns which we have drawn up in the short time since being made aware of the above proposal.

We are preparing a more detailed letter of objections which we will be sending to you once we have more relevant details and information. With reference to our telephone conversation of the 9th February 2010, when I spoke to you, my understanding from what you said was that we would be able to lodge further concerns and objections up to 28 days from receipt of our letter.

This proposal has unleashed a great deal of indignation and very real concerns about the detrimental impact of the site and related traffic movement on the environment, infra structure and most importantly the community.

The possibly conservative figure of 200 HGV per day, i.e. 20 per hour, would put unbearable pressure on an area that has become increasingly residential in recent years. The access route to the area entails many small junctions and a main road that barely copes with the current volume of residential and commercial vehicles.

Constricted road widths e.g. at The Goachers Public House junction with Church Street already causes problems for private cars and oncoming large HGVs. Existing commercial enterprises cause a high volume of traffic using the B2010 both at peak and off peak times.

There is also constricted access into Straw Mill Hill where the existing road infra structure would not cope with the proposed HGVs. The location of the site would be inaccessible to large vehicles in its present condition.

~~The close proximity of Straw Mill Hill, Albert Reed Place and Woodbridge Drive onto Tovil Road, the B2010, and traffic passing through the area already creates pressure.~~

Access into and out of Cave Hill will be seriously impeded as would the emergency vehicles using Cave Hill and Straw Mill Hill.

The levels of pollution and damage to the environment will be incalculable and quality of life for the whole community destroyed.

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Item C2**Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286**

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2010.

Application by Lafarge Cement UK for Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend.

Recommendation: Planning permission be granted subject to legal agreement and conditions.

Local Members: Mr L Christie and Mr H Craske (Mr R Lees adjoining) Unrestricted

Background

1. The application was considered by the Planning Applications Committee on 2 November 2010 when Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a legal agreement and conditions. At that time the County Council was working on the basis that the South East Plan (May 2009) (*i.e. the Regional Strategy*) was no longer part of the development plan because the Secretary of State had announced that Regional Strategies were revoked with immediate effect on 6 July 2010. This information had been relayed to all Local Planning Authorities by Steve Quartermain, Chief Planner, Department of Communities and Local Government in his letter of the same date and was referred to in paragraph 63 of the 2 November 2010 Committee report.
2. As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies were re-established as part of the development plan on 10 November 2010. Notwithstanding this, Steve Quartermain advised Local Planning Authorities and the Planning Inspectorate on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. Steve Quartermain also advised that: a proposed clause of the Localism Bill will enact the earlier commitment to abolish Regional Strategies; that the Bill is expected to begin its passage through Parliament before Christmas; and that this will return decision-making powers in housing and planning to local authorities. He further advised that Local Planning Authorities and the Planning Inspectorate should still have regard to the above letter in any decisions they are currently taking. However, the Quartermain letter is now the subject of a further legal challenge in the High Court and must in my view carry very little weight until such time as the Court decision is known.

Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286

3. As the necessary legal agreement has not yet been completed and the decision notice has not been issued for the proposed bulk aggregates import terminal, it is necessary to consider whether a different conclusion should be reached on the proposals before any planning permission is granted as a result of the South East Plan still being part of the development plan.
4. The 2 November 2010 Committee report is attached as Appendix 1. It should be noted that the Head of Planning Applications asked the 2 November 2010 Committee to note the following amendments to the report:-
 - Paragraph 3, page 51 – "vineyard" not "vinyard";
 - Paragraph 6, page 52 – "18 trains per week" not "per annum";
 - Paragraph 8, page 52 – Aspden's Kiln (Scheduled Ancient Monument) is not actually within the Northfleet Works site (it is just off the site);
 - Paragraph 14, page 54 – "9,000 tonnes" not "9 tonnes" (in stockpiles);
 - Paragraph 15, page 54 – "conveyors and hoppers" not "conveyor sand hoppers";
 - Paragraph 42, page 61 – 3rd bullet point should read "13,500 HGV movements" not "13,599"; and
 - Paragraph 140, page 92 – add "Travel Plan" to the list of proposed conditions.

It should also be noted that the Committee resolved to include a condition requiring measures to prevent mud and debris on the highway (e.g. sheeting of loaded HGVs).

5. This further report considers the impact of the South East Plan still being part of the development plan. **In determining this application, members should consider both reports.**

South East Plan (May 2009)

6. The most relevant policies are: SP4 (Regeneration and Social Inclusion), CC1 (Sustainable Development), CC2 (Climate Change), T10 (Ports and Short Sea Shipping), T11 (Rail Freight), T12 (Freight and Site Safeguarding), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM4 (Sustainable Flood Risk Management); NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM10 (Noise), W2 (Sustainable Design, Construction and Demolition), M3 (Primary Aggregates), M5 (Safeguarding of Mineral Reserves, Wharves and Rail Depots), C4 (Landscape and Countryside Management), C7 (The River Thames Corridor), BE6 (Management of the Historic Environment), KTG1 (Core Strategy) and KTG6 (Flood Risk).

Discussion

7. The key issue to consider as a result of the South East Plan still being part of the development plan is whether consideration of relevant policies in the Plan would lead to a different conclusion on the application.
8. I consider each of the above South East Plan Policies in turn:-

Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286

- Policy SP4 promotes regeneration in the Thames Gateway;
- Policy CC1 seeks sustainable resource use and the conservation and enhancement of the physical and natural environment;
- Policy CC2 requires consideration and management of flood risk;
- Policy T10 supports proposals for infrastructure that maintain and enhance the role of gateway ports such as the Port of London (which includes the Northfleet Wharves);
- Policy T11 states that the railway system should be developed to carry an increasing share of freight movements;
- Policy T12 states that wharves, depots and other sites that are, or could be, critical in developing the capability of the transport system to move freight, particularly by rail or water should be safeguarded; sites adjacent to railways, ports and rivers for developments (particularly new intermodal facilities) that are likely to maximise freight movement by rail or water should be safeguarded and promoted; and development with a high generation of freight / commercial movements should be located close to intermodal facilities, rail freight facilities, or ports and wharves;
- Policy NRM1 seeks to maintain and enhance groundwater resources by avoiding adverse effects of development on the water environment;
- Policy NRM4 states that flood risk should be properly assessed and existing flood defences protected from development;
- Policy NRM5 states that net biodiversity loss should be avoided and net gain pursued;
- Policy NRM9 seeks to protect and enhance air quality and reduce the environmental effects of traffic;
- Policy NRM10 seeks to minimise noise impacts;
- Policy W2 encourages waste minimisation and recycling and the re-use of construction and demolition materials;
- Policy M3 (as proposed to be amended by the Secretary of State in March 2010) does not directly refer to either marine or imported aggregates although the proposed paragraphs associated with the Policy (i.e. paragraphs 10.83 to 10.89) do so and reinforce the need for sufficient importation capacity at wharves and depots given the Region's reliance on such minerals;
- Policy M5 seeks to safeguard wharf and rail depots for imported minerals;
- Policy C4 seeks to ensure that proposals respect and enhance local landscape character and secure mitigation where necessary;
- Policy C7 seeks to ensure that development does not restrict or endanger navigation and that river-related infrastructure that is necessary for the sustainable development and use of the River Thames is protected and improved;
- Policy BE6 seeks to protect, conserve and (where appropriate) enhance the historic environment;
- Policy KTG1 seeks the re-use of previously developed land and progress in the transfer of freight from road to rail and water by improving the links between international gateways and the regions, including freight routes around London; and
- Policy KTG6 seeks to ensure appropriate flood protection and surface water drainage.

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9. In addition, Paragraph 10.63 of the South East Plan states that Regional policy is to encourage a modal shift to increase the proportion of minerals and manufactured products transported into and within the region by rail and sea and that to achieve this capacity, constraints (e.g. road and rail path capacity) will need to be overcome, and existing and new depot and wharf sites to handle materials in bulk will need to be safeguarded. Paragraph 10.70 states that the core strategy for minerals seeks to (amongst other things) make use of an anticipated increase in aggregate resources from the English Channel and import into the region sufficient hard rock and other materials to meet those industrial and construction needs that cannot be supplied from indigenous regional minerals resources.
10. The issues dealt with by the above policies were previously addressed in the 2 November 2010 Committee report in the context of other development plan policies and material planning considerations (including National Mineral and other Planning Policy Statements). The proposed development accords with the above South East Plan policies provided the same conditions and legal agreement referred to in the previous Committee resolution are secured.

Conclusion

11. I remain satisfied that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. I also consider that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the conditions that I intend to attach to the planning permission and the covenants in the associated legal agreement. I therefore recommend accordingly.

Recommendation

12. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 3 of the 2 November 2010 Committee report and conditions covering amongst other matters: 5 years to implement the permission; maximum 3 million tonnes per annum imports; the prior approval of various details (including conveyors, gatehouse / security lodge, weighbridge, parking arrangements, external construction materials and fencing); the prior approval of a Code of Construction Practice (relating to air quality, noise, vibration, geotechnics and soil contamination and waste); crushed rock only stored outside the enclosed aggregate storage building exceptionally in the event of plant / equipment failure or unless otherwise agreed; protection of Port of London Authority radar equipment; the prior approval of a Tunnels Report (dealing with current condition, repairs / remedial measures, monitoring, maintenance and management of road and rail access tunnels and cliffs above their portals); hours of use (ship, barge and rail arrival, departure, loading and unloading and HGV movements being permitted 24 hours a day 7 days a week with all other activities restricted to between 0700 and 1800 hours Monday to Friday, 0700 and 1300 hours on Saturdays with no working on Saturday afternoons, Sundays, Bank and Public Holidays unless the prior written approval of the County Council has been obtained to depart from these hours);

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no more than 1.2 million tonnes of materials exported by road each year; the implementation of a travel plan; measures to prevent mud and debris on the highway (e.g. sheeting of loaded HGVs); safeguarding of Fastrack route; HGVs entering and leaving via Thames Way (A226) and only using The Shore, Granby Road and Crete Hall Road unless delivering locally, in emergencies or otherwise agreed beforehand); no more than 200 HGV movements between 0700 and 1000 hours and 1600 and 1900 hours in any one day; no more than 13,500 HGV movements in any one calendar month; rights of way being kept free of obstruction and available for use unless formal replacements are provided; the rating noise level not exceeding the background noise level by more than 3dB; measures being employed to minimise noise impacts of vehicles, railway locomotives and wagons, ships and barges, plant, machinery and other equipment; reversing vehicles and plant not emitting warning noise that is audible at noise sensitive properties; no commercial operations until a dust management plan has been submitted and approved; the implementation of flood risk and water protection measures; the submission and approval of a foul and surface water management scheme; the submission, approval and implementation of a contaminated land assessment scheme; archaeology; ecological mitigation, compensation and enhancement; landscaping scheme; and no external lighting until an appropriate scheme has been submitted and approved.

Case Officer: Jim Wooldridge

Tel. no. 01622 221060

Background Documents: see section heading.
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Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286

A report by Head of Planning Applications Group to Planning Applications Committee on 2 November 2010.

Application by Lafarge Cement UK for Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend.

Recommendation: Planning permission be granted subject to legal agreement and conditions.

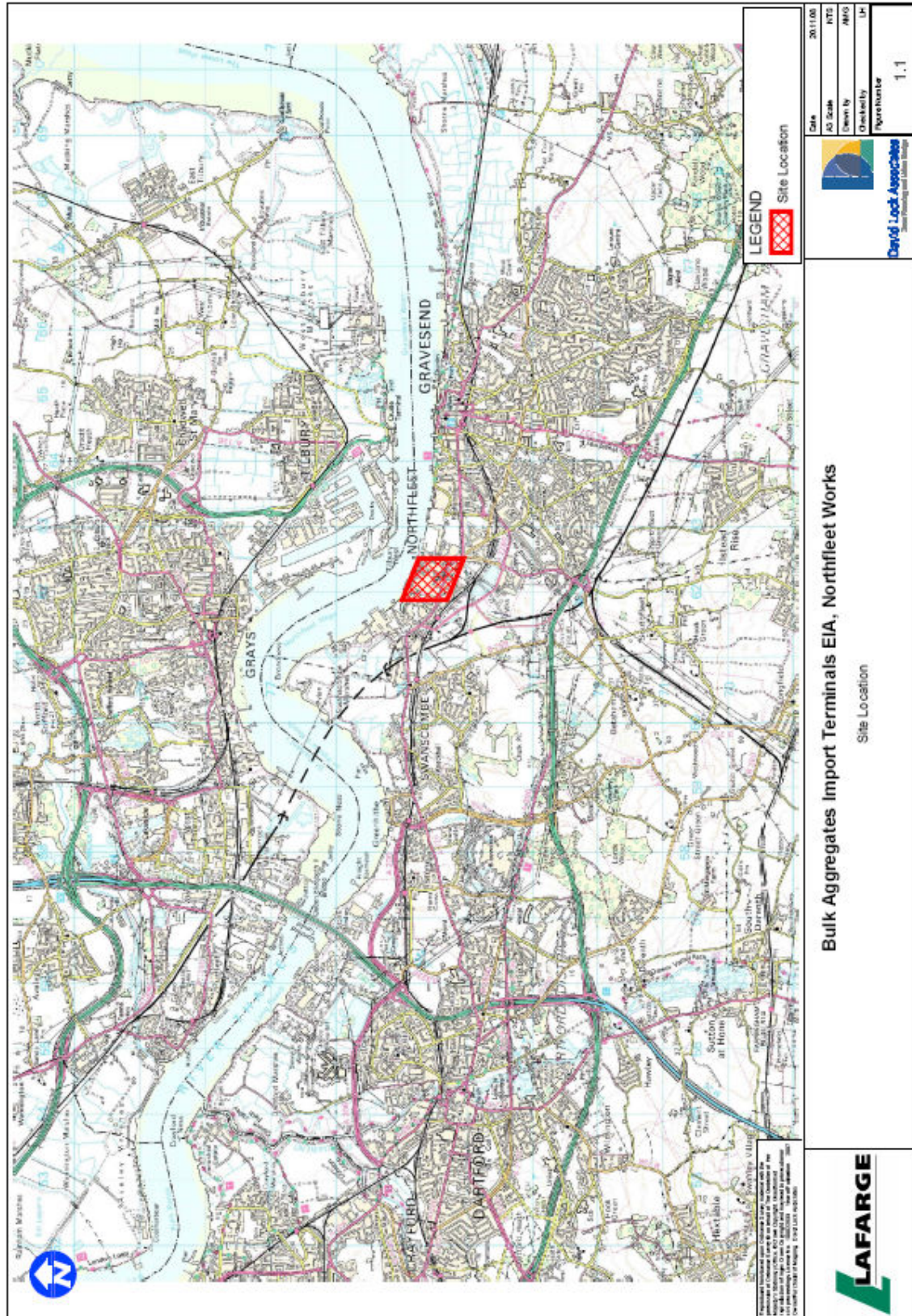
Local Members: Mr L Christie and Mr H Craske (Mr R Lees adjoining)

Unrestricted

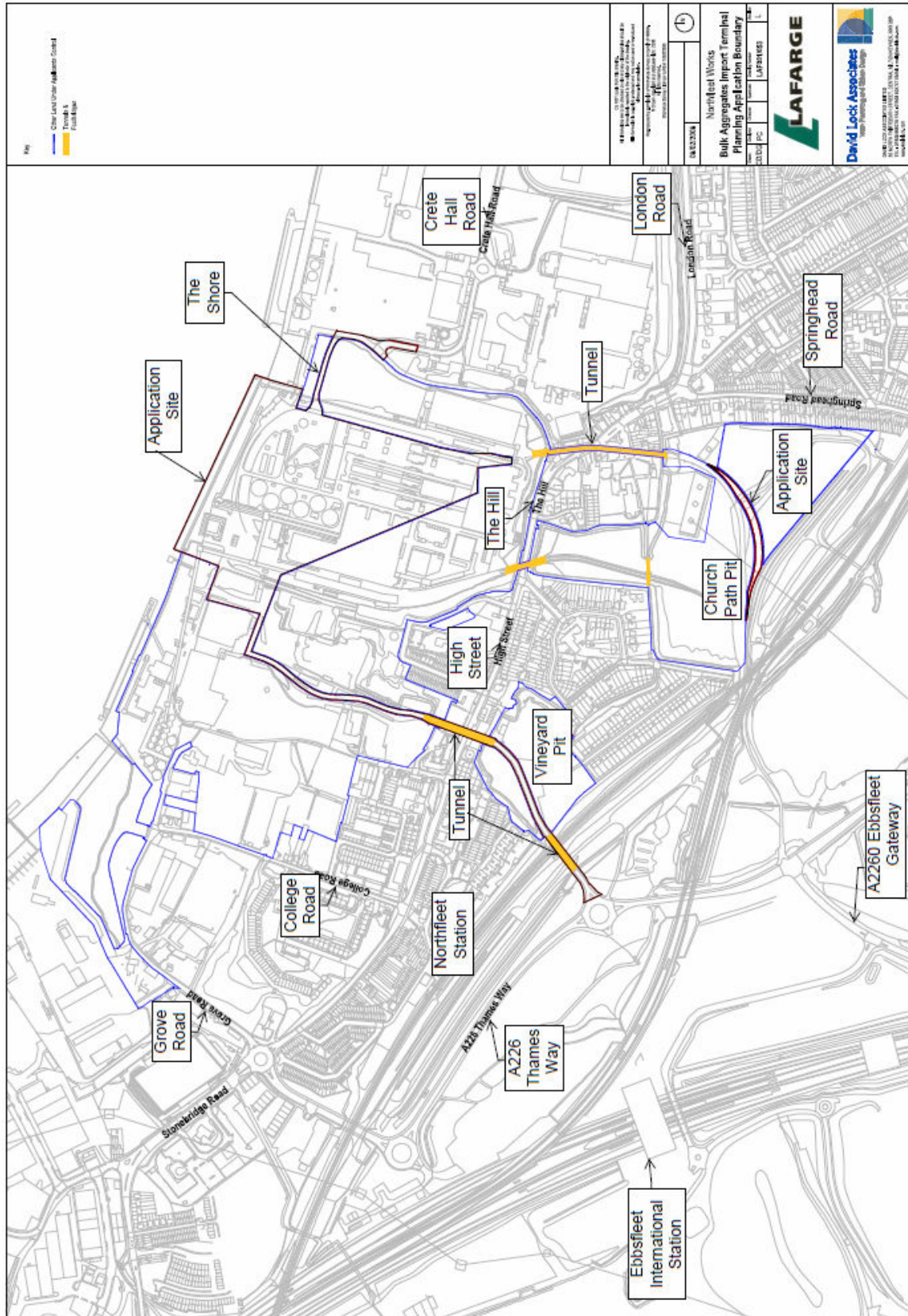
Site description and background

1. The application site lies within the Northfleet Cement Works site which is located on the south bank of the River Thames in Gravesham (see Figure 1.1 “Site Location” on page C3.2 and the application site plan on page C3.3). Northfleet Works is bounded by the River Thames to the north, the North Kent Railway Line to the south, the Kimberly Clark tissue paper mill to the east and Robins Creek and other industrial and residential development to the west. It is dissected by the B2175 Northfleet High Street which runs east to west on a chalk spine through the area. Tilbury Docks lies immediately opposite the site to the north of the River Thames. Northfleet Works is 42.2 ha in size including land in Vineyard Pit and Church Path Pit (to the south of a chalk spine). A Bulk Powder Import Terminal (GR/05/561) has been constructed in the eastern part of the works site which utilises 42 Wharf. The application site comprises 10.02 ha of the overall works area immediately to the west of the Bulk Powders Import Terminal. The works site is a major element of Northfleet Embankment, a key regeneration opportunity within Kent Thameside and Thames Gateway.
2. Northfleet Works can be split into four general areas:-
 - Church Path Pit – a former quarry lying between the B2175 and the North Kent Line accessed by tunnel from the main works site (the western branch of this quarry is known as St. Botolph’s Pit);
 - Northfleet Works – the current site of the cement works laid out on a level quarry floor between the B2175 and 42 Wharf on the River Thames
 - The former Bevans Works site – the area to the west of Lawn Road including the main site access and land rising up from the riverfront towards the existing community of Northfleet; (formerly the site of Bevans Cement Works); and
 - Vineyard Pit – a small quarry on what is the main road access into the works site lying between the B2175 and the North Kent Line.

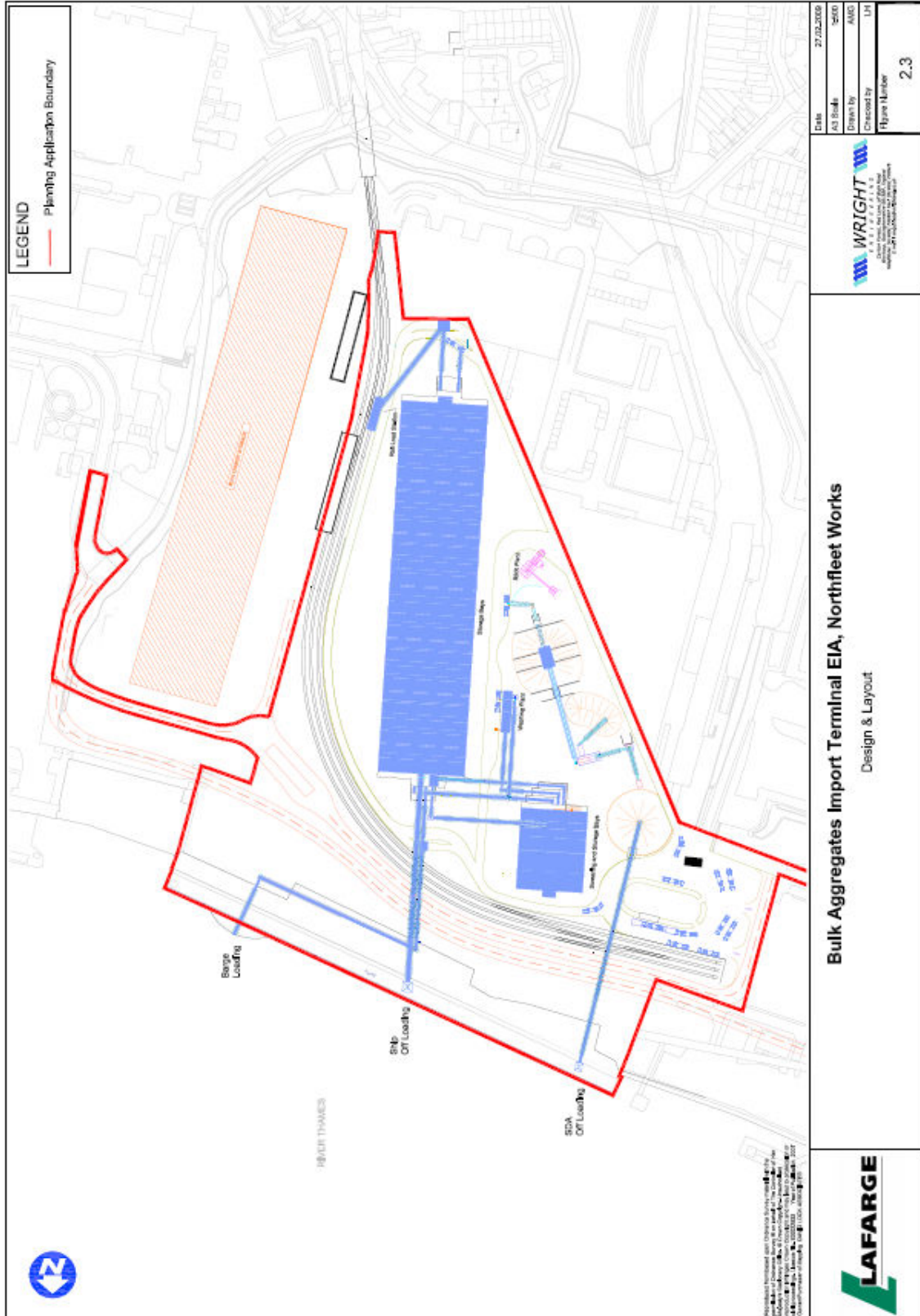
Appendix 1 to Item C2
Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286



Appendix 1 to Item C2
Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286



Appendix 1 to Item C2
Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286



Appendix 1 to Item C2

Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286



Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286

3. Extraction of chalk has resulted in changes to ground levels and created a fragmented landscape which is characterised by steep chalk cliffs (20-30m high) which separate pockets of land. Cliffs bound Vineyard Pit and Church Path Pit, which sit at significantly lower levels than the surrounding residential areas. Steep cliffs also form the southerly boundary of the main Northfleet Works site.
4. Northfleet Works and the application site are accessed via Vineyard Pit and two tunnels from the A226 Thames Way (also known as the South Thames Distributor Road 4 or STDR4), part of the Ebbsfleet Valley development.¹ The south tunnel under the North Kent Railway line also accommodates footpath NU7A which ascends from Vineyard Pit up to Ebbsfleet Walk. The north tunnel under Northfleet High Street is designed for vehicular traffic only. Other road linkages exist from The Shore/Crete Hall Road to the east and Grove Road to the west. The main access to Church Path Pit is via disused former rail tunnels within the site. Footpath NU42 passes through the site linking The Shore and Granby Road with The Creek, Lawn Road and Hive Lane (currently controlled due to health and safety issues). Another footpath (Church Path) uses an elevated walkway across Chalk Path Pit. The B2175 provides public transport access to existing communities with bus services linking Northfleet to Gravesend in the east and other key locations. The North Kent line passes close to the application site and Northfleet Station is located just to the south of the B2175. Ebbsfleet International Station lies further south.
5. As with the majority of Northfleet Works, the application site is highly industrialised although that part within Church Path Pit is currently vacant. The southern part of Church Path Pit contains turn-back facilities intended for CTRL domestic services. Emergency access to and from the Pit is also possible via a route to the south which links back to the A226 Thames Way. The River Thames waterfront is formed of man made flood protection walls. 42 Wharf is 298m long with a minimum water depth of 13m at chart datum and could accommodate vessels up to 80,000 deadweight tonnage (dwt).
6. Cement works have dominated the landscape of this part of Kent for 150 years and Northfleet is the home of Portland cement. Cement manufacturing on the site of the present day Northfleet Works began in the 1850s with the construction of Bevans Works. This was reconstructed twice before elements of it were incorporated within the new Northfleet Works constructed 1969-1970. It was served by road, rail and water and, on opening, was the largest cement works of its kind in the world. The rail access involved a “merry go round” system linked to the North Kent railway line via sidings adjacent to Northfleet Station, through Church Path Pit and St. Botolph’s Pit and into the works site through the two tunnels beneath the B2175. The remnants of this link remains today within Church Path Pit. The rail facility was designed to accommodate 21 coal train deliveries per week (bringing in 1 million tonnes per year (mtpa)) and 9 gypsum train deliveries per week (250,000 tonnes per annum (tpa)).

¹ Outline planning permission has been granted for a major mixed use scheme at Ebbsfleet for over half a million square metres of new office accommodation, over 3,000 new homes, substantial areas of open space and new strategic highway linkages.

Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286

Cement production totalled 3.8mtpa, of which 1.3mtpa was despatched by rail (about 18 trains per annum) and the remainder by water for export and by road for UK consumption.

7. Northfleet Cement Works closed in April 2008 due to the exhaustion of its main permitted raw material (chalk from Eastern Quarry). Planning policies since 1994 have identified opportunities for elements of the Northfleet Works site to be redeveloped for other uses. A replacement cement works (the Medway Cement Works), between Rochester and Maidstone, was permitted in November 2001 following two public inquiries. This permission was linked to a Section 106 agreement in which Lafarge undertook (amongst other things) to cease activities at Northfleet Works and work with the County and Borough Councils to formulate proposals for the redevelopment and use of the site. The first element of site redevelopment was the granting of planning permission (in 2005) and construction of a Bulk Powders Import Terminal (handling up to 1mtpa of bulk powders) with materials imported across 42 Wharf. The Bulk Powders Import Terminal has been completed (*in part*) and is now operational. Demolition of the former cement works is ongoing.
8. The application site is allocated as part of an existing industrial area in the adopted Gravesham Local Plan First Review (1994) and as part of the Northfleet Cement Works / Land East of Grove Road Major Development Site in the Gravesham Local Plan Second Review Deposit Version (May 2000). It also lies within an air quality management area (AQMA) declared for industrial sources of fine airborne particles (PM₁₀). None of the site lies within any international, national or locally designated wildlife areas, although the main site access passes underneath that part of the Ebbsfleet Marshes Local Wildlife Site associated with the existing rail sidings. Northfleet Works contains two Grade II listed buildings (a war memorial adjacent to the main offices and Northfleet Lower Lighthouse located at the eastern end of 42 Wharf). It also contains a Scheduled Ancient Monument (Aspdin's Kiln – the oldest surviving cement kiln in the world) to the south of Robin's Creek. This is currently surrounded by employment development and is not visible from public vantage points. A Conservation Area (The Hill), which forms the historic core of Northfleet (containing six listed buildings, including the Grade 1 listed Parish Church of St Botolph), lies just outside the Northfleet Works site on higher land at the eastern end of Northfleet High Street to the north east of Church Path Pit.
9. An outline planning application (GR/09/238) for mixed use development (with all matters reserved for future determination) has been submitted to Gravesham Borough Council which covers the rest of the Northfleet Works site. This proposes up to 510 dwellings, 46,000sqm of employment floorspace, 850sqm of retail floorspace, 500sqm of public house/food and drink floorspace, 180sqm of community use, formal and informal open spaces including a footbridge link connecting Hive Lane to Factory Lane and transport infrastructure comprising reservation of land for Fastrack link. Two other related applications have also been submitted to Gravesham Borough Council. The first, an application for a tower, associated navigational equipment and ancillary building to house a generator, fuel tank, equipment, toilet and store to replace the navigational equipment currently on the office building at Northfleet Works (GR/09/385). The second, seeking listed building consent for the relocation of the war

Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286

memorial (GR/10/612). It is also worth noting that the County Council has issued a formal scoping opinion to Crossrail Limited for a proposed Tunnelling Logistics Facility on (largely) the same site at Northfleet Works (DC29/10/GR/0001). If the Crossrail proposals were to be submitted, permitted and implemented this would result in the Bulk Aggregates Import Terminal not being constructed for several years (possibly until at least 2015).

10. A Planning Applications Committee Members' site visit was held on 6 October 2009. This was also attended by the applicant and a representative of Gravesham Borough Council. Notes of the site visit are attached at [Appendix 1](#).

The Proposal

11. The application (in summary) proposes the redevelopment of land at Northfleet Works for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum (mtpa) and associated infrastructure including:-
 - Ship (bulk carriers and sand & gravel dredgers) and barge loading and unloading equipment including conveyor links across the Fastrack reservation;
 - Enclosed aggregate storage building and ancillary open storage;
 - Lorry loading;
 - Reinstated rail access and rail loading (including rail loading for bulk powders);
 - Weighbridge and associated wheel wash and sheeting/unsheeting areas;
 - Aggregates screening, crushing and washing plant;
 - Marine dredged sand and gravel processing plant;
 - Ancillary Ready Mixed Concrete plant;
 - Related lorry and car parking and landscaping;
 - Reservation of land for Fastrack link to provide a segregated link across the site and associated landscaping;
 - Ground re-grading to provide an efficient development parcel;
 - Road access to provide continuity of access across the redevelopment of the Northfleet Works site;
 - Supporting Services and Infrastructure including new utilities, enhanced flood defences, security fencing and providing for works to cliffs and tunnels; and
 - Other minor works and development ancillary to the main proposals.

The proposed arrangement of the bulk aggregates import terminal is illustrated on Figure 2.3 "Design & Layout" on page C3.4. The relationship between the proposed bulk aggregates import terminal and mixed use development and the area more generally is illustrated on Figure 8.1 "Illustrative Master Plan" on page C3.5. The relationship between the proposed sites and the main highway network is illustrated on Figure 6.1 "Strategic Highway Network" on page C3.6.

12. The application proposes (in more detail) that 42 Wharf would be used to import up to 3mtpa of crushed rock and marine dredged sand and gravel for distribution onwards by road, rail and river. It would also continue to be used for the import of bulk powders into the existing Bulk Powders Import Terminal. The applicant anticipates that about

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2mtpa would be crushed rock and about 1mtpa would be marine dredged aggregate. It also estimates that about 100,000tpa would be sold on as ready mixed concrete.

13. Crushed rock would be unloaded from ships and transferred over the Fastrack link and reinstated rail link by enclosed conveyors. Enclosed storage would be provided for crushed rock within a “toast rack” building with a capacity of around 300,000 tonnes. The “toast rack” structure would be constructed from pre-cast concrete sections. Ventilation of the cells would be carried out internally, to contain noise and dust. The storage building (and all ancillary buildings) would be clad with profiled metal. An enclosed screening plant to size aggregates would be provided adjacent to the storage building connected by conveyors, along with an aggregate washing facility. Crushed rock would be distributed from lorry loading points, a rail loading point or barge loading point on 42 Wharf each fed by conveyors. The applicant states that there may be some infrequent external storage and handling of crushed rock where required for operational reasons (e.g. if a ship needs to be unloaded, if the internal storage is at capacity or if there are faults with the internal conveyor systems).
14. Sea dredged aggregates would also be unloaded from ships and transferred over the Fastrack link and reinstated rail link by conveyor. Sea dredged aggregates would be stored externally. Stockpiles would contain up to around 9 tonnes of material and be up to 16m in height. A screening plant is also proposed. Sea dredged aggregates would be distributed from lorry loading points fed by conveyors and could also be fed into the conveyor system feeding the rail and barge loading points.
15. A number of ancillary activities are proposed at the terminal entrance. These include a weighbridge, gatehouse, wheel washing facilities and sheeting and unsheeting areas. A one-way road network and lorry and visitor parking are also proposed. A barge loading point would also be provided to enable exports from the terminal to be sent up river to terminals with a lower draught. Bulk out-loading of aggregates to lorry and rail would take place via conveyor sand hoppers. An ancillary ready mixed concrete plant is also proposed to the west of the storage building. This would have a degree of external storage of materials associated with it and front end loaders would be used to sort and move aggregates to feed the ready mixed concrete plant. It is proposed that details of the ready mixed concrete plant and other ancillary buildings and infrastructure be provided as details pursuant to planning conditions.
16. In order to mitigate any adverse impacts from the external storage of materials, proposals include the use of discharge conveyors with telescopic chutes to minimise the open dropping of material, the use of fixed water sprays and a high standard of housekeeping on the site with the sweeping and watering of roads and the use of wheel washes for all vehicles.
17. Access to the Bulk Aggregate Import Terminal would be from the north west corner of the site, linking onto the proposed HGV access and ultimately to Vineyard Pit and Thames Way via the main works access. An alternative internal access route for Lafarge is proposed around the north side of the rail sidings to allow HGV access for Lafarge Cement UK to the Bulk Powders Import Terminal from the main works access. This private access route would also allow alternative HGV access from the Bulk

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Aggregates Import Terminal to the Shore/Crete Hall Road works access. This approach would retain the integrity of a segregated Fastrack link across the site.

18. The reinstatement of the rail link to the works site via Northfleet sidings, Church Path Pit and the eastern tunnel under Northfleet form part of proposals. However, the applicant states that much of this is already permitted and does not require further planning permission. It also states that its reinstatement within Church Path Pit is provided for under the Channel Tunnel Rail Link (CTRL) Act and will be undertaken by Union Rail in advance of the commencement of Channel Tunnel domestic services in December 2009 (the section in Church Path Pit has now been largely completed although the link has yet to be connected to the North Kent Line). In acknowledgement of the fact that a small part of the proposed rail link within Church Path Pit diverges from the previous alignment of the “merry go round” system, the applicant has included this small area within the application. The rail sidings within the main application area also require planning permission and are included appropriately. The applicant also states that it has all the required rights to use land at Northfleet Sidings for the reinstatement of the rail link.
19. The proposals reserve land for the Shore Fastrack link across 42 Wharf that form part of the outline application for mixed use development submitted to Gravesham Borough Council. The applicant states that the permission for Fastrack would more appropriately be delivered through the mixed use proposals. The Fastrack route would also include a replacement footpath link. The application boundary includes land between 42 Wharf and the Bulk Aggregates Import Terminal (i.e. it overlaps with the mixed use application) in order that permission can be obtained for conveyors and associated infrastructure linking 42 Wharf and the Bulk Aggregates Import Terminal and so that land for the Fastrack link can be reserved.
20. The application boundaries also include land required for maintaining access to the main works access via Vineyard Pit and to access the Shore and Crete Hall Road in order to maintain the road access via these links and to safeguard access throughout the redevelopment of the works site. No detailed drawings are provided for the access to Vineyard Pit and the applicant states that the precise route may vary within its landholding as redevelopment of the wider works progresses.
21. The application is supported by a transport assessment that assesses scenarios for the split of traffic movements from the Bulk Aggregates Import Terminal between road, rail and river. The applicant states that although a modal split of traffic of 40% Road, 40% Rail and 20% Barge has been tested, other splits of up to 100% road are possible. The transport assessment includes indicative proposals for the improvement of access to the Shore/Crete Hall Road. The applicant states that detailed proposals for site access will be approved as part of the outline application for mixed use development and pursuant to planning conditions. The application proposes the removal of the southern most part of the Lawn Road spine in order to accommodate the sidings on the site and the road access. The mixed use application proposes removing further elements of this chalk spine to create a playing field. Other groundworks would also be required in the southern part of the site.

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22. The Bulk Aggregates Import Terminal would be securely fenced with 1.8m palisade fencing to provide security and appropriate gates would be provided at the entrance. 2.4m high fencing would be provided to 42 Wharf to meet the port security requirements of the Port of London Authority, HM Customs, police and immigration services. The applicant states that particular attention will be paid to the design of fencing where it fronts the Shore Fastrack link to promote the environmental quality of this link and thus its attractiveness to pedestrian users.
23. 42 Wharf is 298m in length with a minimum water depth of 13m at chart datum. The applicant states that most of the ships used would be between 6,000 and 40,000 deadweight tonnage (dwt), but that vessels up to 80,000 dwt could be accommodated. On average about 1 crushed rock boat per week and 2 to 3 dredgers per week are anticipated.
24. The application proposes that 42 Wharf would be operational throughout the day and night, seven days a week, due to the need to take account of the influence of tide times and weather and the need for quick turnaround. The applicant states that this is typical of port operations. It also proposes that use of the reinstated rail link must be similarly unconstrained to take account of potential constraints in terms of the availability of train paths from Network Rail. The applicant states that Northfleet Works currently receives and dispatches road traffic at any time. The same arrangement is proposed for the Bulk Aggregates Import Terminal (i.e. a 24 hour, 7 days a week operation), although the applicant states that relatively little night time traffic is likely to be generated. The applicant also states that it is important that no time constraints are placed on the operation of the Bulk Aggregates Import Terminal given the need to receive imports at all times of the day and night throughout the year.
25. The applicant states that the proposed development would lead to the establishment of full-time equivalent jobs for 7 office workers, 25 other workers (wharf workers, maintenance staff and railway personnel) and 67 lorry drivers (up to 40 based at the site).
26. The application is accompanied by an Environmental Statement which considers the proposals for the Bulk Aggregates Import Terminal in the context of both existing development and that proposed by the mixed use development application. This includes various specialist reports and mitigation proposals.
27. The applicant states that the listed war memorial on the site would be subject to protection during demolition and relocated to an area adjacent to the Bulk Powders Import Terminal. The details of this relocation would be fixed through detailed planning and listed building consent applications to be determined by Gravesham Borough Council.
28. The application site is almost entirely within the ownership of Lafarge Cement UK with the exception of the northernmost part of 42 Wharf which is held under license with the Port of London Authority. The site also includes a small amount of land adopted as public highway to enable required improvements to highway access to be undertaken. The reinstatement of rail access also involves land that other third parties

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have an interest in, although Lafarge Cement UK states that it has all the required rights to use the land for the purposes of rail access. The application boundary includes land elsewhere within the wider Northfleet Works required providing vehicular access to the Bulk Aggregates Import Terminal to ensure that continuity of access to the site can be maintained across the redevelopment of the Works site from the main works access from the A226 Thames Way.

29. Additional information was submitted in support of the application in July and August 2009 in response to initial responses and led to further consultation / notification. The additional information included:-
- A plan showing the relationship between proposed groundworks in Vineyard Pit and the North Kent Line (in response to Network Rail's comments);
 - Information on rail connection feasibility;
 - An update to the Transport Assessment to address concerns raised by the Highways Agency, Kent Highways and Dartford Borough Council (including air quality issues);
 - An update to the noise assessment;
 - A Winter Bird Survey;
 - Information on proposed conveyors, similar aggregate unloading activities, parking and office arrangements and sources and markets for crushed rock, sea-dredged aggregate and ready mix concrete;
 - Responses to each of the issues raised by consultees and others to the initial submission; and
 - Clarification on the planning status of the rail link and sidings.
30. Following further discussions with (amongst others) officers from Kent County Council, Gravesham Borough Council, Kent Highway Services and the Highways Agency, the applicant submitted further information in June 2010 designed to further address issues raised by these and other parties. This information included clarification on a number of issues with new / updated drawings and updates to the planning statement, the design and access statement, the phasing and implementation strategy, the environmental statement and the transport assessment. The only amendment to the Bulk Aggregates Import Terminal proposal was a minor realignment of the proposed Fastrack link across 42 Wharf to avoid a water sump. This amendment, together with a re-design of the open space associated with the relocated war memorial, necessitated a formal change to the application boundary for the outline application.
31. The main updates for the Bulk Aggregates Import Terminal were changes to the anticipated phasing of development which would mean the demolition and decommissioning of the majority of the former cement works by July 2010, the installation of the new physical rail connection by April 2011 and the phased implementation of the Bulk Aggregates Import Terminal from 2015. The applicant suggests that the most likely phasing of development in terms of throughput of aggregates would be as follows:-
- Short term – 0 to 7 years (2015 to 2022) – up to 0.5mtpa of mainly sand and gravel with some ready mixed concrete;

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- Medium term – 7 to 17 years (2022 to 2032) – up to 1.25mtpa of sand and gravel, crushed rock and ready mixed concrete; and
 - Long term – 17 to 27 years (2032+) – up to 3.0mtpa of all materials.
32. The applicant has also indicated its willingness to accept the imposition of a number of conditions and planning obligations (by legal agreement) if planning permission were to be granted. Examples of obligations include lorry routing and contributions towards the Kent Thameside Strategic Transport Programme. Examples of conditions include limiting maximum throughput of the facility to 3mtpa, restricting lorry movements to no more than 1.2mtpa (i.e. 40% of the proposed maximum throughput of the facility), safeguarding the Fastrack route and others to cover a range of environmental, design and layout matters. It has also requested that the usual period for implementing any planning permission be extended to 7 or 8 years due to uncertainties about precise timing of implementation.

Planning Policy Context

33. **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development), Supplement to PPS1 (Planning and Climate Change), PPS4 (Planning for Sustainable Economic Growth), PPS5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG14 (Development on Unstable Land), PPG17 (Planning for Open Space, Sport and Recreation), PPS22 (Renewable Energy), PPS23 (Planning and Pollution Control), PPS24 (Planning and Noise), PPS25 (Development and Flood Risk), Supplement to PPS25 (Development and Coastal Change), MPS1 (Planning and Minerals) and MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England).
34. **Kent Minerals Local Plan: Construction Aggregates (December 1993)** – These include saved Policies CA1, CA2C, CA4 (Wharves and Rail Depots for Aggregates Import), CA16 (Traffic), CA18 (Noise, Vibration and Dust), CA19 and CA20 (Plant and Buildings), CA20A (Ancillary Operations), CA21 (Public Rights of Way), CA22 (Landscaping) and CA23 (Working and Reclamation Schemes).
35. **Gravesham Local Plan First Review (1994)** – These include saved Policies E1 (Existing Industrial Areas), TC0 (General Townscape, Conservation and Design), TC1 (Design of New Developments), TC2 (Listed Buildings), TC3 (Development Affecting Conservation Areas), TC5 (Archaeological Sites), TC6 (Scheduled Ancient Monuments), TC7 (Other Archaeological Sites), TC10 (Landscaping), C7 (Sites of Special Scientific Interest and Nature Reserves), C8 (Sites of Nature Conservation Interest), LT8 (Public Rights of Way), T0 (General Policy for Transport), T1 (Impact of Development on the Highway Network), T3 (Development not well related to the Primary and District Distributor Network), T14 (CTRL), R1 (The Commercial Riverside – Maintenance of the River Frontage for Water Transport) and R2 (The Commercial Riverside – Wharves).
36. **Gravesham Local Plan Second Review Deposit Version (May 2000)** – These include Policies MDS3 (Major Development Site – Northfleet Cement Works / Land

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East of Grove Road), T1 (Location of Development), T12 (New Access on Highway and Public Transport Network), T14 (Freight), T15 (Construction Traffic), T16 (Car Parking Standards), NE2 (Special Landscape Areas), NE6 (Trees and Landscaping within New Developments), NE7 (New Landscaping and Wildlife Enhancement Initiatives), NE9 (Internationally and Nationally Important Nature Conservation Sites), NE10 (Strategically Important Nature Conservation Sites), NE11 (Wildlife Habitats), NE12 (Statutorily Protected Species), NE15 (Contaminated Land and Landfill Sites), NE16 (Air Quality), NE19 (Noise-Generating Development), NE20 (Artificial Lighting), NE21 (Water Quality), NE23 (Tidal Flood Risk Area), NE24 (Energy Efficiency), NE25 (Renewable Energy) BE1 (Townscape, Conservation and Design), BE2 (Conservation Area Designation, Review and Protection), BE4 (New Development Within or Adjacent to Conservation Areas), BE7 (Statutorily Listed Buildings), BE9 (Scheduled Ancient Monuments, Sites of Archaeological Interest and other Historic Sites), BE10 (Locally Important Archaeological Sites), TR3 (Public Access to the Riverside), TR4 (Thames Tidal Defences) LT11 (Development Affecting a Public Right of Way) and LT12 (Improvements to the Public Rights of Way Network).

Consultations

37. **Gravesham Borough Council** – NO OBJECTION in principle to the bulk aggregates import terminal (BAIT) but requests that if the County Council resolves to grant planning permission, planning conditions and other satisfactory safeguards should be imposed to control the use and limit the impact of the development in relation to potential harm to local amenity and in terms of traffic generated by the development using local highways. It has requested that a number of planning conditions be imposed. These are set out in [Appendix 2](#). In addition, it:-

- supports the concerns of Dartford Borough Council and Kent Highway Services in seeking to limit the amount of material transported by road, including a limitation on the number of vehicle movements and ensuring that rail and river transport are available upon the operation of the BAIT;
- supports Kent Highway Services in ensuring that maintenance of the main road access to the site through existing tunnels is properly secured for the future;
- requests that public access along the existing public footpath (NU42) from Lawn Road to the Shore is retained and that the developers are encouraged to provide an attractive sea walk within the development of the former Cement Works site as a whole;
- notes that the two existing statutorily listed structures within the aggregates site (Northfleet Lower Lighthouse and Bevans War Memorial) would be retained and that the latter will be relocated;
- will expect to see that the historic tunnels and other historic artefacts within the former Northfleet Cement Works as a whole are, where possible, preserved and maintained; and
- requests that the responses of the other various consultees and local residents are carefully considered and taken into account in determining the application.

38. **Dartford Borough Council** – Has raised concerns about the impact of additional

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traffic on the character of the areas within Dartford through which traffic would pass, residential amenity, air quality and junctions in the area. It urges KCC to:-

- Limit the number of HGV trips (a daily figure to be based on 40% of exports by road);
- Impose controls on HGV routing (to avoid the use of the A226 westbound);
- Obtain an additional contribution from the applicants for the improvement of the Southfleet Road (B259) / Ebbsfleet Link Road (A2260) junction (to mitigate the impact of the traffic generated by the development in terms of traffic flows and to ensure ease of pedestrians access within future development in the Ebbsfleet Valley).

It has also requested that the following issues be taken into account in considering the planning application:-

- The enforceability of routing controls and the desirability of securing a routing strategy by legal obligation should planning permission be granted;
- The possible need for changes to the approved Ebbsfleet Valley Masterplan to avoid detriment to the environment and residential amenity in the area as a result of a significant number of HGV movements;
- Any significant increase in HGV movements through the Ebbsfleet Valley could have a negative effect on sustainable modes of transport (possibly reducing the estimated modal shift for development in the area);
- It has yet to agree that the final arrangement for the junction of Southfleet Road (B259) and the Ebbsfleet Link Road (A2260) will be a T-junction and advises that the Highways Agency was concerned that this arrangement might not be appropriate for the level of traffic anticipated at this junction;
- The transport assessment does not include the provision of pedestrian crossings on Southfleet Road (to the south and north of the junction to serve the permitted housing development at the Northfleet West Sub-Station site) that are required by the relevant planning permission;
- A pedestrian and cycle link between the sub-station site and Ebbsfleet for is critical to encouraging the use of sustainable modes of transport and its absence would discourage pedestrians and provide a barrier to movement. Its preference is for a car-free / "land bridge" over the road at this location rather than an at-grade crossing. However, it states that as this is not covered by the Strategic Transport Infrastructure Programme (STIPs) scheme the applicant should be requested to contribute to the improvements required at this junction to deal with the increased development traffic and the need to provide a segregated pedestrian / cyclist crossing in the vicinity of the junction;
- It is concerned about the adverse impacts on residential amenity (e.g. noise and disturbance) from significant numbers of HGV movements in the early morning period (i.e. between 0500 and 0800 hours). It states that there would be 46 vehicles between 0500 and 0600, 38 between 0600 and 0700 and 31 between 0700 and 0800 assuming 40% of movements by road.

39. **SEEPB (South East England Partnership Board) / formerly SEERA – Comments**

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received before revocation of South East Plan and abolition of SEEPB. Stated that the proposal was consistent, in principle, with the regional minerals strategy of significantly increasing the contribution of marine dredged aggregates as part of the overall minerals supply mix and that the principle of industrial use of the on-site wharf facility was well established. Advised that KCC should be satisfied that the proposed development is consistent with sustainable resource principles and that if minded to grant planning permission, it should secure measures (by condition and/or legal agreement) to: further promote sustainable forms of transport; prevent and mitigate against air and noise pollution; control traffic generation and impact, including (if possible) a further shift in mineral transportation from road to rail and water; and provide for sustainable construction practices. Also advised that KCC should be satisfied that the proposed development would not constrain the future production and/or regional supply of cement.

40. **SEEDA** – Supports the application. Specifically welcomes the envisaged modal distribution with 40% of imported aggregate being transported from the site by rail as this complements target 8 of Regional Economic Strategy (RES) which seeks to “*reduce road congestion and pollution levels by improving travel choice, promoting public transport, managing demand and facilitating modal shifts.*” Also welcomes the proposed employment creation (during both the construction and operational phases).
41. **Highways Agency** – Has no objection to the proposals.
42. **Transport and Development Manager – Kent Thameside** – No objection subject to:-
- A limit on the amount of material transported by road to 1.2mtpa (i.e. 40% of the proposed total capacity of the bulk aggregates import terminal);
 - No more than 200 HGV movements (where one movement represents a vehicle either entering or leaving the site) between 0700 and 1000 hours and 1600 and 1900 hours in any one day;
 - No more than 13,599 HGV movements in any calendar month (based on 10% of estimated annual HGV movements);
 - The provision (reservation and making freely available) of a 15 metre wide (or as otherwise agreed with KCC) Fastrack corridor across the site;
 - The reopening and maintenance of footpath NU42 to a standard suitable for cycling with lighting. Re-routing may be permissible if agreed by KCC and provision must be made for employees to access the import terminal on foot and cycle via this footpath;
 - All HGVs leaving the site undergoing a full wheel and body wash;
 - A contribution under the Strategic Transport Infrastructure Programme (STIP's) of £245,000 towards Kent Thameside highway works (with staged payments and other matters as set out in the Heads of Terms at [Appendix 3](#));
 - The applicant complying with an agreed Routing Strategy which:-
 - provides for HGVs entering and leaving the site primarily using the A226 (Thames Way) and A2260 (Ebbsfleet Gateway) to access the A2 (Ebbsfleet Junction) and avoiding the use of the A226 through the Borough of Dartford or other roads in the area where possible;

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- precludes the use of Grove Road;
 - only allows the use of The Shore, Granby Road and Crete Hall Road in emergencies or for local deliveries (to be defined);
 - includes some form of notification system, a way to inform drivers of potential problems with their usual routes with agreed alternatives, a means of monitoring and controlling HGVs and details of arrangements for when the preferred access route is temporarily unavailable such as during road closures or accidents and during the repair or maintenance on the vehicle tunnels;
- The applicant operating in accordance with an agreed Travel Plan that seeks to reduce car usage and encourage non-car modes of transport by employees;
 - The applicant complying with an agreed report on the outcome of an investigation of the current condition survey of the main road access tunnels (TU23 and TU24) and the cliffs above the tunnel portals, that includes details of proposed repairs and remedial measures, monitoring, maintenance and management of the tunnels and cliffs above the portals during the life of the bulk aggregates import terminal; and
 - The applicant contributing up to £1,000 a year for 10 years from the commencement of HGV movements associated with the operation of the bulk aggregates import terminal towards the Highway Authority's costs in monitoring HGV movements during the peak hours and the Routing Strategy.
43. **Port of London Authority** – Fully supports the proposals which, it says, are supported by a range of national, regional and local planning and other policies. It states that the navigational and other characteristics of the site are excellent and that the proposed aggregate terminal and associated infrastructure works, together with the adjacent operational bulk powder facility, represent essential and welcome investment in the Port of London's cargo-handling infrastructure. It advises that the site is the only currently available location within the Thames Estuary where a multi-modal aggregates terminal of this scale could be developed. It supports unconstrained hours of operation for the handling of aggregates at the berth and rail link and advises that this would be consistent with comparable cargo-handling operations within the Port of London. It supports the proposed use of the River Thames for transporting material to and from the site and recommends that implementation of this be secured by condition or legal agreement. It also recommends that appropriate air quality, noise and vibration mitigation (both in relation to the aggregates application in isolation and cumulatively with the proposed mixed-use development) be secured by condition to protect residential amenity. It further requests that arrangements be made (via a legal agreement) to ensure that existing navigational equipment located on a building within the application site (proposed to be demolished) is satisfactorily replaced and operational before its loss.
44. **Network Rail** – Rail freight issues (London office): Has confirmed that the proposed reconnection scheme at Northfleet is the subject of fairly advanced formal technical engagement between Lafarge and Network Rail and that there appear to be no intractable issues with the emerging design. It has also advised that the proposed rail volumes referred to in the application equate to about three "block train" circulations per day and that subject to normal timetable studies in due course should not pose a

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capacity problem. It further advises that Network Rail and Lafarge are working to a target date of April 2011 for installation of the new physical connection and August 2011 for the subsequent signalling commissioning. Has also advised that whilst unable to comment on the availability of specific long distance rail paths (which are subject to the complexities of wider national timetabling) it does not believe that there should be any significant risk of these being unavailable and that such paths are routinely requested and resolved for other traffic. Geotechnical / network protection issues (Derby Office): Has expressed concerns about the safe operation of the railway and / or that the integrity of railway infrastructure may be jeopardised by the proposed works and recommends that any planning permission be subject to a number of detailed conditions designed to overcome these concerns. The proposed conditions relate to stand-off's for any extractive operations, tipping or buildings (to ensure the stability of railway infrastructure), drainage (to maintain the integrity of existing systems and prevent flooding of railway infrastructure or land), plant and machinery (to maintain safety of railway operations), fencing (to prevent public access to railway property) and restoration and aftercare (to avoid trees being blown onto tracks). It has also recommended that a number of operational and safety informatives be passed to the applicant / operator (including those relating to tree species and effective liaison with Network Rail).

45. **Environment Agency** – No objection subject to conditions to: (i) protect groundwater interests (given that the site is underlain by upper chalk principal aquifer and is located within Source Protection Zone II for a number of groundwater abstractions); (ii) prevent increased risk of flooding and unavoidable harm to the environment; and (iii) improve and protect water quality, habitat and amenity. Specifically, it has sought conditions to:-

- address all aspects of potential contamination at the site;
- prevent piling or other foundation designs using penetrative methods or infiltration of surface water drainage into the ground unless it has been demonstrated that there is no resultant unacceptable risk to groundwater or controlled waters;
- ensure that the development is carried out in accordance with details in the approved Flood Risk Assessment (FRA) by Peter Brett Associates (Jan 2009) and the mitigation measures detailed within this:
- provide a suitable surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development,
- provide for the implementation of a method statement to ensure that Japanese Knotweed present on site is prevented from spreading or eradicated;
- provide for the implementation of a Code of Construction Practice, include method statements, detailing how adverse environmental impacts will be prevented during construction and the mudflats to the east of the development are protected; and
- the temporary removal of structures (as necessary) to provide access to maintain the flood defence wall.

46. **KCC Noise, Vibration, Dust and Air Quality Consultant (Jacobs)** – Advises that the proposed development is acceptable if the various mitigation proposed in the environmental statement is secured and conditions are imposed to restrict activities on

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site to those demonstrated to be acceptable.

Noise / vibration: Is satisfied that all activities associated with the bulk aggregates import terminal could take place during the day and meet the +3dB noise limit proposed by Gravesham Borough Council. However, advises that the only activities that have been demonstrated to meet the proposed noise limit of +3dB at night (including the evening and early morning periods) are ship, barge and rail loading, unloading and shipment and HGV movements. Whilst the noise modelling work undertaken by the applicant has, so far, been inconclusive in demonstrating the acceptability or otherwise of other activities during the night, the applicant is confident that at least some of the other activities could reasonably take place during the night, still meet the proposed noise limit and not give rise to noise nuisance even when considered cumulatively. This view is supported by the fact that the noise modelling work undertaken so far has been based on worst case scenarios (e.g. assumed direct line of sight between noise sources and sensitive receptors) and excluded any noise mitigation that could be readily employed (e.g. acoustic cladding or noise barriers). On this basis, he recommends that suitably worded conditions be employed to secure the following:-

- Ship, barge and rail arrival, departure, loading and unloading and HGV movements be permitted 24 hours a day 7 days a week.
- All other activities (e.g. crusher and washing / screening plant associated with crushed rock, the washing plant associated with the sea dredged sand and gravel, loading shovels for moving materials, the ready mixed concrete plant and the loading of any HGVs at night) be restricted to between 0700 and 1800 hours Monday to Friday, 0700 and 1300 hours on Saturdays with no working on Saturday afternoons, Sundays, Bank and Public Holidays unless the prior written approval of the County Council has been obtained to depart from these. To obtain such approval the applicant would need to successfully demonstrate that these would meet the appropriate noise limit (i.e. be supported by further detailed noise assessments and, potentially, additional noise mitigation measures) or that there are other overriding reasons to allow some change.
- The measures set out in the Environmental Statement to minimise noise and vibration.

Dust / air quality: Advises that the area was identified as an air quality management area (AQMA) for particulates, principally because of emissions from the cement works, and that the closure and removal of the cement works will result in a significant reduction on emissions in future. Is satisfied that the proposed bulk aggregates import terminal should not give rise to significant dust impacts if the proposed mitigation measures are in place.

47. **KCC Geotechnical Consultant (Jacobs)** – Has provided detailed advice on geotechnical stability issues relating to the cliffs and tunnels and the management and associated measures that could be undertaken to minimise potential adverse impacts. Recommends that conditions be imposed to secure the following if permission is granted:-

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- No development to take place until full details of cliff stabilisation works (including the methodology, phasing, final treatment and future management of the cliff faces and lower slopes) and the treatment of the stand-off distances at the base of the cliffs, treatment of the standoff distance at the crest of the cliffs and the management of vegetation and boundary fences at the crest of the cliffs have been submitted to and approved in writing by the Planning Authority.
- No development to take place until a detailed structural assessment, safety review and future management plan for the tunnels that are to be retained within the development and proposals for the ongoing maintenance and/or backfilling of the tunnels that will not be used within the proposed development has been submitted to and approved in writing by the Planning Authority.

Has also suggested that clarification be sought as to whether the retained road tunnels are expected to be adopted by the Local Authority.

48. **Natural England** – No objection subject to conditions to secure the following:-

- The submission and approval of detailed bat and reptile mitigation strategies prior to the commencement of any works which may affect these species or their breeding sites, resting places or habitats and for the strategy to be implemented thereafter.
- Site clearance works to be conducted outside the breeding bird season and replacement nesting opportunities to be provided through a landscape strategy.
- The pedestrian / cycle path alongside the proposed Fastrack link (which would form part of the proposed City to Sea Path linking Thames Path and Greenwich to the Saxon Shore Way at Gravesend) should be a multi-user path, have (if possible) a minimum width of 4m and be landscaped with native trees and shrubs providing screening from traffic and a link between other green spaces. In this way, it would accord with the Green Grid Programmes for Kent Thameside, Medway and Swale.
- The biodiversity enhancement measures set out in the application (e.g. roosting opportunities for bats, bird nest boxes, native species landscape planting and brown roofs).

49. **Kent Wildlife Trust** – No objection subject to the imposition of conditions to ensure the delivery of adequate mitigation and compensation. States that there is a need to deliver the mitigation for the application and that for mixed use development being considered by Gravesham Borough Council in a holistic fashion due to the mosaic of habitats across both sites and the species using them (such as Black Redstarts). Has specifically suggested the provision of properly specified brown roofs of sufficient area to provide some mitigation for the loss of black redstart forage area. Conditions suggested include those relating to brown roofs, black redstarts, breeding birds and reptiles. Has also suggested that a steering group of relevant organisations be in place during the construction period to ensure that a habitat management strategy to deliver mitigation and enhancement is adhered to and reviewed as necessary. The strategy should allow for habitat management for a minimum period of 5-years after completion of the final phase of development.

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50. **KCC Biodiversity Projects Officer** – Has provided detailed comments on habitats, bats, breeding birds, black redstarts, green/brown roofs, badgers, invertebrate report, reptiles, monitoring and management, biodiversity enhancement, climate change and connectivity and other matters. Recommends that conditions be imposed to secure a detailed site management plan containing habitat mitigation, compensation, enhancement and monitoring that addresses these and related issues.
51. **KCC Landscape Consultant (Jacobs)** – Advises that the development would not create any significantly greater adverse visual effects than those already experienced from the cement works and in many cases there would be some visual benefits. Advises that landscape and townscape character impacts would be of a similar significance. Advises that, in many respects, the development depends on the adjoining mixed use application to provide a landscape setting and to provide some screening of the new buildings and on this basis it is important that both applications are considered in tandem. Also suggests that as the only new landscape proposals included with the aggregates terminal are a very narrow corridor of landscape alongside the Fastrack route [*which would link to a broader area just to the east, but outside, of the application site where the illustrative Masterplan indicates that the war memorial would be relocated to*], and these plans have clearly not been fully developed in detail, it would be beneficial to explore the feasibility of:-
- a generous landscape belt alongside the proposed boundary fences to soften the built edge and provide additional screening;
 - a greatly increased width of landscaping along Fastrack to give planting on both sides of the route and to give a better segregation of the cycleway/footpaths from the bus route;
 - a footpath link to the historical light house, if this would not conflict with the operation of the site; and
 - submission of more worked up designs for fencing, hard landscape proposals and features such as the Fastrack stations.
52. **KCC Rights of Way (Countryside Access Service)** – Welcomes the proposed pedestrian/cycle access across the site and the adjoining proposed mixed use development. Subject to the use of appropriate materials and furniture, the access improvements would meet several objectives of the Countryside Access Improvement Plan (CAIP). Advises that Public Footpath NU42, which crosses the application site, is not that well used and is often closed due to works or for health and safety reasons. Indeed all public footpaths across the entire Northfleet Works site are currently closed to allow works to take place. The proposed pedestrian/cycle track adjacent to the Fastrack Route would provide a vital link between Crete Hall Road and the routes proposed in the mixed use development site and in the network for the City to Sea Project which seeks to run a cycle route alongside the Thames from London out to Swale and beyond. Advises that the existing Public Footpath will need to be formally extinguished under the Town and Country Planning Act 1990 so that it is no longer shown on the Definitive Map with the route obstructed on the ground. This also applies to other rights of way on the mixed use development site. Notes that the application proposes to close rights of way during re-development and states that these and related issues need to be satisfactorily addressed. Also states that the

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provision of a temporary route(s) across both sites would be beneficial and that appropriate routing could be agreed with Lafarge and contractors to ensure that access is not denied for the entire implementation period (through to 2022) across both sites. Would welcome the opportunity to work closely with Lafarge at an early stage so that the above matters are satisfactorily addressed and is involved in ongoing discussions on these issues.

53. **English Heritage** – No detailed comments, but offers the following general observations and requests that these be addressed:-

- The proposals would not affect the setting of Aspdin's Kiln (scheduled ancient monument – SAM) which lies outside the application site within the area of the mixed use application.
- The proposals would be unlikely to result in any harmful impact on the character or appearance of "The Hill Conservation Area" which is located adjacent to the site on a cliff above the works site. The only impact would be from the demolition of the two tall chimney stacks that are a major feature of the townscape of Northfleet. This change would be neutral rather than negative in terms of impact on the conservation area. The character of the area would not be affected by the change in industrial processes on the Lafarge site.
- Notes that the site contains two listed buildings (the war memorial and lighthouse – both Grade II) that would be affected by the proposals. The proposed removal / repositioning of the war memorial would require a separate listed building consent application which should be requested immediately and be determined in parallel with the planning application. Any permission should include a condition requiring the protection of these structures during the demolition and redevelopment process.
- Notes and welcomes the fact that the applicant has provided for a full record of the present structures on site to be made and that the Environmental Statement reflects this. Suggests that there may be salvageable structures relating to the industrial heritage of the site that could be re-used within the redevelopment or housed in a local museum or archive and that the County Council may wish to impose an appropriate condition to that effect.
- Matters relating to the evaluation and recording of any archaeology on the site through trial excavation or watching brief are for the County Archaeological Officer to advise on.

54. **KCC Archaeology and Conservation** – No objection subject to:-

- The recording of any archaeological interest revealed during the removal of that part of the Lawn Road chalk spine within the application site that would need to be removed to accommodate the rail sidings (as this includes some of the original / unexcavated landform);
- The protection and long term conservation of the listed lighthouse;
- The protection of the war memorial and its re-siting being guided by the need for public access and the need to retain the connection with the people who worked at the cement works during the wars;

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- The recording of the heritage interest associated with the former cement works and the integration of this with the record and interpretation proposed for the mixed use development proposals on the grounds that although the mixed-use development proposals lend themselves better to providing for heritage interpretation as part of a long term vision for the site, something should also be done as part of the bulk aggregates import terminal.

Has also requested that the applicant discuss heritage issues with local groups in order to obtain useful information and for consideration be given, so far as possible, to the preservation of visible historic industrial features (e.g. railway lines) within the application site.

55. **National Grid** – States that there would be a negligible risk to its electricity and gas transmission apparatus.
56. **EDF** – No objections.
57. **BT (Openreach)** – Has provided information on the positions of its plant in the area and recommended that its advice be sought by the developer prior to any works affecting these.
58. **Southern Water** – No objection subject to the imposition of conditions requiring the submission and approval of details of surface water disposal and measures to divert and protect existing sewers and water mains (that cross the site) prior to the commencement of development. It has also asked to be consulted on such details.
59. No responses have been received from **Union Railways, Southern Gas Networks** and **South East Water**.

Representations

60. The application was publicised both by site notice and newspaper advertisement and 1,028 local residents / business properties were notified. A public exhibition on the proposals was held by the applicant over three days towards the end of 2007. The additional information was also subject to re-consultation and notification (including advertisement).
61. At the time of writing this report, letters have been received from three local residents / businesses. Although none of the letters actually states support for, or objection to, the proposals, all raise issues of concern that need to be addressed. The main issues of concern (in one or more of the letters) are as follows:-
 - concerns about noise and vibration impacts associated with the re-opening of a rail link through Church Path Pit and other operations in the Pit;
 - the desirability of the two main chimneys being retained and listed due to their architectural or historic interest (and as landmark features);
 - concerns about impacts of construction and demolition traffic (river and rail links should be implemented first);

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- experiences during implementation of the CTRL rail sidings in Church Path Pit;
- rail use should not be permitted at night, at weekends and on public holidays;
- concerns about noise more generally from the proposed construction and operations;
- road access should not be permitted through Granby Road; and
- past experiences of dust nuisance (including that associated with loading and discharging).

More supportive statements (in the letters) include:-

- an acceptance that some form of re-development of the main site is desirable;
- the retention of a deep water wharf is laudable; and
- the revival of the rail link for the transportation of bulk materials is sensible (despite concerns about potential adverse noise impacts experienced in the past and the need for enforceable and permanent conditions to control development).

Local Members

62. County Council Members Mr Christie and Mr Parker were notified in April 2008. County Council Members Mr Christie and Mr Craske (who replaced Mr Parker) were notified in September 2009. Mr Lees was also notified as an adjoining Member in September 2009.

Discussion

63. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 34 to 36 are of greatest relevance. Material considerations include the Planning Policy Statements and Planning Policy Guidance set out in paragraph 33. They also include the letter from Steve Quartermain, Chief Planner, Communities and Local Government (CLG) advising of the revocation of Regional Strategies (dated 6 July 2010) in which he makes it clear that mineral planning authorities should continue to plan for a steady and adequate supply of aggregate minerals to support economic growth and should do this within the long standing arrangements for minerals planning (including the technical advice provided by the Aggregate Working Parties in sub-apportioning the CLG Guidelines). The letter also states that planning authorities in the South East should work from the apportionment set out in the “Proposed Changes” to the revision of Policy M3 of the South East Plan published on 19 March 2010.
64. The main issues to be considered in this case include:-
- the principle of the development of the site as a new Bulk Aggregates Import Terminal;
 - the need or otherwise for new capacity for the importation of crushed rock and sea-dredged aggregates;

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- transportation issues (e.g. junction and road capacity, Fastrack and the sustainability of the proposals in terms of water, rail and road use);
- noise, dust, vibration and air quality impacts (from the development on site and associated transportation);
- biodiversity impacts;
- landscape and visual impact;
- impacts on archaeology and buildings and other features of historic interest (including scheduled ancient monuments, listed buildings and conservation areas);
- groundwater and surface water impacts; and
- rights of way.

The principle of the development of the site as a new Bulk Aggregates Import Terminal

65. National planning policy for minerals is set out in Mineral Policy Statement (MPS)1. Paragraph 9 states that one of the Government's objectives is to promote the sustainable transport of minerals by rail, sea or inland waterways. Paragraph 10 states that in order to achieve this and other objectives, Mineral Planning Authorities (MPAs) should (amongst other things) carry out their development control functions in accordance with national minerals policies. In terms of the bulk transportation of minerals, paragraph 16 states that MPAs should seek to promote and enable the bulk movement of minerals by rail, sea or inland waterways to reduce the environmental impact of their transportation and promote facilities at ports and rail links that have good communications inland, so that bulk minerals can be landed by sea and distributed from ports, so far as is practicable, by rail or water.
66. The application site is not identified as one of the locations for a wharf or rail depot in Policy CA4 of the Kent Minerals Local Plan Construction Aggregates nor is it allocated for any other purpose in the Plan. The key Minerals Local Plan policies relating to aggregates wharves and depots are therefore Policies CA1, CA2C and CA3. Policy CA1 states that potential locations for aggregates wharves and depots should have no undue impact on road safety and congestion, avoid residential areas and (in the case of wharves) be capable of linking to the rail network. Policy CA2C states that wharves or depots to receive aggregates will not normally be permitted outside of existing port, industrial or railway operational areas and the locations areas identified in Policy CA4 unless special circumstances are demonstrated that justify such an exception. Policy CA3 states that proposals for aggregates wharves or depots should not adversely affect local features of identified importance or their setting and/or compromise specific protection areas identified in local plans, should be carried out consistent with the Plan's general policies and should not be unduly obtrusive in the landscape.
67. The application site is allocated as part of an existing industrial area in the adopted Gravesham Local Plan First Review (1994) where Policy E1 states that priority will be given to the need for employment and where employment development will normally be permitted. Active reclamation (of derelict sites) is also sought by Policy M1. Policy R1 states that there will be a preference for development in the commercial riverside adjacent to the river which requires a riverside location and makes use of the river as a means of transport and that any new buildings should be set back sufficiently from

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the water's edge to enable access to the river for wharfage purposes. Policy R2 states that applications for the expansion of port related traffic at existing wharves fronting the commercial riverside and the development of new wharves on sites fronting the commercial riverside will be supported in principle subject to the surrounding road system being adequate to deal with additional traffic. The site is part of the Northfleet Cement Works / Land East of Grove Road Major Development Site allocated in the Gravesham Local Plan Second Review Deposit Version (May 2000) where Policy MDS3 proposes mixed use development including port related and distribution employment uses. Policy E4 also encourages businesses able to benefit from rail and sea connections. The Gravesham Borough Council Local Development Framework Core Strategy and Development Management DPD, which will replace the Gravesham Local Plans, is expected to be adopted in August 2011. Consultations on Key Issues and Options and the Core Strategy and Development Management DPD took place in October 2007 and January / March 2010 respectively. These both envisage the redevelopment of Northfleet Works as a major regeneration opportunity (part of Northfleet Embankment West), emphasising the importance of wharf capacity and road and rail access to the river in the context of sustainable transport. Development of the Northfleet Works site for a range of residential and commercial uses whilst preserving valuable wharf facilities has also been envisaged for many years in the masterplan strategy for the area.

68. It is worth noting that 42 Wharf was identified as a "Mineral Resource Area" in the Kent Minerals Development Framework (MDF) Construction Aggregates (CA) Development Plan Document (DPD) (November 2006), on the basis of being a potential area for a new wharf and rail depot. However, this DPD was withdrawn along with two others (i.e. Core Minerals Strategy and Primary Mineral Development Control Policies) in 2008 prior to the commencement of the Examination in Public (EiP). Work on wharves and depots in Kent (and Medway) will be undertaken in preparing the Kent Minerals and Waste Development Framework (MWDF). The Kent Minerals and Waste Development Scheme (MWDS) 2010 estimates that the new MWDF Core Strategy (including development management policies) will be adopted in December 2012 and the Mineral Sites DPD in December 2013 (as opposed to November 2009 and November 2012 respectively in the adopted Kent MWDS 2nd Review: May 2009)
69. The proposed use of part of the former Northfleet Works site for a bulk aggregates import terminal can be viewed favourably against the national minerals and regional transport policies referred to above. It is also generally consistent with Policy CA2C, given the previous and current use of the application site and adjoining land, and on this basis it is not necessary for special circumstances to be demonstrated. Compliance with Policies CA1 and CA3 is addressed where appropriate elsewhere in this report. The proposal is also consistent with the above development plan policies that seek employment uses as part of the regeneration of the site and would accord with those policies that seek continued wharf capacity and road and rail access to the river in the context of sustainable transport. The proposed use of barges to re-export imported materials by river clearly also accords with these sustainable transport objectives. When viewed alongside the mixed use application, the proposals can also be viewed favourably in terms of the major regeneration opportunity sought by the masterplan strategy for the area and the emerging Gravesham LDF Core Strategy. It

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should also be noted that the Port of London Authority (PLA) has advised that the site is the only currently available location within the Thames Estuary where a multi-modal aggregates terminal of this scale could be developed.

The need or otherwise for new capacity for the importation of crushed rock and sea-dredged aggregates

70. Paragraph 61 of the Practice Guide to MPS1 acknowledges that there are significant regional imbalances in the occurrence of suitable natural aggregate resources (e.g. London and the South East, including major growth areas) and that these depend significantly on imported crushed rock aggregate. Paragraph 6.1 of MPS1 states that it is Government policy to encourage the supply of marine-dredged sand and gravel to the extent that environmentally acceptable sources can be identified and exploited, within the principles of sustainable development, and that it is assumed that marine dredging of sand and gravel is likely to continue to contribute to meeting part of the national and regional demand for aggregates at a proportion no lower than that of the recent past.
71. The National and Regional Guidelines for Aggregates Provision in England 2005 – 2020 set out information for Mineral Planning Authorities to take account of in preparing Local Development Frameworks (LDFs). The Guidelines indicate that 121 million tonnes (mt) of the South East region's requirements should come from marine-dredged sand and gravel and 31mt from net imports. Although these figures were reflected in the Proposed Changes to South East Plan Policy M3 (19 March 2010), none of the policies in the Plan included any specific figures for marine-dredged sand and gravel or imported aggregates (e.g. crushed rock). On this basis, CLG's advice relating to the apportionment set out in Policy M3 is of limited relevance to the application. Indeed, the only references to wharves and depots for imports in the South East Plan were paragraph 10.89 (which stated that MDDs should set criteria against which planning applications for wharves and depots for imports can be assessed and ensure that adequate facilities are available to meet future demand), Policy M5 (which stated that MPAs should assess the need for wharf and rail facilities for the handling and distribution of imported minerals and processed materials and identify strategic sites for safeguarding in their MDFs and that these strategic facilities should be safeguarded from other inappropriate development in LDDs) and paragraph 10.99 (which stated that the strategic criteria used to identify such sites should include their capacity to supply imported material to the region, proximity to markets, value of the specialist infrastructure and adequacy of existing or potential environmental safeguards).
72. A report by MDS Transmodal Ltd for SEERA titled "Aggregate Wharves and Rail Depots in South East England" dated February 2009 designed to establish existing and potential capacity of active and inactive wharves and rail terminals in the South East Region and identify any significant constraints on that capacity, identify current and proposed wharves and terminals that are safeguarded in Mineral/Local Development Documents and recommend strategic sites that warrant safeguarding concluded that *"The existing wharf and rail depot capacity in the South East Region is sufficient to handle the forecast growth in aggregates demand. However, Regional*

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and sub-regional policy should adopt suitable measures which will permit the development of new wharves or rail served depots at suitable locations when proposals are brought forward by operators. This will ensure and enhance the geographical choice across the South East Region". This report included the Kent Aggregates Import Study report undertaken by Land & Mineral Management Ltd for Kent County Council in February 2006 as an appendix. This concluded that (amongst other things): there had been no overall loss in the number of aggregate import facilities and consequently no reduction in capacity in Kent and Medway since 1990 (albeit that six wharves have been "lost" and six "gained" during this period, demonstrating the pressure from alternative development); there was a good geographical spread of facilities to meet most of the main market areas they are intended to serve; many existing facilities had benefitted from some improvements in terms of accessibility; existing facilities were operating well below their previous best years throughputs; and existing facilities had reasonably good expansion potential (particularly where improved transshipment facilities are possible). Notwithstanding this, the report also recommended that consideration be given to the possibility of new sites to serve the growing needs in London and the rest of the South East for imported aggregates and to the safeguarding of existing and potential sites (given the possibility of sites or land being lost to other forms of development). It is also worth noting that despite concerns expressed by Associated British Ports at the EIP for the Partial Review of the Regional Spatial Strategy for the South East in October 2009 that the Port of Southampton was no longer available for the importation of aggregates, the Inspector's report (dated 27 November 2009) accepted that there was ample current wharf capacity in the South East Region to accommodate the landings assumed in the guidelines.

73. The applicant raises concerns about a potential shortfall in land won aggregates in Kent during the next minerals plan period due to both the quality of ragstone deposits and the speculative nature of any potential limestone mine in East Kent and suggests that the proposed development would serve to make up any shortfall that may arise. Its case is that these issues could lead to a 1.5mtpa shortfall from the limestone mine and a 1.2mtpa shortfall from ragstone (i.e. a total shortfall of 2.7mtpa). It further suggests that it would be difficult for this shortfall to be met by existing wharves in Kent and Medway due to their size and/or lack of rail links (there are only two wharves with rail links - Cliff and Grain).
74. I reject the applicant's argument in terms of the suggested shortfall in land won aggregates on the basis that ragstone is being satisfactorily used for producing crushed rock supplies and as the MDF need not place any reliance on a limestone mine for meeting Kent's apportionment during the plan period (subject to other resources being identified). Indeed, the now withdrawn MDF Construction Aggregates DPD did not propose this and draft Policy CA5 had specifically stated that "When assessing the landbank for Kent's land won construction aggregate requirements, no account will be taken of this (*limestone mining*) resource until planning permission has been granted." Whilst I accept some existing wharf facilities may have difficulty in significantly increasing their output, particularly in the absence of rail links, I also prefer to place reliance on the conclusions of the recent reports in terms of import capacity. Although further work on the suitability of different minerals for different

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uses and aggregate import facilities will be undertaken as part of the evidence base for the Kent MWDF which could lead to different conclusions being reached on these matters, I see no reason to come to a different view at this time.

75. Notwithstanding the above, it is important to note that it is not necessary for a specific need for the facility to be demonstrated provided other planning policies are satisfied. The need or otherwise for the facility could be a material planning consideration if the proposed development were to give rise to demonstrable harm. Whilst there may be no specific need for new import capacity at this time, there is strong policy support for the development of facilities capable of being served by sustainable transport links. This issue is explored further below.

Transportation issues (e.g. junction and road capacity, Fastrack and the sustainability of the proposals in terms of water, rail and road use)

76. The main national transportation planning policies of relevance to the proposals are set out in PPS1, PPG13 and MPS1. One of the national objectives for minerals planning in paragraph 9 of MPS1 is to promote the sustainable transport of minerals by rail, sea or inland waterways. Paragraph 16 seeks to promote and enable the bulk movement of minerals using these modes to reduce their environmental impact and promote facilities at ports and rail links that have good communication inland so that bulk minerals can be landed by sea and distributed from ports as far as practicable by rail or water. Paragraph 17 encourages the establishment of mineral site transport plans dealing with matters such as routing. The use of sustainable transport is also advocated in PPS1 (including the climate change supplement) and PPG13. Policy CA1 of the Kent Minerals Local Plan Construction Aggregates requires that proposals for aggregates wharves have no undue impact on road safety and road congestion and are capable of linking to the rail network. Policy CA16 states that planning permission for the supply of construction aggregates will be refused if the proposed access or the effects of vehicles travelling to and from the site would adversely affect in a material way the safety and capacity of the highway network. It also states that any highway improvements necessary to secure acceptable access should be completed before such supply commences. Policies T0, T1 and T3 of the adopted Gravesham Local Plan First Review (1994) seek to achieve the most effective use of the existing highway network, highway safety and improvement measures and ensure that new development is only permitted where it would be adequately served by the highway network and is well related to the primary and secondary distributor network. These requirements are also reflected in Policies T1 and T12 of the Gravesham Local Plan Second Review Deposit Version (May 2000), where Policy T1 additionally requires contributions towards the improvement of highways and green travel plans. Policy MDS3 proposes that any development at Northfleet Cement Works be accompanied by a Master Plan that addresses (amongst other things) possible rail connection to the North Kent Line via Church Path Pit / St Botolph's Pit and Policy T14 encourages transportation by rail and water.
77. The Transport and Development Manager – Kent Thameside is satisfied that the proposed development is acceptable in terms of highway safety and capacity subject to a range of detailed conditions and planning obligations (paragraph 42 above). The

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key highway requirements are: a limit on the amount of material transported by road to 1.2mtpa (i.e. 40% of the proposed total capacity of the facility); a limit of 13,500 HGV movements in any one calendar month (i.e. 10% of estimated annual HGV movements); no more than 200 HGV movements between 0700 and 1000 hours and 1600 and 1900 hours each day; HGVs entering and leaving the site primarily using the A226 (Thames Way) and A2260 (Ebbsfleet Gateway) to access the A2 (Ebbsfleet Junction) and avoiding the use of the A226 through the Borough of Dartford or other roads in the area where possible; HGVs not using Grove Road and only using The Shore, Granby Road and Crete Hall Road in emergencies or for local deliveries (to be defined)²; a contribution of £245,000 towards the Strategic Transport Infrastructure Programme (STIP's) (with phased payments based on the amount of materials exported by road to be used for specific schemes); compliance with an agreed Travel Plan; the provision (reservation and making freely available) of the Fastrack corridor across the site; ensuring that the tunnels used to access the site are and remain in a satisfactory condition; and contributions towards the Highway Authority's costs in monitoring HGV movements during peak periods and for routing (up to £1,000 a year for 10-years). The Highways Agency has no objection to the proposals.

78. Dartford Borough Council is concerned about the potential impact of HGV movements on residential amenity (e.g. noise, vibration and air quality impacts), particularly along the A226, and has requested that some control over HGV movements be secured. It has also recommended that HGV movements be restricted to no more than 404 per day (i.e. the estimated daily average based on 40% of the 3mt maximum annual throughput).
79. Gravesham Borough Council supports the concerns expressed by Dartford Borough Council and Kent Highway Services in seeking to limit the amount of material transported by road including a limitation on the number of HGV movements and to ensure that rail and water transport are available upon operation of the bulk aggregate import terminal.
80. There is clear planning policy support at both the national and local level for the provision of facilities that lead to the transfer of freight from road to rail and by water. However, although the application is predicated on the basis of a modal split of 40% road, 40% rail and 20% barge / water, there would be nothing to prevent some alternative split unless some form of control were to be imposed to prevent this occurring. This could conceivably be addressed by the imposition of conditions restricting road use in some way and / or a requirement for the proposed rail sidings to be available for use prior to aggregates being imported. Given the costs associated with implementing the proposed rail link and as a more limited operation could satisfactorily take place without it being in place, I consider that making its implementation a pre-condition of the use commencing is unreasonable. I also consider that imposing a daily maximum figure would be unnecessary as the transport assessment has demonstrated that a worst case scenario (i.e. with 100% of materials being exported by road) would not lead to undue impact in terms of highway and

² Possibly the area to the east of the bulk aggregates import terminal on land to the north of London Road (B2175) and Overcliffe (A226) and west of Bath Street (A226) in Gravesend.

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junction capacity and safety. I also consider that such a daily limit would be unreasonable as none of the other development in the area (e.g. Bulk Powders Terminal) has any specific restrictions on vehicle movements and it is unlikely that similar restrictions would be imposed on other new employment uses. However, I do think that limiting the amount of materials exported by road to no more than 1.2mtpa (i.e. 40% of the proposed maximum throughput of the facility) would ensure that the proposed development meets the sustainable transport objectives set out in the above policies whilst still providing a reasonable degree of control over traffic movements. It would also accord with the views expressed by SEEDA, SEEPB and the Port of London Authority.

81. Notwithstanding the above, I consider that it would be desirable to impose limits on the number of HGVs using the site during the peak periods of the day and the total number of HGVs using the site each month. The Divisional Transportation Manager has recommended that up to 200 HGV movements (where one movement represents a vehicle either entering or leaving the site) be permitted during the hours stated above and a monthly restriction be based on 10% of estimated annual HGV movements and I see no reason to depart from his advice on this occasion. If such limits were imposed, mechanisms to assist in monitoring these would also be necessary. Although the implementation of a travel plan would be of limited use for the bulk aggregates import terminal, given that most of the employees would not travel during peak periods and many would arrive at the site and leave at the end of their working days in HGVs, it would assist in seeking sustainable transport objectives. A travel plan could be secured by condition.
82. Obtaining developer contributions towards necessary improvements to transport infrastructure as part of the major redevelopment of the Thames Gateway area is a longstanding objective of the County Council and its Borough Council partners and is supported by the Highways Agency. The Divisional Transportation Manager has proposed that a contribution of £245,000 would be appropriate in this instance. He proposes that this be phased and linked to the amount of materials exported from the facility by road. The applicant has agreed to this sum and the associated phasing arrangements. The proposed arrangements are also supported by KCC's Head of Urban Regeneration. The details of these payments are set out in the Heads of Terms at [Appendix 3](#). It should be noted that significant additional payments will be required as part of the mixed use development proposals and that this will be a matter for Gravesham Borough Council in consultation with the Highway Authority.
83. I also consider that some control on HGV routing would be desirable. This would go some way to securing the objectives of Dartford and Gravesham Borough Councils in wanting to limit HGV impacts on local residents on potential access routes whilst acknowledging that many of these are part of the main road network. Any routing strategy should provide for HGVs entering and leaving the site primarily using the A226 (Thames Way) and A2260 (Ebbsfleet Gateway) to access the A2 (Ebbsfleet Junction) and avoiding the use of the A226 through the Borough of Dartford or other roads in the area where possible. It should also preclude the use of Grove Road and only allow for the use of The Shore, Granby Road and Crete Hall Road in emergencies or for local deliveries (which would need to be defined). Although the

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exact detail of this routing strategy has yet to be agreed, it is envisaged that it would include some form of notification system, a way to inform drivers of potential problems with their usual routes with agreed alternatives and a means of monitoring and controlling HGVs. It would also need to include details of arrangements for when the preferred access route is temporarily unavailable such as during road closures or accidents and during the repair or maintenance on the vehicle tunnels. I am satisfied that the implementation of a routing strategy and the contributions sought by the Divisional Transportation Manager can best be secured by legal agreement (Section 106 Agreement). The proposed restrictions on the use of Grove Road, The Shore, Granby Road and Crete Hall Road could also be reinforced by planning conditions.

84. With one exception, the Divisional Transportation Manager's recommendations are all capable of being addressed by planning conditions or in a legal agreement as part of this application. The one exception is that whilst it is appropriate to safeguard the Fastrack corridor as part of this application (by condition), it will be necessary for those matters relating to its provision to be addressed as part of the mixed use development by Gravesham Borough Council. This approach has been accepted by all parties.
85. One of the representations has suggested that road access should not be allowed through Granby Road. In so far as this relates to the short length of Granby Road between The Shore and Crete Hall Road, this issue would be addressed as described above. Access through Granby Road onto Northfleet High Street by HGVs, cars and similar vehicles is no longer permitted.
86. Subject to the above matters being secured by conditions and Section 106 Agreement, I am satisfied that the proposed development would be acceptable in terms of transportation issues and would accord with the above policies.

Noise, dust, vibration and air quality impacts (from the development on site and associated transportation)

87. The main national planning policies relating to noise, dust, vibration and air quality of relevance to the proposals are set out in PPS23, PPG24, MPS1 and MPS2. One of the national objectives for minerals planning in paragraph 9 of MPS1 is to secure working practices which prevent or reduce as far as possible, impacts on the environment and human health arising from the processing, management and transportation of minerals. Paragraph 17 sets out a range of policies designed to ensure that mineral operations minimise potential adverse environmental impacts (including ensuring that any unavoidable noise, dust and particle emissions are in conformity with national guidance and are controlled, mitigated or removed at source so as to reduce to an acceptable level any potential adverse impacts on neighbouring land and property). Although relating to the control and mitigation of environmental effects (such as noise and dust) at mineral extraction sites, MPS2 offers useful advice that can be applied to operations at aggregate wharves. PPS23 and PPG24 respectively set out policies on pollution control (e.g. air quality, including AQMAs) and noise that should be considered when determining planning applications.
88. Policy CA3 of the Kent Minerals Local Plan Construction Aggregates requires that

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operations at proposed wharves can be carried out consistent with the requirements of Policies CA16 to CA23. These include Policy CA18 (which specifically states that the County Council must be satisfied before granting planning permission that noise, vibration and dust from both the site and road haulage vehicles can be satisfactorily controlled) and Policy CA19 (which states that the siting and design of fixed plant and buildings should minimise noise intrusion). Policy NE16 of the Gravesham Local Plan Second Review Deposit Version (May 2000) states that development likely to result in emissions to the air (by reason of operational characteristics or traffic generation) will only be allowed if it does not have an unacceptable effect on health, amenity or the natural environment, taking into account the cumulative effects of other existing and proposed sources of air pollution in the vicinity and that consideration will also be given to whether or not the proposed development would cause current national air quality standards to be exceeded. Policy NE19 states that noise generating development will only be allowed if it does not have a significant adverse noise impact on noise-sensitive uses or if it is not located in an area with low background noise levels which is important for its quiet recreational, amenity or wildlife value.

89. Gravesham Borough Council has requested that conditions be imposed to secure various matters relating to noise, dust, vibration and air quality if planning permission is granted (paragraph 37 above and Appendix 2). These include: a restriction on hours of use that only allows ship, barge and rail loading, unloading and shipment outside normal working hours; the applicant demonstrating that the background noise level would not be increased by more than 3dB; measures to minimise noise impacts of plant, machinery and other equipment; no more than 4 ship / barge deliveries a week, a limit on barge exports and no more than 4 train movements a day unless agreed; details of means of enclosure for conveyors and stockpiles; dust control measures and scheme; no storage of crushed rock outside the aggregate storage building unless agreed; and cladding / enclosure of the screening and storage buildings and washing plant. Dartford Borough Council's concerns about noise, vibration and air quality impacts associated with HGV movements have been addressed in the above section.
90. KCC's Noise, Vibration, Dust and Air Quality Consultant is satisfied that the proposed development is acceptable if the various mitigation proposed in the environmental statement is secured and conditions are imposed to restrict activities on site to those demonstrated to be acceptable.
91. The issues raised in the representations that have been received primarily relate to the potential noise, dust, vibration and air quality impacts of the proposed development. The main concerns relate to noise and vibration associated with the re-opening of a rail link through Church Path Pit (including the use of the rail link at night, weekends and public holidays), the impacts of construction and demolition traffic and dust nuisance associated with loading and discharging. These concerns appear to be primarily based on past experiences when the former cement works was operational and during implementation of the CTRL sidings. There is no dispute that the former use of the site as a cement works gave rise to significant adverse impacts on the local area and community, as is evidenced by the designation of the area around the site as an air quality management area (AQMA). Similarly, as it has been some time since

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trains accessed the site via Church Path Pit, any potential impacts associated with their reintroduction are unlikely to be popular. Whilst such concerns are understandable, the proposals must be judged on their merits.

92. As planning permission already exists for rail access to the site, there is technically nothing to prevent its reinstatement and use on the same alignment. However, as noted in paragraph 18 above the proposed alignment is slightly different. This amendment is intended to maximise the radius of the horizontal track curvature in Church Path Pit as far as possible and thereby reduce noise (e.g. wheel squeal) associated with trains entering and leaving the site. The applicant also proposes a number of other measures designed to minimise noise and vibration associated with the rail link. These include using modern track and components, resilient pads, stiffer rail sections, new ballast, a reduction in joints (welding where possible), improved alignment at any joints, a new automatic water sprinkler system to lubricate the rails, a regular maintenance and replacement system, speed limits, modern rolling stock (bogied as opposed to fixed wheels) and new diesel locomotives. The applicant also proposes that trains will not stop in Church Path Pit. It should be noted that the rail link has now been reinstated in Church Path Pit as far as the tunnel entrance (including that segment on the proposed new alignment) and that the proposed rail tunnel itself has been re-opened and is currently gated. Existing track within the tunnel would need to be removed and replaced. Gravesham Borough Council supports the proposed measures and want these secured as part of any planning permission. I am satisfied that these measures can be secured by condition.
93. The majority of demolition work has already been completed and has been undertaken in accordance with the requirements of Gravesham Borough Council's Environmental Health Officers and the mitigation proposed in the environmental statement. Notwithstanding this, it would still be necessary to ensure that future development works take place in a satisfactory manner. This could be secured by a condition requiring a comprehensive Code of Construction Practice as proposed by the applicant and Gravesham Borough Council.
94. Based on his assessment of the information submitted in support of the application, KCC's Noise Consultant is satisfied that all activities associated with the bulk aggregates import terminal could take place during the day and meet the +3dB noise limit proposed by Gravesham Borough Council. On this basis, and as Gravesham Borough Council has not sought to distinguish between different days of the week, it could be argued that there is little reason further restrict activities during the daytime (i.e. between 0700 and 1800 hours) on any day. However, the majority of planning permissions for aggregate facilities on wharves in the area include restrictions such that many operations are not normally permitted to take place on Saturday afternoons,³ Sundays, Bank and Public Holidays in order to minimise impacts on local amenity.³ Exceptions to this are some older permissions and the Bulk Powders Terminal (which does not involve aggregates). KCC's Noise Consultant has recommended that similar restrictions should be applied in this case such that only the activities referred to in paragraph 95 below should be permitted outside the hours of 0700 and 1800 hours

³ These are normally regarded as "normal working hours" for the purposes of mineral working.

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Monday to Friday, 0700 and 1300 hours on Saturdays, with no working on Sundays, Bank and Public Holidays unless agreed beforehand in writing by the Mineral Planning Authority.

95. KCC's Noise Consultant has also advised that the only activities that have been demonstrated to meet the proposed noise limit of +3dB at night (including the evening and early morning periods) are ship, barge and rail loading, unloading and shipment (i.e. those proposed to be allowed at any time by Gravesham Borough Council) and HGV movements (which Gravesham Borough Council proposes be excluded from the requirement for meeting the +3dB noise limit). The applicant considers it essential that these activities be allowed to take place on a 24 hour basis due to specific constraints (i.e. ship, barge and rail arrival, departure, loading and unloading that are dependent to some degree on tides, weather, turn-around times or the availability of train paths) and that either need to take place prior to 0700 or after 1800 hours to minimise impact on the highway during peak periods⁴ or to serve contracts requiring "out of hours" deliveries to take place. The applicant also points out that HGVs have previously entered and left the site 24 hours a day to serve the former cement works and that they continue to do so to serve the Bulk Powders Terminal and that additional HGV movements would be indistinguishable from these.
96. Noise modelling work undertaken by the applicant has, so far, been inconclusive in demonstrating the acceptability or otherwise of other activities during the night. As the noise modelling work has been based on worst case scenarios (e.g. assumed direct line of sight between noise sources and sensitive receptors) and excluded any noise mitigation that could be readily employed (e.g. acoustic cladding or noise barriers), the applicant is confident that other activities could reasonably take place during the night, still meet the proposed noise limit and not give rise to noise nuisance even when considered cumulatively. However, KCC's Noise consultant does not consider that it would be appropriate to allow these other activities until it has been demonstrated that they could take place satisfactorily. A suitably worded condition could set out those activities permitted to take place at night (as referred to in paragraph 95 above) but provide scope for other activities to take place if and when the applicant has demonstrated their acceptability (i.e. with the prior written agreement of the County Council). This would require further detailed noise assessments and, potentially, additional noise mitigation measures to be submitted pursuant to a condition(s). Subject to KCC's Noise Consultant and Gravesham Borough Council's Environmental Health Officers being satisfied with any additional noise assessment(s), the range of activities could be potentially be extended.
97. The proposed approach would currently not allow the crusher and washing / screening plant associated with crushed rock, the washing plant associated with the sea dredged sand and gravel, loading shovels for moving materials, the ready mixed concrete plant and the loading of any HGVs at night. It would also be likely to preclude or significantly reduce the number of HGVs delivering ready mixed concrete due to the time constraints associated with transporting that product. Whilst this would reduce

⁴ The applicant's highway assessment assumes that HGVs will enter and leave the site between 0500 and 0700 hours to minimise impact between 0700 and 1000 hours.

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the range of activities that could be undertaken until such a time as additional ones are shown to be acceptable, it would enable those activities considered to be essential to take place.

98. In view of the potential disturbance from vehicle and plant reversing warning devices (particularly at night), it would also be appropriate to impose a condition requiring that no such devices should be used that are audible at noise sensitive properties. This would require quiet modern warning devices to be used as is the case at many other wharves located close to housing or other sensitive uses.
99. I do not consider it either reasonable or necessary to impose limits on the number of ships, barges or trains permitted to use the site as has been suggested by the Borough Council. Such restrictions could adversely affect the sustainability of the facility and are not justified on the results of the potential noise impacts. It should also be noted that no such restrictions have been imposed on the Bulk Powders Terminal. The number of ships, barges and trains able to use the site would, in any event, be self-limiting to a significant degree because of the physical capacity of the site to handle imported materials, the fact that only one ship or barge could offload at any one time and the availability of train paths on the rail network.
100. KCC's Dust and Air Quality Consultant supports the various measures proposed by the applicant and / or Gravesham Borough Council designed to minimise dust and air quality impacts during demolition, construction and operation. These include the requirement for a Code of Construction Practice, a dust management plan, the use of covered conveyors, only storing crushed rock outside the aggregate storage building exceptionally (such as in the event of plant or equipment failure or as may otherwise be agreed) and appropriate cladding / enclosure of plant. These can all be secured by condition. The Borough Council is content that any concerns about air quality associated with HGV movements can be satisfactorily addressed by appropriate routing arrangements. This can be secured by the proposed routing strategy referred to in paragraph 83 above and in the Heads of Terms at [Appendix 3](#).
101. Subject to the above matters being secured by conditions and Section 106 Agreement, I am satisfied that the proposed development would be acceptable in terms of noise, vibration, dust and air quality issues and would accord with the above policies.

Biodiversity impacts

102. The main national planning policies relating to ecology are set out in PPS9. Paragraph 1 states that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests and that where granting planning permission would result in significant harm to these interests, local planning authorities should be satisfied that the development cannot reasonably be located on any other sites that would result in less or no harm. In the absence of such alternatives, adequate mitigation measures should be put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated

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against or compensated for then planning permission should be refused. MPS1 also includes policies designed to protect and enhance biodiversity interests. Policy CA3 of the Kent Minerals Local Plan Construction Aggregates requires that proposed wharves do not adversely affect local features of identified importance. Policies C7 and C8 of the adopted Gravesham Local Plan First Review (1994) respectively seek to protect Sites of Special Scientific Interest and Nature Reserves and habitats or features of importance for nature conservation. Policies NE9, NE10, NE11 and NE12 of the Gravesham Local Plan Second Review Deposit Version (May 2000) seek to protect international, national and locally important nature conservation interests, wildlife habitats and protected species.

103. The application site is all previously developed and the majority comprises hardstanding associated with the remains of the cement works (now largely demolished apart from the main multi-storey office building). Other areas include the operational wharf, the road access and a small section of rail link within Church Path Pit. It would not be possible for the bulk aggregates import terminal to deliver much habitat compensation or enhancement since it lies in the centre of existing and proposed employment uses and immediately adjacent to the River Thames. However, one of the proposed buildings could support a “brown roof”.⁵ Habitat compensation and enhancement is primarily proposed as part of the mixed use development proposals where this can more realistically be secured.
104. No objections have been raised by Natural England, Kent Wildlife Trust or KCC’s Biodiversity Projects Officer subject to various conditions to secure appropriate mitigation and compensation, including that set out in the environmental statement (see paragraphs 48, 49 and 50 above). Kent Wildlife Trust has stated that there is a need to deliver the mitigation for both this application and the mixed use application in a holistic fashion and has suggested the establishment of a steering group of relevant organisations during the construction period to ensure the satisfactory delivery of any habitat management strategy.
105. As most of the former cement works has already been demolished, it is no longer possible for all of the proposed mitigation during the demolition phase to be secured as part of any planning permission. However, it is understood that the mitigation proposed in the environmental statement was implemented during this phase. Whilst appropriate mitigation can be secured by a condition(s) requiring the submission, approval and implementation of an Ecological Management Plan (to address the various issues set out in the environmental statement), I do not believe that it is necessary for a formal steering group to be established to ensure the delivery of a habitat management strategy specifically for the bulk aggregates import terminal. The majority of the biodiversity mitigation and enhancement associated with the redevelopment of Northfleet Works relates to the area covered by the mixed-use development proposals where the nature and extent of that development more obviously lends itself to securing the stated wider biodiversity aims and objectives. Establishing a formal steering group for the bulk aggregates import terminal could also lead to unnecessary delays in implementing the proposals. In any event, all relevant

⁵ i.e. one designed to encourage biodiversity by providing a suitable growing medium.

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organisations would be consulted on any detailed proposals that would need to be approved pursuant to a condition(s) and the applicant could be encouraged (by an informative) to discuss its detailed proposals with relevant organisations prior to submitting these for approval. This would also enable appropriate discussions between the parties on securing a holistic approach to be achieved. It may be appropriate for Gravesham Borough Council to secure a steering group to address biodiversity issues for the rest of the site and in considering any detailed proposals this could still have appropriate regard to any mitigation and enhancement associated with the bulk aggregates import terminal.

106. As noted at paragraph 45 above, the Environment Agency has requested that a condition be imposed to require the implementation of a method statement to ensure that Japanese Knotweed present on the site is prevented from spreading and eradicated. The Phase 1 Habitat Survey only recorded the presence of Japanese Knotweed in two small areas within the mixed use development site (one in the south east corner of Church Path Pit and the other near the centre of the Lawn Road chalk spine). Given this and as the proposed bulk aggregates import terminal site has largely been cleared of vegetation and soils I see no reason to impose such a condition. It will be for Gravesham Borough Council to decide whether such controls are necessary in the affected areas.
107. I am satisfied that the proposed development is acceptable in terms of its biodiversity impacts and would meet the requirements of the above policies subject to the imposition of a condition to secure an Ecological Management Plan (which would also address bat and mitigation strategies as necessary).

Landscape and visual impact

108. The main national planning policies relating to landscape and visual impact of relevance to the proposals are set out in PPS1 and MPS1. PPS1 promotes sustainable development, the protection and enhancement of the environment and the quality, character and amenity value of urban areas. MPS1 seeks (amongst other things) to protect and enhance the character of urban areas by careful planning and design of minerals development. Policy CA3 of the Kent Minerals Local Plan Construction Aggregates requires that proposed wharves are not unduly obtrusive in the landscape. Policies CA19 and CA20 seek to ensure that the siting and design of fixed plant and buildings at mineral sites is carefully controlled to minimise scale and impact and assist integration into the local landscape. Policy TC1 of the adopted Gravesham Local Plan First Review (1994) states that the design and massing of buildings should normally be in keeping with their surroundings. Policy TC10 states that details of landscaping proposals will normally be required for new developments. Policies MDS3, NE6 and BE1 of the Gravesham Local Plan Second Review Deposit Version (May 2000) are also relevant. Policy MDS3 states that proposals for the redevelopment Northfleet Cement Works should include open space and landscaping. Policy NE6 states that development on sites containing or directly adjacent to trees or hedgerows of amenity, wildlife or landscape value will only be allowed if these landscape features are protected and retained in the long term and all proposals for new development must incorporate new landscaping as an integral part of the

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scheme. Policy BE1 states that priority will be given to conserving and enhancing the built environment in urban areas and particular importance will be attached to the design of new development and environmental improvement schemes.

109. In considering the landscape and visual impact of the proposed development, regard must be had to the former use of the site as a cement works as well as existing, permitted and proposed development in the area (including the proposed mixed use development on the rest of the Northfleet Works site). The former cement works comprised very large older industrial and office buildings and built structures which were located at a lower level than much of the surrounding land. The proposed bulk aggregates terminal would comprise smaller buildings and structures of a similar nature on only part of the site and would have less landscape impact than the cement works. It would be bounded to the east by the bulk powders facility, to the south and west by new employment development and the north by the River Thames. The proposed enclosed aggregate storage building would be similar in scale and design to the existing bulk powders building (which has yet to be fully implemented). The applicant has suggested that various detailed design issues (e.g. the gatehouse / security lodge, fencing / other means of enclosure, parking areas, materials and colours) be reserved for future consideration.
110. No landscape or visual impact objections have been raised to the proposed development. KCC's Landscape Consultant has advised that the proposed development would provide some visual benefits compared to the previous use but has suggested that it would be beneficial if additional landscape planting could be incorporated into the design (possibly adjacent to the proposed Fastrack corridor). He has also advised that as the mixed-use development would provide much of the landscape setting for the proposal, the application needs to be considered in that context. Gravesham Borough Council's EHOs have requested that a detailed lighting scheme should be required prior to any lighting being used at the site.
111. I am satisfied that sufficient information has been submitted to enable an assessment of the landscape implications of the proposals to be made, that it would be appropriate to allow the various design details referred to above to be submitted at a later date and that this can be secured by condition. With the exception of a limited amount of hard and / or soft landscaping that could be accommodated within the bulk aggregates import terminal given the size and layout of the site, the nature of the proposed development and its relationship with existing and proposed employment uses (the details of which could be secured by condition) I am satisfied that no significant landscaping works are necessary in this case. The "Illustrative Master Plan" included on page C1.5 indicates that landscaping will be provided as part of the mixed-use development and I consider this to be the appropriate mechanism to secure landscaping in the area. I agree that detailed lighting proposals should be submitted for consideration and am also satisfied that this can be secured by condition. In addition to the landscape benefits, this would also serve to ensure that due consideration is given to potential visual amenity issues and that the interests of those living near the site are appropriately protected from potential light pollution.
112. Subject to the imposition of the above conditions (and further consideration of details

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submitted pursuant thereto) and the need or otherwise for additional landscaping being considered by Gravesham Borough Council as part of the mixed-use application (which I understand to be the case), I am satisfied that the proposed development would be consistent with the above policies.

Impacts on archaeology and buildings and other features of historic interest (including scheduled ancient monuments, listed buildings and conservation areas)

113. The main national planning policies relating to the historic environment (including archaeology, scheduled ancient monuments, listed buildings and conservation areas) are set out in PPS5. This contains a number of development management policies (HE6 to HE12) that set out the information required from applicants to enable an assessment of proposals, the principles for determining applications relating to all heritage assets or their settings (designated or otherwise) and the role of recording information relating to such assets. MPS1 also makes clear the need to adopt a presumption in favour of the preservation of listed buildings, nationally important archaeological remains (including scheduled ancient monuments) in situ, and their settings, if mineral proposals would cause damage or have a significant impact on them, unless there are overriding reasons of national importance for the development to proceed. Policy CA3 of the Kent Minerals Local Plan Construction Aggregates requires that proposed wharves do not adversely affect areas of conservation significance. Policies TC0, TC1, TC2, TC3, TC5, TC6 and TC7 of the adopted Gravesham Local Plan First Review (1994) are all relevant. These (*variously*) seek to conserve and enhance the built environment, protect listed buildings, conservation areas and scheduled ancient monuments and their settings and promote the identification, recording, protection and enhancement of archaeological sites, ancient monuments and historic landscape features and their educational, recreational and tourist potential through management and interpretation. Policies BE1, BE2, BE4, BE7, BE9 and BE10 of the Gravesham Local Plan Second Review Deposit Version (May 2000) are also relevant. These effectively cover the same issues as the adopted Plan.
114. No objections have been received from English Heritage subject to the protection of the two listed buildings (i.e. the lighthouse and war memorial) during demolition and redevelopment and the repositioning of the war memorial being secured via a listed building application (being dealt with by Gravesham Borough Council). It has also welcomed the proposed full record of structures on site and suggested that salvageable structures relating to the industrial heritage of the site should be re-used within the redevelopment of the area or housed within a local museum or archive. Gravesham Borough Council has recommended that a condition be imposed (see condition 18 in Appendix 2) requiring the recording / preservation of any remaining artefacts / materials within the application site associated with the former cement use.
115. No objections have been received from KCC Archaeology and Conservation subject to conditions to secure the recording of any archaeological interest revealed during the removal of that part of the Lawn Road chalk spine within the application site that would need to be removed to accommodate the rail sidings (as this includes some of the original / unexcavated landform), the protection and long term conservation of the

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listed lighthouse, the protection of the war memorial and its re-siting being guided by the need for public access and the need to retain the connection with the people who worked at the cement works during the wars and the recording of the heritage interest associated with the former cement works and the integration of this with the record and interpretation proposed for the mixed use development proposals on the grounds that although the mixed-use development proposals lend themselves better to providing for heritage interpretation as part of a long term vision for the site, something should also be done as part of the bulk aggregates import terminal. It also requested that the applicant discuss heritage issues with local groups in order to obtain useful information and for consideration be given, so far as possible, to the preservation of visible historic industrial features (e.g. railway lines) within the application site.

116. It is important that the listed lighthouse and war memorial be protected and I am satisfied that this can be secured by condition. Relocation of the war memorial will only be possible when listed building consent has been granted by Gravesham Borough Council. Whilst it is for the Borough Council to determine the degree of public access that should be afforded to the relocated war memorial, the location illustrated on the most recent masterplan is consistent with that proposed in the listed building application and appears capable of providing the accessibility sought by KCC Archaeology and Conservation. As there is the potential for that part of the Lawn Road chalk spine within the application site to contain archaeological interest, it would be appropriate for any such interest to be recorded as works progress. This can also be secured by condition. The applicant has already undertaken recording of heritage interest within the bulk aggregates import terminal site and proposes that this be combined with that for the mixed use development site and appropriate interpretation provided as part of the mixed use development proposals. I am satisfied that this is the appropriate means for dealing with the heritage interest in this case and am content to leave the detailed mechanisms for this to the Borough Council when it determines the mixed use development application. However, it would be appropriate to include in informative on any permission for the bulk aggregates import terminal reminding the applicant of these obligations. The applicant has discussed its proposals with local heritage groups to ensure that relevant information is captured and considered. However, it would not be practicable to preserve visible historic industrial features such as old railway lines within the application site as this would interfere with the proposed operations. Where possible, some features may be relocated for interpretative use elsewhere.
117. Subject to the above matters being secured by condition and the imposition of an informative reminding the applicant of its obligations relating to interpretation, I am satisfied that the proposed development would be acceptable in terms of archaeology and heritage issues and would accord with the above policies.

Groundwater and surface water impacts

118. The main national planning policies relating to groundwater and surface water interests (including flooding) of relevance to the proposals are set out in PPS23, PPS25 and MPS1. PPS23 sets out policies on pollution control (including those relating to water resource interests) that should be considered when determining

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planning applications and emphasises the need for close working between the planning and pollution control authorities. PPS25 sets out policies on appraising, managing and reducing the risk of flooding (tidal, fluvial or other) and emphasises the need to consult the Environment Agency on applications in order to avoid inappropriate development in areas at risk from flooding. Paragraph 17 of MPS1 states that consideration should be given (in association with the Environment Agency) to a range of issues relating to groundwater, surface water and flooding and ensure that any impacts of development relating to these are acceptable. Policies NE21 and NE23 of the Gravesham Local Plan Second Review Deposit Version (May 2000) respectively state that development will only be allowed if it does not result in a deterioration of quality of groundwater or surface water and that development within the tidal flood risk area will only be allowed if it can be demonstrated that it does not harm the integrity of any flood defence structure or the ability to carry out any flood control or maintenance work and provides a means of escape for non-residential uses in the event of a flood. Policy TR4 also specifically states that development that would affect the integrity of, or impinge on access to, the Thames tidal defences will not be permitted and that all works affecting these defences should be appropriately managed, designed and implemented.

119. The Environment Agency has no objection to the proposals in so far as they relate to groundwater and surface water issues (including potential flooding) subject to various conditions designed to ensure that these interests are protected (see paragraph 45 above). These include compliance with the submitted Flood Risk Assessment (FRA), a suitable surface water drainage system being installed and the temporary removal of any structures within 15m of the flood defence wall should this prove necessary to provide access for maintenance. Southern Water has no objection subject to the prior approval of details of surface water disposal and measures to divert and protect existing sewers and water mains on the site. All these issues are capable of being addressed by conditions.
120. The implications of the potential need for structures (e.g. fences and street furniture) to be temporarily removed in that part of the proposed Fastrack corridor within 15m of the flood defence wall has been discussed with the Divisional Transportation Engineer and the Fastrack Project Manager. It is understood that they are satisfied that access to the flood defence wall should be possible without needing to move street furniture but that any associated fences should remain in private ownership to avoid the possibility of the Highway Authority being liable for the costs of moving these. The details of the Fastrack route will be for Gravesham Borough Council to consider as part of the mixed use development proposals and I am satisfied that the County Council's interests can be satisfactorily secured by the Highway Authority as part of that process.
121. Subject to the imposition of the conditions to address those matters raised by the Environment Agency and Southern Water, I am satisfied that the proposed development would be consistent with the above policies.

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Rights of way

122. The main national planning policies relating to rights of way of relevance to the proposals are set out in PPS1, PPG13 and PPG17. PPS1 seeks to promote sustainable development by various means, including through the provision of access that avoids the need for vehicular transport. PPG13 promotes walking and cycling together with other measures designed to increase accessibility and reduce reliance on cars. Paragraph 32 of PPG17 states that rights of way are an important recreational facility which local authorities should protect and enhance and that opportunities to provide better facilities for walkers and cyclists by adding links to existing rights of way networks should be sought. Policy CA21 of the Kent Minerals Local Plan Construction Aggregates states that where proposals to supply construction aggregates could adversely affect a public right of way, the County Council will take account of the interests of its users. Policy LT8 of the adopted Gravesham Local Plan First Review (1994) seeks to maintain and improve the public rights of way network and, as opportunities arise, seek to provide new recreational footpaths and cycleways in the Borough. Policy R1 states that development in the commercial riverside should provide a public riverside walkway or riverside access where appropriate and consistent with safety. Policies LT11 and LT12 of the Gravesham Local Plan Second Review Deposit Version (May 2000) respectively state that development affecting a public right of way will only be allowed if it includes either its maintenance or diversion on a route no less attractive, safe and convenient for public use and proposals to improve and extend the existing network will be positively encouraged where they provide a shorter or more convenient route (in both cases, they should positively contribute to the Green Grid network and objectives). Policy TR3 also promotes public access to the riverside through the protection of existing rights of way and the provision of new footpaths and cycleways, including green grid connections.
123. As set out in paragraph 4 above, a number of public rights of way (footpaths) are affected by the proposed development. Whilst Footpath NU7A would not be directly affected, HGV and other traffic would continue to use the tunnel between Thames Way (A226) and Vineyard Pit immediately adjacent to it and users would continue to experience impacts associated with this. Footpath NU42 was temporarily closed until 1 October 2010 for health and safety reasons as a result of the demolition works. Gravesham Borough Council has requested that public access be retained along Footpath NU42 between The Shore and Lawn Road and that the developer be encouraged to provide an attractive sea walk as part of the redevelopment of the site. Following discussions with KCC Rights of Way, the applicant has recently made an application to the County Council for a further 18-month temporary closure of footpath NU42 between The Shore and Factory Road to enable the construction of the proposed rail sidings and allow recontouring works on part of the site. It proposes an alternative route via public highways between Granby Road, Northfleet High Street and Lawn Road. It is understood that this temporary arrangement is likely to be acceptable, although further discussions and detailed arrangements will be required for any period between this and when the proposed development is finally completed and a permanent new rights of way network established as part of the overall redevelopment of Northfleet Works (provided for as part of the mixed-use

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development proposals). Draft proposals being considered in the context of emerging Crossrail proposals indicate that a replacement footpath route for NU42 could be recreated between 42 Wharf and the proposed rail sidings. Ultimately, it is envisaged that footpath NU42 will be replaced by a pedestrian and cycle link forming part of the proposed Fastrack link. Any impacts on these rights of way need to be considered in the broader context of the previous use of the site and the improved footpath and other links proposed as part of both this and the mixed-use development proposals (including those associated with the Fastrack route).

124. The Divisional Transportation Manager's suggestion that cycle access be provided along footpath NU42 can only be addressed as part of the access arrangements associated with the mixed use development proposals and associated Fastrack route.
125. Subject to footpath NU42 and other existing public rights of way being kept free of obstruction and available for public use or suitable alternative arrangements being provided (such as those described above), I am satisfied that the proposed development would be consistent with the above policies. Protection of rights of way is dealt with under other legislation but it would be appropriate to reinforce this in this case by condition. The introduction of improved long term arrangements for pedestrians and cyclists as part of the mixed use development proposals (including that associated with the proposed Fastrack route) is welcomed.

Other issues

126. Ground stability (e.g. tunnels and cliffs): The main national planning policies relating to ground stability of relevance to the proposals (i.e. the potential instability of tunnels and cliffs) are set out in PPG14. PPG14 makes it clear that applications should include appropriate information on actual or potential instability, that decisions should have regard to these issues and that conditions should be used to secure any necessary controls or measures. There are no specific policies on ground stability in the Kent Minerals Local Plan Construction Aggregates or the Gravesham Local Plans.
127. As the proposed bulk aggregates import terminal does not lie immediately adjacent to the cliffs that surround most of Northfleet Works, the only part of the application site that could be affected by potential cliff instability is the main vehicle access which passes through two tunnels between the site and the A226 Thames Way. These are still in use and have been used for many years. There are cliffs above the tunnel portals. Although not part of the application site, the portals of the proposed rail tunnel between the site and Church Path Pit are also under exposed cliff faces. Although the vast majority of the cliff faces and tunnels associated with the former Northfleet Works lie within the mixed-use development application site, there are also a number of sub-surface voids (e.g. service and conveyor system tunnel and basements) under parts of the proposed bulk aggregates import terminal.
128. The application is supported by a land stability statement which recommends a range of active management and mitigation measures designed to ensure the continuing stability of the cliff faces. It also proposes the sealing and backfilling of tunnels not required for the proposed development. For those tunnels that would be retained as

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part of the development proposals, the statement recommends that detailed assessments of the condition and remaining design life be undertaken in order that the need for repair or further support and reinforcement can be established. The statement further recommends that a full investigation of the location, depth and condition of all sub-surface structures (including basements and tunnels) should be undertaken once demolition of existing structures has been completed and that a risk-management strategy for their backfilling to ensure long term stability be developed as part of the detailed design for the site.

129. KCC's Geotechnical Consultant (Jacobs) is satisfied with the suggested approach subject to these matters being secured by condition. It had also recommended that clarification be sought as to whether the retained road tunnels are to be adopted by the Highway Authority. Following discussions between Kent Highways and the applicant it has been agreed that the road tunnels should remain private and not be adopted (at least in terms of their use in connection with the bulk aggregates import terminal). In part, this reflects the acknowledged difficulties associated with bringing all of the tunnels up to adoptable standards as a result of their size and alignment. The Divisional Transportation Manager is satisfied with this approach provided his other requirements are met (including the need for the tunnels assessment, remedial works as necessary, an ongoing commitment to their upkeep to ensure that they remain available for use). The question of whether the tunnels should remain private if they are to be used by the public to access other development on the former Northfleet Cement Works and the detailed arrangements for cliffs and tunnels that have no impact on the bulk aggregates import terminal are matters that will need to be considered further by Gravesham Borough Council when it determines the mixed-use development application.
130. Ground contamination (past uses): The main national planning policies relating to ground contamination are set out in PPS23. This states that the potential for contamination to be present must be properly assessed and any necessary remediation or subsequent management measures secured when permissions are granted. Annex 2 to PPS23 sets out more detailed requirements for this. Policy NE15 of the Gravesham Local Plan Second Review Deposit Version (May 2000) states that development on or in the vicinity of land known or suspected to be contaminated shall be accompanied by the findings of an investigation and assessment identifying the extent and nature of contamination and outline remedial measures to avoid risk to future occupiers and the environment and that any agreed remedial measures must be satisfactorily implemented.
131. Both the Environment Agency and Gravesham Borough Council's Environmental Health Officers are satisfied with the submitted information on ground contamination and with the proposed remedial measures (subject to specific measures being implemented). I am satisfied that any issues relating to ground contamination can be addressed by condition(s).
132. Economic development (employment benefits): The main national planning policies relating to economic development of relevance to the proposals are set out in PPS4. Policy EC10 states that local planning authorities should adopt a positive and

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constructive approach towards applications for economic development and that applications that secure sustainable economic growth should be treated favourably. It also sets out a number of impact considerations that the proposal should be assessed against (e.g. limit carbon dioxide emissions, resilience to climate change, accessibility, economic and physical regeneration and local employment). These are complemented by the national objectives and policies for minerals planning in MPS1.

133. The proposed development would provide 99 full time equivalent jobs (see paragraph 25 above). Together with those permanent jobs that would be created as part of the employment element of the mixed-use development proposals, and temporary jobs associated with the development of both proposals, these would make a valuable contribution to local employment opportunities. The proposed bulk aggregates import terminal would also contribute to the physical redevelopment of the former cement works. The sustainability of the proposed development and its resilience to climate change have been addressed above. It is considered that the proposed development can be viewed favourably against these issues.

Port of London Authority (navigational equipment)

134. The Port of London Authority has requested that arrangements be made (via a legal agreement) to ensure that existing navigational equipment located on top of the existing multi-storey office block (which would be demolished) is satisfactorily replaced and operational before its loss. As stated in paragraph 9 above, an application has already been submitted to Gravesham Borough Council to relocate the equipment on land at 42 Wharf (application GR/09/385). I am satisfied that the Port of London Authority's concerns can be satisfactorily overcome by a condition requiring that the integrity or operation of its equipment is safeguarded.

Time for implementation

135. As noted at paragraph 32 above, the applicant has requested that the time limit for implementing any permission be extended to 7 or 8 years. Whilst I agree that 3 years would be unnecessarily short, I believe that a 5 year period would be appropriate in this instance. This should provide sufficient time for implementation without leading to unnecessary uncertainty about the redevelopment of the site. In coming to this view, I am mindful that the applicant need not initially construct all of the proposed development in order to implement any planning permission that may be granted. Indeed, subject to the outcome of any application that may be submitted by Crossrail (referred to in paragraph 9 above), the applicant has indicated that it may decide to initially only implement the rail sidings element of the proposed development and delay constructing the rest of the proposed bulk aggregates import terminal until after Crossrail has vacated the site. Although not directly relevant to the determination of the current application, this illustrates the potential complexities associated with the future development of the site.

Network Rail issues

136. As set out in paragraph 44 above, Network Rail has requested that a number of

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conditions be imposed. Having carefully considered these, I am satisfied that none are necessary as the proposed bulk aggregates import terminal would not adjoin the railway, a number of the activities referred to would not take place (e.g. blasting) and any operations required to reconnect the rail sidings to the rail network would have to be undertaken with the full cooperation of Network Rail. Some of the issues raised by Network Rail may be relevant to the mixed use development proposals. However, these are for Gravesham Borough Council to address when it determines that application.

Vermin control

137. One of the conditions proposed by Gravesham Borough Council (see condition 17 in Appendix 2) seeks the implementation of vermin control during demolition and construction phases in accordance with a scheme to be submitted to and approved by the County Council. Given that the vast majority of demolition has already occurred and there is little evidence of vermin within the application site, I see no reason to impose such a condition. If so minded, the Borough Council could impose its own conditions when determining the mixed use development proposals and could require that these apply to other land within the same applicant's control.

Cumulative impact

138. The environmental statement accompanying the application considers the cumulative impact of the proposed development with existing, permitted and proposed development (including, specifically, the mixed-use development proposals). It concludes that any cumulative impacts would not be significant and could be satisfactorily addressed by mitigation provided as part of each individual development. Having considered all of the above, I see no reason to depart from this conclusion.

Conclusion

139. For the reasons set out above, I am satisfied that subject to various conditions and the prior completion of a Section 106 Agreement to secure the Heads of Terms set out in Appendix 3, the proposed development accords with relevant development plan policies and that there are no material planning considerations that mean that planning permission should be refused. I therefore recommend accordingly.

Recommendation

140. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 3 and conditions covering amongst other matters: 5 years to implement the permission; maximum 3 million tonnes per annum imports; the prior approval of various details (including conveyors, gatehouse / security lodge, weighbridge, parking arrangements, external construction materials and fencing); the prior approval of a Code of Construction Practice (relating to air quality, noise, vibration, geotechnics and soil contamination and waste); crushed rock only stored outside the enclosed aggregate storage building exceptionally in the event of plant / equipment failure or unless

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otherwise agreed; protection of Port of London Authority radar equipment; the prior approval of a Tunnels Report (dealing with current condition, repairs / remedial measures, monitoring, maintenance and management of road and rail access tunnels and cliffs above their portals); hours of use (ship, barge and rail arrival, departure, loading and unloading and HGV movements being permitted 24 hours a day 7 days a week with all other activities restricted to between 0700 and 1800 hours Monday to Friday, 0700 and 1300 hours on Saturdays with no working on Saturday afternoons, Sundays, Bank and Public Holidays unless the prior written approval of the County Council has been obtained to depart from these hours); no more than 1.2 million tonnes of materials exported by road each year; safeguarding of Fastrack route; HGVs entering and leaving via Thames Way (A226) and only using The Shore, Granby Road and Crete Hall Road unless delivering locally, in emergencies or otherwise agreed beforehand); no more than 200 HGV movements between 0700 and 1000 hours and 1600 and 1900 hours in any one day; no more than 13,500 HGV movements in any one calendar month; rights of way being kept free of obstruction and available for use unless formal replacements are provided; the rating noise level not exceeding the background noise level by more than 3dB; measures being employed to minimise noise impacts of vehicles, railway locomotives and wagons, ships and barges, plant, machinery and other equipment; reversing vehicles and plant not emitting warning noise that is audible at noise sensitive properties; no commercial operations until a dust management plan has been submitted and approved; the implementation of flood risk and water protection measures; the submission and approval of a foul and surface water management scheme; the submission, approval and implementation of a contaminated land assessment scheme; archaeology; ecological mitigation, compensation and enhancement; landscaping scheme; and no external lighting until an appropriate scheme has been submitted and approved.

Case Officer: Jim Wooldridge

Tel. no. 01622 221060

Background Documents: see section heading.
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APPENDIX 1 TO ITEM C3

NOTES of a site visit held The Shore, Northfleet on Tuesday, 6 October 2009.

MEMBERS PRESENT: Mr R E King (Chairman), Mrs V J Dagger, Mr W A Hayton, Mr C Hibberd, Mr M Robertson, Mr C P Smith and Mr K Smith.

LOCAL MEMBERS: Mr L Christie and Mr H Craske.

OFFICERS: Mrs S Thompson and Mr J Wooldridge (Planning), Mr P Slaughter (Highways) and Mr A Tait (Democratic Services).

GRAVESHAM BOROUGH COUNCIL: Mr P Price.

THE APPLICANTS: Mr C Down (Lafarge Cement UK), Mr D R Wardrop (Lafarge Aggregates Ltd), Mr P Copsey (David Lock Associates) and Mr D Daniels (Daniel Daniels).

- (1) The Chairman explained that the purpose of the visit was for Members of the Planning Applications Committee to familiarise themselves with the site and its surroundings.
- (2) Mr Wooldridge briefly introduced the application for a bulk aggregates import terminal handling up to 3 million tonnes per annum and associated infrastructure including rail access. He said that the details of the application were set out in the briefing note which everyone had received.
- (3) Mr Wooldridge drew Members' attention to the parallel mixed-use development outline application submitted to Gravesham BC. This covered the rest of the Northfleet Works site and proposed about 500 dwellings, employment, retail and community floor space, as well as a footbridge link and transport infrastructure.
- (4) Mr Copsey (David Lock Associates) gave a presentation in which he outlined the key features of the Northfleet Works site. He said that the cement works was served by a 1 mile river frontage. This included 42 Wharf, which was 42m deep enabling most boats to berth. It was the most reliable wharf within the area of the Port of London Authority. 42 Wharf would be used to import and store crushed rock and sea-dredged aggregates. The application also proposed a washing plant and ready mix concrete plant. Aggregates would be transported onwards by road, rail and barge.
- (5) Mr Copsey said that the residential area of Northfleet was on higher ground with the industrial areas at lower levels. Ebbsfleet International Station was separated from the main works by higher land and Northfleet High Street.
- (6) Mr Copsey then said that the facilities for handling crushed rock at Northfleet would be modelled on those at Mount Sorrel Quarry in Leicestershire. He showed photographs of that facility, pointing out the main feature which consisted of the conveyer being brought into the building under the roof and emptied into the storage facility through a hopper. This would enable the entire storage operation for crushed rock to be totally enclosed.

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- (7) In response to a question from Mr Hayton, Mr Copsey said that the Lighthouse at 42 Wharf was a listed building. The First World War statue of Britannia was also a listed war memorial. There was also a Scheduled Ancient Monument (Aspdin's Kiln) off site which would be unaffected by the proposed development.
- (8) In response to a question from Mr Christie, Mr Copsey said that it was hoped that 40% of aggregates would be exported by rail. He continued by saying that there was a possibility of importing Crossrail tunnel arisings by rail to Northfleet (via the proposed sidings) from 2011 for use in raising land levels to the south of the site to enable redevelopment. He added that Union Railways had recently reinstated part of the rail link in Church Path Pit from the North Kent Line. He said that SEEDA was also looking into the possibility of connecting the site to the High Speed International Line.
- (9) Following the presentation, Members were taken to the roof of the main office building from where they had an overview of the site. They were then given a bus tour of the bulk powders terminal, viewed 42 Wharf and were taken to the footpath over Church Path Pit (through which rail access was proposed to the new bulk aggregates import terminal).
- (10) The Chairman thanked everyone for attending. He also thanked Lafarge for their assistance in enabling Members to gain an understanding of the scale and scope of the issues involved in the application.

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APPENDIX 2 TO ITEM C3

Planning conditions suggested by Gravesham Borough Council

- (1) No development shall take place until a comprehensive Code of Construction Practice has been submitted to and approved in writing by the County Planning Authority. The Code shall address the matters set out in paragraph 3.8 of the Environmental Statement Volume 1 – Text (dated March 2009) and include the mitigation measures set out in the following paragraphs of the Environmental Statement:
 - Paragraph 7.6. relating to air quality;
 - Paragraph 8.6 relating to noise and vibration;
 - Paragraph 12.6 relating to geotechnics and soil contamination;
 - Paragraph 13.6 relating to waste

The Code shall be implemented as approved unless otherwise agreed beforehand in writing by the County Planning Authority.
- (2) Measures/mitigation (including ongoing maintenance) to reduce squeal and vibration from rail use (if not covered by condition 1 above) and use of audible warnings (i.e. horns) shall be submitted for approval before the commencement of the development. Reference shall be made to the design measures that have been put in place on the railway to mitigate adverse noise/vibration effects as detailed in a separately prepared report produced by Robert Skene Consulting (RSC) including in ES Appendix D3. The measures and mitigation shall be implemented as approved unless otherwise agreed beforehand in writing by the County Planning Authority.
- (3) The hours of use of the bulk aggregates import terminal shall be restricted to normal working hours (to be defined) other than for any ship, barge and rail loading, unloading and shipment associated with the use.
- (4) Measures to minimise noise impacts of plant, machinery and other equipment(e.g. resilient noise dampening surfaces, etc) shall be submitted for approval. The measures shall be implemented as approved unless otherwise agreed beforehand in writing by the County Planning Authority.
- (5) A noise report showing that the rating level of the noise emitted from the built development (other than noise from the exit or entry of road vehicles), shall not exceed the existing background noise level by more than 3dB shall be submitted for approval to the County Planning Authority. The noise levels shall be determined at the points nearest to adjacent existing and proposed residential premises. The measurements and assessments shall be made according to BS4142:1997. No building works shall commence until approval of this report has been given by the County Planning Authority.
- (6) No lighting shall be installed until a suitable written report has been submitted to the County Planning Authority providing sufficient information as to what extent surrounding existing and approved light sensitive properties are to be affected by the

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lighting of the bulk aggregate import terminal and associated transport routes, demonstrating best practice and detailing what works are to be carried out to minimise light disturbance. The development shall not be lit until approval of the report is received from the County Planning Authority and all measures included in the approved plan have been put into place.

- (7) Storage facilities to be provided shall be of sufficient capacity having regard to the quantity of waste produced and the frequency of waste collection. All waste shall be removed from site on a regular basis by a licensed waste carrier and disposed of at a licensed waste disposal site.
- (8) No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and associated remedial strategy, together with a timetable of works, being submitted to the County Planning Authority for approval.
 - a) The contaminated land assessment shall include a desk study to be submitted to the County Planning Authority for approval. The desk study shall detail the history of the site uses and if necessary propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the County Planning Authority prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the County Planning Authority. The County Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the County Planning Authority.
 - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the County Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been

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carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

- f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the County Planning Authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the County Planning Authority.

- (9) A scheme for management and mitigation of traffic due to concentrations of nitrogen dioxide and PM10 (particularly as the levels of nitrogen dioxide in the area are only marginally below the objective are receptors along the B2175 through Northfleet and as additional traffic may cause the annual mean objective to be exceeded in some locations triggering the declaration of an Air Quality Management Area) shall be submitted for approval by the County Planning Authority. The measures shall be implemented as approved unless otherwise as agreed beforehand in writing by the County Planning Authority.
- (10) No more than four ship/barge deliveries per week, a limit on barge exports and no more than four train movements per day without the prior approval of the County Planning Authority having been obtained.
- (11) Full details of mitigation measures during operation of the bulk aggregates import terminal shall be submitted to the County Planning Authority before commencement of the development; such measures shall include the use of covered conveyor belts, fully enclosed stockpiles, and placing the screening within a building. The measures shall be implemented as approved unless otherwise agreed beforehand in writing by the Local Planning Authority.
- (12) Details shall be submitted for approval by the County Planning Authority of measures to address any impact on fugitive dust and PM10 emissions during demolition, construction or operation of the bulk aggregates import terminal. The measures shall be implemented as approved unless otherwise agreed beforehand in writing by the Local Planning Authority.
- (13) Open storage of crushed rock for operational reasons shall only take place on the site with the prior written agreement of the County Planning Authority.
- (14) A written dust control policy shall be submitted for the approval of the County Planning Authority before commencement of the development; the agreed policy shall be reviewed annually.

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- (15) The toast rack building (for the storage of crushed rock), the screening store, and the storage and washing plant shall be fully clad and enclosed before the aggregates terminal hereby permitted is first brought into use.
- (16) The mitigation measures in section 7.6 of the Environmental Statement to address concerns about fine particulates/dust associated with the unloading of the aggregates from the ships/barges and movement to and from stockpiles shall be implemented before the bulk aggregates import terminal is brought into use.
- (17) Vermin control during demolition and construction phases shall be implemented in accordance with details to be first submitted to and approved in writing by the County Planning Authority; such details shall include implementation of a strict baiting regime during all phases from demolition to operation and consideration of appropriate landscaping to avoid providing the ideal habitat for rats.
- (18) Any of the remaining historic artefacts within the site of the aggregates application associated with the past use of the site for the manufacture of cement shall be recorded and any materials shall be preserved.

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APPENDIX 3 TO ITEM C3

Heads of Terms for Section 106 Agreement

The applicant / landowner shall covenant as follows:-

- 1.1 On completion of the Section 106 Agreement to pay all of Kent County Council's reasonable and proper legal and administrative costs (including planning and highway costs) for the preparation and completion of the Section 106 Agreement.
- 1.2(a) To pay Kent County Council £245,000 (index linked to the Road Construction Tender Price Index from the date of the agreement) as a contribution towards Kent Thameside highway works with staged payments being made in the following way:-
- £21,000 on commencement of HGV movements associated with the operation of the Bulk Aggregates Import Terminal (BAIT);
 - A further £56,000 when the export of aggregates, sands and gravels and ready mixed concrete from the BAIT by road reaches 150,000 tonnes per annum;
 - A further £56,000 when the export of aggregates, sands and gravels and ready mixed concrete from the BAIT by road reaches 300,000 tonnes per annum;
 - A further £56,000 when the export of aggregates, sands and gravels and ready mixed concrete from the BAIT by road reaches 450,000 tonnes per annum; and
 - A further £56,000 when the export of aggregates, sands and gravels and ready mixed concrete from the BAIT by road reaches 600,000 tonnes per annum.
- 1.2(b) In the event that exports from the BAIT do not reach 600,000 tonnes per annum within 15 years of the first payment (such that not all of the £245,000 has been paid), to pay the outstanding balance in its entirety to Kent County Council.
- 1.2(c) In the event that the BAIT ceases to operate within 15 years of the first payment being made, no further payments will be made. If operations recommence, payments will resume in accordance with the principles set out in Clauses 1.2(a) and 1.2(b).
- 1.2(d) In the event that not all of the payments have been used or Kent County Council has not entered into a contract to spend these within 15 years of the date of the last payment, Kent County Council will repay any unused funds.
- 1.2(e) The contribution will be ring fenced to any or all of the following schemes: Thames Way Dualling; Ebbsfleet junction; Urban Traffic Management and Control (UTMC) (i.e. linking of Traffic Signal operations); or A2 demand management directly related to the aforementioned routes and junctions. The funds can be used for any

Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286

or all of the following activities: survey (site or traffic); traffic/transport modelling; design; utility diversions; construction; and works and measures required to enable construction.⁶

- 1.2(f) To give Kent County Council and Kent Highway Authority not less than 7 days prior written notice of the date of commencement of HGV movements associated with the operation of the BAIT and to provide Kent County Council and Kent Highway Authority with written details of the amount of exports from the BAIT by road 12 months after such commencement and each year thereafter until the entire £245,000 contribution has been paid.⁷
- 1.3 To operate in accordance with a Routing Strategy (which will be set out as a schedule in the Section 106 Agreement).

The Routing Strategy shall provide for HGVs entering and leaving the site primarily using the A226 (Thames Way) and A2260 (Ebbsfleet Gateway) to access the A2 (Ebbsfleet Junction) and avoiding the use of the A226 through the Borough of Dartford or other roads in the area where possible. It should also preclude the use of Grove Road and only allow for the use of The Shore, Granby Road and Crete Hall Road in emergencies or for local deliveries (to be defined).⁸ It should include some form of notification system, a way to inform drivers of potential problems with their usual routes with agreed alternatives and a means of monitoring and controlling HGVs. It should also include details of arrangements for when the preferred access route is temporarily unavailable such as during road closures or accidents and during the repair or maintenance on the vehicle tunnels.

- 1.4 To pay Kent County Council, on receipt of an invoice, Kent Highway Authority's costs in monitoring HGV movements during the peak hours⁹ and the Routing Strategy (provided for in Clause 1.3) for a period of 10 years from the commencement of HGV movements associated with the operation of the BAIT. The costs shall be limited to no more than £1,000 in any one year (index linked to the Retail Price Index).

⁶ Note: The £245,000 is based on a Strategic Infrastructure Transport Programme (STIP's) payment of £1,400 per HGV movement during the peak periods of 7am to 10am and 4pm to 7pm. Using 165 movements (arrivals and departures) this equates to £231,000. The 165 number reflects the estimated maximum of 200 HGV movements in the peak hours minus the 35 remaining from Bulk Powders Import Terminal. In addition, the contribution includes a payment of £2,000 per staff vehicle trip. Given 7 staff, this equates to £14,000.

⁷ These details would need to clearly indicate whether or not the next trigger is reached such that the payment should be made if it has not already been paid.

⁸ A reasonable definition would be for deliveries in the area to the east of the BAIT on land north of London Road (B2175) and Overcliffe (A226) and west of Bath Street (A226).

⁹ The planning permission will contain a condition restricting HGV movements to no more than 200 in any one day between 7am and 10am and 4pm and 7pm.

Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286

Kent County Council shall covenant as follows:-

- 2.1 To only use the payments referred to in Clause 1.2 above for the schemes and uses set out in Clause 1.2(d) and to repay any payments not used within 15 years of the date of the last payment to the applicant / landowner within 3 months of a written request for such by the applicant / landowner.
- 2.2 To provide the applicant / landowner with a copy of its assessment of HGV movements referred to in Clause 1.4 above within 3 months of a written request for such by the applicant / landowner.
- 2.3 To place payments on deposit pending utilisation and include accrued interest with any refund of unspent contributions.
- 2.4 To only use payments for their designated purposes.

Note: Likely signatories to any Section 106 Agreement are Kent County Council and Lafarge Cement UK.

Item C3**AS/10/1010 – Proposed extension to the period during which planning permission AS/06/4 may be implemented. Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.**

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2010.

AS/10/1010 – Application to vary condition (1) of Planning Permission AS/06/4 to extend the timescale for the implementation of planning permission AS/06/4 (The operation of a waste transfer station) until 8 May 2014. Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited. (MR. 921 674)

Recommendation: Permission BE GRANTED subject to conditions.

Local Member: Mr G Koowaree and Mr A Wickham

Classification: Unrestricted

Background

1. The application was considered by the Planning Applications Committee on the 2 November 2010 when Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO conditions in the resolution in paragraph 23 of the report attached in appendix 1 to this report. At that time the County Council determined the application on the basis that the South East Plan (May 2009) (i.e. the Regional Strategy) was no longer part of the development plan. The Secretary of State had announced that the Regional Strategies were to be revoked with immediate effect on 6 July 2010. This information had been relayed to all Local Planning Authorities by Steve Quartermain, Chief Planner, Department of Communities and Local Government in his letter of the same date.
2. As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, Steve Quartermain advised Local Planning Authorities and the Planning Inspectorate on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. Steve Quartermain also advised that: a proposed clause of the Localism Bill will enact the earlier commitment to abolish Regional Strategies; that the Bill is expected to begin its passage through Parliament before Christmas; and that this will return decision-making powers in housing and planning to local authorities.
3. He further advised that Local Planning Authorities and the Planning Inspectorate should still have regard to the above letter in any decisions they are currently taking. However, the Quartermain Letter is now being challenged in the High Court and must in my view carry very little weight until such time as the as the Court decision is known.
4. As the decision notice relating to this application had not been issued at the time of the judgement that the Secretary of State had acted beyond his powers in the revocation of the

AS/10/1010 – Proposed extension to the period during which planning permission AS/06/4 may be implemented. Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.

Regional Strategies, it is necessary to consider whether a different conclusion would have been reached had the policies of the South East Plan been considered alongside the previously existing development plan policies when members resolved to grant permission. The 2 November committee report is attached as Appendix 1. This further report considers the impact of the South East Plan now being part of the development plan. **In determining this application members should consider both reports.**

5. South East Plan

- Policy CC1 seeks to achieve sustainable development in the region and identifies priorities which amongst other matters reduce greenhouse gas emissions thus ensuring the South east is prepared for the inevitable impacts of climate change.
- Policy CC2 requires local authorities, agencies and others to develop policies which help reduce the region's carbon emissions.
- Policy W16 recognises the need for facilities, such as bulking and transfer stations, to minimise travel by smaller waste collection vehicles.
- Policy W17 recognises that many facilities will need to be developed close to the source of waste and will therefore generally be close to urban areas.

Discussion

6. Members will be aware that Section 38(6) of the Planning and Compulsory Purchase 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraph 6 above and paragraphs 6-8 of Appendix 1 are of greatest relevance. The key issue to consider as a result of the South East Plan still being part of the development plan is whether consideration of relevant policies in the Plan would lead to a different conclusion on the application to that reached at the November Planning Applications Committee.
7. The above policies help underpin the South East Plan's primary objective which is to help achieve more sustainable development by protecting the environment and combating climate change. When members were asked to consider the application at their meeting last month their attention was drawn to what the applicants considered were the advantages of being able to bulk up waste collected locally for onward transportation to the Waste to Energy Facility at Allington in terms of reducing vehicle miles and the amount of carbon emissions. These were the principle issues that were dealt with in my previous report in the context of both National Guidance and saved development plan policies within the Kent Waste Local Plan when members resolved to grant permission.

Conclusion

8. In my opinion the policies in the South East Plan as set out under paragraph 6 above add further strength to the case for permission to be granted. Accordingly in my view there are

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no justifiable grounds for refusal and I remain satisfied that the proposed development is in accordance with the development plan, gives rise to no material harm subject to the imposition of conditions that I would intend to attach to any permission, and there are no other material considerations that indicate otherwise. I therefore recommend accordingly.

Recommendation

9. I RECOMMEND that PERMISSION BE GRANTED to extend the timescale for the implementation of planning permission AS/06/4 until 8 May 2014 SUBJECT TO conditions covering amongst other matters; hours of working including peak hour restrictions, number of vehicle movements, landscaping and floodlighting, noise, dust and odour controls, archaeological investigations, drainage, footpath diversions, ecological mitigation, details of low energy internal lighting to be employed in the waste transfer building and details of the design of any heating to be employed within the waste transfer building prior to being installed which shall have regard to the BREEAM energy standards.

Case Officer: Mike Clifton 01622 221054

Background Documents: See Section Heading

APPENDIX TO ITEM C3

Item C3

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Item C2

AS/10/1010 – Proposed extension to the period during which planning permission AS/06/4 may be implemented. Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.

A report by Head of Planning Applications Group to Planning Applications Committee on 2 November 2010

AS/10/1010 Application to vary condition (1) of Planning Permission AS/06/4 to extend the timescale for the implementation of planning permission AS/06/4 (The operation of a waste transfer station) until 8 May 2014. Waterbrook Park, Waterbrook Avenue, Sevington, Ashford (MR. 921 674)

Recommendation: Permission BE GRANTED subject to conditions

Local Member: Mr G Koowaree and Mr A Wickham

Classification: Unrestricted

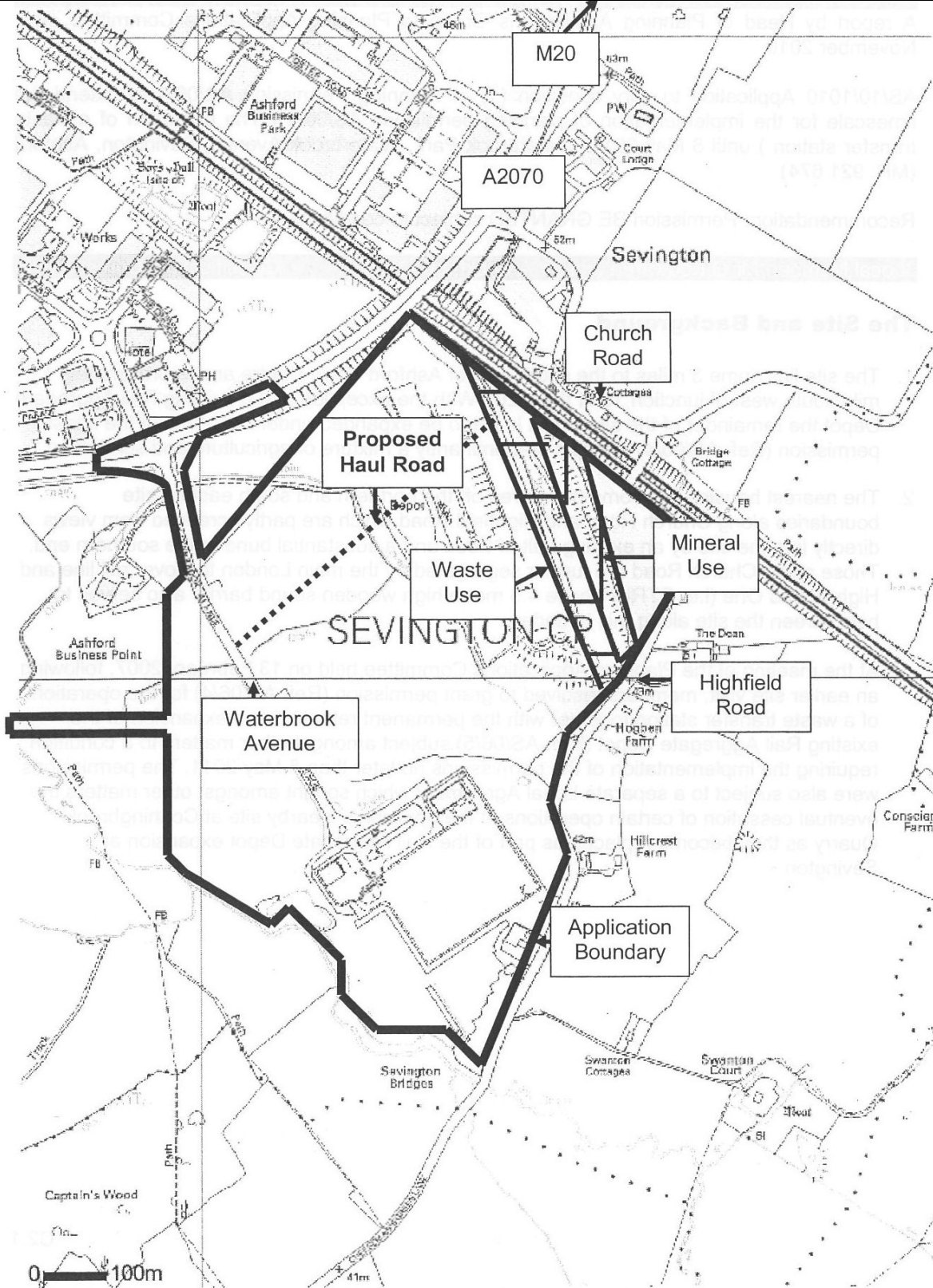
The Site and Background

1. The site lies some 3 miles to the south east of Ashford Town Centre and approximately 1 mile south west of junction 10 of the M20. With the exception of the existing Rail Aggregate Depot the remainder of the site which is yet to be expanded under the terms of the latest permission (Ref. AS/06/4) remains predominantly a mixture of agriculture and scrub land.
2. The nearest housing lies some 80 metres off the northern and south eastern site boundaries along Church Road and Highfield Road which are partly screened from views directly into the site by an existing belt of trees and a substantial bund at the southern end. Those along Church Road are further segregated by the main London to Dover rail line and High Speed One (i.e. CTRL) whose 4.5 metre high wooden sound barrier also serves to help screen the site along this boundary.

At the meeting of the Planning Applications Committee held on 13 February 2007, following an earlier site visit, members resolved to grant permission (Ref. AS/06/4) for the operation of a waste transfer station together with the permanent retention and expansion of the existing Rail Aggregate Depot (Ref. AS/06/5) subject amongst other matters to a condition requiring the implementation of the permissions no later than 8 May 2011. The permissions were also subject to a separate Legal Agreement which sought amongst other matters the eventual cessation of certain operations at the applicants' nearby site at Conningbrook Quarry as they become replaced as part of the Rail Aggregate Depot expansion at Sevington.

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3. At the meeting of the Planning Applications Committee held on 15 June 2010 permission was granted to extend the period during which the permission to retain and expand the existing Rail Aggregate Depot (Ref. AS/06/5) is required to be implemented until 8 May 2014. The existing Rail Depot was originally developed in 1987 to provide aggregates initially for the construction of the Channel Tunnel and whose permission was then subsequently extended to provide similar facilities for the CTRL. Having become an established site it has since provided an important strategic location for the distribution of aggregates onto the open market and this is reflected in the relevant development plan policy support which safeguards the site for such uses. In granting permission for extending the implementation of the existing permission members were mindful of the adverse effects the economic recession has had, particularly on the construction industry. They accepted the applicants assertion at that time that it was not economically viable for them to implement the permission pending an upturn in market conditions which in their opinion would not have returned to normal until after the existing permission had expired (i.e. 8 May 2011).

Proposal

4. Having received permission to extend the date by which the proposal to expand the existing Rail Aggregate Depot has to be implemented, in order to keep the existing permission for the waste transfer station live the applicants have now also formally applied to extend the date by which it has to be implemented until 8 May 2014 and which coincides with the latest date on which the adjoining Rail Aggregate Depot permission is also due to be implemented. In support of their application they make a similar case to that which they previously made in respect of their earlier Rail Aggregate Depot proposal as set out under paragraph 4 above in respect of the effects of the current economic downturn. In particular they draw attention to separate government guidance which has been produced specifically in relation to how Local Planning Authorities should consider and determine such applications where the aim should be to make it easier for both developers and LPAs to keep planning permissions alive for longer during the economic downturn. The intention being that they can then more quickly be implemented when economic conditions improve.
5. The applicants have also drawn attention to a report earlier this year by the Director of Environment, Highways and Waste to the Cabinet Member for Environment, Highways and Waste in respect of the procurement of a Waste Transfer Station and Household Waste Recycling Centre to serve the Ashford Area. The report makes reference amongst other matters to what is considered to be the current disadvantages of transporting Ashfords' waste in refuse collection vehicles (RCVs) to the Waste to Energy Facility at Allington. Firstly, because the carbon emissions from road transport are greater than they would be if the waste could be bulked-up locally for onward transportation in larger vehicles; secondly the journey times for refuse collection vehicles could be utilised towards more efficient refuse and recycling collection services to the public. The report also refers to an anticipated growth in housing in the Ashford area leading to an increase in demand for household waste services.

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National, Regional and Development Plan Policy

6. **Planning Policy Statement 10 (Planning for Sustainable Waste Management), Planning Policy Statement 23 (Planning and Pollution Control) and Waste Strategy 2007:** together provide for a more integrated and effective framework for delivering the significant expansion in new waste facilities required to meet EU obligations. PPS10 underlines the importance of planning for and consenting the necessary number and range of facilities in order to ensure that adequate provision is made for the future management of our waste.
7. **Saved Policies of the Kent Waste Local Plan (March 1998);**
 - Policy W9: Identifies the site as suitable in principle for proposals for waste separation and transfer.
 - Policy W18: Requires that waste management operations can be properly controlled to ensure there are no adverse effect from noise, dust or odours particularly in respect of its potential impact on neighbouring landuses and amenity.
 - Policy W22: Requires that a satisfactory means of access to the site can be provided including any offsite improvements if they are considered necessary and the number of vehicle movements that would be generated by the proposal can be safely accommodated on the local highway network having regard to the existing network capacity.

Ashford Borough Council Local Development Framework Core Strategy July 2008.

8. Identifies strategic locations at the edge of Ashford which are aimed at meeting Ashford's role as a growing sustainable community and where at Waterbrook Park mixed uses of employment are proposed. Policy CS10 requires all major developments to incorporate sustainable design features with a strong emphasis on energy, water and materials with the aim of reducing carbon emissions.

9. Consultations

Ashford Borough Council: Raise no objection in principle subject to

The imposition of a planning condition to secure compliance with Policy CS10 (A) and (B) of the Core Strategy 2008 and a Section 106 Obligation to secure any necessary financial contribution into the Ashford Carbon Fund as required by Policy CS10 (C)

The re-imposition of all other relevant conditions on permission AS/06/4.

A deed of variation of the existing Section 106 Agreement dated 6th May 2008, or a new

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Section 106 Agreement being entered into to secure the cessation of uses at Conningbrook if this permission is implemented unless the County Council is satisfied that the uses at Conningbrook are not duplicated by the use at Waterbrook, that there are no adverse impacts arising from the release of this obligation and there are no highway implications to the continuation of the uses at Conningbrook and no other adverse planning impacts arising from the release of this obligation.

Highways Agency: No objection

Kent Highway Services: No objection

Mersham & Sevington Parish Council: No comments received to date.

Local Members

10. The two local Members Mr Andrew Wickham and Mr George Koowaree were notified of the applications initially on 21st July 2010. To date I have not received any written comments from them.

Representations

11. The application was advertised in the local press and notices were posted on site. In accordance with neighbour notification procedures I also wrote to 14 properties in the surrounding area. As a result I have received one letter of representation objecting on the grounds of noise, dust and increased heavy traffic to the area.

Discussion

12. Section 38 (6) of the Planning and Compulsory Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore in considering these applications the policies referred to under paragraphs (7) to (9) are particularly relevant.
13. When members were minded to grant permission for the last application to operate a waste transfer station at the site regard was had to the policy support given at both the national, regional and local level for the development of such facilities. Furthermore, at that time it was recognised that there were sound planning reasons for the establishment of a facility at this location, particularly given the longer term growth aspirations of the town in order to allow the handling of Ashfords' future waste arising in a more efficient manner. In my opinion this position has not changed and the site remains an important strategic location to allow for the bulking up and transfer of Ashfords' waste. Also, as referred to in paragraph 6. above this view has previously been made in a report to the Cabinet Member for Environment, Highways and Waste, particularly regarding lorry journeys where currently

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Ashfords' municipal solid waste is transferred in RCVs to Allington some 30 kilometres distant (i.e. a 60 km round trip).

14. Following formal consultations and publicity on the proposal, with the exception of one local resident no objections have been raised. With regard to the consultation response from Ashford Borough Council, firstly in respect of the need to comply with Policy CS10 of their Core Strategy 2008. Policy CS10 requires that all major developments incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford. To achieve this developments are expected to focus on a combination of energy and water efficiency, sustainable construction materials and waste reduction. They should therefore seek to reduce carbon dioxide emissions through on-site sustainable energy technologies. Together these are expected to result in developments being carbon neutral and should there be any shortfall a financial contribution will be sought into the Ashford Carbon Fund.
15. Having regard to policy CS10 of Ashfords' Core Strategy I am mindful in respect of the proposed design of the waste transfer hall itself that it will consist of a clad steel frame building with little artificial lighting and no heating as large roller shutter doors will be periodically opening and closing during working hours. Furthermore, as discussed in paragraphs 6 above, the entire concept of a waste transfer operation is that it will provide a much more efficient means of handling and transferring waste. Most fundamentally in my opinion, in the context of Policy CS10 of the Core strategy, this would result in a substantial reduction in lorry journeys with a corresponding reduction in carbon dioxide emissions. In this context it is my opinion that it would not be appropriate in this particular case to seek a financial contribution from the applicant towards the Ashford Carbon Fund. However, in order to ensure the proposed facility incorporates sustainable design features, should members be minded to grant permission then I would recommend that conditions be imposed requiring prior to construction of the waste transfer hall, the submission and approval of a scheme of low energy lighting together with a scheme of odour control. Where this involves the use of water it should be required to demonstrate that it will incorporate low water usage. I would also recommend a condition stipulating that no heating shall be installed or used within the building without the prior approval of the waste planning authority, such scheme shall be designed such that it meets the BREEAM¹ 'Excellent' standard for 'energy' credits set out in Policy CS10 of the Ashford Bough Council Core Strategy.
16. With regard to Ashford Borough Council's comments in respect of the consideration of a need for either a deed of variation to the Section 106 Agreement attached to the existing permission or a new Agreement being entered into. The original Agreement was drawn up specifically to prevent the applicant from operating concurrently similar facilities at their sites at Conningbrook Quarry (i.e. Rail Aggregate Depot, Concrete Batching Plant and Construction and Demolition Waste Recycling Facility) and a then unimplemented permission at Chart Leacon (i.e. Waste Transfer Station) with those proposed at Sevington. This was in order to overcome what would otherwise have attracted a formal objection from the Highways Agency on the basis that at that time it was considered junction 10 of the M20

¹ Building Research Establishment Environmental Assessment Method

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- Motorway was operating at full capacity whose vehicle numbers included those associated with the applicants' existing site at Conningbrook and could potentially also have included vehicles associated with the Chart Leacon. The requirements of the Section 106 Agreement therefore ensured there would be no net increase in vehicles using junction 10 as a result of the proposal at Sevington.
17. Just prior to the completion of the Section 106 Agreement the permission for the waste transfer station at Chart Leacon expired and therefore no reference was made to it in the completed version. On this basis given that the original intention was to avoid the duplication of the uses permitted at Chart Leacon occurring at Sevington, there is no longer any need to continue to secure this by Agreement in the event that permission is granted to this latest application. Furthermore, given that the existing uses at Conningbrook do not include a waste transfer station, in my opinion there are no sound planning reasons for requiring their cessation upon the implementation of any future waste transfer operation at Sevington.
 18. With regard to concerns raised in the representation I have received from a local resident in respect of noise, dust and the increase in traffic to the area, firstly noise. In my opinion given the existing impacts to those properties located nearest to the site from the main London to Dover rail line and the CTRL, and having regard to the noise generated from the existing traffic on the M20 and A2070, it is unlikely there would any material increase in noise levels experienced at these properties. Furthermore, the potential impacts from noise were considered during the determination of the original planning applications to expand operations at the site when the County Council's noise advisor Jacobs, concurred with this view. In my opinion there have been no material changes in circumstances to alter this view since members made the decision to grant the original permissions.
 19. In terms of the potential impacts from increased traffic in the area no objections have been received from consultees on highway grounds. As discussed in paragraphs 17 and 18 above, given there will be no overall net increase in traffic in the area in my view there are no overriding objections to the proposal on highway grounds.
 20. Potential impacts from dust were also considered during the determination of the original planning applications where it was considered that provided the proposed dust controls which included the employment of spray mist systems were secured by condition, there would be no adverse effects from dust. In the event that members are minded to grant permission I would recommend the re-imposition of conditions previously imposed to control operations at the site including those to ensure no nuisance is caused by dust.
 21. As mentioned in paragraph 5 above, separate government guidance has been produced specifically in relation to how Local Planning Authorities should consider and determine such applications. This includes measures simplifying the procedure for both developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. There are two principle changes that have been introduced which differ fundamentally from the way in which normal applications are required to be considered. Firstly, LPAs are advised to take a proportionate approach to consultation and in deciding which bodies to consult are asked to

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take account of who had a particular interest, or raised concerns about the proposal at the time of the original application. Linked to this, LPAs are asked to take a positive and constructive approach towards such applications, in particular they should have regard to the fact that the development proposed in an application for extending the implementation date would by definition have been judged acceptable at the time at which it was first granted permission. Therefore unless there have been any material changes in circumstances LPAs would normally be expected to be supportive of such proposals. In my view, having regard to responses from consultees, since the original application was granted permission there have been no material changes in circumstances that would lead me other than to conclude that the proposal is acceptable in planning terms.

Conclusion

22. The site represents a primary strategic location which in my view will gain greater importance in the context of Ashford's role as a growing sustainable community and where it is anticipated that this will lead to an increase in demand for household waste services. I am satisfied that provided appropriate conditions are imposed controlling operations, there are no overriding objections to the application which is consistent with both national and regional guidance together with the relevant development plan policies against which these types of developments should be considered.

Recommendation

23. I RECOMMEND that PERMISSION BE GRANTED to extend the timescale for the implementation of planning permission AS/06/4 until 8 May 2014 SUBJECT TO conditions covering amongst other matters; hours of working including peak hour restrictions, number of vehicle movements, landscaping and floodlighting, noise, dust and odour controls, archaeological investigations, drainage, footpath diversions, ecological mitigation, details of low energy internal lighting to be employed in the waste transfer building and details of the design of any heating to be employed within the waste transfer building prior to being installed which shall have regard to the BREEAM energy standards.

Case Officer: Mike Clifton 01622 221054

Background Documents: See Section Heading

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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 other documents as might be additionally indicated.

Item D1

Installation of a wind turbine, Aldington Primary School, Roman Road, Aldington – AS/10/1211

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2010

Application by Aldington Primary School for the installation of a Proven 15kw wind turbine on a 15m mast in the playing field at Aldington Primary School, Roman Road, Aldington, Ashford, TN25 7EE – AS/10/1211

Recommendation: Permission be granted subject to conditions

Local Member(s): Mr A.Wickham

Classification: Unrestricted

Background

1. The application was considered by the Planning Applications Committee on 2 November 2010 when Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO the final comments from Jacobs Noise and conditions. At that time the County Council was working on the basis that the South East Plan (May 2009) (*i.e. the Regional Strategy*) was no longer part of the development plan because the Secretary of State had announced that Regional Strategies were revoked with immediate effect on 6 July 2010. This information had been relayed to all Local Planning Authorities by Steve Quartermain, Chief Planner, Department of Communities and Local Government in his letter of the same date.
2. As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies were re-established as part of the development plan on 10 November 2010. Notwithstanding this, Steve Quartermain advised Local Planning Authorities and the Planning Inspectorate on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. Steve Quartermain also advised that: a proposed clause of the Localism Bill will enact the earlier commitment to abolish Regional Strategies; that the Bill is expected to begin its passage through Parliament before Christmas; and that this will return decision-making powers in housing and planning to local authorities. He further advised that Local Planning Authorities and the Planning Inspectorate should still have regard to the above letter in any decisions they are currently taking. The weight to be

**Installation of a wind turbine, Aldington Primary School,
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given to the letter at this time must be very little bearing in mind the Cala Homes decision. As the Bill progresses through Parliament then greater weight will be accorded to it as a material consideration.

3. As the planning permission for the turbine had not been issued before the date of the High Court decision, it is necessary to consider whether a different conclusion should be reached on the proposals as a result of the South East Plan still being part of the development plan.
4. The 2 November 2010 Committee report is attached as Appendix 1. It should be noted that the final comments from Jacobs Noise have now been received and are as follows:
 - Having reviewed the day-time noise readings there is a high probability that noise levels at night would be acceptable.
 - Noise levels at high wind speeds are high in the locality, indicating that they are more effected by wind noise (leaf rustle, tree movement) so would therefore unlikely to be markedly different at night time.
 - After considering the above, and the attachment of conditions this would provide sufficient control over the use of the proposed wind turbine during the day and night.
 - Support the condition “*During the day-time periods defined by ETSU-R-97, external free-field noise levels emanating from the use of the wind turbine shall not exceed either 35dB LA90, or more than 5dB above the prevailing background noise level (LA90), whichever is the higher, at sensitive receptors for wind speeds up to 12m/s at 10m height. During the night-time periods, as defined by ETSU-R-97, external free-field noise levels emanating from the use of the wind turbine shall not exceed either 43dB LA90, or more than 5dB above the prevailing background noise level (LA90), whichever is higher, at sensitive receptors for wind speeds up to 12m/s at 10m.*”
 - Any assessment of noise impact from the wind turbine shall be undertaken in accordance with ETSU-R-97.
 - In achieving the above condition, it would not be necessary for the turbine to be switched off at night, however it puts emphasis on the Applicant to ensure that the turbine noise does not exceed these limits.

South East Plan (May 2009)

Note that following the recent successful Cala Homes High Court challenge over the earlier abolition of the South East Plan, the South East Plan now forms part of the Development Plan again. In addition, Local Planning Authorities should have regard to the Department for Communities and Local Government Chief Planners advice that the Government intends to revoke the South East Plan via the Localism Bill. This advice is, however, subject to a further challenge and this advice must carry very little weight until such time as the court decision is known.

5. This further report considers the impact of the South East Plan still being part of the development plan. In determining this application, Members should consider both reports.
6. The most relevant policies are: CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), NRM11 (Development Design for Energy Efficiency and Renewable Energy), NRM13 (Regional Renewable Energy Targets), NRM14 (Sub-Regional Targets for Land Based Renewable Energy), NRM15 (Location of Renewable Energy)

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Development), NRM16 (Renewable Energy Development Criteria), S6 (Community Facilities).

Discussion

7. The key issue to consider as a result of the South East Plan still being part of the development plan is whether consideration of relevant policies in the Plan would lead to a different conclusion on the application. I consider each of the above South East Plan Policies in turn.

South East Plan

8. **Policy CC1: Sustainable Development** states that the principle objective of the plan is to achieve and maintain sustainable development. The proposed wind turbine would serve to meet the identified priorities by
- Contributing to sustainable resource use
 - Reducing greenhouse emissions associated with the region
9. **Policy CC2: Climate Change** creates a positive duty for measures to mitigate and adapt to climate change to be adopted through the adoption of planning policy and other mechanisms. The proposal would contribute to these policy aims by helping to reduce the carbon dioxide emissions associated with Kent. Policy CC2 places a duty on planning authorities to encourage the use of renewable energy as a method of mitigation.
10. **Policy CC3: Resource Use.** A sustained programme of action to help stabilise and reduce the regions carbon footprint should be incorporated into plans and programmes. The proposed development would fulfil the stated actions by adapting an existing development to reduce its use of energy and other resources, and demonstrate a change in behaviour.
11. **Policy NRM11: Development Design for Energy Efficiency and Renewable Energy** places a duty on local authorities to promote and secure greater use of decentralised and renewable energy.
12. **Policy NRM13: Regional Renewable Energy Targets** sets numerical energy targets for regions to achieve in terms of electricity production from renewable energy sources. Although the contribution from the proposed wind turbine would be small, it would make a contribution towards these goals.
13. **Policy NRM14: Sub Regional Renewable Energy Targets** sets energy production from renewable sources targets on a sub-regional level. The proposed wind turbine would provide a contribution to these targets. It would also serve to assist in one of the stated aims by *'raising awareness, ownership and understanding of renewable energy'*. It can be argued that the development of a wind turbine at a school would be a good opportunity to raise awareness and understanding through the use as an educational tool, and thereby help renewable energy become the 'norm' for future generations.
14. **Policy NRM15: Location of Renewable Energy Development.** This policy states that within national designations such as Areas of Outstanding Natural Beauty, renewable energy development should generally be of small scale. Proposals close to the boundary should not undermine the objectives that underpin the objectives of that designation. The proposed development would be close to the Kent Downs AONB, but is within a Special Landscape Area (Policy EN27 of the Ashford Local Plan). In my opinion the turbine would

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not impact on the AONB due to the existing topography and density of woodland screening views into, out of the AONB, from this area. The issue of visual impact on the wider landscape, and immediate landscape (covered by the SLA), was discussed in the previous report in relation to other development plan policies, and therefore is not significantly altered by this policy consideration.

15. **Policy NRM16: Renewable Energy Development Criteria.** Local authorities, in their decisions, should in principle support the development of renewable energy development. Proposals should be considered on their individual merits with regard to scale, location, technology type and cumulative impact. The previous Committee report on this proposal addressed these factors as part of the normal considerations looked at during the planning application process. However, this policy does promote a duty that Local Authorities should support the principle of renewable development.
16. I conclude that the above policies of the South East Plan would not materially affect the decision made at the previous Committee Meeting, and the policies and material considerations considered within the previous report on this proposal. The policies in the South East Plan do in fact give more weight to support the proposal, and the proposal would go some distance in serving to meet policy objectives contained within the Plan.

Noise

17. Since the report on the application to the 2 November Planning Committee meeting, Jacobs Noise have submitted final comments regarding the noise information submitted by the applicants. The comments are outlined above, and go further in providing assurances that the amenity of the locality can be protected by condition. I would recommend that the condition proposed by Jacobs Noise is adopted if permission is granted.

Conclusion

18. In light of the re-emergence of the South East Plan, I remain satisfied that the proposed wind turbine would be acceptable in policy terms, and is in fact materially supported by policies within the Plan. The final comments from Jacobs Noise provide additional reassurance that the recommended conditions would help to protect residential amenity.

Recommendation

19. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the following conditions:
- Standard time condition for implementation;
 - Development to be in accordance with the approved plans
 - The recommended noise condition;
 - That in the event of complaints relating to noise then a consultant be employed to measure the impacts; and
 - That ecology advice is sought in the event of dad bats being found on site.

Case Officer: Jeff Dummett

Tel. no. 01622 221058

Background Documents: AS/10/1211 Report for 2 November Committee
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Appendix

- Report for AS/10/1211 2 November Planning Committee

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Appendix 1 – Previous Committee report

SECTION D DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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 other documents as might be additionally indicated.

Item D1

Installation of a wind turbine, Aldington Primary School, Roman Road, Aldington – AS/10/1211

A report by Head of Planning Applications Group to Planning Applications Committee on 2 November 2010

Application by Aldington Primary School for the installation of a Proven 15kw wind turbine on a 15m mast in the playing field at Aldington Primary School, Roman Road, Aldington, Ashford, TN25 7EE – AS/10/1211

Recommendation: Subject to the views of Jacobs noise - permission be granted subject to conditions

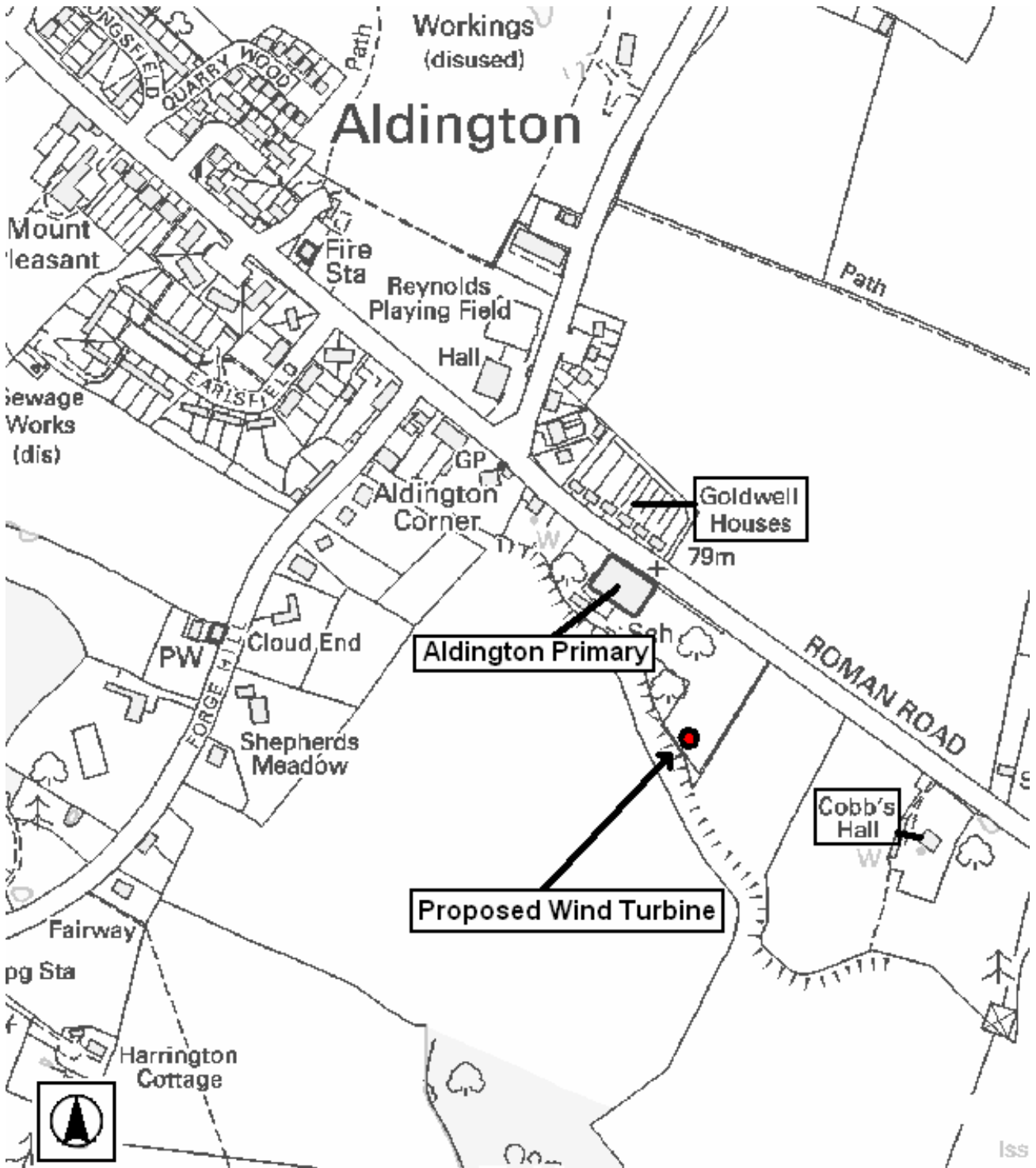
Local Member(s): Mr A.Wickham

Classification: Unrestricted

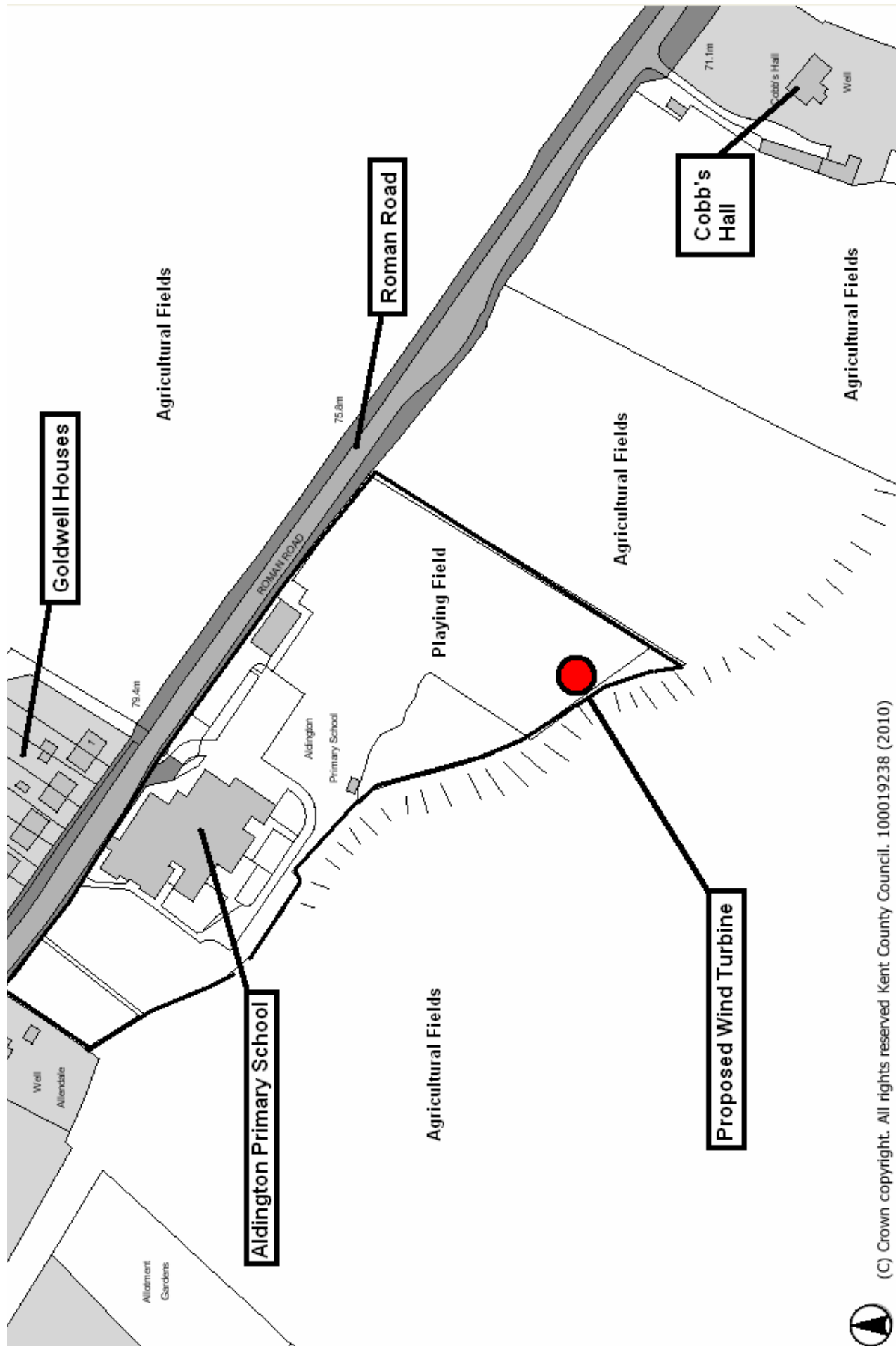
Site

1. Aldington Primary School is located on the south eastern edge of the village of Aldington, along Roman Road. The school was built in 1842 and is of traditional Victorian brick construction, similar to other village schools of this age around the county. In 2004, the facilities were updated with the construction of new modern classrooms and a hall. There is also a temporary modular classroom building which is used as a pre-school and for after-school clubs.
2. The school site is 'wedge' shaped, with the buildings occupying the narrower end closest to the built development of Aldington village. The grounds open up to the south east into a playground area, and a grass sports pitch with agricultural fields beyond. The grounds are bordered by Roman Road along the northern edge, agricultural fields to the east, and a steep scarp slope to south which drops down to more fields. The school therefore has an elevated position, at the top of the slope, with views down towards the Romney Marsh. The main school buildings are set back and screened by established trees, so are not visible when looking towards the scarp slope.
3. The wind turbine is proposed to be located on the edge of the school playing field, overlooking the slope to the south. The location is approximately 90m from a mobile classroom, 100m from the main school buildings, and 140m from the residential properties on the opposite side of Roman Road, known as Goldwell Houses. The closest residential property across open ground is Cobb's Hall, 180m east of the proposed turbine. The Saxon Shore Way follows a line across the valley below the site, 250m south of the proposed development, and there are a number of other public rights of way in the area.

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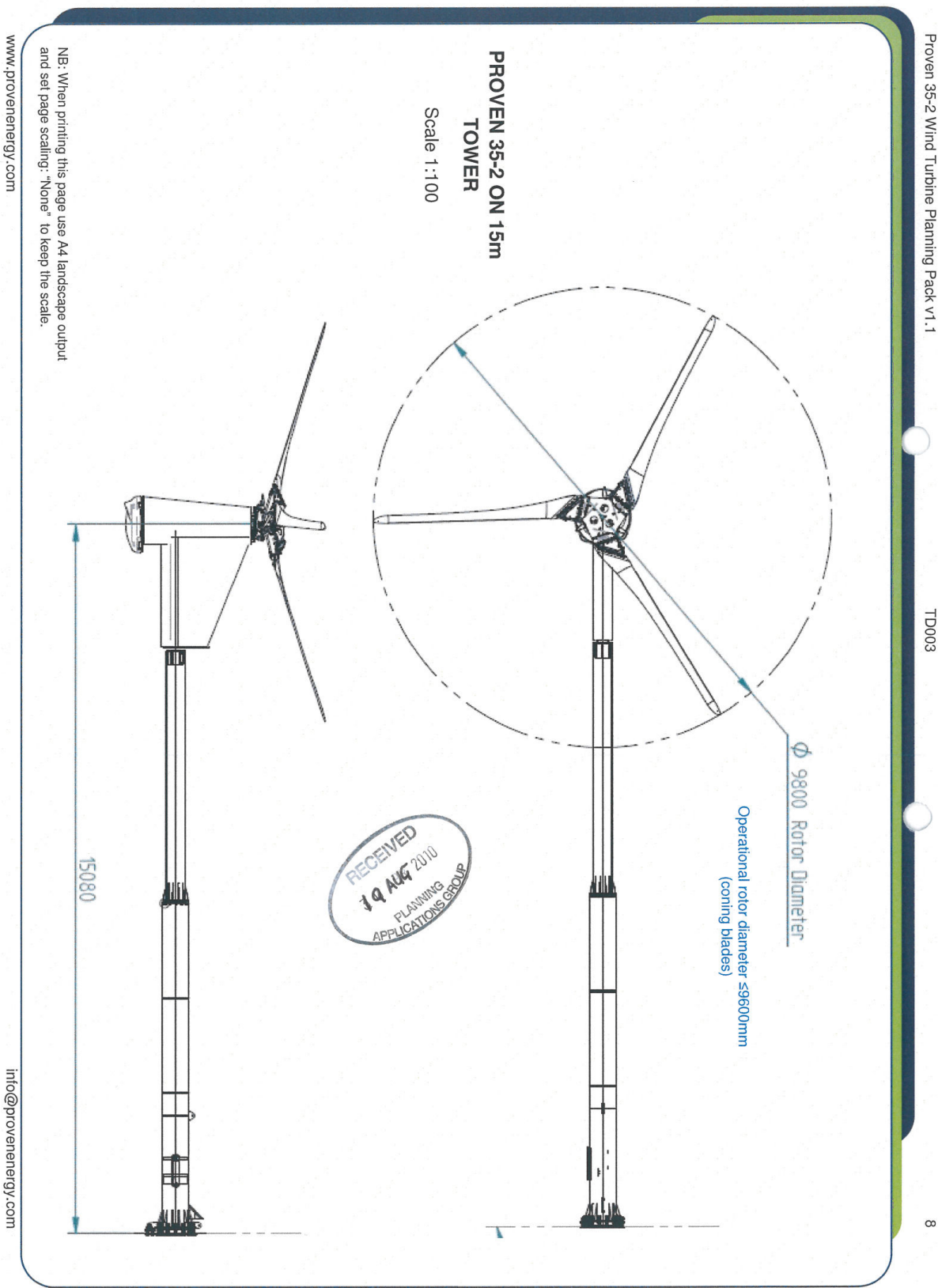
Installation of a wind turbine, Aldington Primary School, Roman Road, Aldington – AS/10/1211



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Installation of a wind turbine, Aldington Primary School, Roman Road, Aldington – AS/10/1211



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4. Recent planning history includes an application submitted earlier this year for the installation of solar voltaic panels and a wind turbine. This application was amended to remove the wind turbine element in order for the applicant to conduct ecological and noise surveys. The current application is the resubmission of the wind turbine with the additional information. In 2003 the School was granted permission for an extensive modernisation program with a large new classroom block and hall. In 2005 a mobile building was granted temporary permission to be used as a pre-school and after school club.

Proposal and Background

5. This application is for the installation of a 15kw wind turbine installed on a 15m mast in the playing field of Aldington Primary School. The turbine blades are proposed to be 9.8m in diameter, installed onto a hub fixed at a height of 15m on the proposed mast. This gives the wind turbine a total maximum visible height of 19.9m.
6. The mast is proposed to be fixed to the ground on a supporting two-tier foundation: the lower tier measures 4.8m x 4.8m and would be submerged below the topsoil, leaving only the upper tier (1.5m x 1.5m) visible. This area would then be enclosed by a 1.2m open slat fence, with a gate to allow maintenance access.
7. The application states that the mast would be finished in grey zinc coated finish, and that the turbine hub and blades can either be finished in black or white.
8. Aldington Primary have stated that they are applying for the wind turbine as they are a designated 'Green Flag Eco School' and won a Big Lottery Sustainable Energy Programme Grant in order to assess the site's suitability for accommodating renewable energy technologies. Subsequently the School secured funding and grants to install solar PV panels and a small wind turbine. The solar PV panels have been granted planning approval under a previous application (AS/10/553) and now the School is seeking consent for a wind turbine. The wind turbine was originally included within the application AS/10/553, however this element was withdrawn from the proposal in order for the applicants to produce biodiversity and noise data. In order to avoid duplication and wasting resources, technical consultation responses to the previous application were used in the consideration of the current proposal.
9. The applicant has stated the proposed turbine would be used to generate electricity to supply the school, with any excess being sold to the grid. The application states that the potential generation could be 28,000kwh. Further to this, they intend to use the turbine as an educational tool and as a method to demonstrate the Eco Schools Green Flag Status. The School has also stated that the wider aims of the turbine would be to reduce the carbon footprint of the school and contribute to wider renewable energy targets and help to reduce greenhouse gases and mitigate the impacts of climate change.

Planning Policy

10. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) **National Planning Policy Statement 1: Sustainable Development**

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It is the overarching requirement of the planning system to deliver sustainable development; to address the impacts of climate change and ensure a reduction in emissions; to encourage the mitigation of climate change through the use of renewable energy.

- (ii) National **Planning Policy Statement 7: Sustainable Development in Rural Areas**
The Planning system should seek the conservation of the natural beauty of the landscape and countryside, and provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22
- (iii) National **Planning Policy Statement 22: Renewable Energy**
Small scale renewable energy developments can provide a limited but valuable contribution to overall outputs of renewable energy and that Planning Authorities should not refuse applications because a proposal only provides a small output.
- (iv) The adopted **Ashford Borough Local Plan 2000 Saved Policies**

Policy EN9 Development proposals which would damage significantly buildings, landscape features, or important views, which contribute to the settings and entrances of towns and villages will not be permitted.

Policy EN27 Long term protection will be given to Special Landscape Areas and other important landscape features. Priority will be given over other planning considerations to the conservation or enhancement of natural beauty, including landscape, wildlife and geological features. Due regard will be had to the economic and social well-being of the area.

Policy CF8 Proposals to harness renewable energy sources will be permitted where:
a) there would be no significant adverse impact on the landscape or features of natural, historical, cultural or archaeological interest; and, b) there would be no significant adverse impact on existing uses, for example, through visual impact, noise or traffic generation.

Consultations

11. Ashford Borough Council – raises no objection to the proposed development subject to the following conditions

- The turbines hereby permitted shall be finished in a colour, details of which shall be submitted to and approved by the Local Planning Authority in writing before any works are commenced. The approved colour scheme shall be fully implemented before the development is brought into use and thereafter maintained.
- A suitably worded condition requiring maximum day and night noise levels to be agreed and for the operator to employ a consultant at the request of the Local Planning Authority (following receipt of a noise complaint) to assess noise levels from the complainant's property relating to the turbine - the monitoring protocol to be previously approved by the Local Planning Authority. Reason: To provide a

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mechanism for investigating a complaint and verification that the sound output from the wind turbine is in accordance with the noise report statement.

Aldington Parish Council – Supports the application.

KCC Biodiversity Projects Team – Recommends that the precautionary measures detailed in appendix 2 of the Ecological Report are carried out. If dead bats are identified around the turbine after construction an ecologist must be contacted for advice.

NATS - NERL Safeguarding Office – No safeguarding objection to the proposal.

Jacobs Noise – Final views awaited.

Local Member

12. The local County Member for Ashford Rural East Mr A.Wickham was notified of the application on 24 August

Publicity

13. The application was advertised by the posting of a site notice and the notification of 31 neighbours. One letter of representation has been received objecting to the scheme. The main points for the objection are summarised as follows:

- Sympathise with the principles of renewable energy and sustainability, however this must be set against potential human harm and damage to the environment.
- The limited gain from the turbine should be set against the ‘down-sides’ of the application.
- The turbine would be 19m high, and on an exposed ridge where it is taller than everything around it. It would be clearly visible from many directions and for a considerable distance, and would stand out on the skyline from views from the south and west.
- It would be in a field abutting the main street running through the village and would affect the visibility of many houses. It would also affect those working, visiting and travelling through Aldington. The amenity of residents should be protected.
- In the rural environment, the visibility of the proposed turbine would be overbearing and unreasonable.
- The turbine would create regular and rhythmic noise with a ‘whooshing sound’, which would be intrusive not akin to natural countryside noise.
- The school functions during normal daytime hours, whereas the potential disturbance in the locality would be all day and night.
- The noise would be disruptive to the general peace and character of the community as a whole, and a potential violation of the right to peaceful enjoyment of possessions guaranteed by the Human Rights Act.
- Aldington is an ancient village and developments have respected this being low-rise or sited out of the centre of the village, using sensitive materials. The turbine would be significantly detrimental to the character of the environment.
- The turbine would detract from the area’s natural beauty and would be visible from the Saxon Shore Way and other footpaths.
- Without retracting from the reasons for objecting, a turbine of half the size would easily fulfil any perceived need of the school.

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Discussion

14. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) 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, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
15. This application has been brought for determination by the Planning Applications Committee following the material planning objections of a near neighbour to the proposal site on a number of points listed above. The main points to consider in determining the application are:
- whether the proposal accords with national and local policy and guidance relating to renewable energy developments
 - the visual impact of the proposed turbine on nearby residents and the locality – including the potential for shadow flicker
 - the noise impact of the turbine
 - the visual impact of the turbine on the wider countryside
- The application should be determined on a balance of the perceived benefits and policy guidance, against the potential detrimental noise and visual impacts.

Design

16. The design of the proposed wind turbine is standard in comparison to other turbines of a similar size. The turbine would be attached to a black hub which is fixed to the top of a 15m steel galvanised column. The unit would consist of three blades with a diameter of 9m painted in black. The applicant has indicated that the blades and hub can be finished in white. I would recommend, after visiting and researching similar wind turbines, that black would be the most suitable finish for a turbine of this size and this location. The black colour would the turbine blend with nearby trees and would be less prominent and noticeable than if it was finished in white. Recent research also indicates that the use of light colours can attract insects, which in turn can attract bats to the site.

National Planning Guidance

17. National planning policy is very clear on the approach that should be taken to renewable energy. Planning policy is governed by the overarching principles of sustainable development as highlighted in Planning Policy Statement 1; which also encourages the mitigation of climate change through the use of renewable energy technologies. The main guidance relating to this application is Planning Policy Statement 22, which relates to renewable energy. This publication is very clear in stating that proposals for renewable energy should not be refused on the grounds that the amount of energy generated by the proposal is small. Therefore, the fact that the turbine would only produce a small amount of energy is not a material consideration for

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this application. Planning Policy Statement 7 seeks to conserve the natural beauty of the countryside, but also encourages the 'sensitive exploitation' of renewable energy and is therefore relevant to this application.

18. The principle of the wind turbine is well supported by national planning guidance, and therefore the key determining factors to be considered relate to the impacts of the development, weighed against the benefits and national guidance.

Visual Impact on the Locality

19. The proposed turbine would be located towards the back of the school playing fields, away from the main road and the residential properties. The school field is bordered by mature and well-established hedgerows and trees along Roman Road which, when in leaf, would screen most views of the turbine from the road. When not in leaf, there may be the potential to see the turbine through the hedgerow, however this would be intermittent and would not be dominant.
20. The residential properties known as 'Goldwell Houses', are situated on the northern side of Roman Road and overlook the main school buildings. There were no letters of representation from these residential properties, however, it is prudent to assess the potential visual impact. It may be possible to view part of the turbine element of development from the upstairs windows of several of the houses; however there are no uninterrupted views towards the proposed development as the school buildings and hedgerow screen the proposal site. In my opinion the visual impact of the turbine is minimal, and does not constitute "significant adverse impact" on these residential properties.
21. To the east of the proposed development there is a residential property and the occupants of this house have objected to this application on visual impact grounds. This property is oriented from north to south, so there are no direct views towards the turbine from within the residence and there is well established border planting along the dividing boundary, as well as a number of external buildings. Therefore in my opinion the turbine would not be readily visible from this property; although it may still be possible to view the turbine from other points within the residential curtilage. The turbine would be 180m away from the property, therefore in my opinion, it would not have a "significant adverse impact" of the degree required to warrant refusal on policy grounds.
22. Turbines by their nature are prominent features. In my opinion the proposed turbine would be sited in a location that is not easily viewable from the village, or from the road when approaching the village. The most obvious features for those driving in or out of the village are the large pylons, and the impact of the turbine would be insignificant in scale and design in comparison. If someone wished to view the turbine from Roman Road or the nearby houses, then it would be possible, however not obvious or overly dominant. Therefore in my opinion the benefits of the turbine outweigh the visual impacts on the locality, which in any case do not constitute a "significant adverse impact".

Shadow Flicker

23. Shadow flicker is caused when the sun passes behind the blades of the turbine, and the shadow is cast over properties. The movement of the blades causes the shadow to flicker and can cause significant disturbance and intrusion to those effected. Due to the

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low height of the proposed turbine, the distance between it and the nearest houses and the orientation of the turbine in relation to the sun's path and the houses it is considered that shadow flicker is not an issue for this application.

Wider Visual Impact

24. The proposed turbine would be located at the top of a scarp slope which drops sharply towards the lowlands of the Romney Marsh. The turbine would therefore be in a prominent position in the landscape, and could be easily visible on the skyline from a number of vantage points from further down the valley, including along a 200m stretch of the Saxon Shore Way footpath. The proposed location puts it at the end of a line of trees, which are of comparable height, and it should be noted that in the wider landscape there are a number of very large electricity pylons.
25. Wind turbines, by their nature, can be prominent features in the landscape as they require an open wind flow in order to operate, so need to be sited in exposed locations. Therefore, it would not be prudent in this application to demand that alternative sites are explored, or landscape screening is proposed in order to reduce the visual impact, as I am satisfied with the applicant's assertions that the proposed location is the most suitable for a wind turbine on the school site.
26. The proposed turbine is of a small-scale, and although visible from a number of view points, in my opinion it would not be incongruous on the surrounding landscape. It would be located on the end of a line of trees of a similar height to the turbine, and although a man-made structure, individually it would not introduce a pattern of uniformity alien to the natural landscape - if more turbines were proposed, then the uniformity would perhaps introduce a dominant pattern to the skyline. The fact that the turbine would be visible does not make it unacceptable and in my opinion, although visible, it would not create a dominant feature on the skyline. Therefore, the proposal would accord with PPS7 and Policy CF8 of the Ashford Borough Local Plan 2008 which indicates that proposals to harness renewable energy sources will be permitted where there is no "significant adverse impact" on the landscape.

Noise

27. Planning for Renewable Energy – the Companion Guide to PPS22, 2004 describes in detail the possible noise implications of wind turbines. They generate two sources of noise: the mechanical noise produced by the gear box, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air. The Guide goes on to state that technological developments since the 1990's have significantly reduced the mechanical noise generated by wind turbines and it is now usually less than, or of a similar level to, the aerodynamic noise. Aerodynamic noise from wind turbines is generally unobtrusive; it is broadband in nature and similar in this respect to the noise of wind in the trees.
28. The objector to this application has raised concerns relating to the noise impacts of this proposal; specifically the potential 'whooshing' sound that the movement of the turbine blades would create. The applicant had submitted a noise report within the original application which attempted to predict the potential noise levels at key receptors – in accordance with 'The assessment and rating of noise from wind farms': ETSU-R-97 Standards (by the Working Group on Noise from Wind Turbines) as specified within PPS22. However, this report was deemed insufficient by our noise specialist consultee

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and subsequently the applicant has recently produced a new noise report which attempts to meet the deficiencies raised.

29. If the noise created by the turbine is significantly above the background noise levels, it has the potential to cause a high level of disturbance to those in the locality. The literature relating to noise from turbines has stated that in the worst case scenarios the noise can disrupt sleep patterns and affect the well being of the receptors – although it must be stressed that these instances are associated with much larger turbine developments. The potential noise impacts are nevertheless an important material consideration for this application.
30. The noise report submitted with the application submits data that indicates that the noise produced from the turbine, at varying wind speeds, should not be significantly above the existing background noise levels. However, within the previous application the noise consultant and our technical consultee disagreed on various technical points. For this reason, the current noise report has been sent to Jacobs Noise for analysis. At the time of writing, the response has not been received, although is expected before the Committee meeting.
31. Ashford Borough Council has recommended that should permission be granted, a condition should be imposed requiring that agreed maximum day and night time noise levels are not exceeded. The thresholds imposed are to be based upon the awaited advice from Jacobs Noise. Should there be any complaints relating to noise, the School would be required to employ a noise consultant to assess the noise levels at the complainant's property. If the noise levels are found to exceed the permitted limits the School would then be required to take steps to avoid this recurring – that could require the turbine to be serviced, or being switched off at certain times or wind speeds.
32. Jacobs Noise have been asked whether they agree with Ashford Borough Council in that a condition should be applied limiting the maximum noise levels, and requiring surveys to be taken if any noise complaints are received. They have also been asked if they agree with the conclusion that the noise impacts of the turbine on nearby properties are acceptable. The response of the noise consultant on these issues is crucial. If Jacobs consider that the impact is unacceptable and a condition cannot be applied then I would recommend refusal of the application. However, if the effects are within acceptable limits, then I would recommend that the development is permitted and controlled by an appropriate condition.
33. The objector to the application has noted that the turbine would be associated with a school that is only occupied during the day-time, whereas the impact of the development on the locality would be 24 hours a day. I would recommend that the use of the turbine is attributed to the existence of the school and its energy requirements, not to the hours of day that there is activity on site. PPS1 and PPS22 seek to mitigate the effects of climate change by promoting renewable energy; in my opinion it would be an unreasonable and prohibitive restriction on renewable energy creation to limit the use of the turbine to a particular time of day, and this would be counter to the duty of the planning function imposed by PPS1 and PPS22. However, the turbine could still be subject to the noise restrictions imposed by condition as discussed above.

Conclusion

34. Subject to no contrary views from Jacobs Noise, in my opinion the development accords with national and local planning policy on renewable energy developments and

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this on balance outweighs the potential visual harm and the potential noise impact of the wind turbine on the locality. The wind turbine is of small scale and therefore would not cause a “significant adverse impact” to the surrounding area so accords with policies EN9, EN27 and CF8 of the Ashford Borough Local Plan 2000. Therefore, subject to the views of Jacobs Noise relating to any potential nuisance caused to neighbours by noise emanating from the turbine, and imposition of appropriate conditions placing limits on noise levels and requiring surveys to be undertaken in the event of a complaint, I wouldn’t raise a planning objection and recommend accordingly.

Recommendation

35. *Subject to the views of Jacobs Noise* - I RECOMMEND that PERMISSION BE GRANTED subject to conditions:

- The standard time condition for implementation;
- The development to be completed in accordance with the approved plans;
- That ecology advice is sought in the event of dead bats being found around the turbine;
- Maximum night and day noise limits; and
- That in the event of complaints relating to noise then a consultant be employed to measure the impacts;

Case officer – Jeff Dummett	01622 221975
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Background documents - See section heading
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Proposed Floodlit Synthetic Turf Pitch at The Abbey School, Faversham –SW/10/545

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2010.

Application by the Abbey School and Kent County Council Children, Families & Education for the construction of a synthetic training pitch with fencing and floodlights, dimensions 106 x 70m and goal storage recesses and extension to the car park to the front of the sports centre at The Abbey School, London Road, Faversham – SW/10/545

Recommendation: Subject to the views of Swale Borough Council, that permission be granted subject to conditions.

Local Member: Mr Thomas Gates

Classification: Unrestricted

Site

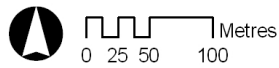
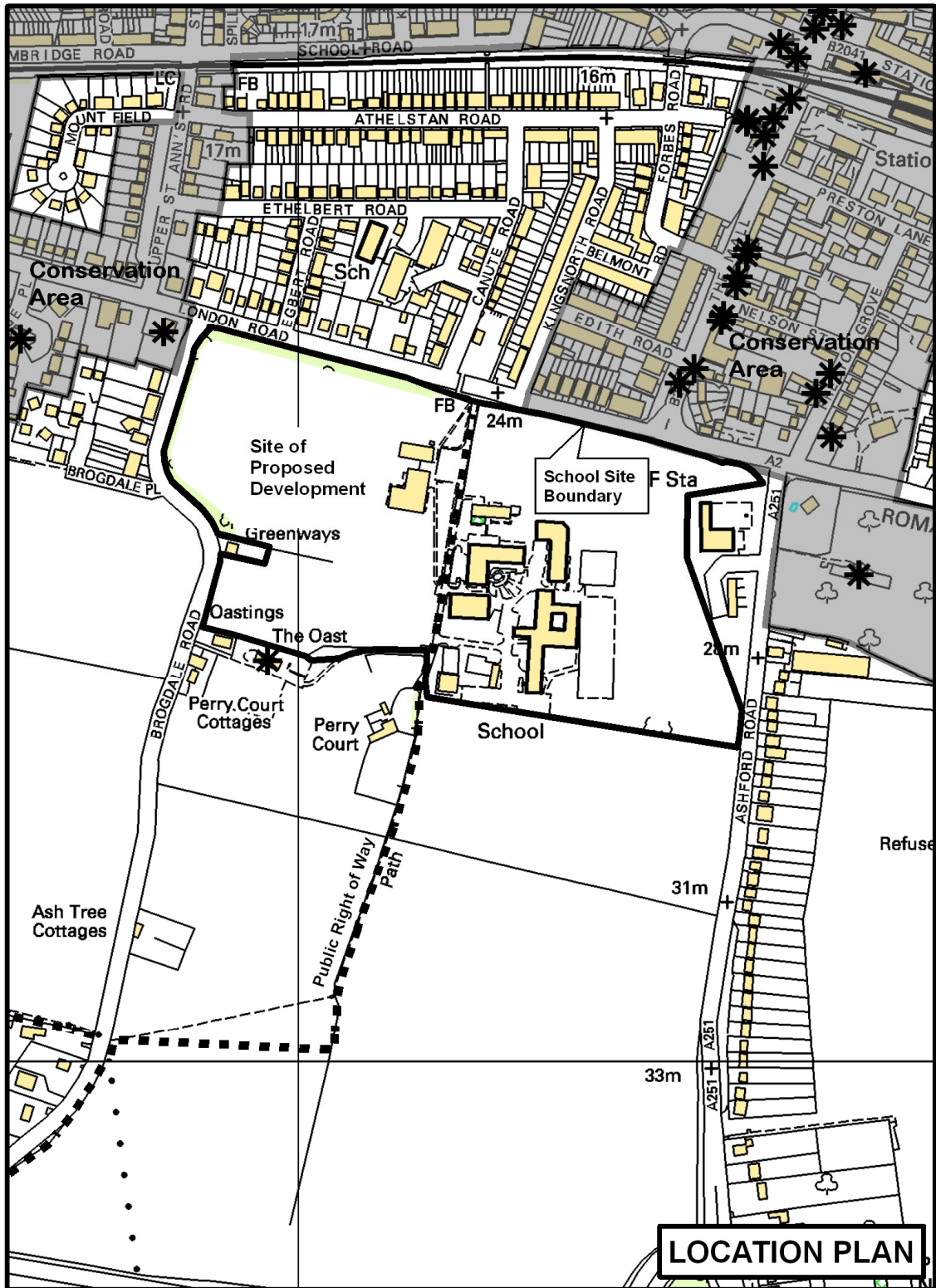
1. The Abbey School is categorised as a non-selective school, catering for students across a wide range of abilities. The school currently has over 1000 students and caters for boys and girls aged 11-19. The Abbey School is located in Faversham, to the South of the town and on the southern side of the A2. Built development associated with Faversham is primarily located to the north of the A2, and the southern side upon which the school is located is primarily rural in nature, with open fields extending to the south of the school site, beyond which lies the M2. The school site is bound by the A2 and facing residential properties to the north, the A251 (Ashford Road) and Beaumont Davy Close to the East, Brogdale Road and facing residential properties to the west and a small number of rural residential properties and open fields to the south. The school's access road also provides access to some of these properties to the south. The Faversham Conservation Area lies to the west of the site, incorporating a property on Brogdale Road, which is also Listed. A small number of Listed Buildings surround the site, as identified by asterisks on the plan on page D2.2. A Public Right of Way also runs through the site, from north to south, along the school access road which divides the site into two halves. Apart from the school's sports hall and fitness suite, all of the school's buildings are located to the east of the access road. The application site lies to the west of the access road, with the floodlit pitch proposed to the rear of the sports hall on an area of existing playing field, and an extension to the existing car park to the front of the sports hall. *A site location plan is attached.*

Proposal

2. This application has been submitted by Kent County Council Children, Families and Education, and The Abbey School and proposes the construction of a synthetic training pitch, with fencing and floodlights, the dimensions of which would be 106 metres by 70 metres, with goal storage recesses. An extension to the existing car park in front of the sports centre is also proposed, as is a macadam access path between the proposed pitch from the car parking area.
3. It is proposed to enclose the pitch with dark green (RAL 6005) weld mesh fencing, which would be 3 metres in height for the most part although, would increase in height to 5 metres behind the goal areas. The playing surface would be a sand and rubber filled synthetic carpet coloured green, and floodlighting would be located upon eight 15 metre high galvanised lighting columns. The proposed lighting would provide an average maintained horizontal illumination in excess of 200lux, in accordance with CIBSE Code of Practice for Sports Lighting.

Item D2

Proposed Floodlit Synthetic Turf Pitch at The Abbey School, Faversham – SW/10/545



* Listed Buildings

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Proposed Floodlit Synthetic Turf Pitch at The Abbey School, Faversham – SW/10/545



ALL PERSONS SHOULD BE AWARE OF THE HEALTH AND SAFETY PLAN WHICH IS PROVIDED BY THE SITE MANAGER OFFICE

HEALTH AND SAFETY NOTE

ALL PERSONS SHOULD BE AWARE OF THE HEALTH AND SAFETY PLAN WHICH IS PROVIDED BY THE SITE MANAGER OFFICE

F	Existing Grass Pitches under 15:00-15:15 N.M
G	Grass under 15:15-15:30 N.M
H	Grass under 15:30-15:45 N.M
I	Grass under 15:45-16:00 N.M
J	Grass under 16:00-16:15 N.M
K	Grass under 16:15-16:30 N.M
L	Grass under 16:30-16:45 N.M
M	Grass under 16:45-17:00 N.M
N	Grass under 17:00-17:15 N.M
O	Grass under 17:15-17:30 N.M
P	Grass under 17:30-17:45 N.M
Q	Grass under 17:45-18:00 N.M
R	Grass under 18:00-18:15 N.M
S	Grass under 18:15-18:30 N.M
T	Grass under 18:30-18:45 N.M
U	Grass under 18:45-19:00 N.M
V	Grass under 19:00-19:15 N.M
W	Grass under 19:15-19:30 N.M
X	Grass under 19:30-19:45 N.M
Y	Grass under 19:45-20:00 N.M
Z	Grass under 20:00-20:15 N.M
AA	Grass under 20:15-20:30 N.M
AB	Grass under 20:30-20:45 N.M
AC	Grass under 20:45-21:00 N.M
AD	Grass under 21:00-21:15 N.M
AE	Grass under 21:15-21:30 N.M
AF	Grass under 21:30-21:45 N.M
AG	Grass under 21:45-22:00 N.M
AH	Grass under 22:00-22:15 N.M
AI	Grass under 22:15-22:30 N.M
AJ	Grass under 22:30-22:45 N.M
AK	Grass under 22:45-23:00 N.M
AL	Grass under 23:00-23:15 N.M
AM	Grass under 23:15-23:30 N.M
AN	Grass under 23:30-23:45 N.M
AO	Grass under 23:45-24:00 N.M
AP	Grass under 24:00-24:15 N.M
AQ	Grass under 24:15-24:30 N.M
AR	Grass under 24:30-24:45 N.M
AS	Grass under 24:45-25:00 N.M
AT	Grass under 25:00-25:15 N.M
AU	Grass under 25:15-25:30 N.M
AV	Grass under 25:30-25:45 N.M
AW	Grass under 25:45-26:00 N.M
AX	Grass under 26:00-26:15 N.M
AY	Grass under 26:15-26:30 N.M
AZ	Grass under 26:30-26:45 N.M
BA	Grass under 26:45-27:00 N.M
BB	Grass under 27:00-27:15 N.M
BC	Grass under 27:15-27:30 N.M
BD	Grass under 27:30-27:45 N.M
BE	Grass under 27:45-28:00 N.M
BF	Grass under 28:00-28:15 N.M
BG	Grass under 28:15-28:30 N.M
BH	Grass under 28:30-28:45 N.M
BI	Grass under 28:45-29:00 N.M
BJ	Grass under 29:00-29:15 N.M
BK	Grass under 29:15-29:30 N.M
BL	Grass under 29:30-29:45 N.M
BM	Grass under 29:45-30:00 N.M
BN	Grass under 30:00-30:15 N.M
BO	Grass under 30:15-30:30 N.M
BP	Grass under 30:30-30:45 N.M
BQ	Grass under 30:45-31:00 N.M
BR	Grass under 31:00-31:15 N.M
BS	Grass under 31:15-31:30 N.M
BT	Grass under 31:30-31:45 N.M
BU	Grass under 31:45-32:00 N.M
BV	Grass under 32:00-32:15 N.M
BW	Grass under 32:15-32:30 N.M
BX	Grass under 32:30-32:45 N.M
BY	Grass under 32:45-33:00 N.M
BZ	Grass under 33:00-33:15 N.M
CA	Grass under 33:15-33:30 N.M
CB	Grass under 33:30-33:45 N.M
CC	Grass under 33:45-34:00 N.M
CD	Grass under 34:00-34:15 N.M
CE	Grass under 34:15-34:30 N.M
CF	Grass under 34:30-34:45 N.M
CG	Grass under 34:45-35:00 N.M
CH	Grass under 35:00-35:15 N.M
CI	Grass under 35:15-35:30 N.M
CJ	Grass under 35:30-35:45 N.M
CK	Grass under 35:45-36:00 N.M
CL	Grass under 36:00-36:15 N.M
CM	Grass under 36:15-36:30 N.M
CN	Grass under 36:30-36:45 N.M
CO	Grass under 36:45-37:00 N.M
CP	Grass under 37:00-37:15 N.M
CQ	Grass under 37:15-37:30 N.M
CR	Grass under 37:30-37:45 N.M
CS	Grass under 37:45-38:00 N.M
CT	Grass under 38:00-38:15 N.M
CU	Grass under 38:15-38:30 N.M
CV	Grass under 38:30-38:45 N.M
CU	Grass under 38:45-39:00 N.M
CV	Grass under 39:00-39:15 N.M
CU	Grass under 39:15-39:30 N.M
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CV	Grass under 40:00-40:15 N.M
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CV	Grass under 40:30-40:45 N.M
CU	Grass under 40:45-41:00 N.M
CV	Grass under 41:00-41:15 N.M
CU	Grass under 41:15-41:30 N.M
CV	Grass under 41:30-41:45 N.M
CU	Grass under 41:45-42:00 N.M
CV	Grass under 42:00-42:15 N.M
CU	Grass under 42:15-42:30 N.M
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CV	Grass under 78:00-78:15 N.M
CU	Grass under 78:15-78:30 N.M
CV	Grass under 78:30-78:45 N.M
CU	Grass under 78:45-79:00 N.M
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CU	Grass under 85:45-86:00 N.M
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CU	Grass under 86:45-87:00 N.M
CV	Grass under 87:00-87:15 N.M
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CV	Grass under 89:30-89:45 N.M
CU	Grass under 89:45-90:00 N.M
CV	Grass under 90:00-90:15 N.M
CU	Grass under 90:15-90:30 N.M
CV	Grass under 90:30-90:45 N.M
CU	Grass under 90:45-91:00 N.M
CV	Grass under 91:00-91:15 N.M
CU	Grass under 91:15-91:30 N.M
CV	Grass under 91:30-91:45 N.M
CU	Grass under 91:45-92:00 N.M
CV	Grass under 92:00-92:15 N.M
CU	Grass under 92:15-92:30 N.M
CV	Grass under 92:30-92:45 N.M
CU	Grass under 92:45-93:00 N.M
CV	Grass under 93:00-93:15 N.M
CU	Grass under 93:15-93:30 N.M
CV	Grass under 93:30-93:45 N.M
CU	Grass under 93:45-94:00 N.M
CV	Grass under 94:00-94:15 N.M
CU	Grass under 94:15-94:30 N.M
CV	Grass under 94:30-94:45 N.M
CU	Grass under 94:

Proposed Floodlit Synthetic Turf Pitch at The Abbey School, Faversham – SW/10/545

4. The proposed site for the floodlit pitch is currently used for football, and is a grass area with pitch markings in place. The applicant intends to redesign the pitch positions so that playing pitches are not lost. The school currently has three grass pitches, and it is proposed that the School would maintain the three grass pitches and gain one synthetic pitch. The proposed pitch would be line marked for one full size football pitch and three 7-a-side cross court football pitches. The applicant advises that the proposed pitch would be the only facility of this type in Faversham and would allow the development of both rugby and football. The existing playing fields are not available for use during parts of the year due to inclement weather, and use outside of school hours is limited due to a lack of floodlighting. The proposed pitch would enable the P.E curriculum, for rugby and football, to be delivered to a higher standard and on a more regular basis without disruption, increasing attainment levels for the pupils. In addition, the School has also agreed that local primary schools could use the facility as many of them suffer similar problems with regard to limited use of grass pitches.
5. Lighting of the pitch is considered by the applicant to be essential as this application centres on increasing sports provision at the school, and outdoor evening sports pitches are the only facility that the School can currently not offer. The floodlighting consists of eight 15 metre high columns that sit at each corner of the pitch and either side of the half way line. The 15 metre high columns would be self coloured alloy, and the use of modern asymmetric flat glass lighting units would direct lighting downwards, and limit light spread. The applicant considers that the lighting would meet the appropriate lux fall-off without compromising on the light spread across the pitch, and to ensure that as little light escapes the pitch as possible, and to minimise glare, cowls would be installed on the back of the luminaires.
6. The proposed pitch would add to the School's portfolio of community use facilities, and would enable local people to participate in sports at a local level. The additional management and day to day running of the pitch would be incorporated into the management of the existing Sports Centre, which is already available for community use. The Sports Centre is open from 07.00 to 22.00 on weekdays and 09.00 to 18.00, and the applicant is proposing that the floodlit pitch be used between the following hours:

Monday to Friday – 07.00 to 22.00
Saturday - 09.00 to 18.00
Sundays and Bank Holidays - 10.00 to 18.00
7. The applicant advises that the existing grass and top soil would be excavated to an average depth of 300mm, with topsoil retained on site where possible to create a bund with a maximum height of 1.5 metres. The proposed bund would run parallel to the sites northern boundary, between the A2 and the floodlit pitch, and is proposed to be 10 metres in width and 110 metres in length.
8. In order for community use of the proposed pitch to be successfully accommodated on site, the car park extension is considered by the applicant to be essential. Currently the car parking for the sports facilities on site is inadequate. The applicant advises that on a typical evening the existing sports centre has a fully attended fitness suite, and can have up to 3 sports clubs using the indoor facilities. When this happens, cars have to be directed into the main school car park some distance away, and cars also park along the access lane leading to Brogdale Road and private residential properties. The proposed site for the extended car park is a small section of grass that cannot be used for any type of sport or activity. The applicant advises that the area often becomes

Proposed Floodlit Synthetic Turf Pitch at The Abbey School, Faversham – SW/10/545

waterlogged because at the busiest times it is used as an overspill for the car park. The existing car park provides 26 car parking spaces, 2 disabled spaces and 6 cycle spaces. It is proposed to increase this provision to 90 car parking spaces, 7 disabled spaces and 10 cycle spaces in total. Low level bollard lighting would be provided to the car park and access path leading to the proposed pitch.

9. The applicant advises that the School is working in partnership with a local group, Transition Faversham, to specify native shrubbery and trees to plant along the boundary lines of the site. As a result of consultation responses, the applicant is also proposing to provide a 2.5 metre high natural timber acoustic barrier to the south west corner of the site, along the school's boundary with the closest residential property.

The application is supported by a Statement from The Abbey School, Design and Access Statement, Specification of Works document, Travel Plan, Noise Assessment and Lighting Details.

Reduced drawings showing the site layout and sections are attached.

Planning Policy

10. The Development Plan Policies and Guidance/Statements summarised below are relevant to the consideration of the application:

(i) **Planning Policy Guidance and Statements:**

PPS1	Delivering Sustainable Development
PPS5	Planning for the Historic Environment
PPS7	Sustainable Development in Rural Areas
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPS23	Planning and Pollution Control
PPG24	Planning and Noise

(ii) The adopted **South East Plan 2009:**

Policy CC1	Seeks to achieve and maintain sustainable development in the region.
Policy CC4	Refers to sustainable design and construction.
Policy CC6	Refers to sustainable communities and character of the environment.
Policy S3	States that, local planning authorities, taking into account demographic projections, should work with partners to ensure

Proposed Floodlit Synthetic Turf Pitch at The Abbey School, Faversham – SW/10/545

the adequate provision of pre-school, school and community learning facilities.

Policy S5 Refers to cultural and sporting activities.

Policy NRM10 Requires measures to address and reduce noise pollution to be developed.

Policy W2 Sustainable design, construction and demolition.

Note that following the recent successful Cala Homes High Court challenge over the earlier abolition of the South East Plan, the South East Plan now forms part of the Development Plan again. In addition, Local Planning Authorities should have regard to the Department for Communities and Local Government Chief Planners advice that the Government intends to revoke the South East Plan via the Localism Bill. This advice is, however, subject to a further challenge and this advice must carry very little weight until such time as the court decision is known.

(iii) The adopted **Swale Borough Local Plan 2008**:

Policy SP1 Proposals should accord with principles of sustainable development.

Policy SP2 Development proposals will protect and enhance the special features of the environment and promote good design in its widest sense.

Policy FAV1 Within the Faversham and Rest of Swale Planning Area, conservation of the historic and natural environment is the prime and overriding consideration.

Policy E2 All development proposals will minimise and mitigate pollution impacts.

Policy E6 The quality, character and amenity value of the wider countryside of the Borough will be protected and, where possible, enhanced.

Policy E14 Proposals affecting a Listed Building and/or its setting, will only be permitted if the buildings special architectural or historic interest, and its setting, are preserved.

Policy E15 Development within, affecting the setting of, or views into and out of a conservation area, will preserve or enhance all features that contribute positively to the areas special character or appearance.

Policy E19 The Borough Council expects development to be of a high quality design and appearance.

Policy T3 The Borough Council will only permit development if appropriate vehicle parking is provided, in accordance with the adopted Kent County Council parking standards.

**Proposed Floodlit Synthetic Turf Pitch at The Abbey School,
Faversham – SW/10/545**

Policy C1 The Borough Council will grant planning permission for new or improved community facilities.

Consultations

11. **Swale Borough Council** initially raised objection to the application as the Borough Council considered that the application was absent of vital and necessary information to enable an assessment of the merits of the scheme. Additional information was requested with regard to lighting, noise and visual impact.

The applicant has submitted additional information in an effort to address the objection raised by the Borough Council and, as a result, the Borough Council is considering this Planning Application at their Planning Committee Meeting on the 9 December 2010.

The officer recommendation is to raise no objection subject to conditions.

Faversham Town Council are in strong favour of the proposed development, but consider that careful consideration should be given to investigating the effects of lighting and fencing, and to the inclusion of tree planting and land contouring (abrupt level changes must be avoided).

The Area Transportation Manager has no objection to the proposal in respect of highway matters subject to the imposition of conditions requiring the proposed parking to be provided prior to the first use of the facility and the submission of a revised travel plan.

The Environment Agency has no objection to the proposal subject to the imposition of conditions regarding land contamination and drainage.

The County Council's Noise Advisor comments as follows:

“The new sections of the acoustic report detail the noise calculations which show the effectiveness of the barrier in terms of noise reduction and describe the possible construction of the acoustic fence with the preferred option being a "Jakoustic" reflective noise barrier from Jackson Fencing.

This type of fencing, at a height of 2.5 metres and in the location specified would meet the required noise reduction and as such would not lead to a loss of amenity in the gardens of the property off Brogdale Road.”

The County Council's Lighting Advisor confirms that the lighting scheme submitted is acceptable in terms of light spill and impact upon surrounding residencies.

The County Council's Public Rights of Way Officer has not commented on the application.

The County Council's Conservation Architect has not commented on the application.

Sport England raises no objection to the application, subject to the imposition of a condition requiring the pitch to be constructed in accordance with the submitted details.

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Kent Sports Facilities Development Manager is “entirely in agreement with this application being approved” and supports the supplementary information provided by the applicant.

Local Member

12. The local County Member, Mr T. Gates, was notified of the application on the 23 April 2010.

Publicity

13. The application was publicised by an advertisement in a local newspaper, the posting of site notices and the individual notification of 42 neighbouring properties. In addition, 5 neighbouring properties, all of those whom made representations following the initial consultation and the closest residential property, were notified of further/amended details in respect of improvements to the proposed lighting setup, provision of acoustic fencing to the south west of the pitch, and a noise impact assessment.

Representations

14. Initially I received 4 letters of representation objecting to the proposals from local residents. To date, I have received 5 letters of representation following the second round of consultation, carried out on the 30 September 2010. I should point out that of the 5 recently received letters, only 2 are from residents who had previously objected to the application. A summary of the main issues raised/points made is set out below:

Light/Noise Pollution and amenity concerns

- The proposed lighting would be visually intrusive and would have a negative impact on local properties;
- The lighting must not intrude into neighbouring properties and must be angled downwards;
- The lighting should be removed from the proposal;
- The pitch would generate significant noise pollution, especially use in the evening and at weekends;
- The proposed acoustic fencing would only mitigate noise at one property;
- Residential properties are very close and increased use of the site at evenings and weekends would have an adverse impact on residential amenity, and reduce local residents enjoyment of their homes and gardens;

Landscape

- Fencing would be obtrusive and out of keeping with the site and would destroy views of the wider landscape;
- The development is devoid of landscaping and would be highly visible;
- The earth bund should be extended to screen the development from properties in Brogdale Road;
- Planting and landscaping should be provided, especially to the Brogdale Road boundary;

General Matters

- Community use out of school hours should not be permitted;
- The need for such a pitch is not justified as there is already a floodlit pitch in Faversham;

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- The proposal would result in an unacceptable increase in the intensity of use of the site, adding to existing problems with litter, trespass into neighbouring properties, broken boundaries, noise and disturbance from parties, spectators and participants in matches, and inconsiderate parking;
- A competent and coherent management plan should be prepared to manage the increased commercialisation of The Abbey School;
- The proposed hours of operation would lead to excessive and prolonged disturbance to neighbouring residential properties with light pollution, traffic and noise until late in the evening. Use should be limited to 8pm or 9pm;
- Alternative sites within the school grounds should be considered;
- The planning application should not be valid as it contains mistakes and insufficient information.

Discussion

15. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 10 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this 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. Members should note that the Policies of the South East Plan are once again a material planning consideration. Issues of particular relevance include noise and light pollution, hours of use and community use, and impacts upon the local landscape/street scene including the adjacent Conservation Area and Listed Buildings.

Residential Amenity Concerns

16. Local residents have expressed concern over potential light spill/pollution, noise pollution, hours of use and community use associated with the proposed pitch. It should be noted that, as a result of these concerns, the applicant has suggested that use of the pitch could cease at 21.30 Monday to Friday instead of 22.00, although the latter of the two is preferred by the applicant. The appropriateness of these hours will be discussed and considered in the context of residential amenity in the following paragraphs.

Light Pollution

17. Objection is raised to the proposed pitch on the grounds of the impact the lighting would have on the local landscape and on residential amenity. The landscape context will be discussed later in this report. However, the localised impact of the proposed lighting scheme on neighbouring residential amenity must be considered.
18. As detailed in paragraphs 3 & 5 of this report, the applicant is proposing to light the pitch to an average maintained horizontal illumination of 200 lux, suitable for football, rugby and other ball sports. Eight 15 metre high columns would accommodate modern asymmetric flat glass lighting units, which would direct lighting downwards, limiting light spread beyond the playing surface. In addition, the applicant is proposing to install cowls on the back of the luminaires to ensure that as little light escapes as possible, and to minimise glare and the appearance of the lighting when viewed from a distance.
19. It should be noted that the County Council's Lighting Advisor is satisfied that the lighting scheme submitted complies with the requirements of the Institute of Lighting Engineers' Guidance Notes for the Reduction of Obtrusive Light, and is not objecting to the

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scheme. The applicant has provided a detailed lighting specification, and a lux level diagram which clearly shows that lux levels would fall away to below 2 lux within 45 metres of the pitch (see page D2.4). The closest property to the pitch is located in Brogdale Road, and is approximately 55 metres from the nearest corner of the pitch. However, facing properties in Brogdale Road are over 120 metres from the proposed pitch, and facing properties in London Road (which is already illuminated by street lighting) are over 75 metres from the pitch.

20. The light spill diagrams submitted with this application show that the proposed light level would drop rapidly outside of the pitch boundary to 2 lux at about 45 metres from the pitch. There is, therefore, no measurable light impacting on local residential properties. For information, the A2 London Road itself is lit to 10-15 lux. The County Council's Lighting Advisor confirms that the scheme as submitted is acceptable in terms of its minimal visual impact on surrounding properties.
21. Whilst the light spill would be satisfactorily contained well within the school grounds, there would still be a view of the illuminated area from some neighbouring properties, but I am satisfied that the technical specifications for the luminaires are such that there would be no glare impacting outside the pitch itself. Moreover, apart from one property, the nearest houses are over 75 metres from the lighting columns and the floodlighting would not, therefore, be unduly intrusive for neighbouring occupiers. Members will be aware that the protection of private views across neighbouring land is not a material planning consideration.
22. As detailed in paragraph 6 of this report, the proposed hours of use of the facility are 07.00 to 22.00 Monday to Friday, 09.00 to 18.00 on Saturdays, and 10.00 to 18.00 on Sundays and Bank Holidays. These hours have met with objection from neighbouring residents and, as a result of this, the applicant has suggested that the Monday to Friday end time could be reduced to 21.30. Although the applicant would prefer the 22.00 finish, as this time is in accordance with Football Foundations Regulations and is considered by the applicant to be comparable with nearby pitches and the demand from the community, I do not consider a 22.00 finish to be appropriate or acceptable in this instance. Swale Borough Council's report to their Planning Applications Committee suggests that a 21.30 end time should be imposed, and I agree with this recommendation. The proposed weekend hours of use are acceptable, and in reality would only require limited use of the floodlights during the winter months due to the proposed 18.00 end time. Therefore, should permission be granted, I consider it appropriate to limit weekday use to a 21.30 finish, and control weekend hours of use by conditioning use to the hours applied for. Further conditions of consent would ensure that lighting was extinguished when not in use, and/or within 15 minutes of last use, and that the lighting was set up in accordance with the submitted details, and thereafter maintained. Subject to the imposition of these conditions, I see no reason to refuse the application on the grounds of light pollution.

Noise Pollution

23. Local residents have also expressed concern over the noise implications of the proposed pitch, particularly with regard to evening and weekend use. It is important to note that the existing pitches can be used at any time by the School without any restrictions. However, the provision of a synthetic floodlit pitch would increase the intensity of use, enable use in inclement weather and extend the hours of use beyond those afforded by natural daylight. The applicant has undertaken a Noise Assessment which has been submitted in support of this application.

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24. The submitted Noise Assessment compares predicted noise levels from a typical sports game against existing noise levels established at nearby sensitive receptors. Predicted noise levels have been provided from a noise survey undertaken at an existing all-weather pitch, which is considered to be representative of the likely noise levels emanating from the proposed sports pitch. The Noise Assessment concludes that noise levels from traffic using the A2 London Road would dominate at the north of the site, and that noise from the pitch would be inaudible in properties facing the site in London Road. In addition, it is also considered that the facing properties in Brogdale Road would not be significantly adversely affected. However, the closest residential property, Greenways, located to the south west of the site, on the same side of Brogdale Road as The Abbey School could be adversely affected by noise generated by the use of the pitch.
25. As a result of this, the applicant is proposing to install an acoustic barrier adjacent to the boundary of the closest residential property, Greenways, within the school site. The Noise Assessment concludes that with the mitigation measure proposed, namely a 2.5 metre high acoustic barrier, it is considered that noise from use of the synthetic all-weather pitch would be reduced to acceptable levels such that there should be no demonstrable harm to residential amenity. The County Council's Noise Advisor agrees with this conclusion, and considers the fencing proposed, at a height of 2.5 metres, at the location specified, would meet the required noise reduction and, therefore, the development would not lead to a loss of amenity in the gardens of the property off Brogdale Road.
26. In light of the above, I do not consider that the use of the pitch within the hours specified by the applicant would have a detrimental impact on the amenity of neighbouring residents with regard to noise. This is on the basis that the proposed acoustic fence is provided and installed prior to first use of the pitch, and constructed in accordance with the submitted details. Should permission be granted, a condition of consent would ensure that that was the case.

Hours of Use/Community Use

27. As discussed throughout this report, the proposed hours of use (see paragraph 6) are considered to be acceptable subject to an earlier weekday end time of 21.30. As previously stated, should permission be granted, conditions of consent would restrict use of the floodlit pitch to between these hours.
28. As outlined in paragraphs 4 and 6 of this report, it is proposed that there would be community use of the floodlit pitch, a principle which is supported by Development Plan Policy and wider Government aspirations for extended school use and community activities. The School advises that community use would be managed by the management of the existing sports centre, a facility which, along with the existing turf pitches, is already available for community use. The School has also agreed that local primary schools could use the facility if required. The amenity of neighbouring residents must, in my view, be protected and community use controlled to ensure minimal disturbance to neighbours. In this instance, however, the school already has sports facilities, both indoor and outdoor, which are used extensively by the local community and are managed well by the School. Subject to the hours of use outlined above, and bearing in mind the conclusions made about the potential light and noise implications of the development, and extended car parking facilities, I do not consider that community use of the facility would have a significantly detrimental impact on the amenity of neighbouring properties.

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Access and Highway Implications

29. As detailed within paragraph 8 of this report, part of this proposal is to extend the car park to provide a total of 90 car parking spaces, 7 disabled spaces and 10 cycle spaces. The existing car park is too small to accommodate users of the sports facilities on site, and parking regularly overflows onto the school access road and onto the grassed area within which it is proposed to extend the car park. For the avoidance of doubt, this car park is (and would be) for use associated with the sports facilities on site only, and not for general school parking. Residents have not expressed concern over the highway implications of the development, and Kent Highway Services raise no objection to the application subject to the imposition of conditions requiring the proposed car parking to be constructed and operational prior to first use of the floodlit pitch, and the submission of a revised School Travel Plan. Subject to the imposition of these conditions, I consider the proposal to be acceptable in terms of impact upon the local highway network and, if anything, the provision of additional car parking could alleviate existing problems of overflow/inconsiderate car parking on site. In addition, I do not consider that the development would have a negative impact on the Public Right of Way.

Landscape impacts

30. Objections have been raised to the impact of the development on the street scene and the private views from some residential properties as the development would alter views across the playing field. However, during daylight hours, when the proposed floodlighting would not be in use, the green synthetic turf surfacing and deep green weld mesh fencing would not be a significantly intrusive feature in the landscape. The galvanised lighting columns would blend with the sky and, although could be seen, would not be a dominant feature within the landscape. The development would also be viewed against the back drop of existing school buildings, and existing boundary planting would aid in breaking up views of the development. Although loss of views from a private property is not a material consideration in the determination of a planning application, I am satisfied that, as the development is over 55 metres from the rear elevation of the closest residential property, and over 120 metres from facing properties in Brogdale Road and over 75 metres from facing properties in London Road, the development would not be overbearing in nature and would not unreasonably intrude into the outlook of these properties.
31. When the floodlighting would be in use, the development's visual prominence would increase, not only in terms of its impact on the outlook from local properties, but its prominence within the street scene and wider landscape. The impact of the lighting in terms of these impacts therefore needs to be considered and addressed. The applicant has reduced the proposed hours of use of the pitch during the determination of this application to 07.00 to 21.30 Mondays to Fridays, 09.00 to 18.00 on Saturdays, and 10.00 to 18.00 Sundays and Bank Holidays. The reality of this is that the floodlighting would only be in operation for a limited period of time, mainly in winter months, and only for a few hours a day at the most. The lighting specification has also been carefully designed to ensure that light is carefully and accurately controlled, with the use of horizontally mounted flat glass luminaires, which eliminate light above the horizontal and minimise the view of the floodlights from a distance, limiting visual impact. In addition, when viewed from local roads and properties the floodlit pitch would be set against the backdrop of existing school buildings and not a dark rural landscape. The site is also screened by existing planting to the north, and tree planting to the site's perimeter, all of which would assist in mitigating the impact of the development on the

Proposed Floodlit Synthetic Turf Pitch at The Abbey School, Faversham – SW/10/545

street scene. However, I do consider that additional planting should be provided, as will be discussed later in the report. In addition, the applicant is proposing to create a bund to the north of the proposed pitch, which would not only reduce the export of spoil from the site, but would provide further screening of the development. However, I consider it important that the height and gradient of this bund, and the landscaping of it, be controlled to ensure a satisfactory appearance. Therefore, should permission be granted, I would wish to see further details provided pursuant to planning condition.

32. Although not raised by consultees or local residents, it is important to note that the school site borders a Conservation Area, and Listed Buildings are located nearby (as shown on the site location plan on page D2.2). However, bearing in mind the issues that have been discussed throughout this report, and the conclusions I have made, I do not consider that the development would have a negative impact on the setting of the Listed Buildings and/or the character and appearance of the Conservation Area.
33. Under the circumstances, I do not consider that the proposed development would have an unacceptable impact on the street scene, local landscape, or views from local properties (although not a material consideration). I am of the opinion that the development accords with the general principles of relevant Development Plan Policies and Government Guidance, and advise, therefore, that the development should not be refused on these grounds. However, this is subject to the imposition of conditions with regard to the colour and specification of the fencing and surfacing of the pitch, the height and specification of the lighting columns and luminaires, control of hours of use and extinguishing of lighting when not in use, and the details of the bunding.

Trees and Ecology

34. The applicant advises that the proposed development would not result in the removal of any trees on site. The only element of the development that could have an implication on trees is the provision of the acoustic barrier to the south west corner of the site, adjacent to the boundary with the closest residential property. It is essential that any existing screening along this boundary is maintained and, therefore, should permission be granted, further details of the precise location of the acoustic barrier would be required pursuant to condition. The additional details would need to show the siting of the barrier in relation to existing trees and vegetation. In addition, in the event that permission is granted, conditions of consent would ensure that existing trees on site are protected from construction activities. Subject to the imposition of these conditions, I do not consider that the proposed development would have a detrimental impact on existing trees on site.
35. In addition to the protection of existing trees, I consider that further tree planting is required to aid in screening the development, particularly to the west of the site, along the boundary with Brogdale Road. As outlined in paragraph 9 of this report, the applicant has advised that the School is working in partnership with a local group, Transition Faversham, to specify native shrubbery and trees to plant along the boundaries of the site. I consider that the provision of additional planting would benefit the local area as a whole, in addition to mitigating the visual impacts of the development. However, additional details of the proposed planting are required to ensure that sufficient additional planting would be provided, to an adequate standard, and that new planting would be subject to a programme of ongoing maintenance. Therefore, should permission be granted, a condition of consent would require the submission of a detailed planting scheme, along with a programme of maintenance.

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36. The proposed floodlit pitch would be located upon the existing school playing field which is heavily used and mown on a regular basis. The potential for the site to be home to any protected species is therefore very low, and I am satisfied that the development would not directly impact upon protected species or their habitat.

Alternative sites

37. Local residents have suggested that alternative locations within the school grounds should be considered to accommodate the proposed pitch. However, the applicant has produced a detailed assessment of alternative sites, and given reasons as to why the proposed site is the most appropriate and suitable location for the pitch. Five locations were considered within the school site, but four of these were considered unsuitable due to lack of space, proximity to neighbouring properties, and access and security issues. From considering the information provided by the applicant, I agree with the conclusions of their alternative sites assessment, and conclude that within the school grounds the proposed site for the floodlit pitch is the most appropriate and suitable.

Construction

38. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.
39. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of construction methods, location of site compounds and operative/visitors parking, details of site security and safety measures and details of any construction accesses. Should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.
40. In addition to the above, should permission be granted, a condition of consent would ensure that mud on the local highway network would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Conclusion

41. In summary, I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental effect on residential or local amenity, the street scene and character of the area, heritage considerations, or the local highway network. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. There are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

**Proposed Floodlit Synthetic Turf Pitch at The Abbey School,
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Recommendation

42. I RECOMMEND that, subject to the views of Swale Borough Council, PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- A 3 year time limit for implementation;
- the development to be carried out in accordance with the permitted details;
- colour and specification of fencing and surfacing;
- precise details of the bunding, including its landscaped appearance;
- a detailed scheme of landscaping, including a maintenance programme;
- protection of trees to be retained;
- further details of the exact positioning of the acoustic barrier;
- acoustic barrier to be constructed in accordance with the specification provided and installed on site prior to first use of the floodlit pitch;
- hours of use to be restricted to be between 07.00 and 21.30 Monday to Friday, between 09.00 and 18.00 on Saturdays, and between 10.00 to 18.00 on Sundays and Bank Holidays;
- all lighting on site, except security lighting, to be extinguished by 21.30, or 15 minutes after last use of the facility if earlier;
- extinguishing of lighting when pitch not in use;
- level of use of the facilities to accord with submitted details;
- lighting to be installed in accordance with approved details, and checked on site;
- lighting levels not to exceed those specified within the application;
- no further lighting to be installed without planning permission;
- land contamination and drainage;
- car parking to be completed and operational prior to first use of the floodlit pitch;
- submission of a revised School Travel Plan;
- parking to be available out of school hours for community use;
- hours of working during construction to be restricted to 0800 and 1800 Monday to Friday and 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- measures to prevent mud and debris on the highway;
- construction code of practice;

Case officer – Mary Green	01622 221066
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Background documents - See Section heading
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Item D3**Erection of an extension to sports hall, Valence School, Westerham – SE/10/2312**

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2010

Application by Valence School the erection of a single storey extension to the existing sports hall for spectators and storage use at Valence School, Westerham Road, Westerham, TN16 1QN SE/10/2312

Recommendation: Permission be granted subject to conditions

Local Member(s): Mr R.Parry

Classification: Unrestricted

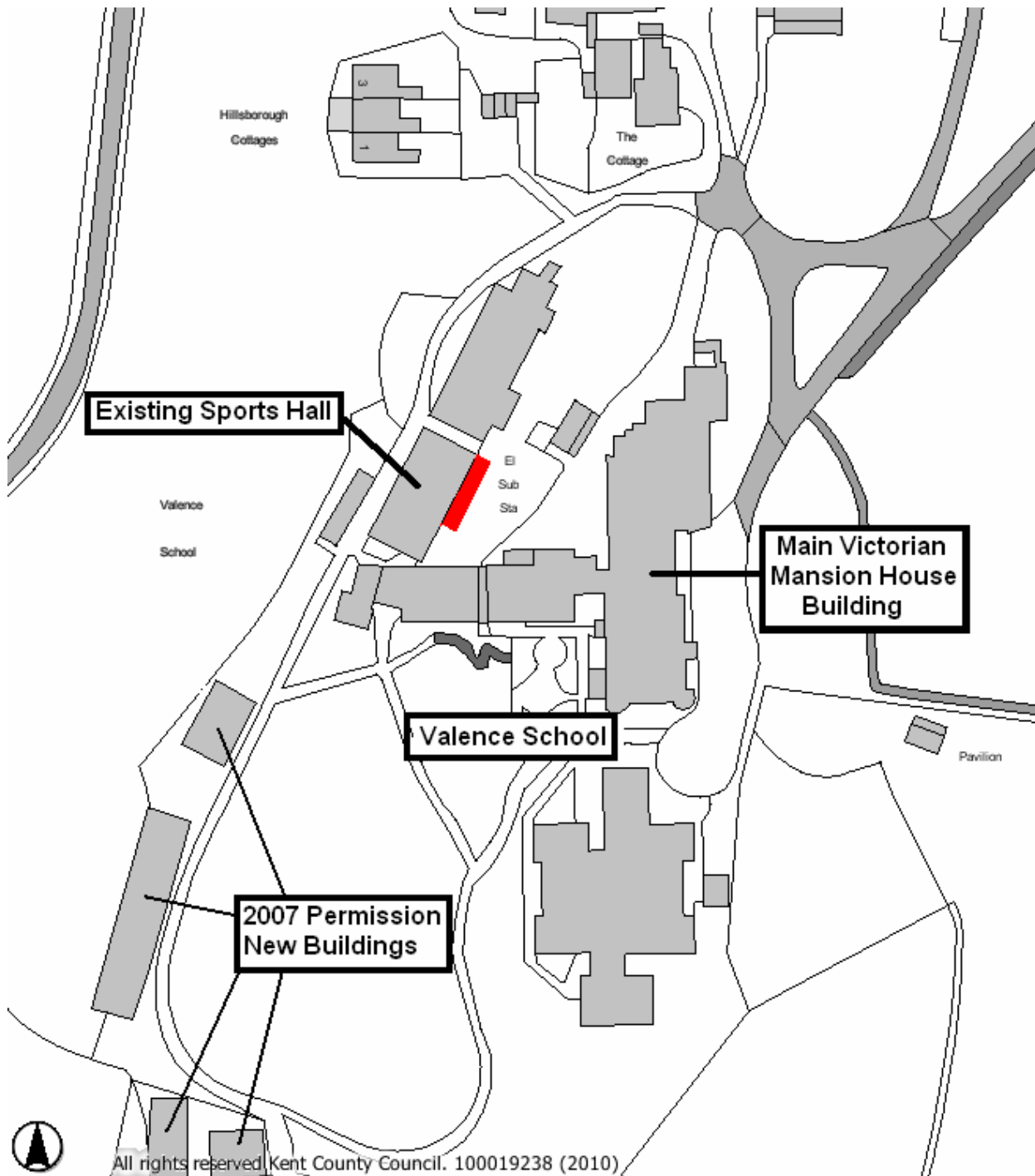
Site

1. Valence School lies to the south of the A25, between Westerham and the village of Brasted. The site lies wholly within the Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty, the Greensand Ridge Special Landscape Area and a Historic Park and Garden. The site's parkland setting includes gardens and areas of woodland. The school is located towards the top of a ridge, running from south west to north east. The ridge ends immediately to the north east of the school, so that the school buildings and garden terraces are surrounded on three sides by steep slopes. A former KCC social education centre (Mountfield/Horizons site) adjoins the site to the east, the Westerham Golf Course to the east and south east, woodland to the south and west, open fields to the south west and west with some scattered residential properties, and the A25 to the north.
2. The development is proposed to be a single storey extension to the existing sports hall. The sports hall is located within the main developed area of the school site, and to the rear of the original Victorian Mansion House building. The extension is proposed to be on the eastern elevation, facing into the school site, adjacent to a sloped bank area which is enclosed by school buildings.

Background and Proposal

3. The Valence School is a day and residential all-age maintained special school for young people who have a wide range of physical disabilities, complex medical needs and associated communication and learning difficulties. Young people who attend the school are mainly from the South East of England, predominantly from Kent, but including Medway, Sussex, Surrey and the London Boroughs of Bexley, Croydon and Sutton.
4. There have been many developments on the site over the past 10 years which are not of direct relevance to this application, but in 2007 the School was granted permission for extensive building works to provide modernised teaching and residential accommodation (SE/07/1914). The development involved the demolition of derelict and substandard buildings, and the construction of a two-storey teaching block, four single storey residential blocks and a modest extension to an existing single-storey teaching block. This proposal subject to rigorous scrutiny due to the location of the school within the Green Belt and Kent Downs AONB, and was the subject of a Members' Site Meeting at the time.

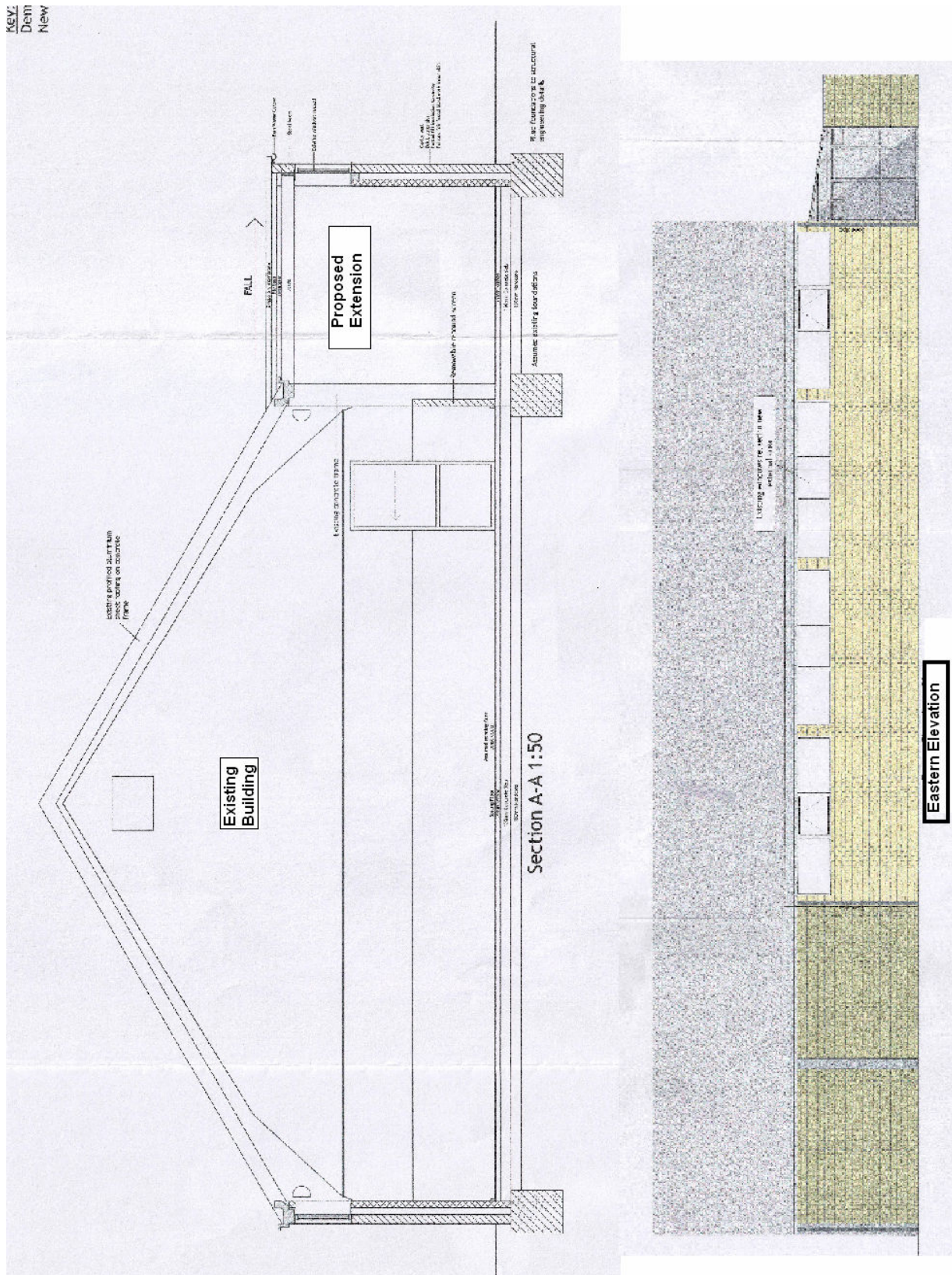
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5. This application is for a single storey extension to the existing sports hall. The existing building has yellow brick walls and an aluminium sheeted dual-pitched roof, and covers an area of 336m². The roof is 6.9m high at the apex and 3.5m high at the eaves. The development is proposed to extend the eastern elevation of this building and would measure 18.59m in length and 3.25m in width (60.45m²), with a maximum height of 3.5m and would have flat roof which adjoins the existing building at the eaves. The new space created is proposed to be used as storage space and an area for spectators to overlook the internal activity area of the existing sports hall.
6. Following receipt of an objection on the grounds that the proposal would constitute inappropriate development within the Green Belt, the applicant submitted additional information to demonstrate 'very special circumstances' in accordance with planning policy. Within this information the applicant stated that the Valence School is a designated Sports College, and therefore has key objectives in order to fulfil this status, including providing adequate facilities for current and future pupils. The applicant stresses the point that the current facilities are insufficient and substandard as they do not provide adjacent storage space or spectator viewing, which is an important area to address due to the nature of the students' physical disabilities, and associated health and safety implications. The applicant highlights that the extension would be of a modest size and would not be viewable from any external vantage point due to it being located in an internal enclosed space.
7. The applicant contends that the exceptional needs of the pupils due to the diverse and severe nature of their disabilities make the current accommodation unsuitable, and the requirement to improve the facilities to an acceptable standard constitute very special circumstances.

Planning Policy

8. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) **National Planning Policy Guidance 2: Green Belt**

There is a general presumption against inappropriate development within the Green Belt, which is by definition harmful and should not be permitted unless it can be justified by very special circumstances. The construction of new buildings within the Green Belt is inappropriate unless it is for the following purposes:

 - agriculture or forestry
 - essential facilities for outdoor sport and outdoor recreations, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purpose of including land in it.
 - limited extension, alteration or replacement of existing dwellings.
 - Limited infilling in existing villages and limited affordable housing for community needs
 - Limited infilling or redevelopment of major existing developed sites identified in adopted local plans.
 - (ii) **National Planning Policy Statement 7: Sustainable Development in Rural Areas**

The Planning system should seek the conservation of the natural beauty of the landscape and countryside. Development should be well designed and inclusive, in keeping and scale with its location, and sensitive to the

Erection of an extension to sports hall, Valence School, Westerham – SE/10/2312

character of the countryside and local distinctiveness. Nationally designated areas such as Areas of Outstanding Natural Beauty are confirmed as having the highest status of protection and relation to landscape and scenic beauty.

(iii) The adopted **South East Plan 2009: Regional Spatial Strategy Policies**

Note that following the recent successful Cala Homes High Court challenge over the earlier abolition of the South East Plan, the South East Plan now forms part of the Development Plan again. In addition, Local Planning Authorities should have regard to the Department for Communities and Local Government Chief Planners advice that the Government intends to revoke the South East Plan via the Localism Bill. This advice is, however, subject to a further challenge and this advice must carry very little weight until such time as the court decision is known.

Policy SP5 The existing broad extent of the Green Belts in the region is appropriate and will be retained and supported and the opportunity should be taken to improve their land use management and access as part of initiatives to improve the rural urban fringe.

Policy C3 High priority will be given to the conservation and enhancement of the natural beauty of the region's Areas of Outstanding Natural Beauty. In considering proposals for development, the emphasis should be on small-scale proposals that are sustainably located and designed. Proposals which support the economies and social well-being of the AONBs and their communities will be encouraged provided that they do not conflict with the aim of conserving and enhancing natural beauty.

Policy S5 Increased and sustainable participation in sport, recreation and cultural activity should be encouraged by local authorities.

Policy S6 The mixed use of community facilities should be encouraged.

(iv) The adopted **Sevenoaks District Local Plan 2000 Saved Policies**

Policy EN1 Proposals for development must comply with development plan policies unless there are overriding materials considerations. Planning applications should be considered against general development criteria.

- The form of the building to be compatible with the other buildings and the design to be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- The layout should respect the topography of the site and retain important features including trees and hedgerows, new landscaping features will be required in appropriate cases.
- Development should not have an adverse impact on the privacy or amenities of a locality.
- The development does not result in the loss of important buildings or related spaces.
- A satisfactory environment for future occupants.
- A satisfactory means of access and provision of parking to the required standards.

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- Appropriate facilities for those with disabilities.
- The application to be accompanied where appropriate by a planning statement describing the environmental and physical impact of a proposal on the locality and the measures that will be undertaken to mitigate the impact.

Policy EN4A Proposals for all forms of new non-residential development must make satisfactory provision for the safe and easy access of those with disabilities.

Policy EN6 Areas of Outstanding Natural Beauty. Development which would harm or detract from the landscape character of these areas will not be permitted.

Policy EN7 Development within the Greensand Ridge Special Landscape Areas will be permitted only where it would cause no significant harm to the landscape character of the area.

Consultations**9. Sevenoaks District Council:** Comments as follows:

- “The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. This conflicts with government advice in the form of Planning Policy Guidance 2: Green Belt.”

Following the receipt of additional information from the applicant, the following comments were received

- The proposed development would not harm or detract from the landscape character of the AONB (Policy EN6) as the proposed development would be located against the bulk of the existing building which would minimise the impact within the AONB.
- The proposed development would be located within the grounds of the Valence School facing towards the other school buildings. Accordingly the proposal would not impact upon any residential properties. The materials would be in keeping with the existing building.
- The proposed development would not impact detrimentally upon local amenities or landscape and would incorporate materials in keeping with the existing building. However, the proposed development would add to the built form of the existing building. This would reduce the openness of the Green Belt and accordingly would be inappropriate development within the Green Belt.
- Of the very special circumstances advocated
 - The needs of the pupils would carry a limited degree of weight.
 - The requirement to meet the Sports College Status would not be an issue of relevance to Green Belt Policy.
 - The need for additional storage cannot be seen to be a unique circumstance.
 - Through reducing the openness of the Green Belt, the proposal would be inappropriate development within the Green Belt.
- Whilst the needs of the pupils does carry some weight, it does not represent very special circumstances that would outweigh the harm to the green belt.

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Westerham Parish Council – Raises no objection.

Local Member

10. The local County Member for Sevenoaks West Mr R. Parry was notified of the application on 12 August 2010

Publicity

11. The application was advertised by the posting of a site notice and the notification of 4 neighbours, and no representations have been received.

Discussion

12. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) 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, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
13. This application has been reported for determination by the Planning Applications Committee following the receipt of an objection from the District Council. The initial objection was submitted on the grounds that the development was within the Green Belt and therefore constituted inappropriate development which would harm the openness of the Green Belt and conflict with national Planning Policy Guidance 2 (PPG2). The applicant submitted a statement from the headmaster, and a statement from the agent, which argued very special circumstances for the proposal. However, following this the District Council reaffirmed their objections with a report stating that they object on the grounds that (a) the proposal is inappropriate development which would harm the openness of the Green Belt, and (b) the justification provided does not constitute very special circumstances that would outweigh the harm to the Green Belt.
14. The proposed development would be located within a designated Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA) protected by current planning policy. The objections received do not raise a concern about the impact on these designations. The proposed development would be located within the built form of the school, would be facing towards other school buildings and therefore would not be visible from any vantage point outside the school site, and indeed the immediate enclosed area. It is a relatively minor addition to the existing building and would not have any adverse landscape or visual impact. For these reasons I am of the opinion that these issues need not be discussed further and that the primary planning issue for discussion relates to the impact on the Green Belt designation.

Inappropriate Development Within the Green Belt

15. Planning policy for developments within the Metropolitan Green Belt is informed by Planning Policy Guidance 2: Green Belts (PPG2), which seeks to maintain tight planning controls over development within this designation. PPG2 states that the aim of the planning policy is:

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- to check the unrestricted sprawl of large built-up areas
 - to prevent neighbouring towns from merging into one another
 - to assist in safeguarding the countryside from encroachment
 - to preserve the setting and special character of historic towns
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
16. This planning application proposes a modest extension to an existing building. The extension would be located on an area of land that is enclosed on three sides by buildings, and trees on the fourth side. The extension is proposed to be constructed of matching materials, and is only as high as the eaves and existing side elevation wall. Therefore, if the development were built it would not be visible from any position, other than the immediate surrounding area within the school site and it would not prevent access to the countryside or wider views from the Green Belt land. Therefore, I am of the opinion that the proposal does not conflict with the aims and objectives of the Green Belt designation and constitutes a limited infill extension to an existing development, and is therefore not inappropriate development.
17. The District Council has communicated that their opinion on this case is that building within the Green Belt, whilst not visible from the wider landscape, would still constitute inappropriate development as it would encroach spatially by introducing an additional amount of built form. Modest extensions to Green Belt schools in other districts are often assessed in terms of fact and degree (location, visibility, size and materials), and these are the factors used to decide the extent to which the development impacts on the openness of the Green Belt and whether or not it is inappropriate development.
18. The strict interpretation of PPG2 would allow limited extension to dwellings, but this exception would not extend to this development as it is for a school, and if strictly complied with, no extension or modest expansion of any existing school premises would ever be acceptable under PPG2 criteria. . Clearly the purpose of the Green Belt is not to prevent organic expansion and improvements of existing and necessary community facilities that happen to operate in area that has subsequently been covered by blanket Green Belt designation. Whilst it may be possible to interpret the other PPG2 exception *“other uses of land which preserve the openness of the Green Belt and which do not conflict with the purpose of including land in it”* as extending to this situation, if the strict approach is to be adopted, then this proposal would constitute inappropriate development and it would be necessary to demonstrate ‘very special circumstances’.

Very Special Circumstances

19. In response to the Green Belt objection from the District Council, the applicant and agent submitted additional information to demonstrate very special circumstances to override the classification of the proposal as inappropriate development, which is summarised above in paragraphs 6 and 7.
20. The report from the officer at the District Council states that little weight can be attached to the needs of the pupils. However, in my opinion the needs of the pupils should be given considerable weight when assessing against Green Belt policy.
21. Valence School provides specialist education and facilities for children with severe and wide-ranging disabilities. A large number of the pupils have wheelchair requirements, and some are classified as requiring significant or total care. The school buildings have been renovated and updated over the past few years to accommodate this specialist

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function. It has been identified that the facilities within the sports hall fall short of what is required, and in the worst case analysis constitute a health and safety risk. In my opinion it would be inequitable not to attach some weight to the needs of the pupils and the ongoing aims of the School as a whole to provide appropriate and updated facilities for this school. In particular, it would be wrong to discriminate against this particular long established special school in terms of access to new and upgraded facilities, without which it might not be able to continue to operate and meet current standards, simply because it operates from a site that has since been included within the blanket designation of Green Belt. The purpose of the Green Belt is to contain existing areas of urban development within their existing built up confines by maintaining largely open land between them – in this case between the built up area of Greater London and the built-up areas of the established surrounding towns and villages. Whilst Green Belt policy aims to preserve the openness of these largely undeveloped ‘in between areas’, the intention is clearly not to prevent the continued operation and success of those community services that already operate within the Green Belt.

22. The School caters for pupils from a large catchment area, therefore strategically, the special residential nature of the facilities is important to more than the immediate locality. This alone demonstrates that the needs of the pupils are very specialist and cannot readily be provided at many other locations. Evidence of the significant weight attached to their needs is demonstrated in the fact that the pupils are sent to this school, rather than to their nearest mainstream school, and this should be considered when assessing the importance of the needs of the pupils as a material consideration within the planning application.
23. Whilst the minor impact of this modest building extension on the Green Belt in physical and visual terms is not in itself a reason to justify the proposed development, the fact that the extension would be well contained within the inner part of an established built development means that the impact on the openness of the wider Green Belt would actually be so insignificant as to be imperceptible. Under the circumstances, I would contend that this negligible physical impact does in this particular case lend support to the case for demonstrating adequate very special circumstances to justify setting aside the normal Green Belt policy presumption against further built development in principle. Therefore, in my opinion, this, together with the reasons given by the School to justify the proposal do outweigh the very limited harm to the openness of the Green Belt.

Conclusion

24. In my opinion, due to the minor scale of the proposal, the location, design and materials used, the development would not constitute inappropriate development within the Green Belt to a significant enough degree as to clearly conflict with the aims and objectives of Green Belt policy. In particular, the prime purpose of the Green Belt is to prevent the coalescence of urban areas by maintaining open areas of land in between and the proposed extension would have an imperceptible impact in reducing such openness, given that the development constitutes a limited infill extension. Moreover, it faces inwards towards existing buildings on an existing developed and long functioning school site, and would not be visible from any external viewpoint. Notwithstanding the above opinion, if the building were to constitute ‘inappropriate development’, I am satisfied that the School has demonstrated ‘very special circumstances’ that outweighs what in this particular case is only very limited material harm to the Green Belt.

Recommendation

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25. I RECOMMEND that PERMISSION BE GRANTED subject to conditions:

- The standard time condition for implementation;
- The development to be completed in accordance with the approved plans;

Case officer – Jeff Dummett	01622 221058
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Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

- | | |
|-------------|---|
| DA/09/681/R | Non-material amendment to planning permission DA/09/681 to alter the layout of the blower house building within its approved footprint. Long Reach Sewage Treatment Works, Marsh Street, Dartford |
| DA/10/1175 | Variation of conditions 4, 5 and 6 of planning permission DA/07/1 (as amended by planning permission DA/08/727) to alter the existing phasing arrangements and allow landfill Cell 3C to be used for the stockpiling of soils until completion of Cells 4, 5, 6 and 7 (i.e. northern extension). Approval of the extension to existing materials recycling facility (MRF) (permitted under planning permission DA/08/1007) pursuant to condition 3 of planning permission DA/07/1 (as amended) to improve recycling performance together with consequential alterations to the layout of the waste transfer station and materials recycling facility, materials processing area (crushing, screening and stockpiling) and soil enhancement area (screening, blending and stockpiling).
Pinden Quarry, Green Street Green Road, Longfield |
| SW/10/1146 | Section 73 application to amend the wording of planning conditions 10, 11 and 17 imposed on the consent reference SW/09/894 to state that the conditions be discharged prior to the commencement of the development rather than within 3 months of planning permission being granted.
Countrystyle Heat and Power Ltd, Ridham Dock Road, Iwade, Sittingbourne |

E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, I have considered the following applications and - decided not to submit any strategic planning objections:-

Background Documents - The deposited documents.

None

**E3 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS
MEMBERS' INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

AS/09/867/R3	Details pursuant to condition 3 (ecological surveys) of planning permission AS/09/867 for extension, adaptation and alteration of the existing school building. Beaver Green Primary School, Cuckoo Lane, Ashford
AS/10/380/R3	Details of external materials relating to the multi agency specialist hub, pursuant to condition (3) of planning permission AS/10/380. The Wyvern School, Great Chart Bypass, Ashford
AS/10/380/R4	Details of the disposal of surface waters, pursuant to condition (4) of planning permission AS/10/380. The Wyvern School, Great Chart Bypass, Ashford
AS/10/380/R6	Details of the provision of compensatory flood storage, pursuant to condition (6) of planning permission AS/10/380. The Wyvern School, Great Chart Bypass, Ashford
AS/10/975	Replacement/extension of fencing, additional outdoor activity play areas, replacement windows to kitchen area, alterations to bin area and replacement cladding to various areas. Egerton CE Primary School, Stisted Way, Egerton, Ashford
GR/08/121/R2	New 2 storey building with associated works – Non – material amendment to include addition of external sign to building envelope and increase to height of boiler flu. St John's Catholic Comprehensive School, Rochester Road, Gravesend
GR/10/848	Single storey extension to existing primary school to form meeting area, resource area and PPA area. Link through to main school building. Shorne C of E Primary School, Cob Drive, Shorne, Gravesend
MA/10/787/R	Application for a non-material amendment; change of fencing specification, increase in length of the remote office, rearrangement of the depot layout and changes to the elevations of Doubleday House. Aylesford Highway Depot, Doubleday House, St Michaels Close, Aylesford
SH/09/822/R10A	Amendment to the approved landscaping scheme (approved pursuant to condition 10). Marsh Academy, Station Road, New Romney

SH/10/128	Section 73 application to vary condition 2 of planning permission SH/09/781 to permit minor changes to design and re-siting of building away from existing soakaway. Stelling Minnis CE Primary School, Bossingham Road, Stelling Minnis Canterbury
SH/10/924	Construction of a rear extension to enlarge two classrooms and change I.T. suite to community room. Sandgate Primary School, Coolinge Lane, Folkestone
SW/10/334/R3,4,5	Details of all materials to be used externally, flood resilience measures and a drainage scheme. St Bartholomews School, Atlee Way, Sittingbourne
SW/10/1015	Wind turbine to be located within new primary school at Warden. Open Ground situated to the north of the B2231 Leysdown Road, Close to the junction with Warden Bay Road, Sheerness
SW/10/1228	Retention of a mobile classroom unit. Borden C of E Primary School, School Lane, Sittingbourne
TH/05/964/R25	Temporary relaxation of planning condition controlling working hours. Proposed East Kent Access Scheme Phase 2, between former Richborough Power Station (A256), Minster roundabout (A299) and the Lord of the Manor junction at Cliffs End
TH/10/227/R3	Details of external materials pursuant to condition (3) of planning permission TH/10/227. Land annexed from Garlinge Primary School & Nursery, Westfield Road, Margate
TH/10/227/R4	Details of site levels and finished floor levels pursuant to condition (4) of planning permission TH/10/227. Land annexed from Garlinge Primary School & Nursery, Westfield Road, Margate
TH/10/227/R5&R6	Details of contractors compound and access arrangements pursuant to conditions (5) and (6) of planning permission TH/10/227. Land annexed from Garlinge Primary School & Nursery, Westfield Road, Margate
TH/10/227/R7	Details of a scheme for the disposal of surface waters pursuant to condition (7) of planning permission TH/10/227. Land annexed from Garlinge Primary School & Nursery, Westfield Road, Margate
TH/10/227/R8&R9	Details of land contamination and remediation measures pursuant to conditions (8) and (9) of planning permission TH/10/227. Land annexed from Garlinge Primary School & Nursery, Westfield Road, Margate
TH/10/227/R10	Details of archaeological field evaluation works and report pursuant to condition (10) of planning permission TH/10/227. Land Annexed from Garlinge Primary School & Nursery, Westfield Road, Margate

TH/10/297/R3, 4, 5 8 & 9	Request for approval of details pursuant to conditions 3 (surface water disposal), 4 (external lighting), 5 (ecological survey), 8 (programme of historic building recording), and 9 (ground investigation report) of planning permission TH/10/297. Newlands Primary School, Dumpton Lane, Ramsgate
TH/10/838	Retention of five mobile classroom units. Chatham House Grammar School, Chatham Street, Ramsgate
TH/10/848	Retention of a portakabin. Chatham House Grammar School, Chatham Street, Ramsgate
TM/10/185/R7	Details of a landscape scheme pursuant to condition (7) of planning permission TM/10/185 for an artificial grass sports pitch. Hayesbrook School, Brook Street, Tonbridge
TM/10/2273/R	Non material amendment to planning permission TM/10/2273 including a reduction in the size of the building, change to the access and revised roof materials. The Hayesbrook School, Brook Street, Tonbridge
TM/10/2493	Creation of a car park comprising 8 parking spaces and 1 disabled bay. Larkfield Family Centre, 72 Martin Square, Larkfield, Aylesford
TW/07/2721/R	Non-material amendment to permitted drawings to include an inclusive pedestrian access from adjacent public footpath. Broadwater Children's Centre, Broadwater Lane, Tunbridge Wells
TW/10/3121	New reception area. St Gregory's Roman Catholic Comprehensive School, Reynolds Lane, Tunbridge Wells

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

- AS/10/1352 Variation of condition 2 of planning permission AS/96/933 to extend the date for the cessation of mineral extraction until 31 December 2015 and for the completion of restoration until 31 December 2017.
Charing Quarry, Hook Lane, Charing, Ashford
- KCC/AS/0373/2010 Section 73 application to vary the size and external appearance of the new Primary School wing approved under planning consent reference AS/10/380, involving alterations to the sports pitch layout and the change in position of the vehicle parking provision and external spaces.
The Wyvern School, Great Chart Bypass, Great Chart
- KCC/EIA/AS/0344/2010 Proposed works in connection with SmartLink Bus Rapid Transit Scheme, Ashford as follows:
1. Construction of 30 new bus stops and upgrading of 18 existing bus stops;
 2. Road widening, to incorporate designated bus lanes, totalling approximately 2.5km, in the following locations:
 - *Trinity Road, in three locations;*
 - *Templer Way, in two locations;*
 - *the northbound carriageway of Sackville Crescent;*
 - *both carriageways of Beaver Road and outside the entrance to the International Station on Avenue Jacques Fauchoux;*
 - *the existing bridge and location of new northbound carriageway SmartLink Station on Crowbridge Road;*
 - *the eastbound carriageway of The Boulevard;*
 - *the junction at the two ends of Cuckoo Lane;*
 - *the junction of Knoll Lane with Harvest Way;*
 - *Knoll Lane, Brookfield Road and Leacon Road;*
 - *the eastern carriageway of Wellesley Road;*
 - *the northern carriageway of Mace Lane; and,*
 - *the William Harvey Hospital car park and existing bus stop.*
 3. Installation of a new bus hub on Elwick Road.
 4. Other minor alterations to the road network.
- KCC/EIA/GR/0347/2010 Request for a screening opinion as to whether proposal requires an Environmental Impact Assessment for engineering operations, comprising land raising and the creation of a development platform.
Northfleet Embankment (East), Gravesend
- MA/10/167 Development of a materials recycling facility.
SBS Recycling Ltd, Straw Mill Hill, Maidstone
- SW/10/1436 Section 73 application to vary conditions 12 (hours of delivery), 20 (vehicle movements), 22 (compostable waste tonnage), 26 (tonnage of waste processed within the materials recycling facility) and 28 (secondary aggregate recycling tonnage) of planning permission reference SW/05/1392.
Countrystyle Recycling Ltd, Ridham Dock Road, Iwade, Sittingbourne

- KCC/TM/0360/2010 Installation of renewable electricity generating equipment with associated alterations to the design of part consented southern composting hall building with additional car parking spaces.
Blaise Composting Facility, Kings Hill, West Malling
- KCC/TM/0371/2010 Variation of conditions 19 and 20 of planning permission TM/98/2045/MR92 to allow for the temporary importation of backfill material by road until 31st March 2016 to facilitate restoration.
Arnolds Lodge Farm Quarry, John Boyle Way, Hale Street Bypass, East Peckham
- TW/10/3477 A new maths, English and languages building on the Mascalls School site providing 24 new classrooms, 2 media suites, hall and dining area, kitchen, servery, staff areas and toilet provision. Existing A block to be demolished at Phase 2 of the development.
Mascalls School, Maidstone Road, Paddock Wood, Tonbridge

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None

E5 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None