

PLANNING APPLICATIONS COMMITTEE

Tuesday, 15th March, 2011

10.00 am

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

Please note that Item D1 will be considered at 2.00pm



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 15th March, 2011, 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

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 15 February 2011 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. Pre and Post Planning Application Charging Service (Pages 7 - 24)

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application SH/08/124 - Materials Recycling Facility, Anaerobic Digestion Plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge; Countrystyle Recycling Ltd (Pages 25 - 106)
2. Application DA/10/1232 -- Change of use of part of yard from open storage to increase area for waste transfer and recycling of waste; and provision of a trommel with covered waste sorting facility, partly within existing yard and partly within new extended area of yard at Lees Yard, Rochester Way, Dartford; Easy Load Ltd (Pages 107 - 124)
3. Application MA/10/1932 - Replacement building for waste processing on Unit 6 with provision of revised access and parking at Unit 6, Detling Aerodrome Estate, Detling; D&D Waste Recycling Ltd (Pages 125 - 136)
4. Application MA/10/1931 - Change of use of land to provide for skip hire depot, including retention of existing portacabins for use as office, canteen and toilet (dual use) at Unit 13/14, Detling Aerodrome Estate, Detling; D&D Waste Ltd (Pages 137 - 146)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

Please note that Item D1 will be considered at 2.00pm

1. Proposal TW/10/434 - Redevelopment of existing school site to provide a new academy at The Skinners Kent Academy, Land east of Blackhurst Lane and between Sandown Park and Pembury Road, Tunbridge Wells; KCC Building Schools for the Future and Academy Team (Pages 147 - 222)

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, 7 March 2011

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, 15 February 2011.

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 P J Homewood, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith, Mr K Smith and Mr A T Willicombe

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Team Leader - County Council Development), Mr R White (Transport and Development Business Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**9. Minutes - 20 January 2011**

(Item 4)

RESOLVED that the Minutes of the meeting held on 20 January 2011 are correctly recorded and that they be signed by the Chairman.

10. Site Meetings and Other Meetings

(Item A4)

(1) The Committee noted that the site visit to the proposed Incinerator at Charing had been cancelled, and that the training session on 12 April would be on minerals and waste issues.

11. South East Plan Update

(Item)

(1) The Chairman declared this item to be Urgent as the Committee needed to be aware of the latest developments when it determined applications.

(2) The Head of Planning Applications Group informed the Committee that the Government had won its case in the High Court against Cala Homes. As a consequence, the Government's intention to abolish the South East Plan was a material planning consideration for the determination of planning applications - as were relevant policies in the South East Plan. The Judgement made clear that the weight to be afforded to any material consideration depended on the individual circumstances and was a matter for the decision maker, who needed to act reasonably and consistently.

12. Application TM/10/3056 - Renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces at Blaise Composting Facility, Kings Hill, West Malling; New Earth Solutions (Kent) Ltd and William Riddle
(Item C1)

The Chairman informed the Committee that he had agreed to the applicants' request that consideration of this application should be deferred for three months.

13. Proposal CA/10/1790 - State of the art educational building together with outdoor sports pitches, a new three court multi-use games area, new parking provision, drop-off zones, new circulatory access and landscaping and ancillary works for Spires Academy at Land at Bredlands Lane, Westbere, Canterbury; KVV Children, Families and Education
(Item D1)

(1) The Head of Planning Applications group informed the Committee that Sport England had withdrawn its concern over the loss adequacy of storage space for the proposed sports hall. As a consequence, the condition requiring its design to accord with their specifications was no longer needed.

(2) The Head of Planning Applications Group informed the Committee that the local Member, Mr R A Marsh had expressed his support for the recommendations and that two local City Council Members had also written in to express their support.

(3) In agreeing the recommendations (as amended in (1) above, the Committee asked for the inclusion of a condition advising that the existing building and its site needed to be secured once vacated.

(4) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; details of all external lighting; a scheme of landscaping, including hard surfacing, its implementation and maintenance; measures to protect those trees to be retained; details of fencing, gates and means of enclosure, including colour finishes; no tree removal during the bird breeding season; the development according with the recommendations of the ecological surveys; the submission of a reptile mitigation strategy; archaeological field evaluation works and subsequent safeguarding measures; a BREEAM rating of 'Very Good' being achieved; the submission of a detailed surface water drainage scheme; the submission of details regarding ground conditions and playing field quality; retention of playing field land to the north of the existing buildings on the west of Bredlands Lane; the MUGA being constructed in accordance with Sport England Technical Design Guidance Notes; the submission of a report setting out expected community use of the indoor and outdoor facilities, including hours of use; the provision of a pedestrian and vehicular visibility splay; the provision of access, car parking, pick-up/drop-off, circulatory space, and cycle parking prior to first occupation, and

subsequent retention; car parking on site being available out of school hours to accommodate evening and weekend use; a combined footway and cycle route being provided prior to first occupation, its subsequent retention and availability for public use; the submission of a revised School Travel Plan, its implementation and ongoing review; no flood lighting being erected on the multi-use games area (or elsewhere on the site) without the written permission of the County Planning Authority; hours of working during construction and demolition being restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management plan, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations; adequate measures being taken to ensure the security of the existing buildings and their site once vacated; and measures to prevent mud and debris being taken onto the public highway; and

(b) the applicants be advised by Informative that:-

- (i) account should be taken of Environment Agency's advice relating to flood risk, land contamination, drainage, and the storage of fuel, oil and chemicals; and
- (ii) planning permission does not convey any approval for the required vehicular crossing or any other works within the highway for which a licence must be obtained.

14. Proposal DO/10/507 - Removal of a mobile classroom unit and construction of a single storey building at Goodnestone CEP School, The Street, Goodnestone, Canterbury; Governors of Goodnestone CEP School
(Item D2)

(1) Mr K Smith made a declaration of Personal Interest as he had formerly been Chairman of Governors at Goodnestone CEP School.

(2) Mr C Hibberd informed the Committee of the strong support of Mr L B Ridings, the Local Member for the proposal.

(3) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit condition; the development being completed in accordance with the approved plans; details of external materials being submitted and approved prior to commencement; adequate facilities being provided during construction to prevent the deposit of mud on the highway; and no border trees, hedgerows or shrubs being removed without written approval from the County Planning Authority.

15. Proposal SE/10/1416 - Multispan green house and roof garage at The Milestone School, Ash Road, New Ash Green; Governors of The Milestone School
(Item D3)

(1) In agreeing the recommendations, the Committee requested the inclusion of an Informative advising the applicants of the need to ensure that the poly-tunnel should be kept in good repair.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions including conditions covering the standard time condition; and the development being completed in accordance with the approved plans; and
- (b) the applicants be advised by Informative of the Committee's view of the need to ensure that the poly-tunnel is kept in good repair.

16. Proposal TW/10/3477 - Mew Maths, English and Languages building on The Mascalls School site providing 24 new classrooms, 2 media suites, hall and dining area, kitchen, servery, staff area and toilet provision. Demolition of existing A Block at Phase 2 of the development at The Mascalls School, Paddock Wood; Governors of The Mascalls School
(Item D4)

(1) The Head of Planning Applications Group informed the Committee of the views of the Local Member, Mr A J King in strong support of the proposal; of late comments from Tunbridge Wells BC, welcoming the planned planting scheme on the southern side of the site; and the further views of Paddock Wood Town Council raising no further issues.

(2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; full implementation of the tree planting scheme (associated with the proposed development) as proposed within the application within the first planting season following the completion of Phase 1; implementation of the original Riley building landscaping measures (as originally agreed pursuant to Permission TW/04/1935) within the first planting season following completion of Phase 1; the submission for approval of the details of internal site landscaping measures, including proposed allotments, orchard, sculpture garden and wildflower meadow and their subsequent implementation within the first planting season following completion of Phase 2; the erection and subsequent maintenance of tree protection fencing (in accordance with the relevant British Standard) around all the trees and groups of trees to be retained during construction activities; the approval of details of all external materials to be used in Phases 1 and 2 prior to construction; appropriate measures being installed on site to prevent mud and debris being tracked out of the site to the public highway; the submission and approval of a Construction Management Plan prior to commencement of construction activities; the existing Caretaker's House and Caretaker's Workshop being demolished upon completion of Phase 1; the existing 'A' Block being demolished upon completion of Phase 2; ecological mitigation measures being undertaken in full as detailed in paragraph 18 of the report ; and the submission and approval of foul and surface water drainage schemes prior to commencement.

17. County matter applications 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 (None);
- (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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Item B1

Pre and Post Planning Application Charging Service

A report by Head of Planning Applications Group to the Planning Applications Committee on 15 March 2011

Summary: Charging strategy for non statutory planning advice

Recommendation: To agree the imposition of a charging strategy

Local Member: N/A

Purpose of the Report

1. The purpose of the report is to seek Members' agreement to introduce a charging regime for providing non statutory planning advice and to consider options available to the County Council.

Background

2. The Local Government Act 2003 gives Local Planning Authorities discretionary powers to recover the costs of pre-application advice in recognition of the time officers have to spend researching information in order to provide answers to prospective developers or applicants. In recent years there has been a trend in authorities charging for a pre-application service. This includes county council, borough council and unitary authorities.
3. The benefits of prospective applicants seeking pre-application advice are strongly encouraged by Government and Local Planning Authorities. It is widely recognised as good practice and results in better quality applications and development on the ground. Pre-application advice provides an opportunity to shape development at an early part of the development process and can lead to quicker decision making. Developments that are unlikely to be successful during the planning process can be discouraged resulting in potentially expensive consultancy and survey work being avoided for the developer. The Planning Applications Group invests considerable resources in its pre-application service, which it currently provides at no cost to the developer.
4. Across the country, there are a number of different charging models. There is considerable variation as to the amount charged, the service offered and what exemptions apply. All declare that there are benefits to the prospective applicant and that advice whilst taken into account during the planning process does not constitute a formal response or decision of the Council with regards to future planning consents and that any application will be subject to public consultation and ultimately decided by the Planning Authority. Similarly, use of the pre-application service does not guarantee that any application following advice will be valid or will gain approval.

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Benefits of Pre-Application Advice

5. The benefits of seeking pre application advice are fairly standard across planning authorities and is an area that central government strongly encourages. The benefits can be summarised as providing the following:
 - An understanding of how national, regional and local guidance and policies will be applied to a development.
 - Allows conflicts to be identified and addressed at an early stage in the planning process
 - Potential for reducing the time professional advisors spend in working up the proposals.
 - An indication of those proposals that are completely unacceptable, so saving the cost of pursuing a formal application.
 - Written confirmation of the advice given at the pre-application stage.
 - Advice that is consistent, reliable and up to date and tailored to specific needs
 - An opportunity for wider engagement with other stakeholders where appropriate which can deliver better outcomes for all parties.
 - Comprehensive information on what is needed to provide in order for an application to be considered favourably
6. Charging for the advice service also brings potential wider benefits. Fee income received would help to cover the cost of the planning application service thereby assisting in maintaining the level of the service. It would also help discourage speculative requests for advice, thereby allowing staff to focus on requests that are more likely to result in an application being submitted.
7. Most of the Kent Districts charge for pre-application advice including Ashford, Canterbury, Dartford, Dover, Gravesham, Maidstone, Tonbridge and Malling, Thanet and Sevenoaks. Similarly a number of county councils charge for planning advice. Examples of charging schemes are set out in appendix 1.

The Current Pre/Post Application Advisory Service

8. Whilst the County Council does not have any formal processes or procedures for imparting pre and post application planning advice, the Planning Applications Group encourages prospective applicants to seek pre-application advice in accordance with Government good practice. The service is currently provided free of charge as a complimentary service to the formal planning application process. It can take a number of formats depending upon the nature of development. This includes:
 - Short telephone conversations asking whether planning permission is required and simple requests that can be handled with very minimal officer input/research.
 - written advice on major and minor development proposals
 - site meetings and verbal planning advice

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- site meetings and subsequent written planning advice;
 - Meetings at Invicta House with representatives from the applicant, officers and where appropriate specialist advisors. (Note officers do not usually produce a written of the meeting unless asked to, although they may comment on a note produced by others);
 - commenting upon draft applications following pre-application advice;
 - Planning histories and land charge requests from solicitors;
 - Advice to address breaches of planning control
9. In addition, the Council currently provides a free service to:
- advise on changes to schemes post determination of a planning application;
 - deliver a legal agreement associated with a resolution to permit development where planning officer costs are not included in the resolution
10. With the exception of very minor requests, the prospective applicant is invited to put their request in writing so that it can be allocated to a case officer.
11. The current service works well and from informal feedback from applicants and agents is well regarded and valued. In particular, for the County Matter development (minerals and waste), the ability to meet on site and thereby combine a meeting with a visit is an aspect that is particularly valued and is an effective tool in establishing key planning issues.

Proposed Changes to the Advisory Service

12. In the current economic climate, it is not reasonable in my view for the wider community to subsidise the developer for the cost of preparing a planning application, revisions to schemes or detailed work associated with legal agreements. We have seen a recent trend where officers are being asked to play a much greater role in advising on the contents of prospective planning applications as applicants rely less on planning consultants. I therefore propose that certain aspects of the pre and post planning application service attract a fee from April 2011.
13. Any new system needs to keep the key benefits of the current system, be easily understood and be fair. It also needs to be simple and cost effective to operate and administer. A key benefit of the pre-application service is to shape applications at an early stage which results in better quality planning applications and developments on the ground and arguably swifter planning decisions. It is a very important part of the planning service and not an area which we should discourage. This factor influences the type of service we should provide in the future and the fee attached to types of planning advice listed within a new charging system.
14. As can be seen from the appendix there are a variety of schemes in place. In determining what scheme is appropriate for this planning authority, I have considered the nature of the existing advisory service, what works well and the potential implications of charging as well as the nature of the business and the practices of other planning authorities. I have also had regard to the 2003 Local Government Act which allows for charges to be made but does not allow the authority to make a profit on the service.

15. I have considered a number of different models with different charging rates and various delivery mechanisms. Some of these are illustrated in Appendix 1. Broadly the schemes charge for most of the pre-application service with a limited amount of free advice. There is mainly a tiered approach to costs depending upon minor or major development, although the definition of each varies between authorities. Advice for major development tends to be via meetings and there is scope for meetings on site in some authorities although this is discretionary and attracts an additional cost. In terms of costs, the approach varies from a flat fee to an hourly rate. A number of authorities have a 'component' or 'pick and mix' approach depending upon the service sought. There is also variation on a written advice service. Some authorities provide written advice for major and minor development, others only on minor development and others not at all. In the Districts, advice on householder developments is usually free. Some authorities also provide a free advice service to voluntary groups and parish councils.

Proposed Charging Options

16. In the case of Kent I have considered two options in detail and undertaken a customer impact assessment as part of the requirements under equality legislation. Both options are based upon the current pre-post advisory system which works well. I therefore propose that we continue to offer the same range of pre and post application advice, (i.e. written, site meetings and office based meetings) albeit some aspects will in future attract a fee.
17. Option 1 proposes charges for major and minor development for both County Council community development and minerals and waste development. Generic free advice would be available on the Council's website in the form of the recently approved Validation Guidance and other material. Option 2 proposes retaining some element of free advice for minor development, particularly for the community proposals. This option also proposes to provide free advice relating to minor amendments to working schemes, minor variations and discharge of conditions for mineral and waste development.
18. A number of other council schemes impose a charge for travelling time to site visits as part of the service and charge an additional fee for more than one officer to attend a meeting or site visit. Based upon current experience, meetings on site are particularly valuable in understanding the planning issues. Given the geography of the county, I would not wish to penalise prospective applicants promoting development further away from Maidstone than others, so I am not proposing to include travelling time for site visits for either option. Similarly, the charge will relate to one planning officer even if more than one officer attends. Written advice would be verified by the Head of Planning Applications or nominated Principal Planning Officers.

Option 1 – Charge For All Site Specific Advice

19. Charges would apply to all planning advice pre and post application for minerals and waste development and the County Council's community (Regulation 3) development irrespective of scale. Free generic guidance would be available via the Validation Guidance and other material available on the Council's website.

20. Requests for pre-application advice will need to be made by completing a pro-forma which will be available on the Council's website. Prospective applicants would be required to identify which service they required and submit the form and the fee prior to allocation of the work.

Post-determination Advice

21. There are occasions where detailed advice is provided past determination of a planning application, for example in relation to changes to approved development. The County Council would reserve the right to charge for this advice at the same charging rate as the pre-application service set out below. Requests will be considered on a case by case basis irrespective of the type and scale of development.

22. At present, planning officer time (in addition to Legal costs) in connection with a legal agreement (post identification of the heads of terms) is chargeable to the applicant on a case by case basis and is included in the relevant Committee resolution. I propose that this element also be incorporated into the proposed charging regime.

23. The charges would be as follows:

<u>Meeting on Site (verbal advice)</u>	
Major Development	£400 (+vat)
Minor Development	£200 (+vat)
<u>Meeting at County Hall (verbal advice)</u>	
Major Development	£300 (+vat)
Minor Development	£150 (+vat)
Written advice following above meeting	£150 (+vat)
Subsequent meetings will attract a further meeting charge as above.	
Where additional specialist advice is required, consultant's fees will be charged at cost. Attendance of other officers at the meeting, including specialist advisors, will be at the case officer's discretion	
Written advice including commenting on a draft application (prepared following advice contained in the Council's validation documents)	Depending upon complexity of request – price upon application.
Planning histories and solicitor enquiries	£150 (+vat)
Work in connection with a legal agreement (post identification of the heads of terms)	£150 per hour (+vat)

24. Major community development would be defined as proposed buildings over 1000m² or sites over 1ha, or schemes subject to Environmental Impact Assessment. Minor community development would be those excluded from the major definition.

Major mineral and waste development is defined as all minerals and waste development other than minor amendments to working schemes, minor variations and discharge of conditions. Minor minerals and waste development would be defined as minor amendments to working schemes, minor variations and discharge of conditions.

25. Fees would cover administration costs and officers' time for research, assessment, a meeting and as necessary a written response. Travelling time to meetings on site is excluded from the charge.

The service would identify:

- key planning considerations which need to be taken into account in preparing any planning application;
- the need for any specialist input
- informal and without prejudice officer advice on the planning merits including an indication if the proposal will be completely unacceptable
- advice about the Council's development control process including consultation processes, likely timetable of consideration and estimation of decision date or Planning Application Committee date where applicable

Option 2 - Retain Free Site Specific Advice for Minor Development

26. Option 2 proposes retaining some element of free advice for minor development for community and mineral and waste proposals. This option proposes to provide free advice relating to minor amendments to working schemes, minor variations and discharge of conditions for mineral and waste development and all minor community development. Charges would apply to advice for all major development for minerals and waste proposals and the County Council's community (regulation 3) development.

Major community development is defined as any of the following - proposed buildings over 1000m² or sites over 1ha, or schemes subject to Environmental Impact Assessment. Where pre-application advice is sought for multiple community projects that cumulatively exceed the threshold then the proposed charges will apply.

Major mineral and waste development is defined as all minerals and waste development other than minor amendments to working schemes, minor variations and discharge of conditions.

27. As with option 1, requests for pre-application advice would need to be made by completing a pro-forma which will be available on the Council's website. Prospective applicants would be required to identify which service they required and submit the form and the fee prior to allocation of the work.

Post-determination Advice

28. Where detailed advice is provided post determination of a planning application, for example in relation to changes to approved development, the County Council would reserve the right to charge for this advice at the same charging rate as the pre-application service set out below. Requests will be considered on a case by case basis irrespective of the type and scale of development. Similarly, officer costs in connection with a legal agreement (post identification of the heads of terms) would be chargeable to the applicant on a case by case basis.

29. The charges would be as follows:

Meeting on Site (verbal advice)	£400 (+vat)
Meeting at County Hall (verbal advice)	£300 (+vat)
Written advice following above meeting	£150 (+vat)
Subsequent meetings will attract a further meeting charge as above. Where additional specialist advice is required, consultant's fees will be charged at cost. Attendance of other officers at the meeting, including specialist advisors, will be at the case officer's discretion	
Written advice including commenting on a draft application (prepared following advice contained in the Council's validation documents)	Depending upon complexity of request – price upon application.
Planning histories and solicitor enquiries	£150 (+vat)
Work in connection with a legal agreement (post identification of the heads of terms)	£150 per hour (+vat)

30. These fees would cover administration costs and officers' time for research, assessment, a meeting and as necessary a written response. Travelling time to meetings on site is excluded from the charge.

The service would identify:

- key planning considerations which need to be taken into account in preparing any planning application;
- the need for any specialist input
- informal and without prejudice officer advice on the planning merits including an indication if the proposal will be completely unacceptable
- advice about the Council's development control process including consultation processes, likely timetable of consideration and estimation of decision date or Planning Application Committee date where applicable

31. An important consideration for either option is that in future applications would normally proceed to determination on the basis of information provided in the application without recourse back to the applicant. Applications of poor quality without pre-application discussions will either be returned if not valid or refused speedily so as not to waste resources. The Head of Planning Applications would have the right to decline a request for pre-application advice where it is not considered either appropriate or necessary.
32. Prior to the implementation of either option, I would prepare a guidance note setting out the process and the service that will be provided. This would be available via the Council's website and based upon detail contained in this report. Operation of either option would require the completion of a standard pro-forma and specified information so as to enable meaningful assessment for any advisory work. The timescale for the delivery of the charging service varies between authorities. Acknowledgement is usually within 3-5 working days with advice being provided up to 20 working dates post receipt of advice request. At present Kent CC places considerable importance to pre-application work and responds in a timely manner – usually a response or meeting within 2 weeks, although this is dependent upon availability of officers and specifically other officers giving specialist advice. With current resources I propose that that would continue with the new charging strategy.

Consideration of Options

33. The pre-application advisory service is an important part of the planning service and one that provides added value, both to the developer and the wider community by higher quality developments on the ground. In these difficult economic times, it is no longer feasible to continue to provide the current service for free, nor is it a realistic option not to do this area of work given the wider benefits of the pre-application service and government support for this work. It is therefore important to devise a scheme that is fair, viable and does not deter prospective applicants from seeking advice. This would be counter-productive resulting in poorer quality applications that would need greater resources to resolve during the formal planning application process, lead to more refusals and resubmitted applications (that are processed for free under current legislation) and a potential increase in planning appeals. Both options are based upon the components of the current service which appear to work well.
34. There are merits with both options. **Option 1** would allow the individual developer to bear the cost of the pre-application advice arising from their development. Whilst this has some initial attraction in terms of equity, I do not consider that it is the most appropriate solution at this time. Given the nature of the county planning service, the impact of this option would be greater on minor community development. The majority of this type of development is small scale and on sites where the principle of community development has already been established. The issues raised tend to be simpler and resolved with minimal but timely advice.
35. Were a charge to be made there is a strong likelihood that this would act as a significant deterrent to seeking pre-application advice. This would result in poorer quality applications, more planning refusals and free resubmissions. In addition, as many of the proposals are promoted by the community (i.e. schools direct), any charge would be diverted from the project itself or the wider community budget. This

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would in my view lead to poorer development overall. Furthermore community development is quite unique in that the prospective applicants are strongly encouraged and in some cases required by the County Council as joint promoter/applicant to seek the advice of the Planning Applications Group irrespective of the experience or expertise of the appointed agent and whether they need the advice or not.

36. For the County Council's planning application service, the exclusion of minor community development such as fencing and small extensions are akin to the district council's householder extensions which tend to be exempt from pre-application charging. Similarly the exemption of charges for development which is provided for social rather than economic gain reflects other local authority practice's whereby development provided by public bodies (i.e. parish councils) and voluntary groups is exempt.
37. There is also merit in providing a limited amount of site specific advice for mineral and waste development on previously approved sites. Charging for advice relating to minor amendments to working schemes, minor variations and matters arising following site monitoring is likely to be counter-productive and act as key deterrent to seeking advice. This would result in poorer development overall, greater resources expended during formal processing and on free re-submissions and a potential increase in appeal work. There is also a greater risk of unauthorised development and an impact upon the enforcement service. On balance, the provision of a limited free advice service for this type of development is effective use of resources and outweighs the imposition of a charge.
38. Given the issues generally raised by minor community and county matter development and the planning fees involved, charging for pre-application advice, even with a reduced charging rate is in my view likely to be a significant deterrent factor and one that would result in delays to development, poorer applications and development overall. I do not therefore support this option.
39. **Option 2** would focus costs associated with the more resource intensive major developments which generally raise more complex issues. Arguably these are the developments where the greatest added value is made from the advisory service. The experience of other local planning authorities and informal soundings from existing applicants has indicated that charging for this advice is not likely to be a major factor that would deter prospective applicants from seeking advice, provided that the fee is set at a reasonable level. All authorities that have a chargeable advisory service charge for major development advice. This proposed option includes a limited element of free advice for minor development proposals for both community and county matter developments. Officer time in responding to these minor requests is usually minimal and the benefits from reducing poorly presented or unnecessary applications in my view outweigh the imposition of a charge for minor development.
40. Informal soundings with applicants have indicated that charging for some pre-application advice is unlikely to deter pre-application discussions. I would however propose that we monitor the effectiveness of any new service and review on an annual basis.

Financial Considerations

41. It is difficult to calculate how much income the service would generate as this will be influenced by the type and nature of developments that are promoted and whether applicants are prepared to pay for the advice. One hourly meeting on site per week would generate around £20,000 pa.

Conclusion

42. The pre and post planning application advisory service is an important part of the Planning Applications service and is one that provides added value, both to the developer and the community by higher quality developments on the ground. In the current economic climate, it is not reasonable for the wider community to subsidise the developer for the cost of preparing a planning application, revisions to schemes or detailed work associated with legal agreements. I therefore propose that certain aspects of the pre and post planning application service attract a fee from April 2011.
43. This report illustrates the variety of local planning authority pre-application charging schemes that exist and discusses two options based upon the Council's current pre and post application advisory service that could reasonably be implemented in the next financial year. For the reasons set out in paragraphs 33 to 41 above I propose that Option 2 (charging for major development advice) be implemented.

Recommendation

44. I RECOMMEND that MEMBERS NOTE the contents of this report and AGREE TO
- a) the implementation of a pre and post planning application charging strategy as set out as OPTION 2 in paragraphs 26 to 32 above.
 - b) the Head of Planning Applications preparing a Pre and Post Advice Protocol based upon the information contained in this report to accompany the charging scheme.

Officer: Sharon Thompson	01622 696052
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Background Documents: Local Government Act 2003

Examples of Local Authority Pre-Application Charging Schemes

APPENDIX 1

NB: A number of these schemes are currently under review.

Ashford BC

The Council provides a limited telephone and written pre-application advice service, although the majority of development advice is chargeable. For all Major applications, the Council provides a service centred on meetings and discussion of the issues that large applications entail. There is a charge for each meeting. Other enquires are dealt with in writing and a set charge applies.

Free advice is provided for householder applications, works to trees covered by Tree Preservation Orders or located in Conservation Areas, advice on how to submit an application to establish whether planning permission is or was required (A fee is charged for the application itself) and application advice following an Enforcement investigation.

There are 2 levels of written advice and a 3rd meeting level for major development. The categories of development are

Level 1 Written Advice

£68.42 (inc VAT) is charged for written advice on all proposals that require a consent from the Local Planning Authority under the Planning Acts, other than those free services listed above and those in levels 2 and 3 below.

Level 2 Written Advice

£135.83 (inc VAT) is charged for written advice on all minor developments - . (defined as development that does not meet the criteria for level 3 major development and is not a level 1 application or householder development)

Level 3 Meetings with Officers

£342.13 (inc VAT) per hour or part thereof is charged for all meetings to discuss major development proposals (Applications for 10 residential units or more, Residential sites of 0.5 ha or more , the creation or change of use of 1000m² or more of non-residential floor space, all sites of more than 1 hectare in size

Attendance of other officers at the meeting, including specialist advisors, is at the Case Officer's discretion. If the meeting is on site then travelling time is included in the assessment for the above charge. If further meetings are sought then a further fee is levied at the above rate.

At the end of the meeting, the appropriate fee is agreed. Following the meeting, the Council writes to the applicant confirming the advice given. The written response is verified by the Development Control Manager or the Strategic Sites and Design Manager as appropriate and outlines the major planning issues, matters agreed or raised at the meeting, and other constraints and requirements which have been agreed with the Council. The applicant can also take notes at the meeting and if they wish, the Council will check and amend these as necessary.

B1.11

These fees cover administration costs and Officers' time for research, assessment, a meeting as necessary and a written response. Any request for written advice must be accompanied by the relevant fee otherwise advice will not be provided. Each project or separate site referred to in an enquiry will be charged at the appropriate rate.

Canterbury City Council

The City Council provides a limited free service for householder development and a tiered approach for minor and major development. Written advice for minor and major development is £100 + vat and £150 + vat respectively. Meetings for major development are £250 + vat per hour or part thereof or £175 + vat per hour for minor development.

Dartford Borough Council

The Borough Council imposes charges for pre-application advice, handling minor amendments to permissions and consents, compliance checks and researching planning histories for permitted development restrictions. The service is similar to that provided by Ashford Borough Council in that there is a very limited free service. For all major applications, the Section provides a service centred on meetings. There is a charge for each meeting. Other enquiries may be dealt with in writing and a set charge will apply.

Minor Development

Written advice	£120.00 (£100 + VAT), flat rate
Meeting with officers	£210 (£175 + VAT) per hour or part thereof

Major Development

Written advice	£180 (£150 + VAT), flat rate
Meeting with officers	£300 (£250 + VAT) per hour or part thereof

If the meeting is on site then travelling time will be included in the assessment for the above charge. If further meetings are sought then a further fee will be levied at the above rate.

These fees cover administration costs and Officers' time for research, assessment, a meeting as necessary and a written response.

Dover District Council

The Council provides a limited free informal telephone advice on simple enquiries. It charges for the majority of its pre-application service including pre-application advice, compliance checks and researching planning histories for permitted development restrictions.

Any meeting will normally take place at the Council Offices. In exceptional cases this may be varied to allow a request for a meeting on site. If so, the fee will normally be adjusted to reflect time spent. The Development Control Manager has the right to decline a request for pre-application advice where it is not considered either appropriate or necessary.

Major Developments

New residential development of 10 or more new dwellings; change of use of buildings or land where the gross floor space or site area is 1,000m² or more; new non-residential

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buildings and extensions to non-residential buildings of 1,000m² or more of gross floor space; mixed use developments where the combined gross floor space is of 1,000m² or more. Other large scale or complex/specialist applications that require significant officer input.

Fee

£250 or 1% of the appropriate fee under the Application Fees Regulations, whichever is the greater, for written advice only. Additional advice may be required and will be charged at the same rate;

£500 or 1.5% of the appropriate fee under the Application Fees Regulations, whichever is the greater for up to an hour long meeting plus written confirmation, additional meetings may be required and these will be charged at the same rate. The Planning Officer will agree the need for additional meetings and may recommend the involvement of third parties if it is felt necessary (Specialist Advice, Ward Members, Parish Councils etc;

Minor Developments

New residential developments of 1 to 9 dwellings; residential conversions involving change of use to more than one dwelling; change of use of buildings or land where the gross floor space or site area is less than 1,000m²; new non-residential buildings and extensions to non-residential buildings from 100m² to 1,000m² of gross floor space; Mixed use developments where the combined gross floor space is less than 1,000m². Proposals affecting Listed Buildings or Conservation Areas; Advertisements.

Fee

£150 for written advice only. Additional advice may be required and will be charged at the same rate;

£250 for up to an hour long meeting plus written confirmation, additional meetings may be required and these will be charged at the same rate. The Planning Officer will agree the need for additional meetings and may recommend the involvement of third parties if it is felt necessary (Specialist Advice, Ward Members, Parish Councils etc.);

What the costs cover

These fees cover administration costs and the time spent in research, assessment, a meeting as necessary, and in making a written response. Any request for written advice must be accompanied by the relevant fee otherwise advice cannot be provided. The Development Control Manager has the right to determine the fee. In the event of any disputes, the issue will be referred to the Head of Development and Public Protection whose word will be final.

Gravesham Borough Council

Has a flat fee approach with free advice for householders, voluntary groups and parish councils.

Major development (residential >10 units or more than 1000m ² commercial	£1005
Medium development (residential <10 units or smaller commercial	£335
Other (excluding householders)	£150

Thanet District

Major development of 10 units or more or 1000m² of commercial development or sites of 1ha or more

Written advice	£250 +vat
Meetings and written confirmation	£500 + vat

Additional meetings at the same rate.

Minor development

Written advice	£150 +vat
Meetings and written confirmation	£250 + vat

Advice regarding planning histories and conditions £48.50

London Borough Merton

Pre application charges apply for all minor and major/complex developments. Major development is defined as more than 10 dwellings or the provision of a residential site of 0.5ha, commercial floor space in excess of 1000m², Complex developments are those subject to EIA, complex listed building applications and telecommunications equipment.

Major/complex applications – initial charge £936 + Vat

Minor applications - initial charge of £470 +vat

Additional officers are charged out at an hourly rate depending upon seniority. Fees cover investigation stage, meeting and written response.

Hertfordshire County Council

Has a flat fee approach.

Written enquiries - £200 (+vat)

Meetings with officers - £100 (+vat) for first half hour and then £50) per hour or part thereof plus additional charges for meeting times, post meeting administration or research and travelling time to and from site.

West Sussex

The West Sussex model includes a charge for pre-application advice relating to the amount of time taken by the case officer(s), from the investigation stage to a meeting with the applicant and the subsequent written confirmation of advice. The charges range from £450 - £2000+ depending upon the scale of the proposed development (defined by WSCC and not DCLG definition) If necessary the service includes input from other specialists such as heritage and biodiversity officers. Depending upon the category of development the advice fee ranges from £100 to £450. Additional meetings incur additional costs at an hourly rate. The 5 categories of development to which charges apply are defined by West Sussex and unlike other authorities do not use a DCLG definition of major and minor development.

The service includes meeting with planning officers to advise you on the case, including any site visits needed, detailed written confirmation of the officer's advice and what is needed to support an application; advise on whether a Section 106 agreement is likely and the process used to agree it.

Proposals for project work, large or major schemes with highly complex highway issues a series of meetings or pre application submissions may be required. These should be discussed on a case by case basis and an approach agreed during an initial pre-application meeting

Exemptions

The charging scheme does not currently apply to discussions in connection with minor residential applications (0-9 units), very small business premises, and related advertisement proposals, certificates of lawfulness, enforcement or advice to any local resident affected by a development.

If a developer requires written advice only, without a pre-application meeting, a written response will be provided within 21 days of receipt of all necessary information. There is a reduction of 25% to the appropriate fee for this service.

Somerset County Council

Charges are applicable to scheme specific issues regardless of county matters or community development. As of April 2010, the first half hour is free, thereafter the charge is £50 per hour (+vat) chargeable in 15 minute blocks of time. This includes research, one officers input and administration. Site visits at the invitation of the applicant or if deemed necessary are charges at £50 per hour (+ vat) inclusively of travelling time. Additional staff are charged at £36 per hour (+vat) and are likely to be required for major development.

The provision of general advice on completion of application forms or validation requirements is chargeable. The first 30 minutes are free; thereafter an hourly rate of £50 + Vat applies, chargeable in 15 minute blocks. This assumes one officer input.

Staffordshire County Council

In 2008, the Council considered 4 options relating to charging for advice in relation to mineral and waste development, although it has not yet implemented charging. The options considered were:

- a) Single fee for all pre-application discussions – true costs (up to £400+ vat);
- b) Single fee for all pre-application discussions – contribution;
- c) Split fee for strategic/major and minor applications – true costs
- d) Split fee for strategic/major and minor applications – contribution (£200 + vat and £100 + vat)

Northumberland County Council

This authority charges for a range of its pre-application service with each component attracting a specified fee. The charge is calculated on the basis of all components required egg site history, meeting, informal view. It charges for minor and major development. Payment is required in advance.

Minor Development <ul style="list-style-type: none">• 1-9 Dwellings (including outline)• Commercial retail, leisure, office, other business development, including changes of use –all on sites smaller than 1 hectare or creating less than 1000 square metres floor space (all including outline)• Telecomms. proposals• Advertisements• Agricultural development• Minor minerals & waste, energy and infrastructure developments egg: minor amendments to working schemes, minor variations, installation of plant, buildings, machinery & discharge of conditions• Domestic wind turbines	Planning history of site	£30
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	Informal officer advice/opinion of proposal including unaccompanied site visit	£100
	Informal officer advice/opinion of proposal including meeting and/or site visit Including consultees where appropriate	£200
If multiple meetings are required a total fee will be agreed		
Major Development (including outline) of <ul style="list-style-type: none"> • 10 – 50 dwellings or more; • On sites > 1 hectare • Of or proposing buildings over 1000 square metres; • Schemes subject to EIA • Minerals or Waste proposals, except those listed in 'minor' or 'significant major' categories 	Planning history	£50
	Informal officer advice/opinion of proposal including unaccompanied site visit	£250
	Informal officer advice/opinion of proposal including meeting and/or site visit Including consultees where appropriate	£350
Significant Major development of 50 dwellings or more Major urban developments for example town centre redevelopments Major energy schemes egg commercial windfarms, Major infrastructure developments Major minerals and waste schemes: <ul style="list-style-type: none"> • All new + extensions to opencast coal sites • All new + extensions to landfill sites except inert landfill • Proposals for new mineral sites (+ 	Planning history	£200

B1.17

extensions) over 15 ha in size • Waste facilities with annual throughput over 50,000 tonnes		
	Informal officer advice/opinion of proposal including initial meeting and unaccompanied site visit if required	£500
	Informal officer advice/opinion of proposal including meeting and /or site visit including consultees where appropriate.	£750
If multiple meetings are required a total fee will be agreed		

Bradford (Unitary)

A tiered approach is charged depending upon development type for all development.

- | | |
|-----------------------------|--------------------|
| 1. Large scale and complex, | meeting £900 +vat |
| 2. other major | meeting 500 + vat |
| 3. other non-major complex | meeting £300 + vat |

Follow up meetings attract a 50% fee. Fees cover officer assessment and investigation, meeting and written comment and cost of any specialist.

Medway Council (Unitary)

A variety of charges are in place including

pre-application meeting including pre meeting, research with follow up written advice.	£1099.80 (April 2010)
Written advice only	£824.85
Pre application site visits	£117.50
Presentations to Members	£587.50

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.

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SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2011.

SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford (MR. 112 365)

Recommendation: Permission subject to conditions.

Local Member: Susan Carey

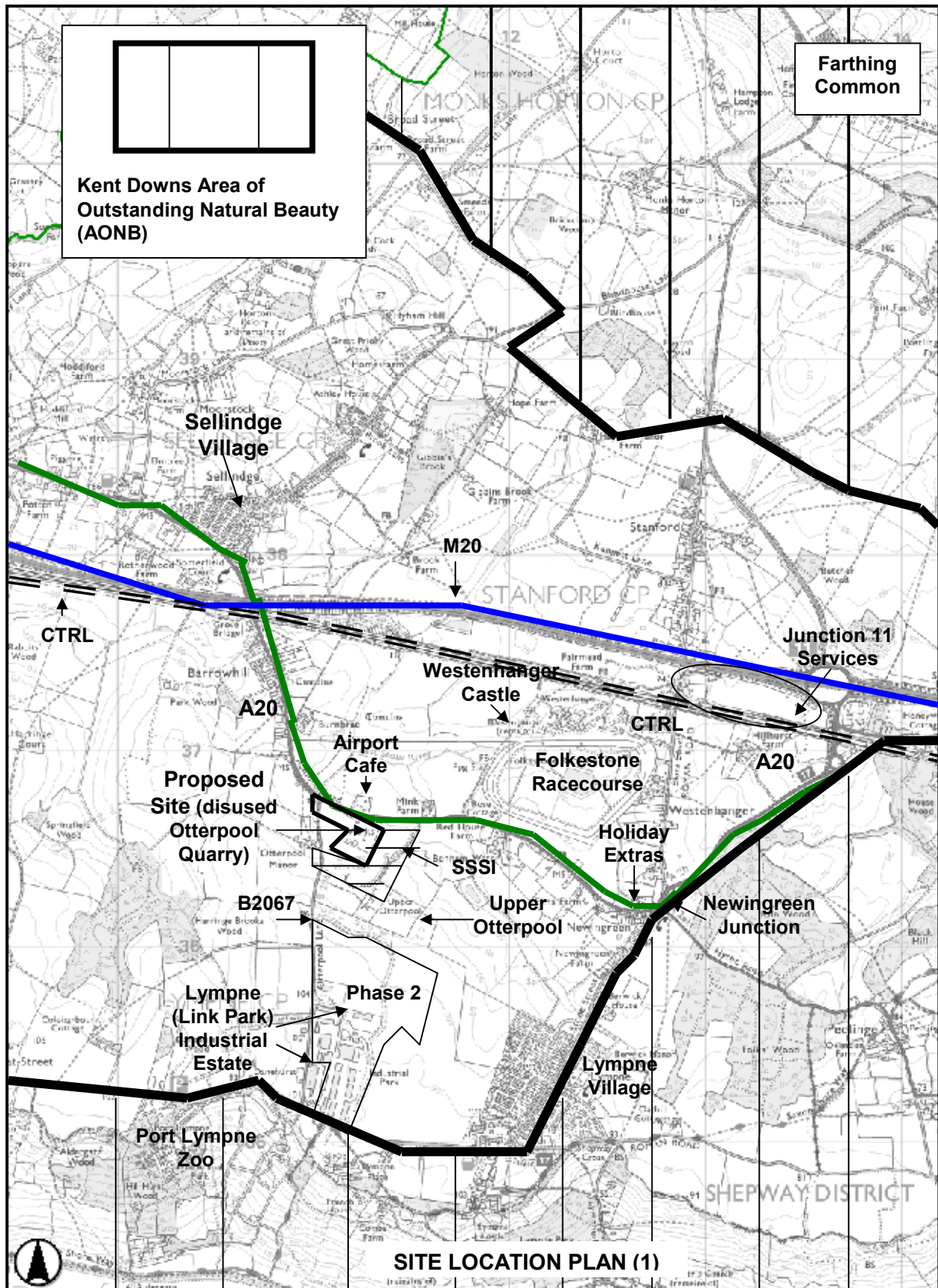
Classification: Unrestricted

Site Location and Background

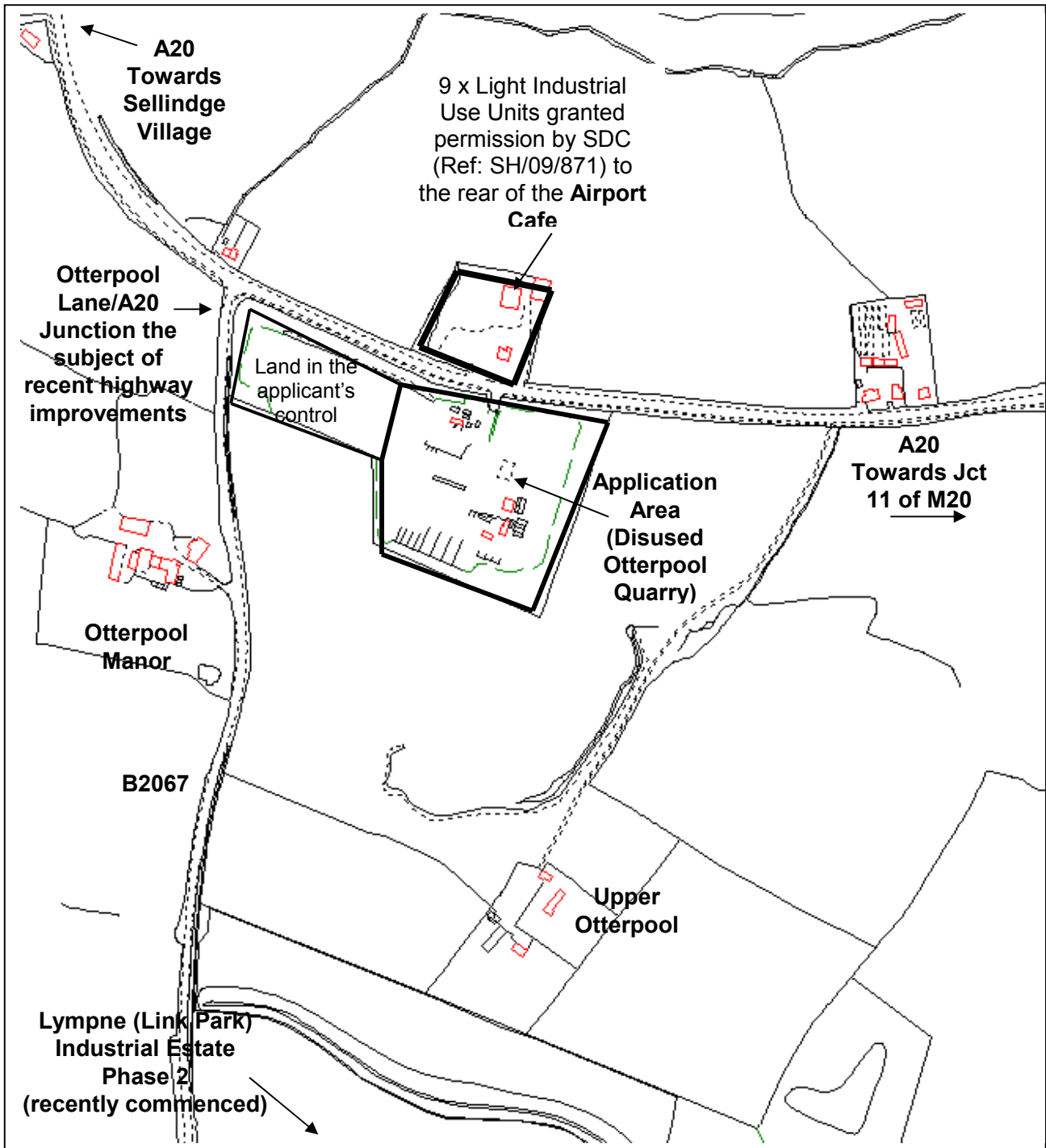
1. A planning application has been submitted by Countrystyle Recycling Limited for the construction and operation of a Materials Recycling Facility, Anaerobic Digestion Plant and associated office and parking facilities at the site of the old Otterpool Quarry which lies adjacent to the southern side of the A20 some 1 km distant midway between the villages of Sellindge to the north and Lympe to the south. The site is bounded by SSSI immediately to the east and west. The Kent Downs AONB is some 1.5km to the north east and south of the site and from which has a view towards the M20, Channel Tunnel Rail Link, Westenhanger Castle (a Scheduled Ancient Monument), Folkestone Racecourse, the Junction Motorway 11 services and the A20.
2. The closest properties to the site are the Airport Café at some 30m, Otterpool Manor (to the west) and Upper Otterpool (to the south)¹ at 250m distant from the site. Both Otterpool Manor and Upper Otterpool are Grade II Listed.
3. This former ragstone quarry remained occupied by a Ready Mix Concrete and Asphalt Plant following the completion of mineral extraction, which were subject to separate permissions by Shepway District Council. These facilities have since been removed and all that remains is their original concrete hardstanding and bell mouth which provides access to the site directly onto the A20.

¹ As identified on Site Location Plan 2

SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford



SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford



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Scale: 1: 5000

SITE LOCATION PLAN (2)

Item C1

SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford

4. Following initial consultations on the planning application a number of key issues were raised by technical consultees including the Environment Agency (EA). This led the County Council to conclude that the application constituted Environmental Impact Assessment (EIA) development and as such needed to be accompanied by an Environmental Statement (ES) before it could be formally determined as required under the provisions of the 1999 Environmental Impact Assessment Regulations. The applicant disagreed with this view and sought a formal Direction from the Secretary of State who subsequently issued a Direction concurring with the County Council that due to the nature, size and scale of the proposed development and its potential impacts an ES was required. The application was later modified with the submission of an accompanying ES. Thereafter the application and ES was subject to a further full round of publicity and consultation.
5. Members from the Planning Applications Committee have visited the site twice, once in June 2008 and again in February 2010 following the County Council elections and change of the Committee membership. Both Members visits were followed by well attended public meetings. Copies of the minutes of the meetings are appended to this report (Appendices 2-4).
6. Since initial submission of the application I would wish to draw to members attention that phase 2 of the Lympne Industrial Estate has commenced to the south of the Otterpool site. There is an adopted Development Brief for the area as well as linked developer contribution requirements towards highway improvements at the junction of Otterpool Lane and the A20. These improvements have now been implemented. A planning permission has also since been granted by Shepway District Council, under reference SH/09/871 for 9 light industrial units on land adjoining the Airport Café and to the immediate north of the proposed site with a number of details to be approved prior to commencement of the development including amongst others, contamination risk assessment, parking and access details, sight lines and visibility splays, landscaping and construction management plan. Two location plans are attached: one showing the site in the context of its wider surroundings and the other showing the planning application boundary and its location to the nearest properties.

Current Proposal

7. The applicant seeks permission for the construction and operation of a Materials Recycling Facility and Anaerobic Digestion Plant with associated office and parking facilities. It is proposed that the site would deal primarily with a total of 95,000 tonnes per year of commercial and industrial waste derived from the East Kent area (i.e. Ashford, Dover and Shepway). The general site arrangements proposed, including the location of two proposed attenuation ponds on site are shown below (Figure 1).
8. As part of the works, the southern section of the site would be excavated, removing up to 5m of previously made ground. This includes the land in which perched water has been identified.

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SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford

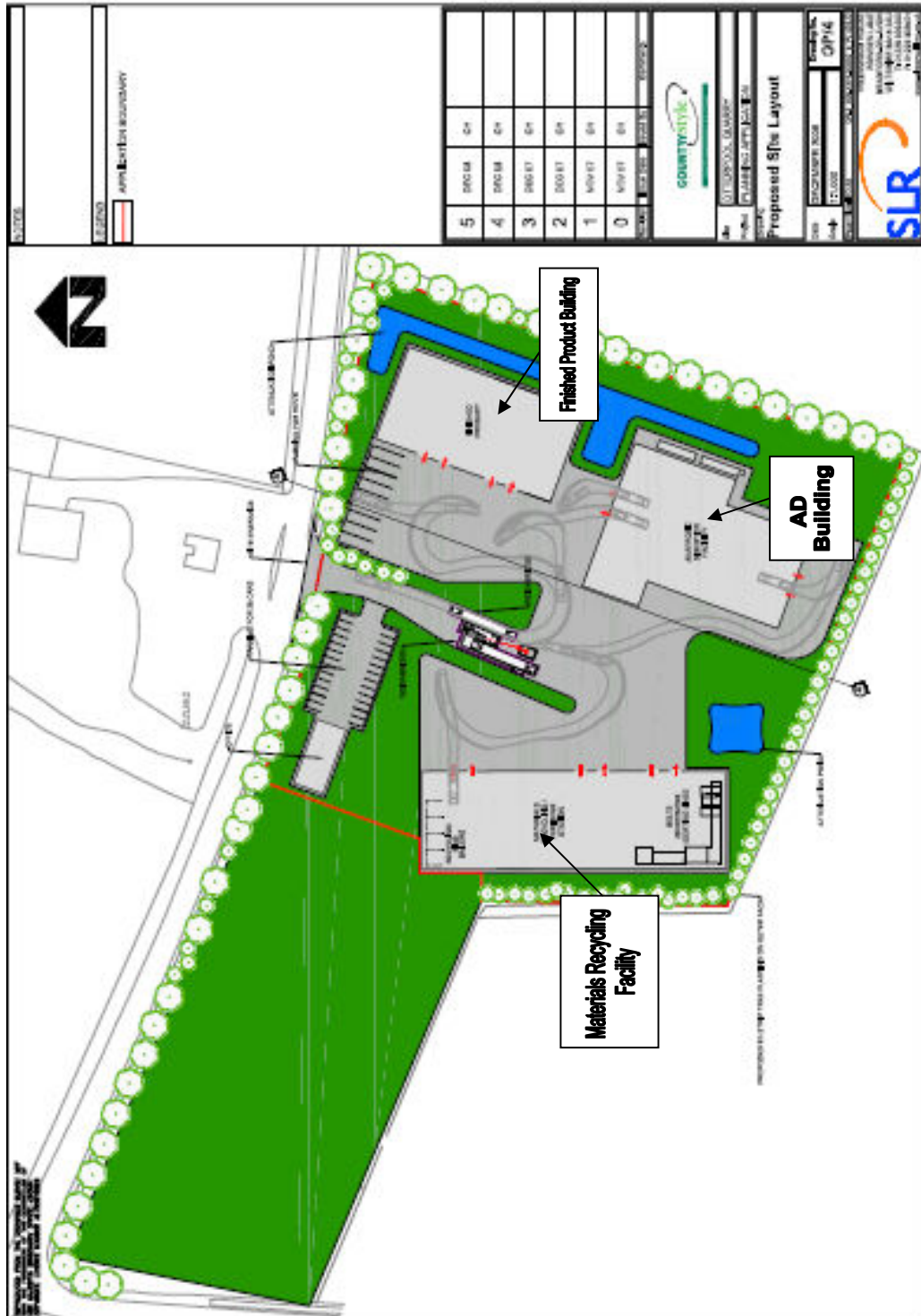


Figure 1
Proposed Site Layout

SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford

9. The application is accompanied by an Environmental Statement which covered amongst other matters sections on, surface and foul drainage, impacts on groundwater, visual impact, contamination, transport, air quality, noise, flood risk, ecology, traffic and biodiversity.

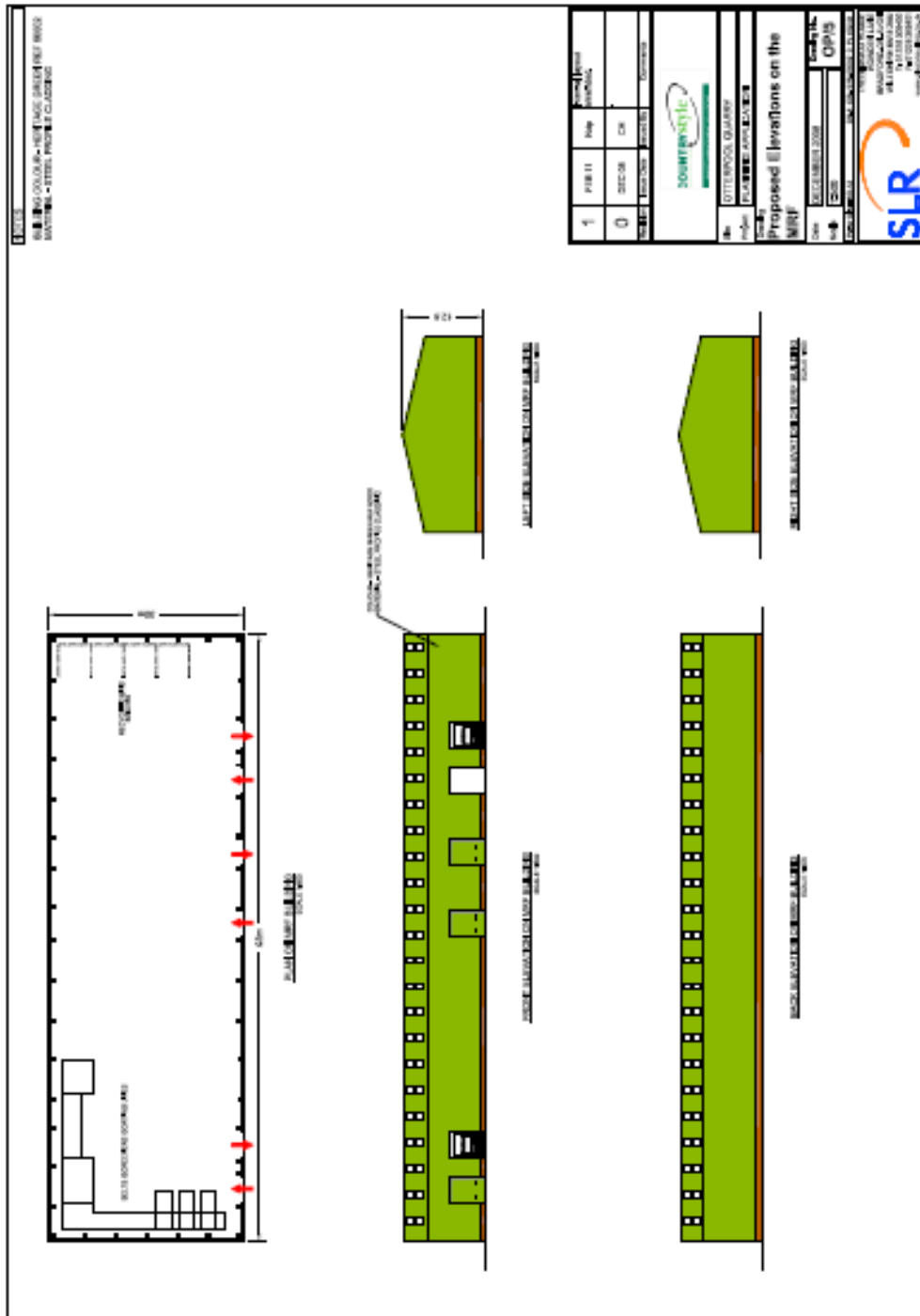
Materials Recycling Facility (MRF)

10. It is proposed that the MRF would deal with the recovery and treatment of 75,000 tonnes per annum of 'co-mingled recyclable materials' being, cardboard, paper, mixed plastics, mixed glass, wood, ferrous and non-ferrous metals, C&D waste, fines and non-recoverable waste. The applicant indicates that waste would be generated from commercial and industrial waste producers arising from the business sector including trade and commercial business sources. Waste would be processed within a dedicated building measuring 93m by 30m and 12.5m in height which would contain within it a dedicated area at the northern end for recycling bins and to the southern end belts screening and sorting lines (as shown on Figure 2). All waste would be handled within the fully enclosed building via a waste reception and processing area. Any external storage of material recovered from the recycling process would be limited to items such as baled metals.

Process

11. Incoming vehicles would be weighed at the weighbridge and directed to the MRF building where the vehicle would be received by the MRF supervisor. Vehicles would enter the building and tip once the shutter doors have been closed. Material would be tipped in the tipping hall and unwanted large items would be removed manually. Single products streams that only require baling would be placed adjacent to the in-floor conveyor for processing when the space would occur for feeding into the system prior to the baling press. The remaining combined waste would then be processed by a combination of automated and physical selection processes that would, in the applicant's view, deliver high quality recovered materials for delivery into an appropriate re-processor facility, or in the event of C & D and fines waste, forwarded to an aggregate recycling facility in Kent. The principle elements would consist of a trommel screen to take out over size materials, then various conveyor systems through to an elevated picking station which would then take out defined product types and deposit them into separate containers. Ferrous and non ferrous metals and certain plastics would be selected by using air and magnetic separation equipment. These materials would then be emptied into the baling press conveyor for final baling.
12. Non-recoverable waste would be forwarded to a suitably licensed disposal facility (either Shelford Landfill or Allington EFW). All card/paper materials, mixed plastics and ferrous/non ferrous metals would be baled and forwarded to re-processors in 20 ton payloads in order to reduce outgoing traffic movements. Given the nature of baled materials, it is proposed that all card/paper and mixed plastic bales would be stored within the building in order to prevent any wind blown litter escaping from the building. Shutter doors would be operated in order to maintain good housekeeping on site and in order to manage any other environmental impacts including odour, dust and noise.

SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford



(Figure 2)
Proposed Elevations – MRF building (at 12.5m in height)

SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford

Anaerobic Digestion (AD) Plant

13. The proposed AD plant would accept kitchen and garden waste. The dedicated building would consist of a waste reception hall and feedstock preparation area which would be contained within an enclosed building some 60m by 47m and at 12.5m in height. A single digestion tank and gas utilisation plant is also proposed alongside an enclosed maturation area which would store saleable product derived from the AD plant. Incoming waste would be deposited in the waste reception hall before being moved to the feedstock preparation area whereby the waste would be turned into a slurry. The slurry would then be passed to the single digestion tank where it would be turned into biogas and compost. The biogas would then go to the gas plant where it could then be used to generate some 0.2Megawatts of electricity internally (i.e. to provide power required for associated infrastructure on site) and approximately a further 0.5Megawatts to be sold into the Grid. The compost would be sold on as a soil conditioner. It is proposed that the AD plant would handle some 20,000 tonnes of kitchen and garden waste per annum using a KOMPOGAS installation (which is illustrated in more detail below).

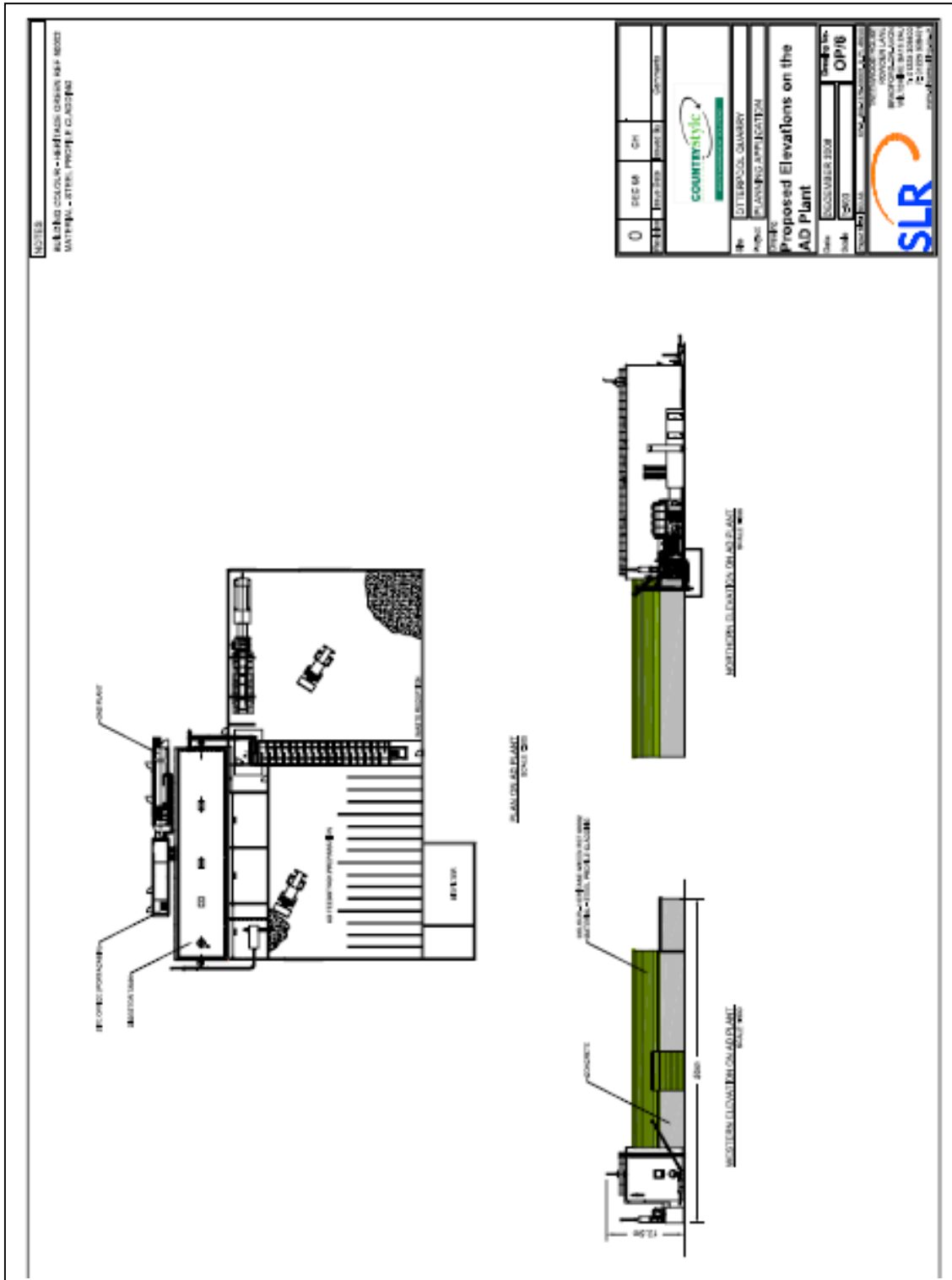
Process

14. The AD plant would handle kitchen and garden waste separately from the proposed MRF process. Vehicles would enter the AD building and would tip after the reception hall doors are closed behind them. Once tipped the material would be shredded and screened before being transported into the digester feed hopper. Organic material from the feed hopper would be pumped to the fermenter within a fully automatic system. Digestion of waste would take place in the fully sealed and insulated tank. Bacteria use organic material as their food source thereby removing those components with the potential to generate unpleasant odour and releasing biogas. Biogas would be collected from the digester and used in a gas engine for power production.
15. The applicant states that the fermentation residue would be dewatered into a cake and liquid phase. The liquid phase would be partially recycled and any surplus liquid stored in covered tanks and used as liquid fertiliser. The digestate cake would be laid out in composting rows within the enclosed building where active aeration would start a conventional composting process and lead to further stabilisation of remaining organic material. Following aeration of the digestion cake, the compost bacteria level should be low and would then be transported for further maturation in the maturation hall before being relocated to the enclosed maturation area/finished product building.
16. Given the AD plant is a fully enclosed treatment facility a ventilation system would be required to manage any odour, operator health and safety, dust and particulate emissions. All air from the reception hall would be diverted to a biofilter system.

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SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford

(Figure 3)

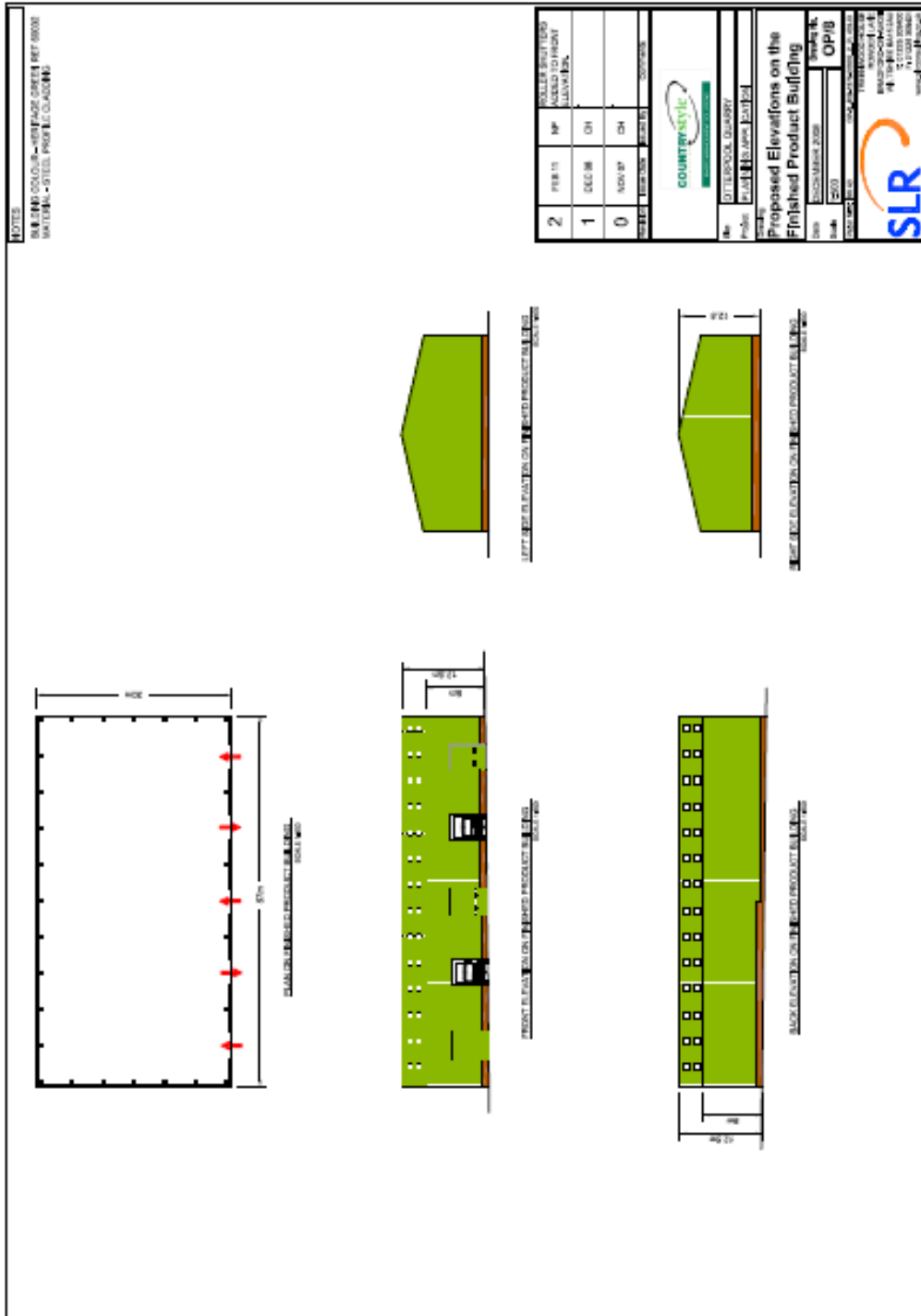
Proposed Elevations/Layout – AD Plant (showing the highest point at 12.5m high)



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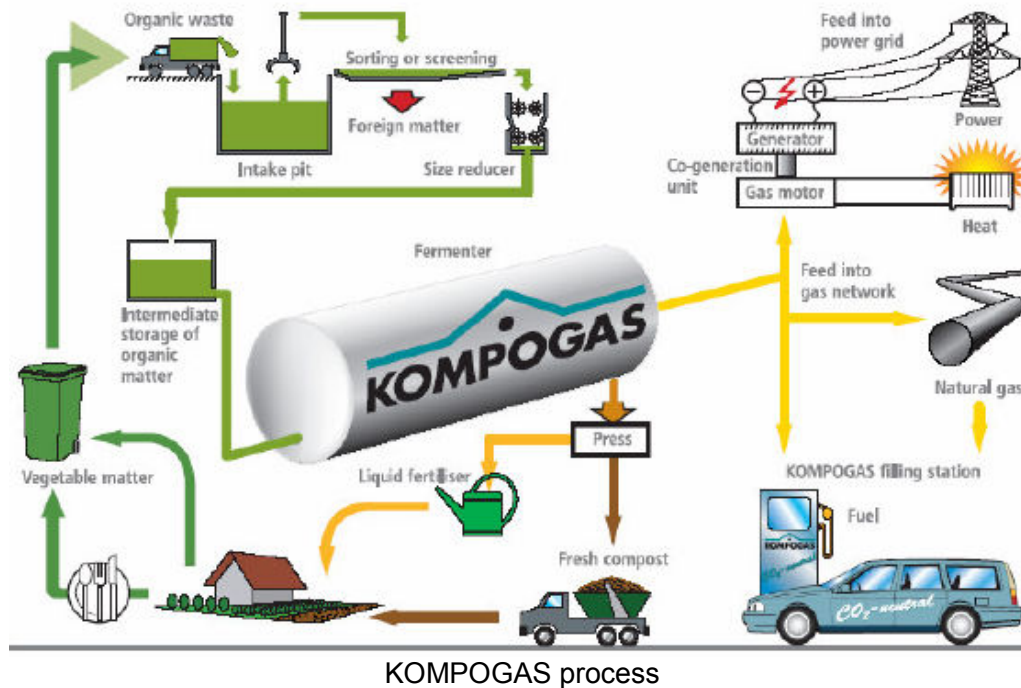
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(Figure 4)
Proposed Elevations - Finished Product Building (12.5m high)



SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford

(Figure 5)



Proposed Hours of Operation

17. Whilst the applicant proposes hours of operation and waste deliveries to the to the MRF and AD Plant, to be between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays (with no working on Saturday afternoons, Sundays or Public Holidays), the AD process plant by its very nature would be operational on a 24 hour basis.

HGV Movements & Access Arrangements

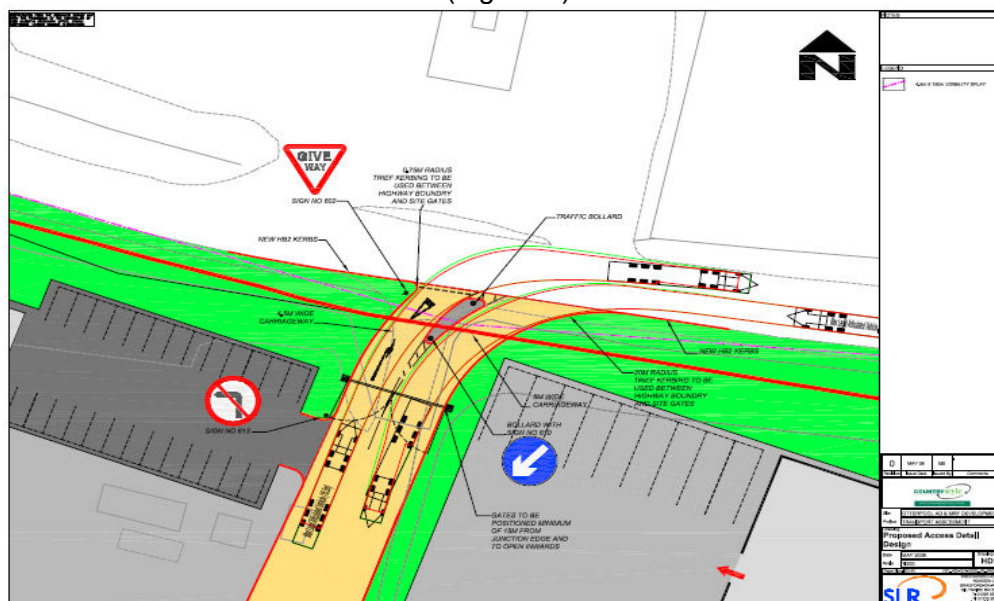
- 18. The applicant estimates there would be an average of 152 daily vehicle movements to and from the site with a maximum of 168 during times of peak demand, equating to around 16 movements per hour.
- 19. Of the 152 movements proposed the applicant anticipates that 128 of those would be attributed to the MRF and 24 with the AD plant operations. In order to discourage vehicles travelling along the A20 through Sellindge Village vehicles would be encouraged to use what the applicant considers to be the most direct route from the application site via the A20 towards Junction 11 of the M20. In order to facilitate this, the applicant proposes to upgrade the existing access (Figure 6) with the intention of encouraging vehicles exiting the site to turn right. Having considered the need to avoid vehicles queuing along the A20 to access the site, the applicant proposes to install separate weighbridge facilities for both

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SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford

incoming and outgoing HGV's which would be set back from the junction bellmouth by some 50m which in the applicants view would sufficiently accommodate queuing vehicles having regard for the proposed capacity of 16 vehicle movements per hour. Vehicle numbers proposed at the construction stage would be some 50 movements (i.e. 25in/25 out).

(Figure 6)



Drawing No.HD1
Proposed Access Design Detail

Planning Policy Context

20. The original Members briefing note initially set out the relevant policy considerations in relation to the proposed development, The South East Plan (SEP) referred to in that note in the meantime was abolished and later reinstated pending the enactment of the Localism Bill. Members will be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members should also note that Cala Homes has been granted leave to appeal the recent High Court judgement and are seeking clarity on how much weight should be given to the RSS in light of the intention to revoke.
21. The key National and Development Plan Policies summarised below are the most relevant to the consideration of the application:
22. The Planning System, General Principles (2005), Planning Policy Statement 1: Delivering Sustainable Development and the supplement Planning and Climate Change, 2007 Planning Policy Statement 7: Sustainable Development in Rural Areas, Planning Policy

SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford

Statement 9: Biodiversity and Geological Conservation, Planning Policy Statement 10: Planning for Sustainable Waste Management, Planning Policy Guidance 13: Transport, Planning Policy Statement 22: Renewable Energy, Planning Policy Statement 23: Planning and Pollution Control, Planning Policy Statement 25: Development and Flood Risk, Planning Policy Guidance 24: Planning and Noise and the Waste Strategy 2007.

23. *Planning Policy Statement 1: Delivering Sustainable Development* – Encouraging decisions taken on planning applications to contribute to the delivery of sustainable Development. The Supplement to PPS1 – Planning and Climate Change sets out how planning should contribute to reducing emissions and stabilising climate change. Tackling climate change is a key Government priority for the planning system.
24. Waste Strategy 2007 – aiming to reduce waste by making products with fewer natural resources, breaking the link between economic growth and waste growth; products should be re-used or their materials recycled. Energy should be recovered from other wastes where possible.
25. *Planning Policy Statement 7: Sustainable Development in Rural Areas - Areas of Outstanding Natural Beauty (AONB)* have the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The conservation of wildlife and the cultural heritage are important considerations in all these areas.
26. *Planning Policy Statement 9: Biodiversity and Geological Conservation* – This sets out planning policies on protection of biodiversity and geological conservation through the planning system.
27. *Planning Policy Statement 10 Planning for Sustainable Waste Management (July 2005)* – sets out the consideration for determining applications including locational criteria, protection of water resources, visual intrusion, nature conservation, traffic and access, air emissions, including dust and odours, vermin and birds, noise and vibration and litter.
28. *Planning Policy Guidance 13: Transport* – Sets out how the Government seeks to integrate planning and transport through the planning system.
29. *Planning Policy Statement 22: Renewable Energy* – this sets out the valuable role that renewable energy can play in meeting Government's commitment to addressing the impacts of climate change and maintaining reliable and competitive energy supplies. Renewable energy will contribute to the Government's sustainable development strategy by meeting energy needs, reducing greenhouse gas emissions and the impact of climate change, the prudent uses of natural resources and a reduction in reliance on fossil fuels. Development proposals should demonstrate any environmental, economic and social benefits as well as how environmental and social impacts have been minimised through careful consideration of location, scale and design matters.
30. In decision making local planning authorities should also have regard to the following key

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principles. Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be satisfactorily addressed; development plan policies should promote and encourage such development; the wider environmental and economic benefits of renewable energy projects irrespective of scale should be given significant weight in decision making; assumptions about the technical and commercial feasibility of the project is not a consideration and developments should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through location, scale and design considerations.

31. *Planning Policy 23 Planning and Pollution Control* – LPAs must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. This will require close co-operation with the EA and or the pollution control authority, and other relevant bodies. It states that controls under the planning and pollution control regime should compliment and not duplicate each other. In considering proposals, LPAs should take account of the risks of pollution and land contamination and how these can be managed or reduced. The policy advice is clear that the Planning System should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of those processes or emissions themselves. Planning Authorities should work on the assumption that the relevant control regime will be properly applied and enforced. The need to avoid duplication in regulatory processes is reiterated in the supplement to PPS1 Planning and Climate Change.
32. In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and any risk arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990.
33. *Planning Policy Guidance 24: Planning and Noise* – outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. The planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development). It is equally important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.
34. *Planning Policy Statement 25: Development and Flood Risk* – the aim of planning policy seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct developments away from areas at high risk. Where new development is necessary in such areas policy

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aims to make it safe without increasing flood risk elsewhere. All forms of flooding and their impact upon the environment are material planning considerations.

35. The key Relevant Regional Planning Policies in the South East Plan 2009 are therefore set out as follows:

Policy CC1: The principal objective of the Plan is to achieve and to maintain sustainable development in the region. Sustainable development priorities for the South East are identified as:

- i. achieving sustainable levels of resource use
- ii. ensuring the physical and natural environment of the South East is conserved and enhanced
- iii. reducing greenhouse gas emissions associated with the region
- iv. ensuring that the South East is prepared for the inevitable impacts of climate change
- v. achieving safe, secure and socially inclusive communities across the region, and ensuring that the most deprived people also have an equal opportunity to benefit from and contribute to a better quality of life.

All authorities, agencies and individuals responsible for delivering the policies in this Plan shall ensure that their actions contribute to meeting the objectives set out in this policy and in the Regional Sustainability Framework.

Policy CC2: Measures to mitigate and adapt to current and forecast effects of climate change will be implemented through application of local planning policy and other mechanisms. Behavioural change will be essential in implementing this policy and the measures identified.

In addition, and in respect of carbon dioxide emissions, regional and local authorities, agencies and others will include policies and proposals in their plans, strategies and investment programmes to help reduce the region's carbon dioxide emissions by at least 20% below 1990 levels by 2010, by at least 25% below 1990 levels by 2015 and by 80% by 2050. A target for 2026 will be developed and incorporated in the first review of the Plan.

Adaptation to risks and opportunities will be achieved through:

- i. guiding strategic development to locations offering greater protection from impacts such as flooding, erosion, storms, water shortages and subsidence
- ii. ensuring new and existing building stock is more resilient to climate change impacts
- iii. incorporating sustainable drainage measures and high standards of water efficiency in new and existing building stock
- iv. increasing flood storage capacity and developing sustainable new water resources
- v. ensuring that opportunities and options for sustainable flood management and migration of habitats and species are actively promoted.

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Mitigation, through reducing greenhouse gas emissions, will primarily be addressed through greater resource efficiency including reducing the need to travel and ensuring good accessibility to public and other sustainable modes of transport; encouraging development and use of renewable energy; and reducing the amount of biodegradable waste landfilled.

Policy CC3: A sustained programme of action to help stabilise the South East's ecological footprint by 2016 and reduce it by 2026 should be incorporated into plans and programmes. Such actions will include:

- i. increased efficiency of resource use in new development
- ii. adaptation of existing development to reduce its use of energy, water and other resources
- iii. changes in behaviour by organisations and by individuals.

Policy CC4: The design and construction of all new development, and the redevelopment and refurbishment of existing building stock will be expected to adopt and incorporate sustainable construction standards and techniques. This will include:

- i. consideration of how all aspects of development form can contribute to securing high standards of sustainable development including aspects such as energy, water efficiency and biodiversity gain
- ii. designing to increase the use of natural lighting, heat and ventilation, and for a proportion of the energy supply of new development to be secured from decentralised and renewable or low-carbon sources
- iii. securing reduction and increased recycling of construction and demolition waste and procurement of low-impact materials
- iv. designing for flexible use and adaptation to reflect changing lifestyles and needs and the principle of 'whole life costing'.

Local planning authorities will promote best practice in sustainable construction and help to achieve the national timetable for reducing carbon emissions from residential and non-residential buildings. There will be situations where it could be appropriate for local planning authorities to anticipate levels of building sustainability in advance of those set out nationally, for identified development area or site-specific opportunities. When proposing any local requirements for sustainable buildings, local planning authorities must be able to demonstrate clearly the local circumstances that warrant and allow this and set them out in development plan documents.

Policy NRM1: Water supply and ground water will be maintained and enhanced through avoiding adverse effects of development on the water environment.

Policy NRM2: Water quality will be maintained and enhanced through avoiding adverse effects of development on the water environment. In preparing local development documents, and determining planning applications, local authorities will:

- i. take account of water cycle studies, groundwater vulnerability maps, groundwater source protection zone maps and asset management plans as

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- prepared by the Environment Agency, water and sewerage companies, and local authorities
- ii. ensure that the environmental water quality standards and objectives as required by European Directives are met
- iii. ensure that the rate and location of development does not breach either relevant 'no deterioration' objectives or environmental quality standards

Local authorities should promote land management initiatives to reduce diffuse agricultural pollution.

Policy NRM5: Local planning authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

- They shall avoid damage to nationally important sites of special scientific interest and seek to ensure that damage to county wildlife sites and locally important wildlife and geological sites is avoided, including additional areas outside the boundaries of European sites where these support the species for which that site has been selected.
- They shall ensure appropriate access to areas of wildlife importance, identifying areas of opportunity for biodiversity improvement They shall influence and applying agri-environment schemes, forestry, flood defence, restoration of mineral extraction sites and other land management practices to:
 - deliver biodiversity targets
 - increase the wildlife value of land
 - reduce diffuse pollution
 - protect soil resources.

Policy NRM9: Strategies, plans, programmes and planning proposals should contribute to sustaining the current downward trend in air pollution in the region. This will include seeking improvements in air quality so that there is a significant reduction in the number of days of medium and high air pollution by 2026. Local development documents and development control can help to achieve improvements in local air quality through:

- i. ensuring consistency with Air Quality Management Plans
- ii. reducing the environmental impacts of transport, congestion management, and support the use of cleaner transport fuels
- iii. mitigating the impact of development and reduce exposure to poor air quality through design, particularly for residential development in areas which already, or are likely to, exceed national air quality objectives
- iv. encouraging the use of best practice during construction activities to reduce the levels of dust and other pollutants
- v. assessing the potential impacts of new development and increased traffic levels on internationally designated nature conservation sites, and adopt avoidance and mitigation measures to address these impacts.

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Policy NRM10: Measures to address and reduce noise pollution will be developed at regional and local level through means such as locating sensitive development away from existing sources of significant noise or away from planned new sources of noise, traffic management and sound attenuation measures and encouraging high levels of sound-proofing and screening as part of sustainable housing design and construction.

Policy NRM11: policy support for development design for energy efficiency and renewable energy. Local authorities should promote and secure greater use of renewable energy in new development.

Policies NRM13 and NRM14 set out regional renewable energy targets and sub regional targets respectively for electricity generation. In the case of the latter, the Kent target for 2016 is 154 mw.

Policy NRM15: addresses the locational considerations of renewable energy development. Proposals are encouraged to meet regional targets that are located and designed to minimise adverse impacts on landscape, wildlife, heritage assets and amenity. Outside of urban areas, priority should be given to development in less sensitive parts of the countryside and coast, including on previously developed land, industrial land and areas where there is already intrusive development or infrastructure i.e. major transport areas/corridors. Within areas of protected and sensitive landscapes including Areas of Outstanding Natural Beauty, development should generally be of a small scale or community based. Proposals within or close to the boundaries of designated areas should demonstrate that development will not undermine the purposes of designation.

Policy NRM16: through decisions local authorities should in principle support the development of renewable energy. It should consider the contribution towards renewable energy targets and carbon dioxide savings; the potential to integrate the proposal with existing or new development; opportunities for environmental enhancement and connection to the electricity network.

Policy W1: The regional planning body, SEEDA, the Environment Agency and other regional partners will work together to reduce growth of all waste to 1% per annum by 2010 and 0.5% per annum by 2020 by:

- encouraging waste reduction in all regional and local strategies
- identifying and disseminating examples of good practice and encouraging local authorities and businesses to implement waste minimisation programmes
- establishing a regional working group to identify opportunities and priorities for waste reduction in relation to supply chains, product design, manufacture, labelling, retailing, procurement, consumption and resource recovery
- developing enhanced regional information and awareness programmes to alter individual and corporate behaviour.

Policy W2: Development plan documents will require development design, construction and demolition which minimises waste production and associated impacts through:

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- i. the re-use of construction and demolition materials
- ii. the promotion of layouts and designs that provide adequate space to facilitate storage, re-use, recycling and composting.

In particular, development in the region's strategic Growth Areas, Growth Points and strategic development areas should demonstrate and employ best practice in design and construction for waste minimisation and recycling.

Policy W3 (Regional Self-Sufficiency): Waste authorities and waste management companies should provide management capacity equivalent to the amount of waste arising and requiring management within the region's boundaries, plus a declining amount of waste from London.

Policy W4 (Sub-Regional Self-Sufficiency): Waste planning authorities (WPAs) will plan for net self-sufficiency through provision for management capacity equivalent to the amount of waste arising and requiring management within their boundaries. A degree of flexibility should be used in applying the sub-regional self-sufficiency concept. Where appropriate and consistently with Policy W3, capacity should also be provided for:

- i. waste from London
- ii. waste from adjoining sub-regions (waste planning authority area within or adjoining the region).

WPAs should collaborate in the preparation of plans, including identifying and making provision for potential flows across the regional and sub-regional boundaries, and identifying possible sites that could be served by sustainable transport modes. Co-operation will be encouraged between county councils and unitary authorities at the sub-regional level, particularly in respect of meeting the needs of the region's strategic growth areas.

Policy W5: A substantial increase in recovery of waste and a commensurate reduction in landfill is required in the region.

Waste planning authorities (WPAs) should ensure that policies and proposals are in place to contribute to the delivery of targets, and waste management companies should take them into account in their commercial decisions. The optimal management solution will vary according to the individual material resource streams and local circumstances and will usually involve one or more of the following processes:

- re-use
- recycling
- mechanical and/or biological processing (to recover materials and produce compost, soil conditioner or inert residue)
- thermal treatment (to recover energy)
- priority will be given to processes higher up this waste hierarchy.

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Policy W6: Regional recycling and composting targets between 2008 and 2025. Waste planning Authorities should adopt policies and proposals to assist delivery of targets and waste management companies should take them into account in their commercial decisions.

Policy W7: In bringing forward and safeguarding sites for waste management facilities, WPAs should consider the type, size and mix of facilities that will be required, taking into account:

- activities requiring largely open sites, such as aggregate recycling and open windrow composting
- Activities of an industrial nature dealing with largely segregated materials and requiring enclosed premises, such as materials recovery facilities, dis-assembly and re-manufacturing plants, and reprocessing industries
- activities dealing with mixed materials requiring enclosed industrial premises, such as mechanical-biological treatment, anaerobic digestion and energy from waste facilities
- hybrid activities requiring sites with buildings and open storage areas, including re-use facilities and enclosed composting systems.

Policy W12: The regional planning body, SEEDA, the Environment Agency and the regional partners will promote and encourage the development and demonstration of anaerobic digestion and advanced recovery technologies that will be expected to make a growing contribution towards the delivery of the regional targets for recovery, diversion from landfill, and renewable energy generation over the period of the Plan.

Waste development documents and municipal waste management strategies should only include energy from waste as part of an integrated approach to management. All proposed waste facilities should:

- i. operate to the required pollution control standard
- ii. include measures to ensure that appropriate materials are recycled, composted and recovered where this has not been carried out elsewhere. Proposed thermal facilities should, wherever possible, aim to incorporate combined generation and distribution of heat and power.

Policy W16: Waste development documents should identify infrastructure facilities, including sites for waste transfer and bulking facilities, essential for the sustainable transport of waste materials. These sites and facilities should be safeguarded in local development documents. Policies should aim to reduce the transport and associated impacts of waste movement. Use of rail and water-borne transport with appropriate depot and wharf provision should be encouraged wherever possible, particularly for large facilities.

Policy W17: Waste development documents will, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. The suitability of existing sites and potential new sites should be assessed on the basis of the following characteristics:

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- i. good accessibility from existing urban areas or major new or planned development
- ii. good transport connections including, where possible, rail or water
- iii. compatible land uses, namely:
 - active mineral working sites
 - previous or existing industrial land use
 - contaminated or derelict land
 - land adjoining sewage treatment works
 - redundant farm buildings and their curtilages
- iv. be capable of meeting a range of locally based environmental and amenity criteria.

36. Kent Waste Local Plan (Adopted March 1998) Saved Policies

Policy W3: Proposals which involve only waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they:-

- (i) can avoid the need for road access, or can gain ready access to the primary or secondary route network and preferably have potential for a rail or water transport link and
- (ii) are located within or adjacent to an existing waste management operation, or within an area of established or proposed general industrial use where the former is a temporary use, permission will only be granted for the duration of the primary use.

Policy W6: Where a planning application is submitted for waste management development, including that covered by W7 and W9, landfill, landraise and waste-to-energy, on a site outside a location identified as suitable in principle in the plan and demonstrable harm would be caused to an interest of acknowledged importance, need will be a material consideration in the decision.

Policy W9: Locational criteria for waste separation and transfer sites considered against whether they:-

- (a) Seek to minimise impact on the local and natural environments (in particular major concentrations of population and important wildlife sites) consistent with the principle of environmental sustainability;
- (b) Have, or could secure in an acceptable way, ready access to the main road network, or a rail or water link provided that there is acceptable access also to an appropriate road network;
- (c) Other than proposals for wind-rowing, are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial-type area

Policy W10: Proposals for composting and digestion plant will be permitted subject to their satisfying the following criteria:-

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- (a) that the site is within an established or committed industrial or industrial type area (with the exception of proposals for composting by windrowing, which in principle are better suited to a rural area).
- (b) That the proposal would not cause significant harm to residential amenities due to noise, dust, smell or visual impact.
- (c) That the site has, or is planned to have ready accessibility to the primary or secondary route network.
- (d) That the proposal would not be unduly obtrusive in the landscape.
- (e) That impact on the natural environment would be minimised

Policy W18: Before granting permission for a waste management operation the planning authority will require to be satisfied as to the means of control of:-

- (i) noise
- (ii) dust, odours and other emissions
- (iii) landfill gas

Particularly in respect of its potential impact on neighbouring land uses and amenity.

Where permission is granted for the disposal of wastes that generate landfill gas, permission for plant to utilize the gas will be granted.

Policy W19: Before granting permission for a waste management facility, the planning authority will require to be satisfied that surface and groundwater resource interests will be protected and that where necessary a leachate control scheme can be devised, implemented and maintained to the satisfaction of the planning authority.

Policy W21: Before granting permission for a waste management proposal the planning authority will need to be satisfied that the earth science and ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats, or species of wildlife importance. Where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory mitigation measures should be provided.

Policy W22: When considering applications for waste management facilities the planning authority will:-

- (i) normally refuse permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:-
 - (a) the safety (or would exceed the capacity) of the highway network
 - (b) the character of historic rural lanes

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(c) the local environment including dwellings, conservation areas and listed buildings.

(ii) ensure that any off-site highway improvements considered to be necessary to secure acceptable access are completed, if necessary in stages related to the development of the site, before specified operations on site commence and provided at the development's expense.

Policy W25 When considering details relating to the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting, the planning authority will ensure that:-

- (i) facilities are grouped to prevent sprawl and the spreading effects, and to assist screening.
- (ii) Advantage is taken of topography and natural cover.
- (iii) Designs and means of operation minimise visual and noise intrusion.
- (iv) Appropriate colour treatment is provided, to reduce their impact and to assist their integration into the local landscape.

Policy W25A: Proposals to reuse or adapt existing buildings and site features such as redundant agricultural buildings and hardstandings as part of a waste management facility, will be permitted.

Policy W31: When considering waste management proposals the planning authority will wish to be satisfied that an appropriate landscaping scheme will be an integral part of the development.

37. Shepway District Local Plan: March 2006

Policy E2: Planning permission for business and commercial development or redevelopment will be granted on the new employment opportunity sites listed below. Development will be in accordance with adopted Development Briefs where appropriate, be subject to the following key requirements:

C. Link Park, Lympne

- (i) Permissible uses restricted to Use Classes B1/B2/B8;
- (ii) Provision of necessary site access and off-site highway improvements;
- (iii) Provision of structural landscape areas, as shown on the Proposals Map;
- (iv) Acceptability in terms of noise impacts on surrounding residents.

Policy BE1: A high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture. Development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height, and elevational details.

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Policy CO1: The District Planning Authority will protect the countryside for its own sake. Subject to other Plan policies, development in the countryside will be permitted where proposals:

- a) maintain or enhance features of landscape, wildlife, historic, geological and agricultural importance, and the particular quality and character of the countryside;
- b) demonstrate that they cannot be practicably located within an existing settlement and essentially require a countryside location;
- c) are of a high standard of design and, sympathetic in scale and appearance to their setting;
- d) are acceptable in highway and infrastructure terms and;
- e) preserve or enhance the amenity, character and functioning of rural towns and villages.

Development proposals that would significantly conflict with one or more of criteria a - e above will only be permitted where it can be shown that:

- i) there is an overriding social or economic need;
- ii) negative impacts are minimised as far as possible and;
- iii) adequate measures will be taken to compensate for any the adverse environmental effect. Compensatory measures should, as a minimum, ensure that no net environmental loss occurs.

Policy CO9: Protection of Sites of Special Scientific Interest. Where development would adversely affect their wildlife or scientific interest measures will be taken to minimise impacts and fully compensate for remaining adverse effects.

Policy CO11: The District Planning Authority will not give permission for development if it is likely to endanger plant or animal life (or its habitat) protected under law and/or identified as a UK Biodiversity Action Plan priority species or cause the loss of, or damage to, habitats and landscape features of importance for nature conservation.

Policy TR11: Proposals which involve the formation of a new access, or would result in the intensification of the use of an existing access, will only be permitted where:-

- a. the access is not detrimental to the safety of vehicle traffic, cyclists and pedestrians or
- b. the access can alternatively be improved to a standard acceptable to the Highway Authority or
- c. the applicant can demonstrate by means of a transport impact study that the proposal would not increase the risk of accidents or create delays.

Policy U4: Development will be permitted unless it is demonstrated that it would lead to an unacceptable risk to the quality or potential yield of surface or ground water

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resources or lead to an unacceptable risk of pollution.

Policy U10: In appropriate locations planning permission for development required as part of the process of recycling materials. Development proposals including commercial or residential uses should include provision for the storage of waste and recyclable materials awaiting collection.

Policy U10a: When development is proposed on or near a site that, has been used for the purpose of waste disposal; is known to be contaminated; or there is good reason to believe that contamination may exist, the applicant will be required to carry out a site assessment and submit a report of the findings in order to establish the nature and extent of the contamination. Development will only be permitted if practicable and efficient measures are to be taken to treat, contain and/or control any contamination so as not to:-

1. expose the occupiers of the development and neighbouring land users, including in the case of housing the users of gardens, to unacceptable risk.
2. Threaten the structural integrity of any building built or to be built on or adjoining the site.
3. Lead to the contamination of any watercourse, water body or aquifer.
4. Cause the contamination of adjoining land or allow such contamination to continue.

Any permission for development will require that the remedial measures agreed with the Authority must be completed as the first step in the carrying out of the development.

38. Following recent national changes and Shepway Cabinet Resolution, the council is intending to revise the timetable for delivery of the LDF Core Strategy. Document Publication will be in summer 2011, allowing the public to make formal representations on the proposed Core Strategy's 'soundness'. Subject to Examination in Public (anticipated in Autumn 2011) and being considered 'sound' by the Planning Inspectorate, the Shepway LDF Core Strategy would be adopted winter 2011/12. A revision of the formal programme (Local Development Scheme) is likely to take place in due course.

39. Whilst not directly relevant to the planning application site, a Development Brief for the Lympne Industrial Estate (located to the south of the Otterpool Quarry site), adopted in September 2006 in my view has some relevance, particularly in relation to transport and landscape issues which are discussed in more detail below.

40. **Consultations**

Shepway District Council: Raises objections to the proposal on the following

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grounds:

1. The Council recognises the benefits of promoting sustainable recycling of waste material.
2. The Council considers Otterpool Quarry to be an unsuitable site for the proposed development and urges Kent County Council to carry out rigorous assessment of alternative sites.
3. The Council objects to the potential impact on the local road infrastructure in terms of additional traffic on local road networks and its effects on residential amenity and local communities.
4. The Council is concerned about the visual impact of the proposed buildings on the local landscape. In the event of the site remaining under active consideration, Kent County Council is requested to ensure a full landscape and visual appraisal is carried out before any permission is granted, and that the details of any scheme clearly demonstrate a positive contribution to the character of the area, rather than any negative effects.
5. Kent County Council is requested to take the advice of the Environment Agency, Natural England, Kent County Council's ecologist, Kent Badger Group and Southern Water in relation to nature conservation, ecology, biodiversity, noise, dust, air quality, contamination, water, flooding and sewerage.
6. In the event of the site remaining under active consideration, the impact on the Airport Café should be mitigated as part of wider improvements to the vehicular access of the site.
7. Kent County Council is requested to seek clarification regarding future use of that part of the applicants current land holding that is not part of the application site, but is adjoining.
8. In the event of the site remaining under active consideration, the following conditions should be included:
 - a) Hours of operation restricted to 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday, no working Sunday or Bank Holidays (in respect of vehicles entering and leaving);
 - b) No more than a maximum of 168 lorry movements per day;
 - c) No more than a throughput of 95,000 tonnes of waste per day²
 - d) Measures in respect of removing mud from the road and prevention of dust;
 - e) The Materials Recycling Building to be designed to achieve an attenuation of 35dB;
 - f) General management of the site and control of vermin, flies and other pests;
 - g) All identified road improvements to be completed before any use commences;
 - h) Implementation of an agreed landscaping scheme.

Shepway District Council Core Strategy – latest position

In addition to the formal views already received from the District Council (DC) in which it raises an objection to the proposed development, they have since written a further letter to the County Council requesting that Members of the Planning Applications Committee be made aware of their proposed strategic development plans for areas within close proximity to the application

² The applicant proposes a maximum of 95,000 tonnes per annum, not per day as indicated in the District Councils response.

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site³. In particular the DC wish to draw Members attention to their preferred options for development at Folkestone Racecourse, Sellindge and the former airfield at Lympne. In total the DC's preferred options include provision for some 1,100 new dwellings within less than a mile of the Otterpool site stating that these are of strategic importance to the district. Whilst the DC confirm that they are pursuing such development in the area through their Core Strategy, they state that they "*may well feature in the Core strategy publications document in June 2011*". As a result they consider the determination of the Otterpool application to be premature and that it may at present be "*potentially prejudicial to the execution of its (the District Councils) statutory strategic planning functions, based on the precautionary principle as supported in national policy (PPS23)*". They go on to state that "*by Summer 2011, there should be significantly more information available to determine any proposals for Otterpool Quarry appropriately*".

Sellindge Parish Council: Objection is raised on the grounds of close proximity to residential properties, traffic impact, high water table and potential contamination, odour, dust and other wind born contaminates.

Lympne Parish Council: Objection is raised on the grounds of increased traffic, the use of out of date maps, combined impact on local roads when operation stack is in place, inadequacy of the A20 to cope with additional traffic, disposal of contaminated fluids and waste products, inadequacy of the existing sewerage system to accommodate current and future facilities, HGV routeing, lorries exiting the site turning right against the flow of traffic (onto the A20)contaminated water disposal from stream clean facility, impact on air quality.

Stanford Parish Council: Strong objections to the proposal on locational, traffic impact and environmental grounds. The Parish Council also comment that the environmental statement does not detail future expansion of the Otterpool site nor does it consider effects of the proposed development on future commercial and residential development in the area.

Protect Kent (CPRE): Raise objections to the proposal stating that they consider the proposal inappropriate for the location and will cause unnecessary impact and risk to the environment, landscape and quality of life of local residents. In summary the following points are raised:

- The scheme is premature in relation to the Kent Waste and Minerals Framework.
- The site is not supported for waste management in the South East Plan, Shepway Local Plan or the Kent Waste Plan (1998)
- There is a discrepancy between the written proposal and the plans on the number and size of the buildings.
- The alternative site selection assessment is flawed, and other sites, such as the former Richborough power station may be better for this scheme.
- The applicants have misrepresented this scheme by promoting it primarily as an anaerobic digester. However it will only produce 20,000 tonnes, compared to 75,000

³ A full copy of the District Councils letter dated 21 December 2010 is appended to this report (Appendix 1).

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tonnes imported for the Materials Recycling Facility (MRF).

- The design of the buildings, bunds and screening is not in keeping with the landscape character of open countryside.
- Very limited public transport for employees to get to and from work.
- The risk of flooding and groundwater pollution is much higher than stated because no data has been provided on the annual maximum groundwater. Only three measurements were taken and done so when groundwater levels are typically at their lowest

Environment Agency: Raise no objection in principle subject to the imposition of suitable planning conditions covering contamination risk assessment, surface water drainage scheme, groundwater pollution.

Natural England: Consider that the proposal is unlikely to have implications for the special interest of the SSSI. This is subject to the works being carried out strictly in accordance with the terms of the planning application and the submitted plans. Whilst Natural England welcome the ecological survey submitted with the application they refer the County Council to the in-house ecologist for comments on the results of the survey and appropriateness of the proposed mitigation measures.

Southern Water: No objection is raised.

Biodiversity Projects Officer: No objection is raised subject to proposed mitigation measures being secured by way of appropriate planning conditions.

Heritage and Conservation: Raises no objections on archaeological or historic interest grounds. However, draws attention that the application site lies within an area which has revealed evidence of human activity since prehistoric times. This includes Westenhanger Castle which lies approximately 1 Km to the north east of the site which is considered to be an important medieval occupation site and is a scheduled monument. Further medieval and post medieval remains are also known in this area including Otterpool Manor, to the west of the site where the existing residential house is listed as being of historic interest. Considers that on the basis of the current information, the possible impact of the proposed facility on the historic environment seems limited where the main development will be out of visual range unless there will be a tall chimney but there is some mitigation proposed in the form of more tree planting which would help reduce any negative impact. Vehicle access is to be via the A20 and as long as no additional industrial vehicles use Otterpool Lane there should be no new impact from traffic on the historic environment. Whilst the application site lies within an area of considerable archaeological and historic interest given that it lies within already disturbed ground and access will be via the A20 suggest there will be no identifiable impact on the historic environment. Would encourage the landscape mitigation proposed to be designed to be sympathetic with the surrounding landscape and historic assets.

Jacobs (Landscaping): With regard to views from the Kent Downs AONB, Jacobs concur with the applicant's landscape assessment indicating that there would not, in their view, be any significant adverse visual impacts due to the distance between views from the AONB and the site.

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Jacobs (Dust and Odour): No objection is raised stating that *“the anaerobic digestion plant is unlikely to result in a detriment to the nearest residential receptors. The containment of the organic material both within the buildings and the proposed ventilation system are likely to reduce the potential impact provided that the equipment is regularly maintained.”*

Jacobs (Noise): With regard to the noise survey, the applicant uses averaged noise levels rather than the lowest noise levels recorded during the monitoring period in the BS4142 assessment. As such the full impact of the development is not quantified and would lead to a number of instances where “moderate impacts” would occur during both the day and night and over weekend periods at a number of properties. However if the MRF building is designed to achieve a suitable level of attenuation (as recommended in the report) then these effects will be mitigated against”.

No objection is raised in relation to noise impact from the AD plant

Transport Planning (Kent Highways): No objections raised on highway capacity or safety grounds subject to the following conditions:

- Completion of the access prior to use of the site commencing in accordance with details to be submitted and approved
- Provision and retention of the car and HGV parking shown on the submitted plans
- Maximum annual tonnage of material imported/exported to/from site not to exceed that submitted in the application
- Provision and maintenance of measures to prevent mud and other material from being deposited on the highway, in accordance with details to be submitted and approved (for both construction and the subsequent site operation)
- Provision of a Site Users Guide to all HGV drivers using the site, to include directing drivers to gain access/egress via the A20 and M20 to the east of the site (this is as proposed by SLR Consulting on 18th March 2008), in accordance with details to be submitted and approved
- Provision and maintenance for the duration of construction of construction vehicle loading/unloading and turning facilities and site personnel parking in accordance with details to be submitted and approved”

Kent AONB Team: In the case of the Otterpool Quarry application SH/07/TEMP/0046 we have been requested to make a comment by our Joint Advisory Committee member for Shepway District Council.

National and Local planning policies are very clear that highest priority should be given to the conservation and enhancement of Areas of Outstanding Natural Beauty. In June 2000 the government confirmed that AONBs are equivalent to National Parks in terms of their landscape quality, scenic beauty and their planning status. Planning Policy Statement 7 (PPS7) confirms this.

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The status of AONBs has been enhanced through measures introduced in the Countryside and Rights of Way (CROW) Act 2000, which gave greater support to their planning and management. These measures include a “duty of regard” on public bodies to take account of the need to conserve and enhance the natural beauty of AONB landscapes when carrying out their statutory functions.

The Act requires a management plan to be produced and accordingly the Kent Downs AONB Management Plan was published in April 2004. This Management Plan was formally adopted in February 2004 by all the local authorities of the Kent Downs.

The application

The Kent Downs AONB Unit considers that this application would have an adverse impact on the views from the AONB. The AONB Management Plan clearly states that ‘the impact on the setting of the AONB, and the views in and out of the AONB are to be considered in all development applications’ policy SDT4. In this case we do not believe that the proposed application sufficiently mitigates the impact on the views from the north, we therefore support Shepway District Council’s view to **oppose** the application.

These comments come from the AONB Unit but have been confirmed by the Chairman of the Kent Downs AONB Joint Advisory Committee.

Local Member

41. The Local County Member, Susan Carey was notified of the application on 29 January 2008 and has formally objected to the planning application. The grounds for objection can be summarised as follows:

Impact of the proposed development on the villages of Sellindge, Lympne, Westernhanger, Stanford and Newingreen, in particular from:-

- Volume of HGVs
- Routeing of HGVs
- Visual impact of the proposed industrial style buildings on the nearby AONB, ancient castle and medieval barn
- Otterpool is not a site identified as suitable in the Kent Waste Local Plan
- A waste facility would undermine the viability of a recently proposed site for major housing development nearby
- Concerns raised over the impact of surface water run off and the water table in the area
- Air pollution and impacts should there be a failure of equipment

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Publicity

42. The application was initially publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 11 neighbouring properties including those who made written representations on the planning application as originally made. Following the later re-submission of the planning application and accompanying Environmental Statement in September 2009, a further publicity exercise was undertaken which included notifying the 129 local residents who had made initial representations.

Representations

43. Some 257 letters of representation have been received to date objecting to the proposal, these include those residents who have written in more than once and the detailed comments received from the Sellindge and District Residents Association. Objections are summarised as follows:
- site not identified as suitable in principle in the adopted Kent Waste Local Plan
 - premature in the absence of the development framework having been adopted
 - site not suitable for an industrial type process
 - there are more suitable sites in the locality that are more akin to industrial type activity
 - the site is too close to residential properties and active farms
 - Odour generated from on-site processing and food waste and bi-product generated from the anaerobic digestion plant
 - Odour generated from HGVs visiting the site
 - Additional HGV movements on the A20 unacceptable and cause further congestion
 - Safety implications for users and pedestrians generated from volume of additional and speeding HGVs
 - Cumulative impacts of proposed HGV movements with existing surrounding uses and operation stack (link park, airport, M20)
 - Noise impacts from construction stage and during operational stages
 - Dust pollution
 - Increase in air pollution
 - Sludge spillage
 - Potential light pollution
 - Potential for an increase in flies and vermin in the area
 - Potential to pollute the existing water source
 - 24-hour operation of the plant is unacceptable
 - the proposal, and in particular the proposed buildings, are not in keeping with the surrounding area
 - the vegetation proposed as being retained in the application has been removed by the applicant
 - impact on badger sett located at the site
44. A detailed submission document has also been received from the Sellindge and District

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Residents Association (SDRA) which raise issues of concerns relating to the following:

- Groundwater levels and pollution
- Excavation of contaminated materials on site/ impacts of reducing levels
- Possible effects of the attenuation ponds below the water table and discharge rates
- Site access arrangements
- Potential effects of bio-aerosols on the nearest sensitive receptors
- Vehicle movements associated with the emptying of the holding tank
- Out of date badger survey
- Potential effects on the A20, particularly from vehicles crossing the main road, of the new development granted planning consent by the District Council to the rear of the Airport Cafe opposite the Otterpool site.

Other issues raised by local residents

45. As a result of the public meeting(s) and letters of representation, a number of issues were also raised which are not considered to be planning considerations or not directly related to the proposal at Otterpool. These include matters relation to the Tort of Nuisance, a proposed lorry park, an AD Plant at Arundel (West Sussex) and an adopted development brief related to the Lympne Industrial Estate (also known as Link Park) which is located to the south of the Otterpool Quarry site.

Tort of nuisance

46. A local resident raised the issue of whether, if granted planning permission, the introduction of any establishment causing obnoxious odours to nearby residents is an infringement under the Tort of Nuisance. In particular they raised the case of Bliss v Hall (1838), L.J. C.P.122. An opinion has been sought from the County Solicitor who has advised that there are two types of nuisance in law: public and private, which generally relate to the interference with the use or enjoyment of land. It is considered that many things may amount to a nuisance including for example smoke or odour, however whether they would be actionable as a Tort of Nuisance depends on many conflicting factors.
47. The planning application currently under consideration at Otterpool Quarry should be determined on its planning merits and in accordance with planning policy. In this context the law of nuisance is not relevant. In the event that permission is granted and the development is implemented and operational, it would then be up to the local resident to bring a case of nuisance against the operator of the site should he consider that this is justified. However, any such action would be against the owner of the land alleged to be creating the nuisance and therefore a civil matter.

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Proposed Lorry Park

48. A number of concerns have been raised in relation to the impact on the local road network at times when operation stack is in force. An announcement has been made by the Leader of the County Council that a proposed lorry park is being considered at a number of locations between junctions 10 and 11 of the M20, and that a site at Aldington, close to Sellindge village is being considered as an option. Whilst this is not directly connected to the proposal for Otterpool Quarry, there is a concern for local residents over any potential detrimental impact associated with additional high levels of traffic using the A20 route through the Sellindge Village. No formal planning application has been submitted for a proposed lorry park in the area to date therefore I would find it difficult to assess its relevance to the proposal currently under consideration at Otterpool. However, I would anticipate any future planning application to be accompanied by a full traffic impact assessment which would consider any potential impacts on affected major routes.

AD Plant at Arundel, West Sussex

49. A local resident raised the matter of how other AD plants permitted elsewhere are 'failing technologies' and gave the Arundel plant as an example of such failure. I confirm that I have investigated this particular site with my planning colleagues at West Sussex County Council and that they have confirmed that there is a site located near Arundel which has planning consent to handle and process some 40000t/pa of green and kitchen waste (20000t/pa of each) through in-vessel composting. Whilst the facility has the necessary Permit from the Environment Agency, to date the development has yet to be implemented therefore no operational problems have been reported.

Lympne Industrial Estate Development Brief

50. At the public meeting held on 24 June 2008, Cllr Mrs Newland from Shepway DC indicated that in her view, the correct location for the proposed development should be Lympne Airfield, which had closed in 1975. This land now forms part of the Lympne Industrial Estate to the south of the Otterpool Quarry site and whilst a number of proposed developments there had been successfully resisted the second phase of the Industrial Estate (see Site Location Plan 1) had eventually been granted on appeal. However, in Cllr Newman's opinion the Inspector who presided over the Public Inquiry had nevertheless felt that the rest of the area should be treated as green rather than brownfield land. Whilst Cllr Newland indicated that this decision may have extended to the Otterpool Quarry site, having looked at the adopted Development Brief for the Lympne Industrial Estate area, the site plan does not extend as far as Otterpool Quarry which is a previously developed site and remains unrestored. I do acknowledge however that given its close proximity to the proposed site, some wider aspects may require a consistent approach in terms of, for example, visual impacts and landscape mitigation considerations. This is considered further below.

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Discussion

51. 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.
52. Prior to the publication of PPS10 and Waste Strategy 2007, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.
53. The new advice in PPS10 moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO.
54. Until such time as the **Kent Waste Development Framework** (WDF) reaches a more advanced stage, applications will be considered against relevant saved Kent Waste Local Plan Policies and other development plan policies. This is fully consistent with the approach Local Planning Authorities are advised to adopt as set out in PPS10.
55. There is support in principle for the establishment of alternative waste management facilities including waste transfer/ waste recycling exists at both the national and local level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill.
56. Policies W3, W6 W7 and W9 of the Kent Waste Local Plan identify the locational criteria against which individual proposals will be considered, whilst policies W16 to W22 and W25 set out the operational criteria.

Prematurity in light of emerging SDC LDF Core Strategy

57. PPS10 provides some advice in dealing with prematurity issues which has been raised by Shepway District Council. PPS10 advises that waste planning authorities should adhere to a number of principles in determining planning applications, including the following:

“in considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, *[they should]* have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan. Any refusal of planning permission on grounds of prematurity will not be justified unless it accords with the policy in *The Planning System: General Principles*.” The General Principles further advise that in some circumstances, it may be justifiable to

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refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category.

Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:

- Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.
- Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.

58. Having regard to the contents of the DC's letter and their position on their Core Strategy which they have indicated will not be published for consultation until June 2011, in my view until such time as the Core Document has reached a sufficiently advanced stage there appears to be no real certainty offered by Shepway District Council as to the possible level of development in the area or whether it would finally be included in the future plan. It would, in my opinion, be unreasonable for the Otterpool proposal to be further delayed until such time as the Core Strategy is adopted and in any event could result in the applicant appealing against non determination of the planning application. Further, I consider that refusing the proposal on the basis of 'prematurity' at a time when there is no degree of certainty and in the absence of the formal adoption of the Core Strategy that this would be unreasonable and difficult to defend in the event of an appeal.
59. I consider that the proposed development at Otterpool should be assessed and determined on the basis of whether there is a current need for such a facility in the this location. In the event that future housing development is permitted by the District Council, then I would anticipate that any waste contracts linked to the proposed site should be capable of dealing with waste generated by those new residential developments.
60. With regard to assessing any potential impact of the planning application on residential amenity, the proposed development and any potential amenity impacts are assessed in more detail below, with the nearest sensitive receptors being fully considered.

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Notwithstanding the outcome of the District Council's future housing allocation areas, the Airport Café, would remain the closest potential sensitive receptor to the boundary of the site.

In light of the policy considerations and the issues raised above, I consider the key issues to be:

- Need/ locational criteria /Alternatives – in the context of government policy (i.e. diversion from landfill/waste as a resource etc.) and Kent's need in terms of existing and future waste arisings (and east Kent initiative)
- Protection of Groundwater Pollution (including surface water collection and discharge)
- Highways Impact
- Potential Impacts on the Local Amenity (noise, dust, odour, including Bio-aerosols (Health))
- Landscape including impact upon the AONB
- Renewable energy and climate change
- Biodiversity

Need

61. In support of his application, the applicant has stated that the waste stream would be sourced locally from the East Kent area (i.e. Ashford, Dover and Shepway). In order to assess whether there is a need for this facility, the future capacity requirements covering the proposed catchment area for both MSW and C&I waste has to be considered. In keeping with the 'proximity principle' it is the aim of Kent County Council supported by the twelve Kent District Councils to dispose of 100% of household waste within the County. The Waste Disposal Authority (WDA) is required to seek competitive tenders for the processing of all domestic waste arisings in Kent. The Contract Criteria includes inter alia that particular consideration be given to the environmental impact of the proposal, recycling targets set by Government, the operational requirements of the Waste Collection Authorities (District Councils), the minimisation of traffic and the technical sustainability of the process.
62. In partnership with Kent County Council, the districts of Canterbury, Dover, Shepway and Thanet have recently awarded a contract to Viola for running waste and recycling collections for garden, food, container mix and paper and card waste . The collection methodology that will be provided is for the collection of two separate streams of dry recyclables (paper/card and cans/plastics/glass) and two separate bio-waste streams (food/kitchen and garden waste). The Waste Disposal Authority (WDA) estimates, based on research elsewhere, that the selected methodology will generate not less than 21,000 tpa of food waste and 18,000 tpa of garden waste. These figures represent conservative estimates and over the contract period the WDA expect these annual quantities to increase year on year. For the food waste element this will initially in the short term be taken to New Earth Solutions facility at Blaise Farm, West Malling, and in the longer term (subject to planning) to an Anaerobic Digestion Plant proposed at Richborough using

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technology similar to that proposed at Otterpool. The latter is currently the subject of a planning application by Thanet Waste Services (TWS). In support of their application TWS have indicated that in their view there would be sufficient volumes of organic waste material arising in Thanet, Canterbury and north Dover alone to supply their proposed plant. Whilst the WDA currently has no contractual commitment to the proposed Otterpool facility it would appear there may be a shortfall in capacity when all four districts come on stream which in my opinion could arguably be taken up by the site at Otterpool. Furthermore the WDA have confirmed that the possible adoption of similar collection systems elsewhere in Kent is being actively considered by KCC in conjunction with the other eight districts including Ashford.

63. The system employed under the East Kent initiative results in significant increased diversion from disposal to landfill together with cost savings and helps meet government targets for recycling and composting. The WDA consider this will inevitably lead to further bio-waste processing capacity requirements in the future.
64. As part of the evidence base being used in the preparation of the Waste Development Framework (WDF) a needs assessment has been undertaken on behalf of the County Council by Jacobs dated May 2010. With regard to existing and future requirements for combined MSW and C & I waste composting capacity, based on various scenarios in respect of waste growth and recycling rates they predict a future capacity gap between 2013 and 2015 onwards. It is anticipated that the rapid growth in MSW green/kitchen waste will use up some, if not all, of the spare capacity that is currently being considered as available for C & I green/kitchen waste.
65. In support of his application the applicant has also undertaken his own needs assessment in respect of future waste arisings, applying similar principles to those which were applied by Jacobs in respect of comparing the relationship between available treatment capacity and the projected organic waste captured in the various collection systems in the proposed catchment area for MSW and C&I waste. His assessment draws similar conclusions to Jacobs in that, based on various capture rates of the organic waste element of MSW and C&I waste combined, there will be a capacity gap from 2015 onwards.
66. In keeping with the proximity principle it is the aim of Kent County Council, supported by the twelve Kent District Councils, to dispose of 100% of household waste within the County. The WDA confirm that the introduction of additional capacity that would be provided by this proposal would be a welcomed additional outlet for treating this category of material. Based on the applicant's needs assessment provided in support of the planning application whose conclusion's identify a capacity gap in the near future for treating the organic waste fractions of MSW and C&I waste, a position which is also supported in the work undertaken by Jacobs on behalf of the County Council in respect of the emerging WDF, I consider the case of need justification put forward for the Otterpool site to be reasonable. In my opinion there is clearly a future need for additional facilities to deal with this waste stream which will arise in both the proposed catchment area and elsewhere in the county. On this basis I would find it difficult to sustain an argument

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justifying refusal based purely on a lack of need for an additional facility in the East Kent area.

Locational Policy Considerations

67. Whilst the site itself is not identified in the Kent Waste Local Plan (KWLP) as being suitable in principle for a waste management facility, having identified a need for such a facility in the East Kent area it is necessary to consider whether Otterpool Quarry meets the locational criteria set out in development plan policies, particularly policies W9 and W10 of the KWLP and policies W7 and W17 of the South East Plan. It is also appropriate to consider whether there are any other alternative sites either equally or more proximate to the proposed waste catchment area which are able to accommodate the waste management facilities proposed at Otterpool.
68. KWLP policies W9 and W10 require proposals at locations not specifically identified in the KWLP to be considered against whether they seek to minimise their impact on the local and natural environment, have ready access to the main road network and are within an established industrial type area. South East Plan policy identifies the wide range of waste management sites that are required. It sets out locational criteria including the need for good accessibility, compatible land-uses which include previous industrial land and contaminated land and that sites should be capable of meeting environmental and amenity concerns.
69. PPS10 advises that in testing the suitability of sites for waste management facilities Waste Planning Authorities (WPAs) should consider a broad range of locations including industrial sites, looking for opportunities to co-locate facilities together with complimentary activities. In deciding which sites and areas to identify for waste management facilities WPAs should assess their suitability for development against each of the following criteria;
- the extent to which they support the policies in PPS10
 - the physical and environmental constraints on developers, including existing and proposed neighbouring land uses
 - the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential
 - the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport
 - give priority to the re-use of previously developed land and redundant agricultural and forestry buildings and their curtilages.

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70. PPS10 advises that planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when they are consistent with such criteria as set out above.
71. Following the completion of Ragstone extraction Otterpool Quarry continued to be occupied by a Ready Mix Concrete and Asphalt Plant. These facilities have since been removed and all that remains as evidence of it having been a previously developed industrial site is their concrete hardstandings and bellmouth which served access directly onto the A20. There are no specific requirements to reinstate the area back to its original condition prior to when any development took place, nor any restoration requirements, as a consequence this now forms a brownfield site.
72. The application site, which has previously been used for commercial purposes (i.e. the production of concrete and asphalt), lies within a corridor between the Lympe Industrial Estate and its recently commenced second phase (some 350m to the south) and the Airport Cafe site, for which SDC has recently granted a planning permission for 9 light industrial units. In principle the site meets the locational criteria and the facility would make a growing contribution towards the delivery of the regional targets for recovery, diversion from landfill, and renewable energy generation. Consideration relating to environmental and amenity is discussed below.

Alternative Sites Assessment

73. In support of his proposal the applicant has undertaken his own Alternative Site Assessment (ASA) using the criteria set out under PPS10. Stage 1 comprised a review to ascertain which sites are available for development in East Kent specifically within the proposed waste catchment areas of Ashford, Dover and Shepway. 12 potential sites were identified, of which 9 were on existing industrial/business parks, 2 were on undeveloped greenfield sites 1 of which is not currently on the market, and 1 which is on previously developed land at the former Richborough Power Station. In addition to the 12 selected sites the Assessment also looked at 4 other sites identified in the KWLP which fall with the proposed waste catchment areas of Ashford, Shepway and Dover as being suitable in principle for waste transfer/waste separation. These were ruled out from the outset on the basis that they were not of a sufficient size to accommodate the facilities proposed at Otterpool.
74. Stage 2 of the ASA involved sifting the 12 selected sites based on a number of criteria considered essential or desirable for a waste management facility and were scored either higher or lower depending on how well they fitted the criteria. The rating criteria were as follows;
 - Proximity to housing
 - Proximity to road network
 - Existing land use

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- Ecological designations
 - Water environment and flood risk
 - Availability (i.e. be available for purchasing/long term lease at the time of the search exercise)
 - Size of site
75. As a result of this stage two exercise, whilst two sites scored higher than Otterpool, both were less than 2 ha in size and were not therefore considered large enough to accommodate the proposed use. One other site scored the same as Otterpool, however this site has recently been granted permission for a waste management use to another waste operator and is not therefore available to the applicant. The remaining sites all scored lower.
76. I have no reason to doubt the conclusions of the applicants own ASA, which has identified what I consider to be two key determining issues in assessing the suitability of a site for a waste management facility. Firstly, the size of the site in terms of whether it would be capable of accommodating what is proposed, particularly where this involves the co-location of facilities as proposed at Otterpool and which is supported in advice contained in PPS10. Secondly, site availability is also critical, in the absence of which should permission be granted at a site over which the applicant has no control, there would be no guarantee over the deliverability of a proposal. Other matters relating to the criteria against which the applicant has undertaken his ASA as referred to above are, in my opinion, matters more appropriate to consider during the determination of individual planning applications, at which time comments from relevant consultees can be taken into account. I am satisfied that of the sites considered by the applicant, Otterpool Quarry is at least equally suitable when compared against those other 12 sites the applicant has assessed and is consistent with the advice set out in PPS10. On this basis having already established the need for additional capacity in the near future to deal with the waste streams proposed to be accommodated at site, I shall now consider the remaining determining issues as set out under paragraph 60 above.

Contamination and Groundwater Pollution Issues

77. The Sellindge and District Residents Association (SDRA) have concerns that the proposal in their view does not adequately address the issue of use, disposal and pollution of water at the site. Their concerns centre on the need to protect the underlying groundwater from pollution which they consider is the primary source of water supply in the area. They state that most of their drinking water comes from local aquifers which are partly recharged from the Otterpool area and which at present needs little treatment. They have therefore raised strong objections to the proposal.

The SDRA have specific concerns over the following:

- Excavation of Contaminated Material/Lack of correlation between proposed ground levels and the local water table given that as part of the site preparation works existing

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ground levels would be reduced by as much as between 4 and 5 metres over certain parts of the site. The removal of some 50,000 cubic metres of material off site, some of which they are concerned could be contaminated given the sites previous use.

- Groundwater Levels - The SDRAs disagree with the groundwater data provided by the applicant indicating that their own readings taken at the site show levels to be between 0.35 and 1.85 metres below ground level during the winter months. They are also concerned that flooding is a common event in Sellindge and that during periods of heavy rainfall surface water discharges from the site across the A20 towards the Airport Café.
- Attenuation Ponds/Discharge - In relation to the surface water attenuation ponds, the SDRAs are concerned that they would sit below the water table, be permanently full of water and incapable of attenuating the rate of surface water discharge from the site. Concerns that the foul and noxious wastewater holding tank would sit within the water table and that no figures are included within the application which calculate the required number of vehicle movements to dispose of its contents.

Contamination

78. Given the sites previous uses, including for asphalt and concrete production, the Environment Agency (EA) initially raised an objection to the proposal on the basis that there was insufficient information included within the application to satisfy them that there would be no risk of pollution to controlled waters. PPS23 advises that a precautionary approach be taken in the event that it is considered that there may be a risk and that a planning application should not be determined until such time as a Preliminary Risk Assessment (PRA) is provided in support of a planning application. Having regard to this and local concern, the applicant agreed to undertake a Stage 1 assessment of all the previous uses which was presented in a report identifying any potential contaminants associated with those uses. The report concluded that further more detailed investigation would be required to fully assess the extent of the land affected by contamination at this site together with any necessary remediation works. The E.A. subsequently removed their objection provided the necessary measures set out in the Stage 1 risk assessment are implemented and that any future planning permission be subject to a number of detailed planning conditions requiring further investigation work together with any measures necessary to address any contamination identified prior to the commencement of the development. Having regard to the advice from the EA on this issue, I am satisfied that the stage 1 assessment meets the requirements of PPS23.

79. I am also mindful that this is generally consistent with the approach taken by the District Council on the recently granted permission (SH/09/871) at the nearby Airport Café site for 9 industrial units on a former scrap yard site and which therefore carries a potentially higher risk of contaminants being present. In this particular case, in the absence of the submission of a PRA prior to the determination of the application, permission was granted subject to a condition requiring the submission of such a scheme together with other conditions similar to those the E.A. have recommended should be imposed on any permission for Otterpool. On this basis I am satisfied that should Members be minded to grant planning permission, the recommendations in the Stage 1 PRA report, which

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include further investigation work in order to fully assess the extent of land affected by contamination at this site along with any remediation work, can be adequately dealt by way of a number of suitable conditions which would require discharging prior to the commencement of any physical development on site.

Groundwater Pollution Issues

80. Of particular concern to local residents, along with the SDRA, is that in their opinion the area is subject to high groundwater levels and that the distance between the ground level and water table would be further reduced as a result of the intention to regrade the site as part of the pre-development site preparation works, where in some areas, they claim levels would be reduced by as much as 5 metres. Local residents are also concerned that the area suffers localised flooding during times of high levels of rainfall. They have also questioned the accuracy of the groundwater monitoring data submitted by the applicant claiming that the highest recorded levels are below those that they themselves have monitored at the site which are significantly higher resulting in a relatively shallow unsaturated zone between the finished floor levels (FFL) and the top of the water table. The SDRA therefore have concerns that the proposed surface water attenuation ponds and below ground foul water storage tank would sit below the water table.
81. In support of the proposal, the applicants initially provided groundwater monitoring data/readings taken following a series of visits between July and September in 2008, in order to demonstrate that in their view the proposed development, particularly in relation to the foul water storage tank and surface water attenuation ponds, would not create any risk of pollution to groundwater or lead to any increased risk of flooding in the area. Following the submission of the original planning application detailed discussions on this particular issue continued for a considerable period involving exchanges of correspondence between the EA, KCC and the SDRA. Both the applicant and the residents association undertook and submitted for consideration, additional groundwater monitoring results which the EA were requested to consider alongside each other. Whilst the Agency found both sets of data useful to verify the periods of high groundwater levels in both sets of data, they were not able to confirm which set was the most accurate or whether as a result the site drainage plan would require amending. Following a subsequent meeting I held with the applicants they were requested to produce information in the form of a combined summary report which took into account the results of groundwater monitoring undertaken by all parties at that time to date. This also included a request for further monitoring to be undertaken during the months between February and April at the recommendation of the EA, who felt this period to be more reflective of the wettest months and therefore readings measured during this period more representative of the highest recorded groundwater levels across the site.
82. The applicant subsequently submitted a groundwater addendum report in October 2010. The report concluded that groundwater flowed across the site in a generally northerly direction. However, the monitoring data also indicated an unusually steep hydraulic gradient across the site, which would not normally be expected given the relatively short distance between the boreholes located in the southern and northern part of the site from which the highest and lowest readings were recorded. The applicant attributed this to

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perched groundwater being present in the southern part of the site within made up ground due to the low permeability of clayey materials used as backfill in this area. They confirmed that similar conditions were encountered on previous occasions at this location when trial pits excavated at the site into the made up ground together with boreholes drilled into the deeper underlying undisturbed Hythe Beds indicated the presence of two separate groundwater bodies within each respective layer.

83. The addendum report also included cross sectional details showing a comparison between the FFL of the site, the base of the proposed buildings and the recorded groundwater levels including what are considered to be the true levels in the southern part of the site together with the recorded 'perched' levels in this area. Whilst where the 'perched' levels occur the base of the buildings and attenuation ponds may sit within water during short periods when water levels peak, given that as part of the site preparation works the backfill materials within which the 'perched' levels sit will be removed, this particular feature will no longer exist. A comparison of the highest recorded groundwater levels in the undisturbed ground which have been used to interpolate what is considered to be the true levels in those areas of the site of made up ground show a sufficient margin of safety between the base of the buildings, ponds and water table such that the applicant considers it is unlikely the development will sit within the groundwater at anytime including when levels are at their highest.
84. The EA who were formally consulted on the Groundwater Addendum Report have in response made what they consider to be the following key points after their detailed assessment of the additional data contained in the document;
- We agree that groundwater should not significantly affect the development
 - We are also happy that, using the right engineering solutions, the surface water drainage system as presented will work
 - We believe that the high groundwater levels are likely to be the result of perched groundwater, and that the groundwater monitoring data is therefore probably an over-estimate of the actual water table elevation

The EA also advise that provided conditions are imposed on any future permission requiring a) the surface water drainage scheme to be designed to ensure surface water run-off is limited to 5 litres per second to either a maintained sealed drainage system or to a watercourse that discharges unimpeded to the East Stour and b) that should groundwater conditions encountered during site construction differ from those referred to in the Groundwater Addendum Report construction shall cease pending any written approval from the Local Planning Authority that works can recommence.

85. In relation to ongoing Groundwater Monitoring, particularly during the most recent period from February to April 2010 as previously requested by the EA, the EA conclude that the likely cause of the peak readings measured was where surface water runoff had filled the boreholes rather than representing the highest groundwater table levels, due to the exceptionally heavy rainfall events which caused localised flooding at various location across Kent and East Sussex at that time. In their view this position will no longer provide

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reliable estimates of the groundwater levels across the site and consider therefore that the data recorded is most probably an over-estimate of the actual levels.

86. The EA also concur with the methodology used in the calculations undertaken in the Groundwater Addendum Report where, what was considered to be the natural groundwater level in the made up part of the site was interpolated from the readings taken from the boreholes within the undisturbed part of the site, and which was considered to more accurately reflect the true levels across the site as opposed to those actually recorded at this location which the applicant felt reflected 'perched' levels in made up ground. Given that this predicted level is lower than the floor levels of the proposed buildings the EA agree that they are unlikely to be affected by the water table from the Hythe Beds.
87. The EA also agree that the proposed reduction in the site levels and construction of an impermeable membrane would also be likely to reduce infiltration into the subsurface which in their opinion would significantly reduce the influence from any 'perched' water table.
88. In relation to the proposed attenuation ponds and holding tank, the EA confirm that it is possible that the water table of the Hythe Beds could cause seepage into the attenuation ponds. However, they are satisfied that any possible seepage of groundwater into the attenuation ponds would be prevented by the imposition of the conditions as recommended in paragraph 84. above in the event that planning permission is granted. Given the foul water holding tank would be set at 74.6m AOD which would allow for over 1m between the tank and the highest recorded groundwater level, the EA have raised no objection to the proposed location and depth of the tank.
89. Having undertaken lengthy dialogue on the issue of groundwater with the Environment Agency, taking account of their advice I am satisfied that any flood risk and potential pollution to groundwater can be prevented provided the necessary planning conditions are imposed and monitored. I am therefore of the opinion that the proposal meets the requirements set out in PPS23, policies NRM1 and NRM2 of the SEP and policy W19 of the KWLP and that there is no justification for refusing the proposal on flood risk or groundwater pollution grounds.

Bio-aerosols/Air Quality

90. Local residents have raised concerns in relation to the potential adverse impacts on local air quality. In particular the SDRA have drawn attention to Standard Rules criteria which would need to be applied by the EA in their assessment of the potential impacts from the A/D Plant in respect of bio-aerosols. Given the close proximity of a number of dwellings and buildings to the site including the Airport Café all of which are less than 250 metres from the site, the SDRA are of the opinion that the proposal does not meet the Standard Rules Criteria and therefore the operator must submit a detailed Risk Assessment (RA) and also apply for a bespoke Licence from the EA. They state that in their opinion if the operators RA is not agreed by the E.A. a permit would not be issued. The SDRA consider

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therefore that the operational parameters of the A/D Plant set out in the R.A. should be fully explored and determined before any construction work commences and in this respect should the County Council be minded to grant permission this should include a condition requiring that all matters pertaining to the issue of an Environmental Permit be fully resolved before development commences.

91. Having regard to advice set out in PPS23 perceived risk is a material planning consideration and therefore in determining the current planning application the County Council will need to be satisfied before granting any future permission that such risks will be properly assessed before the development is allowed to go ahead. During discussions held with the EA. in the light of concerns raised by local residents on the potential impacts from the proposal on air quality, particularly the risks from bio-aerosols, the EA initially confirmed in the context of their Standard Rules, that given there are workplaces/domestic properties within 250 metres of the site, the applicant would need to provide a Bio-aerosol Risk Assessment for the site to support an application for an Environmental Permit. They also confirmed at that time that this would need to include the risk of bio-aerosols from the open-fronted maturation building. They indicated that if there was shown to be an unacceptable risk from the current proposed design of the maturation area, the applicant would need to include additional control factors in the operation and design of the maturation building, such as enclosing the building.
92. The EA confirmed that they would need to see a Bio-aerosol risk Assessment in order to comment further and if the County Council requested such information from the applicant as part of the planning application they would be able to provide specific comments including what is required from such an assessment.
93. The approach agreed between the County Council, EA and the applicant on how best to address this issue was for the applicant to provide a Stage 1 Bio-Aerosol Risk Appraisal on which the EA would then be formally consulted for their view on whether it would be possible for adequate controls to be incorporated in order to avoid any unacceptable risks. Whilst this level of information was considered by all parties to be sufficient for the purposes of determining the planning application, it was nonetheless agreed that should permission be granted, a more detailed assessment would need to be submitted as part of the application made to the EA for an Environmental Permit. Having agreed this approach the EA subsequently confirmed a change in their position in respect of the proposed maturation building stating that they would not normally grant an Environmental Permit for composting or maturation of compost within 250 metres of a sensitive receptor unless fully enclosed, irrespective of a risk assessment. As a result the Stage 1 Bio-Aerosol Risk Appraisal Assessment subsequently submitted by the applicant in accordance with the advice from the EA, made provision for both the A/D building and maturation building (i.e. the closest element to the Airport Café) to be fully enclosed.
94. The main objective of the Bio-Aerosol Risk Appraisal is to assess the potential for significant risks to human health in the workplace, dwellings or any public buildings within the vicinity of the proposed site with a view to being able to demonstrate that bio-aerosols can be controlled to acceptable levels. The process of AD and subsequent maturation would be a fully enclosed operation within purpose built buildings. No significant waste

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handling or treatment is proposed to take place outside the buildings or within the open. The applicant indicates in the report that bio-aerosol risk complies with the appropriate EA and national guidance for a tiered risk assessment for individual receptors. Although there appears to be limited information on bio-aerosols from the AD of waste, data that is available indicates that bio-aerosols associated with A/D is low and not significant and levels cannot be distinguished from background at distances of 50m. Current data also indicates bio-aerosol levels to be significantly lower than open windrow composting and that bio-filters provide effective capture and treatment of organic and bio-aerosol releases. The report concludes that with the exception of the Airport Café, residential receptors located either near or beyond 250 metres from the site are not at risk. Whilst the Airport Café is the nearest receptor (i.e. some 30 metres from the site boundary), the primary release locations are located further away within the site. Provided the technology selected and measures proposed to prevent or control bio-aerosol release are implemented the risks of bio-aerosols for sensitive receptors is considered to be low and therefore normally acceptable. Whilst for the café occasional risks may be medium and may be considered tolerable it is considered the mitigation and control measures proposed should be maintained to prevent or reduce the potential for bio-aerosols. The assessment has not at this stage considered a detailed Qualitative Risk Assessment using factors based on site specific conditions, operations, activities etc, although it is recognised that such matters may need to be addressed in order to demonstrate the acceptability of control measures at the permitting stage.

95. The applicant also provided a separate Air Quality Assessment Report, including atmospheric dispersion modelling, in respect of the potential air pollution from the exhaust gases of the generator used to convert biogas produced from the A/D Plant into electricity. The main objective of the Air Quality Assessment is to model the concentrations of emissions from the exhaust stack of the A/D Plant gas engine in order to quantify the impacts at residential and ecological receptors. The Assessment concludes that having regard to existing background levels, the contribution from the A/D Plant Gas Engine would not lead to any breaches of air quality standards.
96. The County Council have consulted further on these matters with the EA who have stated their formal position regarding air quality impacts together with the risks from the potential releases of bio-aerosols. With regard to air quality, having undertaken their own check calculations in respect of the modelling data provided on exhaust emissions, they concur with the applicant that given the small emission release in this case the site is a low environmental risk facility and is not likely to breach any air quality standards for human or ecological receptors in the surrounding area.
97. With regard to bio-aerosols the EA confirmed that given the proposal involves relatively new technology, the matter was passed on to their national team to ensure consistency across the country especially on high profile sites like Otterpool. In their formal response the EA have to a large degree reserved their position on bio-aerosols at this stage in the absence of having received an Environmental Permit Application from the applicant. This is on the basis that they would not wish to prejudice their position in the event of the future submission of an Environmental Permit Application which would be required to contain a more detailed assessment of the potential impacts before any permit is granted. In this

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context their comments have been provided on the basis of their role as a consultee on planning applications. The EA have stated that the likelihood that bio-aerosol release can be kept to appropriate levels from the facility is dependant upon the design of the plant and its ongoing maintenance and operation. The proposed technology, if properly designed (i.e. enclosed and maintained) may have the potential to meet the appropriate bio-aerosol levels. The EA have assessed the Bio-Aerosol Risk Appraisal against the Guidance on the Evaluation of Bio-aerosols Risk Assessments for Composting Facilities jointly produced by Cranfield University and the EA. As the technology to be employed is relatively new, the comments they have obtained from their national technical services team set out what more detailed information would be required to demonstrate the acceptability of control measures that would need to be employed. The EA National Team have made specific reference amongst other matters to the need for further detailed information in relation to design of the MRF, additional weather data, proposed abatement system in the form of a bio-filter which the EA confirm if correctly maintained can be an effective way of reducing bio-aerosols and odour management. In my opinion, on the basis of the recognition given to the need for a more detailed assessment at the environmental permitting stage, the comments they make are matters more appropriately dealt with under an application to the EA for an Environmental Permit. The applicant has also since agreed that such matters would need to be addressed in any future Environmental Permit Application. A decision on a permit application cannot be taken until there is a planning permission in place.

98. Policy W18 of the KWLP requires the planning authority to be satisfied that emissions can be satisfactorily controlled, particularly in respect of potential impacts on neighbouring land uses and amenity. However, PPS23 advises that it is not the role of the LPA to undertake detailed risk assessments of releases and that where necessary; the developer should only be asked to provide sufficient information for planning assessments to be made. The two reports provided by the applicant on potential air quality impacts and risks from bio-aerosols have been considered by the EA who, with regard to air quality impacts from the exhaust stack emissions of the AD Plant gas engine are satisfied such impacts would be low and not likely to breach any air quality standards for human or ecological receptors in the surrounding area. With regard to bio-aerosols, whilst the EA have reserved their final position pending their consideration of any future Environmental Permit Application, they have indicated that if properly designed, the proposed development may have the potential to meet the appropriate bio-aerosol standards. In this context having regard to the advice set out in PPS23, I am satisfied that the response from the EA carries sufficient weight to enable the County Council to formally determine the application. In reaching this view I am mindful that should members be minded to grant permission, in the event that the EA are not fully satisfied that the facility can be operated to the required standards they would refuse to issue an Environmental Permit and the development cannot be implemented. I am therefore satisfied that taking into account the additional information submitted in support of the application in respect of air quality and bio-aerosol and having regard to the advice from the EA, the proposal is consistent with the advice set out in PPS23 and that it would meet the objectives of policy W18 of the KWLP. Accordingly, in my opinion there are no overriding grounds to justify refusal on the potential risks from bio-aerosols and air quality.

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Highways Impact

99. A number of concerns have been raised by Shepway District Council, SDRA and local residents in relation to highway matters. Concerns relate to the impact of the proposed development on:

- general highway capacity and use;
- access arrangements; and
- highway safety

Shepway District have also recently sought to reiterate their initial concerns as well as requesting Kent County Council to consider the potential need for the applicant to contribute to highway improvements at the Newingreen junction in the event that Members resolve to grant planning permission. The SDRA draw specific attention to emerging plans for new housing in the area which in their view will generate substantial volumes of additional domestic and commercial traffic onto the A20 and which they note the applicant's traffic assessment makes no reference to. They also consider the route to junction 11 of the M20 is not suitable for carrying significantly increased traffic, which in their opinion will lead to an increase in the number of accidents drawing particular attention to the Newingreen junction. Concerns are also raised over vehicles stacking up along the A20 whilst not being able to immediately enter the site leading to the risk of accidents.

100. In terms of the sites location in relation to the surrounding road network, access is gained directly onto the A20 and is in close proximity to junction 11 of the M20 via the Newingreen junction located approximately 1½ kms to the east. In addition to the existing levels of traffic using this route network future potential impacts from other surrounding uses include, to the south of the proposed site the Link Park Industrial Estate, which has planning consent for a Phase 2 development. Also to the immediate north of the site, a planning permission has recently been granted by the District Council for the erection of 9 light industrial units to the rear of the Airport Café.

101. A s106 Legal Agreement exists in relation to the Link Park Industrial Estate development which has sought to gain developer contributions towards highway improvements to the Otterpool Lane/A20 junction, which is immediately to the west of the Otterpool Quarry site. These improvements which include traffic signals to control the flow of vehicles at this junction, have been fully implemented and are in operation. Neither planning consents for Link Park or the industrial units to the rear of the Airport Café have sought to control either vehicle routeing or traffic number restrictions. However as part of the highway improvements at the Otterpool Lane junction, signage is in place which advises vehicles associated with the Industrial Estate to turn right at the junction and subsequently directs traffic towards junction 11 of the M20 via the Newingreen junction.

102. The applicant estimates that the proposed development would generate an average of 152 daily vehicle movements (with a maximum of 168 during peak times). Given the proposed site at Otterpool Quarry has access directly onto the A20, the operator considers the most direct route for vehicles using the site to be via junction 11 of the M20.

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Whilst routing of traffic is difficult to control and enforce, it is generally accepted that this can be managed via other means such as access arrangements and signage. In order to encourage vehicles to enter and leave the site to the east towards junction 11, the applicant proposes to upgrade the existing access arrangements with a bias turn in and out of the site towards the east aided by a centralised traffic island which would help physically constrain vehicles from entering and leaving the site to the west towards Sellindge Village. As part of the improvements to the site entrance advisory route signage would also be placed immediately inside the entrance gates to the site. The applicant also proposes A Site Users Guide to be issued to all HGV drivers accessing the site, which will include details of the preferred route of access directing HGVs towards the M20 (at Junction 11) on leaving the site. In order to avoid queuing in the road the guide would advise drivers of opening times of the site. The site arrangements proposed also allow for the weighbridge facility to be set back from the site bell mouth by some 50m which would in the applicant's view allow sufficient space for vehicles to wait at the site without the need to queue along the A20. In terms of the need to avoid vehicles queuing along the A20 to gain access to the site, the DTM has been consulted and is satisfied that the applicant has provided the necessary mitigation having regard to the level of lorry movements proposed, at approximately 16 lorry movements per hour. In the event that planning permission is granted I consider that a condition could be imposed requiring the applicant to ensure the site arrangements are implemented as proposed and a limit on vehicle numbers.

Newingreen Junction/Developer Contributions

103. The potential impact of additional traffic accessing the M20 and in particular on the existing Newingreen junction to the east of the application site has been raised as a local concern. I also understand from the District Council (DC) that in preparing their Local Development Framework (LDF) they sought to gather highway capacity information which has since confirmed that the Newingreen junction would reach its capacity within the plan period. As a result of that exercise the DC indicate that the long term need to provide an improved junction has been widely accepted 'informally' and that it is to be identified as a strategic priority for Shepway District Council to identify how such an improvement may be delivered. The DC themselves indicate that whilst this needs further exploration, their officers are currently of the opinion that it is likely that there is a need for all major proposals in the vicinity to contribute⁴. The number of vehicle movements associated with the Otterpool development would be at a maximum of 168 per day, averaging at around 16 movements per hour. The DTM has been consulted on the application and has raised no objection. He also considered that in comparing the level of traffic proposed at the Otterpool site with the existing levels of traffic on the local network along with the previous use of the site, it would be difficult to justify seeking developer contributions for the Newingreen junction on the basis of traffic levels proposed. In his opinion whilst Scott Wilson have carried out junction analysis in the District (in relation to the Transport Strategy being prepared for the LDF), and identified the Newingreen junction as having capacity issues, the Otterpool Quarry application can only be expected to mitigate against its own impact on the local network, which was negligible. Whilst I accept that the

⁴ Page 3, Shepway District Council letter dated 21 December 2010

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potential to seek developer contributions in the future for this junction may be a priority for the DC in order to accommodate any future increases in traffic in the locality arising out of future new development in the area, having regard to the DTMs comments, I do not consider there is any justification at this time to seek developer contributions in respect of the Otterpool proposal in the absence of any existing shortfall in highway capacity.

Possible conflict/highway safety issue

104. As referred to above, planning permission has recently been granted by Shepway District Council for the erection of 9 light industrial units and storage along with associated parking (reference SH/09/871) on land to the rear of the Airport Café which is the site of a former a scrap yard. Local residents, at the 2010 public meeting raised concerns that given the District Council had at the time just granted planning permission for this new development, there could, in their view be a highway safety issue. In particular local residents were concerned that should the Otterpool proposal be granted planning consent, then vehicles exiting both sites simultaneously would be in conflict having to cross each other on the A20, causing a potential highway safety hazard. This has also been raised by the SDRA. At the time of the public meeting officers sought to take further advice from the DTM for his view on whether he considered this to be an issue.
105. Following discussions with the DTM, I am advised that Shepway District Council had formally consulted the DTM on the application for the light industrial units and given the low level of vehicle movements associated with the development no highway objections were raised. The DTM indicated that traffic generation from the site was considered low and not significant enough to raise concern. The existing shared access with the Airport Café would be improved as required under conditions imposed on the planning permission in order to improve visibility and in order to provide sufficient space for vehicles to align themselves appropriately before exiting the site. Given these improvements are subject to a planning condition, the developer would be required to submit details to the District Council prior to commencement of the development. The access to the Quarry is not aligned directly opposite the access to the Airport Cafe therefore I agree with the DTM that cross-movements between both sites would be an unlikely occurrence given the low traffic flows generated by both sites.
106. Having regard to the views of the DTM who has raised no objection to the proposal on highway grounds, I am satisfied that with the benefit of the imposition of appropriate conditions relating to the proposed access improvements, together with a restriction on the maximum number of HGV movements the proposal is consistent with and also meets the objectives of Policy W17 of the South East Plan (SEP) and policies W3(i) and W22 of the Kent Waste Local Plan (KWLP) which seek to ensure waste management sites have ready access to primary and secondary road networks.

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Visual Impact

Kent Downs AONB

107. The site whilst not situated within any landscape designations is surrounded by the Kent Downs AONB some 1.5km to the north east and south of the site (see *Site Location Plan 1*). Whilst not directly related to the Otterpool site, there is an adopted Development Brief for the Link Park Industrial Estate (adopted in September 2006) which sits to the south of the planning application site. The Brief makes reference to the 'flat relatively open and elevated landscape' and has a particular emphasis on the views into the Industrial Estate from the north and east. The Brief also requires that no buildings at the Industrial Park shall exceed 14 metres in height. It would in my opinion be reasonable to conclude that whilst the Otterpool site does not fall within the definitive area set out in the Brief, for consistency landscape impact should be considered in the context of the Link Park Industrial Estate backdrop, particularly when viewing the site from the longer views of the AONB.
108. Following initial comments made by the County Council's landscape advisor (Jacobs Landscape) a separate visual appraisal was submitted in support of the application in order to assess the potential visual impacts and to identify any additional landscaping considered necessary to mitigate against any adverse effects. The appraisal comprised;-
- The selection of key viewpoints
 - Assessment of visual impacts at each viewpoint
 - Selection of photomontages
 - Proposed mitigation
109. Overall the buildings and stack proposed at Otterpool Quarry, i.e. the MRF, AD Plant and maturation building, would not exceed 12.5m in height. Given that the visual appraisal submitted in support of the proposal shows the proposed office accommodation as being a two storey brick building it is worth clarifying that this was submitted in error and the office accommodation proposed in the application is for a single storey. The external materials proposed for all of the buildings are steel profile cladding which would be finished in a heritage green in colour (i.e. dark green).
110. In the context of its surroundings the Otterpool site itself is slightly less elevated than the Link Park Industrial Estate which is located on higher ground as it gently rises to the south. This helps form a backdrop to the Otterpool site when viewed from the north, particularly from within the Kent Downs AONB. This feature is best demonstrated when viewed from Westenhanger Castle which adjoins the north western boundary of Folkestone Racecourse (see site location plan 1). At this particular location the most prominent building in my view is a large industrial building located at the Link Park Industrial Estate. The application site, as existing, is surrounded by a belt of trees on its northern, southern and eastern boundaries, of which the majority would be retained as part of the proposed development for screening purposes. The site does have an open view from the west (i.e. Otterpool Lane) following works undertaken by Kent Highway

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be for a limited period until such time as the proposed perimeter planting is undertaken and provides increasing levels of screening as it matures.

113. Both Jacobs Landscape and the Kent AONB team have been consulted on the proposal and have differing views on the impact of the development on the views from the AONB. The Kent AONB team have confirmed that they have been requested to make a comment by their Joint Advisory Committee member for Shepway District Council. In their opinion having regard to the impact on the setting of the AONB, and the views in and out of it they do not consider the proposed application sufficiently mitigates the impact on the views from the north. On this basis they support the views of Shepway District Council to oppose the application and have not sought to offer any further detailed comments on the proposal. Jacobs Landscape, having considered the applicant's assessment of the potential impacts from the various receptors selected which provides for a range of distances and locations, concurs with the applicant's view that there would not be any significant adverse visual impacts due to the distance between the AONB and the site itself and also given the proposed additional perimeter planting. However they have provided detailed comments on the need to ensure planting on the existing bunds would be successful in the longer term and have requested that ground preparation of the bunds to be planted along with the ongoing maintenance be considered. This could be addressed via condition.
114. In terms of the proposed screening from the west of the site, I concur with Jacobs view that a linear belt of trees could be omitted from the scheme and that the native tree and shrub planting on the western boundary could instead contain some scattered standard trees in order to assist with initial visual softening and screening from the west. In my view there would be some opportunity to provide some additional landscape enhancement to the western boundary which the applicant has agreed to provide.
115. Jacobs also raise some concern that the existing planting along the east of the site could be lost or damaged when the surface water attenuation pond is constructed. They consider that any loss of vegetation may open up the view into the site from the east. They have therefore advised that the applicant should be required to replace any trees lost or damaged during construction. In the event that planning permission is granted, replacement of lost or damaged trees could be secured by way of a planning condition, which could also include additional planting to the western boundary.
116. Whilst a number of local concerns have been raised over the potential visual impact of the proposal on the AONB and the general locality, the proposal includes within it the retention of the existing vegetation along with additional planting and has scope for further planting to the west, which could be conditioned. In my view it would be difficult to refuse the application on the grounds of visual impact on the AONB, particularly in the wider context of its surroundings, i.e. the elevated Link Park Industrial Estate to the south of the site, new light industrial units at the Airport Café site, Folkestone Racecourse and the Junction 11 services. Nor does it have any direct impact on the main village of Sellindge which is 1km to the north west. Any views closer to the site boundary could in my view be addressed with additional planting and screening measures. Should Members be minded to grant permission I would recommend that a condition be imposed requiring further

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landscaping details to be submitted for approval, including details of ground preparation works in respect of the bunds to be planted, ongoing maintenance and a requirement to replace any trees lost or damaged by the construction of the surface water attenuation pond on the eastern side of the site.

Biodiversity

117. The Otterpool site itself does not fall within any formal designations, however the southern and eastern boundaries are adjoined by a SSSI. Natural England do not consider the proposal to have any implications for the special interest of the SSSI provided works are carried out as detailed in the proposal and therefore they have raised no objection to the proposed development. NE has however referred the County Council to our own in-house ecologist for more specific comments on any relevant ecological matters.
118. An ecological assessment has been submitted by the applicant in support of the planning application. The findings of the survey identified a seven entranced badger sett in the south east corner of the site. Whilst the survey considered the application site unlikely to be important for badgers, having regard to the Protection of Badgers Act which protects badgers and their setts from disturbance or destruction, the applicant recognises that should any activities take place within 20m of a sett they would need to obtain a licence from NE. No works are proposed to take place within a 20m stand off of the sett which would be fenced for the duration of the construction works by way of proposed mitigation. The biodiversity officer was satisfied that should planning permission be granted, then further surveys would need to be carried out prior to commencement of development in order to establish the presence of any additional setts and any possible impacts on them.
119. The SDRA have disputed the findings of the Ecology Report, stating that their own survey of the site found 24 entrance holes, of which 15 showed signs of being in current use. They suggest that fresh track, food digging areas, fresh latrine pits and several well used runs are evidence that there is activity within the South East/South West corner of the site where the proposed AD Plant is proposed to be located. In order to clarify the level of badger presence in the area and whether they may be affected by the proposed development, the applicant commissioned further survey work in March 2010. The applicant concurs with the SDRA findings that badger activity has indeed increased since the initial survey was undertaken. However, the applicant maintains that it should be possible to avoid impacts on the main sett. By way of mitigation at the construction stage the applicant proposes: a suitable stand off from the development of 30 metres, the conditioning of non-vibration piling techniques, limited working hours when badgers have dependant young and that any concrete hardstanding not required for operational reasons be reduced. Further mitigation measures, post construction, are proposed to, amongst other matters, prevent scavenging by badgers by waste handling methods, and provide beneficial landscaping (for foraging). In the event that planning permission is granted the applicant has also agreed to assess the extent of badger activity on a bi-annual basis to ensure no operational conflicts and to maintain mitigation measures.

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120. Having consulted with the County Council's Ecologist, she is satisfied that the proposed development would not result in a negative impact on badgers given the identified setts are located over 30m from where any piling works would take place. I would therefore agree that provided suitable planning conditions are imposed on any planning permission the mitigation proposed is sufficient to avoid any harm to setts on site.

Renewable Energy

121. Planning policy recognises the valuable role that renewable energy can play in meeting Government's commitment to addressing the impacts of climate change and maintaining reliable and competitive energy supplies. Renewable energy projects contribute to the Government's sustainable development strategy by meeting energy needs, reducing greenhouse gas emissions and the impact of climate change and results in a reduced reliance on fossil fuels. There is strong policy support for renewable energy development and a presumption in favour of development where environmental, economic and social impacts can be satisfactorily addressed. There is an expectation that impacts will be minimised through careful consideration of location, scale and design matters.
122. The application would provide a valuable contribution in mitigation the impacts of climate change, reducing carbon dioxide emissions, diverting material away from landfill and producing some 0.7mw of electricity from waste material. This will aid the County's contribution to renewable energy targets for electricity generation. The proposal has been designed to minimise adverse impacts on landscape, wildlife, heritage assets and amenity and subject to appropriate conditions is acceptable in planning terms. The site itself whilst in open countryside accords with Government policy in that it lies outside nationally protected land (i.e. the AONB) and is previously developed land that has been used for industrial purposes. It also provides the opportunity to co-locate complementary waste facilities. Given its location, the site characteristics, the mitigation proposed and other neighbouring landuses I am satisfied that the proposal would not undermine the purposes of the AONB designation. I also note that in strategic planning terms this is a relatively small proposal that seeks to serve a local need rather than a regional facility. The development therefore accords with development plan polices in relation to renewable energy.

Other Impacts

123. The nearest sensitive receptors in terms of potential dust and odour impacts are likely to be the Airport Café at 30m from the site boundary and Otterpool Manor and Upper Otterpool both some 250m distant from the site. Given the close proximity of the Airport Café in particular the County Council requested additional information to be provided relating to the intended management controls at the proposed AD plant. The environmental statement submitted with the application included an air quality assessment in order to assess the potential impacts from dust and odour at the nearest sensitive receptors, including the Airport Café and recommended appropriate mitigation by way of operation controls.

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Dust

124. The proposal includes a number of mitigation measures to control any dust generated on site. In terms of potential dust generation from the internal haul road at the construction stage, the applicant proposes that adequate quantities of water would be stored on site such that road surfaces could be dampened down with a water bowser to ensure that dust generated by vehicles is minimised during the construction phase. Paved haulage routes would be in place at the time the development would be operational, as a result, in my view the potential for dust to be generated through vehicle movements would be minimal. Whilst in the applicants view the waste sources proposed are not likely to be a significant dust source, in my view potential dust nuisance would largely be mitigated by the proposal to enclose operations within dedicated buildings, including the storage of maturation material. The County Council's air quality advisor Jacobs concurs with this view
125. It is therefore considered that with the effective management of activities as referred above, the potential for the generation of significant quantities of dust at the nearest receptors would be minimised.

Odour

126. The kitchen and garden waste which would be processed within the AD plant would be delivered to the site in sealed containers. After the vehicles carrying the containers have entered the building the reception hall doors would then be closed before the waste materials are tipped out into the hall from which they are taken for screening and shredding before being transferred to an intermediate storage bunker from which the organic waste materials are continually batch fed into the fermentation tank. The bio-gas produced from this process would be used to power a plant generating electricity whilst the residues left over from the process consisting of liquid and digestate cake would ultimately be used as a fertiliser. The majority of the liquid element would be transferred off site in sealed containers with some being retained for re-circulation into the system, whilst the digestate cake would remain within the building stored in rows for a further 2 to 3 weeks aeration. After which due to the low bacterial levels reached at this stage there would be little risk of odour, this material would then be transferred in sealed containers to a separate enclosed maturation building for a further 2 to 3 weeks before it is then transported off site as a saleable product. The AD plant would therefore operate within a fully enclosed environment which the applicant considers would result in limited potential for odour generation, where the ventilation system is designed to provide frequent exchanges of air in the enclosed building and which is maintained under negative air pressure so as to prevent air emissions to the atmosphere. All air from the building would be vented via a biofilter. The applicants claim that the biofilter, which is kept wet, works in addition as an efficient dust treatment system for airborne particles from the reception hall. The design and operation of the ancillary gas utilisation plant would be regulated by Permit issued by the EA and would include specific emission limits in order to minimise the potential for health effects.

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127. With regard to the proposed MRF it is proposed that this element of the development would handle dry co-mingled recyclable materials generated by commercial and industrial waste producers consisting of cardboard, paper, mixed plastics, mixed glass cullett, wood and non-ferrous metals. It is not therefore proposed to handle any putrescible waste within the MRF which would be processed in the adjoining AD plant. On this basis it is unlikely in my opinion to give rise to any potential concerns in respect of odours. Nevertheless, similar to the other buildings on site, activities would take place within an enclosed environment thus providing adequate safeguards.
128. Jacobs have raised no objection to the proposal on dust or odour grounds stating that in their view the proposal is unlikely to result in any detriment to the nearest residential receptors. They further comment that containment of the organic material both within the buildings and the proposed ventilation systems are likely to reduce the potential impact provided that the equipment is regularly maintained. I would therefore agree that in the event planning permission is granted, odour and dust could be suitably managed and controlled by way of suitable planning conditions which would restrict the applicant to the mitigation measures identified above.

Noise

129. The applicant proposes hours of operation and waste deliveries to the site to be between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays (with no working on Saturday afternoons, Sundays or Public Holidays), however the AD process plant by its very nature would be operational on a 24 hour basis, 7 days a week. The environmental statement submitted with the application included a separate noise assessment. The assessment identified the following operational noise sources at the site as having the potential to cause adverse noise impacts:
- AD plant;
 - MRF;
 - finished product building; and
 - from vehicles accessing the site.
130. Background noise surveys were carried out at what was considered to be representative of the nearest noise-sensitive residential receptors to the site, comparing measurements of both day-time and night-time levels at each receptor during week days and weekends. These measurements were then used to predict the noise levels when measured at the receptors during the operation of the site during similar periods. The assessment assumes that one loading shovel would work in the MRF and one in the finished product building and that the attenuation provided by the building fabric would be 30dB for each building. The assessment indicates that the doors to the MRF would be fast action electronic doors which would stay open for approximately ten seconds per vehicle and would take five seconds to open and five seconds to close. The Transport Assessment produced by the applicant states that six vehicles per hour would access the MRF and 2 vehicles per hour will access the AD plant.

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131. The following table extracts taken from the noise assessment show the results of the background measurements monitored at the receptors compared to the predicted levels during the operation of the facility, during weekdays and weekends:

**Table 5-5
Predicted Ambient Noise Levels during Weekday Operation, db L_{Aeq,1 hour}**

		Existing	Predicted	Change	Impact
Upper Otterpool	Daytime	45.7	49.4	+3.7	Moderate
	Nighttime	42.4	42.4	0	Negligible
Otterpool Manor	Daytime	59.4	60.0	+0.6	Slight
	Nighttime	56.6	56.6	0	Negligible
Barrow Hill Farm Cottages	Daytime	67.4	67.5	+0.1	Slight
	Nighttime	54.2	54.2	0	Negligible
Mink Farm	Daytime	71.8	71.8	0	Negligible
	Nighttime	63.5	63.5	0	Negligible
Airport Café	Daytime	67.4	68.1	0	Slight
	Nighttime	54.2	54.2	0	Slight

**Table 5-6
Predicted Ambient Noise Levels during weekend Operation**

		Existing	Predicted	Change	Impact
Upper Otterpool	Daytime	55.4	56.0	+0.6	Slight
	Nighttime	53.6	53.6	0	Negligible
Otterpool Manor	Daytime	66.2	66.3	+0.1	Slight
	Nighttime	54.8	54.8	0	Negligible
Barrow Hill Farm Cottages	Nighttime	71.5	71.5	0	Negligible
	Daytime	56.4	56.4	0	Negligible
Mink Farm	Daytime	73.3	73.3	0	Negligible
	Nighttime	65.1	65.1	0	Negligible
Airport Cafe	Daytime	71.5	71.8	0	Slight
	Nighttime	56.4	56.4	0	Negligible

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132. Statutory advice set out in BS4142: 1997: *'Method for rating industrial noise affecting residential and industrial areas states: 'A difference of around 10db or higher indicates that complaints are likely. A difference of around 5db is of marginal significance. A difference of – 10 db is positive indication that complaints are unlikely'*.
133. As can be seen the noise assessment predicts that changes in ambient noise levels during the weekday would be mainly negligible or slight at all receptors with the exception of Upper Otterpool where a moderate impact is predicted; albeit the predicted increase of 3.7dB falls below the level of 5dB as advised in BS4142 would result in marginal significance. The predicted changes in ambient noise levels during weekend operation would be negligible or slight at all receptors. However, in the light of the moderate impact predicted at Upper Otterpool the assessment recommends that in order to reduce this impact to slight or barely perceptible, the MRF building should be designed to achieve attenuation of 35 dB. The applicant therefore proposes that the building would be designed to achieve such levels. The assessment concludes that the ambient noise levels with the recommended mitigation measures, levels would be at worst, slight and barely perceptible.
134. With regard to noise impacts, Jacobs (noise) comment that the applicant in his submission used averaged noise levels rather than the lowest noise levels recorded during the monitoring period in the BS4142⁵ assessment. As such in their view the full impact of the development is not quantified and would lead to a number of instances where moderate impacts could occur during the day and night and over the weekend periods at a number of properties. Notwithstanding this however, they clarify that provided the MRF building is designed to achieve a suitable level of attenuation as recommended (i.e. 35 dB), then in their opinion any impacts would be mitigated to the extent that noise levels at the adjacent properties would be below current background levels, and noise from the development is therefore unlikely to lead to a situation giving rise to noise complaints.
135. With regard to potential impact of noise on the Airport Cafe, Jacobs comment that the assessment uses the background noise levels measured at Barrow Hill Farm Cottages from the original noise assessment. The BS4142 assessment shows that noise rating levels generated by the AD plant would lead to a situation between marginal significance and a positive indication that complaints would be unlikely at the Airport Cafe during the weekend or night-time periods. At all other times there is a positive indication that complaints would be unlikely.
136. The operation of the complete site in accordance with the recommendations of the noise assessment show that the ambient noise levels would increase marginally during the weekday period, and during the weekend and night time periods noise levels will remain below the current background noise. On this basis Jacobs advise that noise would not, in their view, be a reason to object to the proposal provided the MRF building is designed to achieve suitable attenuation and a condition be imposed to ensure that the noise Rating level (as defined in BS4142) emanating from all operations on the site do not exceed the

⁵ Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas

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existing background noise levels at any noise sensitive property. In my view on the basis of Jacob's advice, in order to comply with this condition, in addition to the increased attenuation proposed for the MRF, it would be necessary to design the AD building and Maturation building such that they also incorporate additional attenuation measures. In the event that members are minded to grant permission I would recommend that this be conditioned

137. Policy W18 of the KWLP requires the planning authority to be satisfied noise can be satisfactorily controlled in order to avoid any potential adverse impacts on neighbouring land uses and amenity. In the absence of Jacobs having raised an objection to the proposal on noise grounds, I am satisfied that provided the MRF building is designed to achieve the levels of noise attenuation as recommended and a condition be imposed to ensure that the noise Rating level (as defined in BS4142) emanating from the site does not exceed the existing background noise levels at any noise sensitive property, there are no overriding objections on noise grounds.

Heritage & Conservation

138. The application site does sit within an area of archaeological and historic interest. However given the site has been quarried and as such will have been disturbed through quarrying activity previously no objection is raised on archaeology grounds. Some concerns have been raised in relation to the potential effect of the proposed development on local heritage interests however.
139. In particular the Westenhanger Castle, located approximately 1km to the north east from the site, a Scheduled Ancient Monument and the nearby Otterpool Manor and Upper Otterpool properties both of which are Grade II Listed Buildings have been raised as areas for concern. In this regard the County Council's Heritage and Conservation Officer has been formally consulted and has advised that any possible impact from the proposed development on the historic environment appears to be limited. I agree that given the proposed access to and from the site would be via the A20 and there would be little if any direct visual impact on the settings of the identified historic features of interest, there is not likely to be any identifiable impact on the historic environment. However the Heritage and Conservation Officer does conclude that some mitigation, by way of additional landscaping would help screen views into the site from Otterpool Manor which lies to the west of the site. In the event that members resolve to grant planning permission, I am satisfied that a suitable landscaping scheme could be secured by way of a planning condition in order to address this aspect.

Conclusion

140. I am satisfied that with regard to the issue of prematurity as raised by Shepway District Council having regard to policy advice set out in PPS10 there are insufficient ground for

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refusing the application on prematurity grounds. The applicant in my view has demonstrated that there is a case of need for a facility of this nature in the east Kent area.

141. Whilst a significant number of objections have been raised against this proposal it is my opinion that this site, which is set within a former quarry with no restoration requirements and has a history of commercial uses, remains a brownfield site. In its wider context, the application site sits between the existing Lympne Industrial Estate, for which a phase 2 has recently commenced and an area of land permitted for 9 light industrial units to the rear of the Airport Cafe, a site which previously was used as a scrap yard. Whilst it is not a site identified as being suitable in principle for a waste management facility in the Kent Waste Local Plan it must be considered against criteria based policies set out in the KWLP along with other relevant development plan policies and considerations. The proposal is in accordance with development plan policies for sustainable waste management development and would assist in improving waste recovery rates, meets policy objectives to divert waste from landfill and moves waste handling further up the waste hierarchy. The proposal would also assist in mitigating and adapting to the effects of climate change and would make a valuable contribution to renewable energy generation.
142. The application would provide a valuable contribution in mitigation the impacts of climate change, reducing carbon dioxide emissions, diverting material away from landfill and a combined total of some 0.7mw of electricity from waste material. This will aid the County's contribution to renewable energy targets for electricity generation. The development therefore accords with development plan policies in relation to renewable energy. The proposal seeks to minimise impact on the local and natural environment, offering considerable mitigation measures including fully enclosing operations, ecological mitigation and allows for restriction and further control of site activities through the planning regime.
143. Having undertaken lengthy dialogue on the issue of groundwater with the Environment Agency, taking account of their advice I am satisfied that any flood risk and potential pollution to groundwater can be prevented provided the necessary planning conditions are imposed and monitored. I am therefore of the opinion that the proposal meets the requirements set out in PPS23, policies NRM1 and NRM2 of the SEP and policy W19 of the KWLP and that there is no justification for refusing the proposal on flood risk or groundwater pollution grounds.
144. Policy W18 of the KWLP requires the planning authority to be satisfied that emissions can be satisfactorily controlled, particularly in respect of potential impacts on neighbouring land uses and amenity. However, PPS23 advises that it is not the role of the LPA to undertake detailed risk assessments of releases and that where necessary; the developer should only be asked to provide sufficient information for planning assessments to be made. The two reports provided by the applicant on potential air quality impacts and risks from bio-aerosols have been considered by the EA who, with regard to air quality impacts from the exhaust stack emissions of the AD Plant gas engine are satisfied such impacts would be low and not likely to breach any air quality standards for human or ecological receptors in the surrounding area. With regard to bio-aerosols, whilst the EA have

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reserved their final position pending their consideration of any future Environmental Permit Application, they have indicated that if properly designed, the proposed development may have the potential to meet the appropriate bio-aerosol standards. In this context having regard to the advice set out in PPS23, I am satisfied that the response from the EA carries sufficient weight to enable the County Council to formally determine the application. In reaching this view I am mindful that should members be minded to grant permission, in the event that the EA are not fully satisfied that the facility can be operated to the required standards they would refuse to issue an Environmental Permit and the development cannot be implemented. I am therefore satisfied that taking into account the additional information submitted in support of the application in respect of air quality and bio-aerosol and having regard to the advice from the EA, the proposal is consistent with the advice set out in PPS23 and that it would meet the objectives of policy W18 of the KWLP. Accordingly, in my opinion there are no overriding grounds to justify refusal on the potential risks from bio-aerosols and air quality.

- 145. The site has ready access onto the M20 junction 11 via the main A20 and the application provides within it new access arrangements to encourage vehicles leaving the site to turn right onto the A20. Site layout arrangements allow for sufficient capacity in order to avoid the need for vehicles to queue on the main to road to enter the site. The Divisional Transport Manager has been consulted on the suitability of this route for the capacity of HGV traffic proposed and is of the opinion that no highway objection could be sustained.
- 146. 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 any adverse impact. 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

- 147. I RECOMMEND that PERMISSION BE granted subject to the imposition of planning conditions covering amongst other matters, waste throughputs, daily vehicle movements, contamination risk assessment details, badger mitigation (construction stage and post construction), weighbridge details, access arrangements, access gates and fencing details, signage, code of construction practice, landscaping details, operating hours, noise controls, notification of commencement, dust and odour Management Plan and electricity generation strategy.

Case Officer(s): Angela Watts 01622 221059 and Mike Clifton 01622 221054
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Background Documents: See Section Heading

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Appendix 1

Your ref:
Our ref: CL/Otterpool Quarry
Tel: 01303 853456
Fax: 01303 853502
E-mail: chris.lewis@shepway.gov.uk
Date: 21 December 2010



Angela Watts
Senior Planning Officer
Planning Applications Group
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Kent ME14 1XX

Dear Ms Watts

PROPOSALS FOR THE FORMER OTTERPOOL QUARRY, ASHFORD ROAD

I understand that Kent County Council is likely to be reporting the application for a materials recycling facility and anaerobic digestion plant to its Planning Applications Committee on 20th January.

Shepway District Council would like to confirm its objection to the application, as set out in its letter to you dated 6th August 2008. Since that letter this council has made considerable progress in preparing its LDF Core Strategy, which is now supported by an extensive evidence base.

I am anxious to ensure that the Planning Applications Committee is aware of the strategic development in the vicinity of this application site that is likely to feature in the Core Strategy. These developments, if confirmed in the Core Strategy, could have significant local impacts that in our view need to be taken into account alongside the impacts from the proposed materials recycling facility and anaerobic digestion plant.

Impact on residential amenity

I would like to confirm that, in the most recent Core Strategy document in Shepway's Local Development Framework (LDF), Shepway District Council indicated as a 'Preferred Option' development proposals a short distance to the north-east (Folkestone Racecourse), north-west (Sellindge) and south (former airfield, Lympe) of Otterpool Quarry. In total, it was calculated that there was the potential for approximately 1,100 new dwellings within a 1.5km (less than a mile) radius of the Quarry. By definition these proposals are of strategic significance to Shepway and central to the long-term vision for the district.

I can also confirm that the district council is still pursuing development options in the area at present, and that proposals in close proximity to Otterpool Quarry may well feature in the Core Strategy publication document in June 2011:

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- a) An exciting community-led project has advanced deliverable options in Sellindge for substantial new facilities for the village, requiring residential development for funding purposes. This process has generated substantial local concern about the impact of the Otterpool Quarry's development if it is permitted without being fully cognisant of strategic plans for the area.
- b) Potential development at Lympne proceeded to the stage of public consultation in summer 2010, with the developer confirming its aspiration for a development of approximately 400 homes.
- c) In particular I would like to highlight that Folkestone Racecourse's land lies approximately 400m from the edge of Otterpool Quarry. The developer is now proposing a wholly new racecourse facility, and states that a quantum of 800 dwellings is possible and necessary, and plans need to be realigned accordingly with full and appropriate utilisation of the whole site including at its south-western end.

Further information on the location of these potential sites is available on:

http://consult.shepway.gov.uk/portal/core_strategy/core_strategy_po?pointId=1243504818070#section-1243504818070

Shepway District Council considers the determination of the application at Otterpool Quarry may at present be premature and potentially prejudicial to the execution of its statutory strategic planning functions, based on the precautionary principle as supported in national policy (PPG23). As stated, by summer 2011, there should be significantly more information available to determine any proposals for Otterpool Quarry appropriately.

Impact on Infrastructure

We raised concerns in relation to traffic previously, and these are worth reiteration, given their extent and further local evidence. Starting with the access to the site, Shepway District Council would be disappointed if no measures are in place to ensure that traffic movements are to/from the east only. It is imperative that lorry movements are effectively channelled to the M20 directly, namely straight to Junction 11.

The A20 to the west, through Sellindge, connects with the M20 and central/west Kent. This route retains a reserve function for the enactment of Operation Stack. However, it is clear that some heavy goods vehicles utilise it during all periods. Measures are required to ensure that the impact of this vehicle movement on local facilities and local residents is minimised. The project at Sellindge to deliver community improvements has - through the discussions of consultants Urban Initiatives with Kent Highway Services - identified specific measures to mitigate the impact of traffic at the A20. This will result in an environment where it is demonstrably unsuitable for HGVs to use the A20 as a time-saving measure. However, it cannot in itself (due to the status of the A20 as discussed) prevent their utilisation of the route.

Shepway District Council considers it insufficient to simply hope/expect that HGVs to Otterpool Quarry take a route westwards from M20 Junction 11, especially given that satellite navigation reduces the effectiveness of signage. In our opinion the proposals, if they were to be permitted, should include specific physical junction measures to this end, and we would welcome confirmation of the specific proposals in this respect. It is reasonable to expect this to include prevention of a right turn from the A20 west into the site.

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I can also confirm that permission has been granted for industrial units and storage at the Airport Café site opposite the entrance to Otterpool Quarry, under reference Y09/0871/SH.

Secondly, I wish to bring to your attention highway capacity information now available as a result of work commissioned by the council as part of its evidence base. This confirms that the uncontrolled and irregular Newingreen junction (A20/A261) 1.5Km (1 mile) east of the site will reach its capacity within the plan period. The long-term need to provide an improved junction has been widely accepted informally, and this is now empirically confirmed. This information, modelled by Scott Wilson in agreement with Kent Highway Services and the Highways Agency, will shortly be placed on our website, but please contact me if a copy is required in the interim.

It is a strategic priority for Shepway District Council to identify how a Newingreen junction improvement can be delivered, and whilst this needs further exploration, officers are currently of the opinion that it is likely there is a need for all major proposals in the vicinity to contribute. It is noted that a contribution for this purpose has been secured in relation to the Nickolls Quarry permission (reference Y06/1079/SH) some 4km to the south of Newingreen junction. I am concerned to ensure that in making planning decisions for our area proper consideration of cumulative implications is undertaken without exception.

The strategic potential of the area is contingent on the delivery of some of the most important infrastructure improvements in Shepway, and the district council is accordingly committed to ensuring progress is made at every applicable opportunity. The other element of strategic infrastructure identified as needing to be tackled in the LDF Core Strategy is a new connection to the Sellindge Wastewater Treatment Works. Discussions with Southern Water have confirmed this additional capacity will be required for development in the Newingreen/Westenhanger area. I would be grateful for confirmation that the potential need for the developers of the Otterpool Quarry site to contribute towards any improvement has been fully explored.

Impact on Landscape and Setting

Shepway District Council wishes to restate its potential concerns in this respect. It is worth noting the close proximity of listed buildings and limitations to available information on landscape proposals.

Furthermore, plans such as for the construction of a new residence in close proximity are predicated on a strategy in the LDF of improving the quality of Shepway through prestigious standards of building design and construction. This is doubly important in a rural setting, where the need to protect and enhance the natural environment is paramount, being one of Shepway's primary points of appeal. Accordingly, if there is any uncertainty in the quality of landscape provisions within the application, then Shepway District Council would support the refusal of the application on this basis as well.

Finally, the council has noted the document dated May 2010 produced by Sellindge and District Residents' Association, which sets out detailed objections to the application. The county council is requested not to determine the application until it has given full consideration and a full response to all the points that have been raised in it.

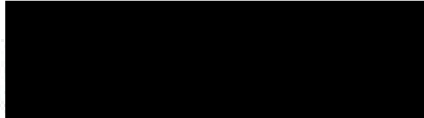
In conclusion, Shepway District Council is of the opinion that its original reasons for objection remain highly relevant and are amplified by the recent emergence of additional evidence regarding the capacity limitations of existing local infrastructure. Moreover, this council considers that the proposals for Otterpool Quarry could be prejudicial to the statutory

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Shepway LDF in terms of the delivery of infrastructure upgrades and the adverse impact on strategic sites critical to the district.

Yours sincerely



Christopher Lewis
Head of Planning Services.

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Appendix 2

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

NOTES of a Planning Applications Committee site visit at Otterpool Quarry on Tuesday, 24 June 2008.

MEMBERS PRESENT: Mr R E King (Chairman), Mr W A Hayton, Mr C Hibberd, Mr S J G Koowaree, Mr J F London, Mr T A Maddison and Mr W V Newman.

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

SHEPWAY DC: Cllr Mrs J Hollingsbee,

SELLINDGE PC: Cllrs K Baxter and Mrs L Hedley (Clerk).

THE APPLICANTS: Countrystyle Recycling Ltd (Mr N Cormack-Walshe) with Mr N Cronin, Mr C Herbert and Ms U Kepp (SLR Consulting Ltd);

ALSO PRESENT were representatives of the Sellindge Residents Association and some half dozen members of the public.

(1) The Chairman welcomed everyone to the visit. He said that its purpose was for Members to familiarise themselves with the site so that they would be in a position to visualise the comments made by members of the public and the applicants at the public meeting later that evening.

(2) Miss Watts set out the geographical context of the planning application. The A20 ran along the northern boundary of the site, with the Airport Café opposite its entrance. Further to the north lay the M20. The Airport Café, Upper Otterpool (south), Otterpool Manor (west) and Mink Farm (north east) were the nearest properties, all within 300 yards of the site. The nearest villages were Newingreen, Barrow Hill and Sellindge.

(3) The site was a former ragstone quarry which had later been occupied by an RMC plant and an asphalt plant.

(4) Miss Watts then said that the application was by Countrystyle Recycling Ltd to handle 95k tonnes of waste per annum. There would be two components to the development. A Materials Recycling Facility (MRF) would handle 75k tonnes of co-mingled recyclable materials such as cardboard, paper and wood. An Anaerobic Digestion Plant (ADP) would handle the remaining 20k tonnes of organic and green waste.

(5) The MRF would be located at the west end of the site and be 12.5m in height. The ADP and its accompanying covered maturation pod would also be 12.5m high at the eastern end. *(This would make the buildings the same height as the trees at the southern boundary of the site).*

(6) Miss Watts then said that access would remain at its existing position to the north. All exiting vehicles would turn right on to the A20 and from there to the M20 at Junction 11. At full capacity, there would be 168 vehicle movements per day (84 in and 84 out).

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(7) As the site had not been identified as suitable for this type of development in the Kent Waste Local Plan, the application would need to be assessed in terms of environmental impact, locational criteria and highway matters.

(8) Miss Watts concluded by saying that over a hundred objections had been received. These would, no doubt, be detailed at the public meeting. In summary, they related to concerns over visual impact, groundwater pollution, highways, biodiversity, noise, dust and odour.

(9) Mr Cronin from SLR Consulting said that the applicants believed the site to be suitable for the proposed development in terms of local and national waste policies and the alternatives on offer. The overriding concern raised by the public had been the traffic issue. These had been resolved by designing the access in such a way that vehicles were compelled to turn right onto the A20 and away from Sellindge. Comments from the Highways Authority indicated that they were satisfied with the application both in terms of capacity on the A20 and the access arrangements.

(10) Mr Cronin then said that MRFs were now accepted as the norm but that there were concerns about the ADP. Contrary to what was widely believed, this was not a sewage sludge process. It was a process which represented a move away from the open windrow composting method.

(11) The SLR representatives responded to questions raised by Members as follows:-

(a) The site lines for vehicles exiting the site would have to comply with Highways Authority Standards.

(b) There would be 24 hour supervision of the ADP every day of the week to ensure that the temperature was always at the optimum level.

(c) The end product would be fertiliser, gestate or a soil-based product.

(d) Residual plastics would be digested, metals would be recovered.

(e) The trees at the southern boundary of the site would be protected. None of the vegetation on the site would be lost.

(f) The ADP would include electricity generation from the biogases. The generator would be housed in a building the size of a portacabin. There would be very little noise from its operation.

(g) Scoping reports had indicated that Surface and Groundwater Environmental Assessments were not necessary. The Environment Agency had raised a holding objection as they had received insufficient information on the potential for pollution. SLR had provided a report to the Environment Agency who had withdrawn their objection. *Mr Clifton explained that the Planning Authority would need to be satisfied that there was no potential for groundwater or surface water pollution.*

(h) The anaerobic digestion process was completely enclosed. Vapours emitted (such as ammonia) would be collected and treated in the bio filter.

(i) Odours only arose if the tipping hall facility was not kept clean. Commercial waste streams tended to give off less odour than municipal waste streams.

(j) Picking would take place on a regular basis at the MRF. The process would be similar to that at Hersden.

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- (k) The size of the vehicles entering the site would vary from 4 to 14 tonnes.
- (l) The access had been designed in such a way as to make it very uncomfortable for any lorry that exited the site to turn left. This could be enhanced by writing a stipulation into contractors' contracts.
- (m) Between 15 and 20 people would be employed on site if permission were granted.
- (12) Mr Walshe from Countrystyle Recycling Ltd said that there was no intention to bring in more waste material than was currently proposed.
- (13) Mr Baxter (Sellindge PC) said that the site was the highest point in Sellindge, overlooking the villages of Stanford, Barrow Hill, Newingreen, and Lympne. Once the tall buildings were constructed, they would be visibly intrusive from all directions.
- (14) Mr Baxter then said that the prevailing winds were from the west and south west. The risk was that waste would blow over Stanford and Sellindge.
- (15) Mr Baxter continued by saying that Folkestone Racecourse was intending to increase its size and that both the traffic and environmental implications of this application needed to be considered in the context of the enlargement of such an important leisure facility.
- (16) Finally, Mr Baxter said that this was an old quarry. There had as yet been no study to clarify what lay below its surface. *Mr Clifton confirmed that this was a very important concern for the Planners. Even though the White Young Green Report had addressed the groundwater issue, there was still a need for information on the direction of groundwater flow. It was possible that other sites were actively contributing to groundwater pollution.*
- (17) Mr Clifton confirmed that Jacobs had raised concerns over noise, dust and odour. They might ask for spraying to take place.
- (18) Mrs Hollingsbee from Shepway DC asked what would happen at the ADP if the temperature became too high. Ms Kepp replied that heating would be provided from a water source. The temperature would be constantly measured as it rose slowly to about 55° C. The waste materials would not get any hotter on their own account. Effectively, the system would turn itself off once the optimum temperature had been exceeded.
- (19) Mrs Hollingsbee then asked about the risk of toxic materials becoming mixed with the organic and green waste that was being processed at the ADP. Ms Kepp said that the waste was controlled when it arrived on site. Any toxic or otherwise unsuitable material would be removed.
- (20) Mrs Hollingsbee also asked whether the traffic impact had been considered in connection with Lympne Industrial Park and the proposed Lorry Park. Mr Cronin replied that SLR had run a model with the Lympne IP. This had not, however been undertaken in connection with the Lorry Park. This combination was being assessed by Kent Highways.
- (21) A local resident from Lympne said that about 100 new houses in Lympne did not feature in any of the plans. Miss Watts replied that they were included in the GIS database.
- (22) Members then inspected the site, including the visual impact from the high bund at the south west end of the site.

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Appendix 3

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

NOTES of a Planning Applications Committee public meeting at Sellindge Village Hall on Tuesday, 24 June 2008.

MEMBERS PRESENT: Mr R E King (Chairman), Mr W A Hayton, Mr C Hibberd, Mr S J G Koowaree, Mr J F London, Mr T A Maddison and Mr W V Newman.

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

SHEPWAY DC: Cllr Mrs J Hollingsbee, Mrs S Newland and Mr T Ellames (Planning).

SELLINDGE PC: Cllrs K Baxter, M Garrod and Mrs L Hedley (Clerk).

THE APPLICANTS: Countrystyle Recycling Ltd (Mr N Cormack-Walshe) with Mr N Cronin, Mr C Herbert and Ms U Kepp (SLR Consulting Ltd);

ALSO PRESENT were representatives of the Sellindge Residents Association and some 150 members of the public.

- (1) Members visited the application site shortly before the public meeting. Notes of this visit are contained in a separate document.
- (2) The Chairman opened the meeting. He explained that its purpose was for the Committee Members to listen to the views of the local residents and the applicants. They were now familiar with the site and would be able to visualise what people were describing to them. He explained that the application had been made by Countrystyle Recycling Ltd and that it had neither originated nor been promoted by Kent County Council.
- (3) Mr Clifton explained the role of the Planning Officers. Upon receipt of the application, they needed to gather sufficient information to be in a position to make the best professional recommendation to the Committee Members. This had already involved seeking responses from the applicants to a number of issues raised by local objectors. These had been sufficiently numerous to strongly suggest that there would be other concerns which could be uncovered by holding this meeting.
- (4) Mr Clifton then described the application. He said that there were two components to it. The first was for a Materials Recycling Facility (MRF) to cater for 75k tonnes per annum of co-mingled waste (i.e. paper, wood etc). The second was for an Anaerobic Digestion Plant, treating 20k tonnes per annum of organic and green waste.
- (5) Mr Clifton went on to say that the application would generate up to 168 vehicle movements per day (84 in and 84 out). Access would be via the current entrance, which had previously been used when the site had been operated as a quarry and latterly been occupied by an asphalt plant. Revised access arrangements had been submitted which would require vehicles leaving the site to turn right on to the A20. Mr Clifton confirmed that the Planners were still awaiting a view from KCC Highways on these revisions.
- (6) Amongst the issues identified by the Planners were those of noise, dust and odour impacts, as well as

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those which concerned the Environment Agency, relating to pollution of the local groundwater by surface water and foul waters draining off the site. A site contamination survey would need to be undertaken to identify what lay below the surface (in what had been a ragstone quarry, Ready Mixed Concrete plant and asphalt plant). The bore holes on site should clarify what contaminants were present, and the applicants would need to explain how they intended to counter them.

(7) Mr Clifton concluded his presentation by explaining that the site had not been identified as suitable for waste recycling in the Kent Waste Local Plan, so the application would be assessed against the local planning criteria-based policies on (amongst other matters) the environment, local landscape, groundwater pollution, noise, dust and highway matters.

(8) Mr Cronin from SLR Consulting explained that his company had been hired as consultants by Countrystyle Recycling. They had also made detailed submissions to KCC in September 2006 to assist in the development of the Kent Waste Development Framework. These were aimed at assisting the effectiveness of Kent in delivering a waste infrastructure which moved away from landfill as required by EU legislation. This application addressed an important infrastructure need in that the waste that would be processed in Sellindge was currently being taken by truck from Ashford and Shepway to Shelford in Canterbury.

(9) Mr Cronin went on to say that only 5 of the 21 sites identified in the 1998 Kent Waste Local Plan as suitable for waste processing had actually been granted planning permission since then. Meanwhile, the Allington incinerator had not yet gone on-line. There had been very few waste developments in East Kent.

(10) Mr Cronin then said that he believed the Otterpool site to be appropriate for waste disposal. The MRF was a well-established and straight forward process, but the Anaerobic Digestion Plant had raised concerns. Although there were only a handful of such facilities in the UK, they were tried and tested in Europe and involved advanced technology, capable of helping to deliver the recycling targets set by the Government, which charged local authorities £21 for each tonne of landfilled waste. He then asked his colleague, Ms Kepp to explain the anaerobic process in greater detail.

(11) Ms Kepp provided the meeting with a diagram produced by *Kompogas* whose anaerobic digestion processes were fundamentally the same as that proposed for this application. She said that its treatment of green and organic waste was a natural process where the waste was degraded by bacteria in an oxygen-free environment to produce carbon dioxide and methane for future energy use. This differed from Landfill, which produced uncontrolled waste and released methane into the atmosphere.

(12) Ms Kepp continued by describing the anaerobic digestion operation. She said that kitchen and garden waste was produced in the home, binned and brought to the facility.

(13) The waste was brought to the premises under controlled conditions, shredded, with undesirable matter such as metals being removed. The waste was then placed in the digester where it was mixed with processed waste, thus recycling bacteria which did not become destabilised. The digester itself was fully enclosed, harvesting bio gas. Heating was provided by sewage sludge, which *Kompogas* used to maintain a temperature of 55 degrees C. The gas was piped out from the top of the digester.

(14) The end products were gasses, which were fed into the natural gas or electricity supply network; residual composts, dark in colour and giving off a light ammonia smell; and liquids which were stored for a period specified by Regulations.

(15) Mr Lello, Chair of the Sellindge Residents Association thanked the Planning Applications Committee Members for taking the trouble to come to this meeting and added that a report had been prepared which would be made available to the Planners. He also thanked the applicants for being present in the face of the implacable

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opposition to the application from local residents, 600 of whom had turned up on a march against it.

(16) Mr Lello continued by saying that he was keenly aware of a miasma of suspicion from local people towards the plans and motives of the local authority. It was impossible to gain information about the context of this application or about KCC's plans and schemes. Money must have been spent on surveys before this application came forward, and the applicants must have been given to understand that this was money well spent.

(17) The Sellindge area was faced with this proposal for a huge plant. A commercial composting plant was being proposed at the other end of the village, together with a lorry park. It was important to establish who was planning these developments and why. This situation reminded him of the situation in the 1970s, when undercover deals had been exposed. It was important that the local residents were given *all* the relevant information, rather than being kept in the dark.

(18) Mr Lello concluded by asking why anyone would want to process 95k tonnes of waste in a village of 1300 people. This massive scheme should be rejected as it would bring cars, HGVs, water damage and air pollution to Sellindge. This would ruin one of the jewels of the County of Kent.

(19) The Chairman informed the meeting that the local County Councillor, Miss Carey had contacted him to explain that she was on a long-planned holiday. She would make her detailed views known to the Planning Applications Committee when this application came forward. She was well aware of the local opposition and was similarly opposed herself. Meanwhile, she was working closely with the local District Councillor, Mrs Hollingsbee on this matter.

(20) The Chairman then explained that the Planning Applications Committee had to determine whatever application came its way. It had no pre-knowledge of what applications were going to come forward. Once an application had arrived and been validated by the Planners, it would be available to interested parties for viewing on the KCC website or could be inspected at either the District Council Offices or at County Hall.

(21) Mr Garrod (Sellindge PC) said that KCC already had a waste facility at Hawkinge which was able to take waste from the Ashford/Folkestone area. He asked how it would be possible under those circumstances to grant permission for a site that was not identified in the Kent Waste Local Plan.

(22) Mr Clifton replied to a question from a member of the public by saying that he was not aware that an anaerobic digestion system had been shut down in Arundel. He would investigate the reasons that this had happened.

(23) Mr Plumstead from the Sellindge Residents Association said that the failure of the plant at Arundel accorded with his own experiences of the anaerobic digestion process. He was aware of this process failing at a Creamery in Kendal, where the Plant Manager had told him that the digesters had "gone cold".

(24) Mr Plumstead then said that there were a number of transport issues that were brought up by this application. If there were to be upwards of 160 vehicles every day and they all used the roads to the east of the site, these would all need to go through the small village of Newingreen. This would be completely unacceptable to the local residents there. He asked for information about the capacity, origins and destinations of these trucks and what they would contain. He requested confirmation on these matters in writing.

(25) Mr Plumstead continued by saying that the Government had brought in the Animal Byproduct Regulations following the Foot and Mouth epidemic. All vehicles carrying animal and food waste now had to be washed down after use. It was important to the local residents to know how many of the trucks would be transporting waste to the MRF and how many to the Anaerobic Digester. It would surely be impractical if not impossible to turn around all the trucks carrying animal and food waste on the same day. The Residents Association would therefore like this

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information in order to be able to do its own calculations.

(26) Mr Plumstead concluded by saying that the local Primary School was very close to the main road. It was always difficult to keep children under control. Now there would be the additional problems posed by noise, distractions, fumes and greenhouse gasses. It was important to establish how far the lorries would travel and how much CO₂ would be emitted.

(27) Cllr Mrs Newland from Shepway DC said that the correct place for this operation would be Lympne Airfield, which had closed in 1975. This lay to the south of the site. A number of proposed developments there had been successfully resisted but eventually the Planning Inspector had agreed to approve the second phase of the Industrial Estate. In doing so, she had stated the need for very careful conditions and had stressed that the rest of the area should be treated as green rather than brown field. This decision extended to Otterpool Quarry. One of the aspects of this decision was in relation to the height of buildings. These were proposed to be 40 feet high, which was well beyond what was set out in the Development Brief for the area.

(28) Mrs Newland continued by saying that the Kent Downs AONB Committee had also lodged an objection to the application. Its brief extended to land neighbouring the AONB itself.

(29) Mrs Newland then said that the land was full of underground streams flowing north. The proposed development would be bound to affect Ashford's water supply as well as a lake which contained important wildlife.

(30) Mrs Newland concluded by saying that the heavy volume of traffic would be prohibitive. The A20 was sub-standard, unsuitable for heavy traffic and could not be seen as supplementary to the M20. Traffic entering the site during its previous existence had been limited to one truck per minute. The current number of movements was already treble that figure. The local holiday resort was increasing the size of its car park. This would create an additional 500 movements per day. There were, however, no plans to improve the A20 or the Westenhanger Junction of the M20 (Junction 11).

(31) Mr Morris from "Upper Otterpool" (south east of the site) explained that he lived within 200 yards of the site. The problems he had experienced when the quarry was operational were dust, noise, smell and light pollution. He believed that much of the information in the consultative document on hydrology was misleading. He added that there were two Grade 2 Listed Buildings within 200 yards of the site.

(32) Local residents made a number of contributions to the meeting. These are summarised below:-

(a) Food and fuel prices were rocketing. People would now need to be wiser with their money and less wasteful with the food they ate. This would result in waste being brought to the site from further afield. This was not therefore a "green solution". The best green option was to not have waste at all.

(b) The junction with the M20 would not be able to cater for the traffic backlog resulting from the additional vehicle traffic. Whenever Operation Stack took place, the whole road network would become clogged up. It would then be impossible for traffic to exit to the right as it was supposed to. The application should be rejected on traffic grounds as it was simply not feasible to have a site so close to this particular junction.

(c) The application gave rise to safety and traffic concerns. Four people (including an 8 year old) had already been killed on the main road. There would be excessive noise disturbance coming from the site when the waste was stacked and sorted. The process would give rise to vermin and odour arising from hydrogen sulphate and ammonia.

(d) The Shepway District Local Plan only allowed for development on sites where there was no excessive noise, dust, fumes or traffic. This application failed on all those counts. The residents of Sellindge had

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already made it clear that they did not want this development. This was because they were concerned about the danger to the children and the elderly. Heavy traffic making its way between the site and Junction 11 of the M20 along the narrow winding road constituted a hazard to them. The applicants should be renamed “Countryside Desecration”.

(e) A similar application at Pluckley had been refused permission. *Mr Clifton explained that no permission had been issued to that site because it did not need one, having already received a Certificate of Lawful Use. The Operator had then needed to apply for a Waste Management Licence from the Environment Agency. They had not issued one owing to an objection from KCC on the basis of insufficient information.*

(f) Should permission be granted, it might be possible for local objectors to mount a Tort of Nuisance legal challenge.

(g) How would black water, grey water and run off water from the site be dealt with? The original consent to discharge only related to surface water. There was no mains drainage server within 1000 yards of the site. Westenhanger Castle to the north east of the site was already experiencing such items as tampons being piped through its drainage system and clogging up its drains.

(h) This particular corner of East Kent was already known as a High Risk Area. It had the Dover Docks, the CTRL and the Nuclear Power Station. The PCT (Primary Care Trust) had developed a joint strategy with KCC Emergency Planning to prepare for the high number of incidences already occurring. Sellindge had ground to a complete halt whenever Operation Stack came into force. The application site was therefore in completely the wrong place for waste recycling.

(i) The owner of the Airport Café (opposite the site) said that the temporary traffic lights to the west of the site were going to become permanent. This would lead to traffic queues well to the east of the quarry. A number of local residents came to the Café to eat and relax. He explained that as a business he generated kitchen waste to be collected and that lorries picking up that waste generated an unpleasant odour. People would be far less likely to come to the Cafe if they were confronted by a queue of lorries all carrying waste and emitting attendant odours. Who would compensate for any detrimental impact on his business.

(j) What guarantee could be given that the digester would not break down? This had happened for two days at a site in Dartford, which had then had a problem with flies.

(k) Detailed environmental studies should be made available for local objectors as soon as possible. The prevailing winds were from south to north. Dust and other waste would be blown towards the racecourse, particularly affecting the horses. It would also blow in the direction of Sellindge village. A number of local wildlife habitats would be affected in the same way.

(l) Kent County Council was bound to refuse the application. Hopefully the applicants would not appeal as the local residents wished to get on with their lives.

(m) A number of houses to the north did not even feature in the plans that accompanied the application. The prevailing wind from the site blew in their direction over fields.

(n) The local roads would not be able to take the volume of traffic. It would be unfair to the people of Kent to have to pay to have these roads torn up.

(o) Emissions from the lorries that took waste to the site would be 10 times more toxic than from any other form of traffic.

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(p) A resident from Ashford Road in Stanford said that the number of lorries using the road would be double its present total. The local roads had been laid before anyone had imagined the volume of use that they would be subjected to. Property prices would be adversely affected.

(q) Sellindge was an example of a village which was being blighted through overdevelopment (including the proposed Lorry Park and the excesses of the CTRL). There were surely plenty of brown field sites in Kent which could cater for this type of facility.

(33) Mr Cronin responded to a number of the questions raised by the local residents. He said that Traffic Assessments had been submitted to Kent Highways. These had included a revised scheme which would force lorries to turn right from the site onto the A20. These lorries would therefore certainly not travel through Sellindge. The number of vehicle movements had been estimated in the light of experience of the number and type (large or small) of vehicles that would normally service this type of facility.

(34) Mr Cronin said that the identity of the environmental assessments which needed to be carried out had been determined through a number of scoping reports which had been presented to Kent Planners. Surface and Groundwater Environmental Assessments had not been considered necessary at that stage. Nor had a formal Environmental Impact Assessment. However, the Environment Agency had then raised an objection as they did not have sufficient information on hydrology. This objection had been withdrawn when it was agreed that further details on surface and groundwater would be made available. This information would be sent to KCC and the documentation would be open to the public to inspect.

(35) Mr Clifton was asked to comment on a number of questions raised. He said that it was unlikely that a report would be ready for the Committee in the next few months. It would be wrong to rush a recommendation. Westenhanger Castle (less than 1km to the north east of the site) was part of a Grade 1 Monument. The Planners would need to establish whether it could be damaged by the proposed development.

(36) Mr Clifton then explained why there had been no Environmental Impact Assessment. A Screening Opinion had been submitted in line with the Environmental Impact Regulations. This had demonstrated that the application did not meet the criteria where the level of information needed would require one to be prepared. However, the information being asked for was tantamount to that which would be provided by a formal EIA.

(37) Mr Herbert (SLR Consulting) said that “Upper Otterpool” and the other properties close to the site had been identified for assessments.

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(39) Mr Plumstead spoke in respect of some of the comments made about the suitability of the roads. He said that the best option for Sellindge and Newingreen was for them to be kept as narrow as possible. This was the only way of keeping lorries out of their village.

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

SH/08/124 – Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge, Ashford

Appendix 4

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

NOTES of a Planning Applications Committee public meeting at Sellindge Village Hall on Tuesday, 24 June 2008.

MEMBERS PRESENT: Mr R E King (Chairman), Mr W A Hayton, Mr C Hibberd, Mr S J G Koowaree, Mr J F London, Mr T A Maddison and Mr W V Newman.

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

SHEPWAY DC: Cllr Mrs J Hollingsbee, Mrs S Newland and Mr T Ellames (Planning).

SELLINDGE PC: Cllrs K Baxter, M Garrod and Mrs L Hedley (Clerk).

THE APPLICANTS: Countrystyle Recycling Ltd (Mr N Cormack-Walshe) with Mr N Cronin, Mr C Herbert and Ms U Kepp (SLR Consulting Ltd);

ALSO PRESENT were representatives of the Sellindge Residents Association and some 150 members of the public.

- (1) Members visited the application site shortly before the public meeting. Need to include minutes from the Members site visit and note who was present as not necessarily the same as who attended the Public meeting after (i.e. Mr London went home after the members site visit)
- (2) The Chairman opened the meeting. He explained that its purpose was for the Committee Members to listen to the views of the local residents. They were now familiar with the site and would be able to visualise what people were describing to them. He explained that the application had been made by Countrystyle Recycling Ltd and that it had neither originated nor been promoted by Kent County Council.
- (3) Mr Clifton explained the role of the Planning Officers. Upon receipt of the application, they needed to gather sufficient information to be in a position to make the best professional recommendation to the Committee Members. This had already involved seeking responses from the applicants to a number of issues raised by local objectors. These had been sufficiently numerous to strongly suggest that there would be other concerns which could be uncovered by holding this meeting.
- (4) Mr Clifton then described the application. He said that there were two components to it. The first was for a Materials Recycling Facility (MRF) to cater for 75,000 tonnes per annum of co-mingled waste (i.e. paper, wood etc). The second was for an Anaerobic Digestion Plant, treating 20k tonnes per annum of organic and green waste.
- (5) Mr Clifton went on to say that the application would generate up to 168 vehicle movements per day (84 in and 84 out). Access would be via the current entrance, which was previously used when the site was operated as a quarry and latterly was occupied by an asphalt plant. Revised access arrangements have been submitted which would require vehicles leaving the proposed site would be required to turn right onto the A20, discouraging

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vehicles west of the site through the village. Mr Clifton confirmed that KCC were still awaiting a highway view.

(6) Amongst the issues identified by the Planners were those of noise, dust and odour impacts, as well as those which concerned the Environment Agency, relating to pollution of the local groundwater by surface water and foul waters draining off the site. A site contamination survey would need to be undertaken to identify what lay below the surface (in what had been a ragstone quarry, Ready Mixed Concrete plant and asphalt plant). The bore holes on site should clarify what contaminants were present, and the applicants would need to explain how they intended to counter them.

(7) Mr Clifton concluded his presentation by explaining that the site had not been identified as suitable for waste recycling in the Kent Waste Local Plan, so the application would be assessed against the local planning criteria-based policies on (amongst other matters) the environment, local landscape, groundwater pollution, noise, dust and highway matters.

(8) Mr Cronin from SLR Consulting explained that his company had been hired as consultants by Countrystyle Recycling. They had also made detailed submissions to KCC in September 2006 to assist in the development of the Kent Waste Development Framework. These were aimed at assisting the effectiveness of Kent in delivering a waste infrastructure which moved away from landfill as required by EU legislation. This application addressed an important infrastructure need in that the waste that would be processed in Sellindge was currently being taken by truck from Ashford and Shepway to Shelford in Canterbury.

(9) Mr Cronin went on to say that only 5 of the 21 sites identified in the 1998 Kent Waste Local Plan as suitable for waste processing had actually been granted planning permission since then. Meanwhile, the Allington incinerator had not yet gone on-line. There had been very few waste developments in East Kent.

(10) Mr Cronin then said that he believed the Otterpool site to be appropriate for waste disposal. The MRF was a well-established and straight forward process, but the Anaerobic Digestion Plant had raised concerns. Although there were only a handful of such facilities in the UK, they were tried and tested in Europe and involved advanced technology, capable of helping to deliver the recycling targets set by the Government, which charged local authorities £21 for each tonne of landfilled waste. He then asked his colleague, Ms Kepp to explain the anaerobic process in greater detail.

(11) Ms Kepp provided the meeting with a diagram produced by *Kompogas* whose anaerobic digestion processes were fundamentally the same as that proposed for this application. She said that its treatment of green and organic waste was a natural process where the waste was degraded by bacteria in an oxygen-free environment to produce carbon dioxide and methane for future energy use. This differed from Landfill, which produced uncontrolled waste and released methane into the atmosphere.

(12) Ms Kepp continued by describing the anaerobic digestion operation. She said that kitchen and garden waste was produced in the home, binned and brought to the facility.

(13) The waste was brought to the premises under controlled conditions, shredded, with undesirable matter such as metals being removed. The waste was then placed in the digester where it was mixed with processed waste, thus recycling bacteria which did not become destabilised. The digester itself was fully enclosed, harvesting bio gas. Heating was provided by sewage sludge, which *Kompogas* used to maintain a temperature of 55 degrees C. The gas was piped out from the top of the digester.

(14) The end products were gasses, which were fed into the natural gas or electricity supply network; residual composts, dark in colour and giving off a light ammonia smell; and liquids which were stored for a period specified by Regulations.

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(15) Mr Lello, Chair of the Sellindge Residents Association thanked the Planning Applications Committee Members for taking the trouble to come to this meeting and added that a report had been prepared which would be made available to the Planners. He also thanked the applicants for being present in the face of the implacable opposition to the application from local residents, 600 of whom had turned up on a march against it.

(16) Mr Lello continued by saying that he was keenly aware of a miasma of suspicion from local people towards the plans and motives of the local authority. It was impossible to gain information about the context of this application or about KCC's plans and schemes. Money must have been spent on surveys before this application came forward, and the applicants must have been given to understand that this was money well spent.

(17) The Sellindge area was faced with this proposal for a huge plant. A commercial composting plant was being proposed at the other end of the village, together with a lorry park. It was important to establish who was planning these developments and why. This situation reminded him of the situation in the 1970s, when undercover deals had been exposed. It was important that the local residents were given *all* the relevant information, rather than being kept in the dark.

(18) Mr Lello concluded by asking why anyone would want to process 95k tonnes of waste in a village of 1300 people. This massive scheme should be rejected as it would bring cars, HGVs, water damage and air pollution to Sellindge. This would ruin one of the jewels of the County of Kent.

(19) The Chairman informed the meeting that the local County Councillor, Miss Carey had contacted him to explain that she was on a long-planned holiday. She would make her detailed views known to the Planning Applications Committee when this application came forward. She was well aware of the local opposition and was similarly opposed herself. Meanwhile, she was working closely with the local District Councillor, Mrs Hollingsbee on this matter.

(20) The Chairman then explained that the Planning Applications Committee had to determine whatever application came its way. It had no pre-knowledge of what applications were going to come forward. Once an application had arrived and been validated by the Planners, it would be available to interested parties or could be inspected at the District Council Offices or at County Hall.

(21) Mr Garrod (Sellindge PC) said that KCC already had a waste facility at Hawkinge which was able to take waste from the Ashford/Folkestone area. He asked how it would be possible under those circumstances to grant permission for a site that was not identified in the Kent Waste Local Plan.

(22) Mr Clifton replied to a question from a member of the public by saying that he was not aware that an anaerobic digestion system had been shut down in Arundel. He would investigate the reasons that this had happened.

(23) Mr Plumstead from the Sellindge Residents Association said that the failure of the plant at Arundel accorded with his own experiences of the anaerobic digestion process. He was aware of this process failing at a Creamery in Kendal, where the Plant Manager had told him that the digesters had "gone cold".

(24) Mr Plumstead then said that there were a number of transport issues that were brought up by this application. If there were to be upwards of 160 vehicles every day and they all used the roads to the east of the site, these would all need to go through the small village of Newingreen. This would be completely unacceptable to the local residents there. He asked for information about the capacity, origins and destinations of these trucks and what they would contain and requested confirmation on these matters in writing.

(25) Mr Plumstead continued by saying that the Government had brought in the Animal Byproduct Regulations following the Foot and Mouth epidemic. All vehicles carrying animal and food waste now had to be washed down

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after use. It was important to the local residents to know how many of the trucks would be transporting waste to the MRF and how many to the Anaerobic Digester. It would surely be impractical if not impossible to turn around all the trucks carrying animal and food waste on the same day. The Residents Association would therefore like this information in order to be able to do its own calculations.

(26) Mr Plumstead concluded by saying that the local Primary School was very close to the main road. It was always difficult to keep children under control. Now there would be the additional problems posed by noise, distractions, fumes and greenhouse gasses. It was important to establish how far the lorries would travel and how much CO₂ would be emitted.

(27) Cllr Mrs Newland from Shepway DC said that the correct place for this operation would be Lympne Airfield, which had closed in 1975. This lay to the south of the site. A number of proposed developments there had been successfully resisted but eventually the Planning Inspector had agreed to approve the second phase of the Industrial Estate. In doing so, she had stated the need for very careful conditions and had stressed that the rest of the area should be treated as green rather than brown field. This decision extended to Otterpool Quarry. One of the aspects of this decision was in relation to the height of buildings. These were proposed to be 40 feet high, which was well beyond what was set out in the Development Brief for the area.

(28) Mrs Newland continued by saying that the Kent Downs AONB Committee had also lodged an objection to the application. Its brief extended to land neighbouring the AONB itself.

(29) Mrs Newland then said that the land was full of underground streams flowing north. The proposed development would be bound to affect Ashford's water supply as well as a lake which contained important wildlife.

(30) Mrs Newland concluded by saying that the heavy volume of traffic would be prohibitive. The A20 was sub-standard, unsuitable for heavy traffic and could not be seen as supplementary to the M20. Traffic entering the site during its previous existence had been limited to one truck per minute. The current number of movements was already treble that figure. The local holiday resort was increasing the size of its car park. This would create an additional 500 movements per day. There were, however, no plans to improve the A20 or the Westenhanger Junction of the M20 (Junction 11).

(31) Mr Morris from "Upper Otterpool" (south east of the site) explained that he lived within 200 yards of the site. The problems he had experienced when the quarry was operational were dust, noise, smell and light pollution. He believed that much of the information in the consultative document on hydrology was misleading. He added that there were two Grade 2 Listed Buildings within 200 yards of the site.

(32) Local residents made a number of contributions to the meeting. These are summarised below:-

(a) Food and fuel prices were rocketing. People would now need to be wiser with their money and less wasteful with the food they ate. This would result in waste being brought to the site from further afield. This was not therefore a "green solution". The best green option was to not have waste at all.

(b) The junction with the M20 would not be able to cater for the traffic backlog resulting from the additional vehicle traffic. Whenever Operation Stack took place, the whole road network would become clogged up. It would then be impossible for traffic to exit to the right as it was supposed to. The application should be rejected on traffic grounds as it was simply not feasible to have a site so close to this particular junction.

(c) The application gave rise to safety and traffic concerns. Four people (including an 8 year old) had already been killed on the main road. There would be excessive noise disturbance coming from the site when the waste was stacked and sorted. The process would give rise to vermin and odour arising from hydrogen sulphate and ammonia.

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(d) The Shepway District Local Plan only allowed for development on sites where there was no excessive noise, dust, fumes or traffic. This application failed on all those counts. The residents of Sellindge had already made it clear that they did not want this development. This was because they were concerned about the danger to the children and the elderly. Heavy traffic making its way between the site and Junction 11 of the M20 along the narrow winding road constituted a hazard to them. The applicants should be renamed “Countryside Desecration”.

(e) A similar application at Pluckley had been refused permission. *Mr Clifton explained that no permission had been issued to that site because it did not need one, having already received a Certificate of Lawful Use. The Operator had then needed to apply for a Waste Management Licence from the Environment Agency. They had not issued one owing to an objection from KCC on the basis of insufficient information.*

(f) Should permission be granted, it might be possible for local objectors to mount a Tort of Nuisance legal challenge.

(g) How would black water, grey water and run off water from the site be dealt with? The original consent to discharge only related to surface water. There was no mains drainage sewer within 1000 yards of the site. Westenhanger Castle to the north east of the site was already experiencing such items as tampons being piped through its drainage system and clogging up its drains.

(h) This particular corner of East Kent was already known as a High Risk Area. It had the Dover Docks, the CTRL and the Nuclear Power Station. The PCT (Primary Care Trust) had developed a joint strategy with KCC Emergency Planning to prepare for the high number of incidences already occurring. Sellindge had ground to a complete halt whenever Operation Stack came into force. The application site was therefore in completely the wrong place for waste recycling.

(i) The owner of the Airport Café (opposite the site) said that the temporary traffic lights to the west of the site were going to become permanent. This would lead to traffic queues well to the east of the quarry. A number of local residents came to the Café to eat and relax. He explained that as a business he generated kitchen waste to be collected and that lorries picking up that waste generates an unpleasant odour. People would be far less likely to do so if they were confronted by a queue of lorries all carrying waste and emitting attendant odours. Who would compensate for any detrimental impact on his business?

(j) What guarantee could be given that the digester would not break down? This had happened for two days at a site in Maidstone (Allington Incinerator), which had then had a problem with flies.

(k) Detailed environmental studies should be made available for local objectors as soon as possible. The prevailing winds were from south to north. Dust and other waste would be blown towards the racecourse, particularly affecting the horses. It would also blow in the direction of Sellindge village. A number of local wildlife habitats would be affected in the same way.

(l) Kent County Council was bound to refuse the application. Hopefully the applicants would not appeal as the local residents wished to get on with their lives.

(m) A number of houses to the north did not even feature in the plans that accompanied the application. The prevailing wind from the site blew in their direction over fields.

(n) The local roads would not be able to take the volume of traffic. It would be unfair to the people of Kent to have to pay to have these roads torn up.

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(o) Emissions from the lorries that took waste to the site would be 10 times more toxic than from any other form of traffic.

(p) A resident from Ashford Road in Stanford said that the number of lorries using the road would be double its present total. The local roads had been laid before anyone had imagined the volume of use that they would be subjected to. Property prices would be adversely affected.

(q) Sellindge was an example of a village which was being blighted through overdevelopment (including the proposed Lorry Park and the excesses of the CTRL). There were surely plenty of brown field sites in Kent which could cater for this type of facility.

(33) Mr Cronin responded to a number of the questions raised by the local residents. He said that Traffic Assessments had been submitted to Kent Highways. These had included a revised scheme which would force lorries to turn right from the site onto the A20. These lorries would therefore certainly not travel through Sellindge. The number of vehicle movements had been estimated in the light of experience of the number and type (large or small) of vehicles that would normally service this type of facility.

(34) Mr Cronin said that the identity of the environmental assessments which needed to be carried out had been determined through a number of scoping reports which had been presented to Kent Planners. Surface and Groundwater Environmental Assessments had not been considered necessary at that stage. Nor had a formal Environmental Impact Assessment. However, the Environment Agency had then raised an objection as they did not have sufficient information on hydrology. This objection had been withdrawn when it was agreed that further details on surface and groundwater would be made available. This information would be sent to KCC and the documentation would be open to the public to inspect.

(35) Mr Clifton was asked to comment on a number of questions raised. He said that it was unlikely that a report would be ready for the Committee in the next few months. It would be wrong to rush a recommendation. Westenhanger Castle (less than 1km to the north east of the site) was part of a Grade 1 Monument. The Planners would need to establish whether it could be affected by the proposed development.

(36) Mr Clifton then explained why there had been no Environmental Impact Assessment. A Screening Opinion had been submitted in line with the Environmental Impact Regulations. This had demonstrated that the application did not meet the criteria where the level of information needed would require one to be prepared. However, the information being asked for was tantamount to that which would be provided by a formal EIA.

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

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Item C2**DA/10/1232 – Change of use of part of yard from open storage to increase area for waste transfer and recycling of waste, and provision of a trommel with covered waste sorting facility, partly within existing yard and partly within new extended area of yard, Lees Yard, Rochester Way, Dartford, Kent, DA1 2QU.**

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2011.

This application has been submitted by Graham Simpkin Planning on behalf of Easy Load Ltd for the proposed change of use of part of the existing yard from open storage to waste transfer and recycling of waste with the provision of a trommel with covered waste sorting facility.

Recommendation: Permission be granted subject to conditions

Local Members: Jan Ozog

Unrestricted

Site location and description*Site Location*

1. The application site is within an existing waste transfer station and within the Metropolitan Green Belt, on the western extremity of the Borough of Dartford, adjoining Dartford Heath and at the boundary with the London Borough of Bexley. To the south of the site is an area designated as a Site for Nature Conservation Interest.
2. Access is via Rochester Way a two lane carriageway, which runs west to east and is a 'dead-end' for vehicles that access it from the A2018 (See Plan 1: Site Location Plan). Rochester Way was used before the construction of the A2 (East Rochester Way), as the main road link between Dartford and Bexley. To the south of Rochester Way is an area of woodland, which extends further south to the A2 and east towards the built-up area of Dartford.
3. The application site forms part of a cluster of comparable uses that are congregated on the northern side of Rochester Way. The uses comprise F W Conway (north), Kent Household Waste recycling facility (east), South East Building Supplies (west) and other storage type uses. These uses including the Easy Load site are located on a raised platform where the land slopes downwards (north) towards the housing area known as Braeburn Park (see Plan 1 Site Location Plan).
4. A landscaping bund is located between this cluster of uses and the relatively new Braeburn Park Housing Estate (see Plan 1 Site Location Plan), approximately 140 metres away. It was required by Bexley Borough Council as a means to visually protect

the residential properties from the industrial and waste-related uses already mentioned. That includes the more prominent aggregate screening, crushing and washing activities of F M Conway. It was also designed to contribute in a positive sense to the local landscape setting. Planting was required on top of the bund but has so far not appeared.

Site Description

5. The waste transfer station overall is on elevated and sloping ground. The application site area is approximately 0.56 hectares and is bound on three sides by a 4 / 5 metre high concrete wall. The site has a dedicated access point as well as a separate access through neighbouring units reserved strictly for emergency access.
6. The site is divided into two main parts with the waste transfer activity, waste stockpiles and plant and machinery in the area of the yard first traversed from the access point and a side 'extension' used for skip storage and vehicle parking.
7. The site contains a collection of buildings including a two storey administrative office, vehicle maintenance workshop, two-storey staff training and canteen facility and weighbridge; all congregated within the south-eastern corner of the site, nearest to the entrance point. There are also ancillary containers and a fuel tank located on the opposite side of the access (See Plan 2: Existing Site Layout Plan). The internal site platform is concreted allowing for vehicle circulation and an engineered drainage system.

Planning Background

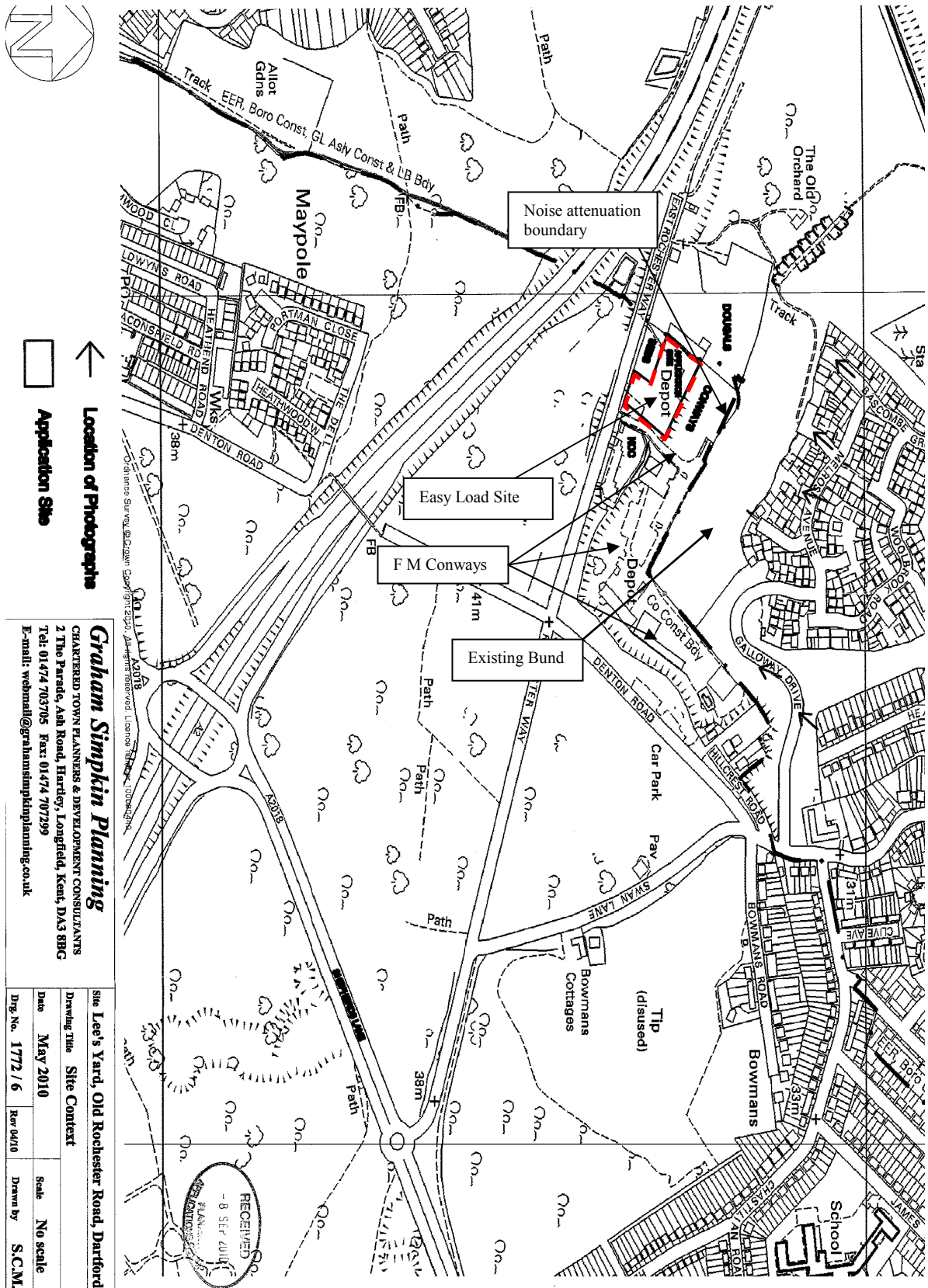
8. The application site has been operated, as a waste transfer station since 1988. A more limited activity preceded that in one corner of the site.
9. Easy Load Ltd, the current applicants began operating the site under planning permission DA/96/722 in 1996, for the continued use of the waste transfer station, including a new ancillary office and store room, housed together with a maintenance and repair workshop building.
10. The current use provides a service for the collection of waste for sorting and recycling to customers within a 20 mile radius. Landfill disposal is in Essex.
11. A continuing programme of investment in site improvements and operational efficiencies has occurred since the applicant acquired the unit. That has included planning permissions for: extended opening hours (Saturdays until 16:30 and Sunday opening 09:00-16:30); new buildings for office, training and staff welfare purposes and the introduction of more modern plant and machinery.
12. An unfortunate phase of alleged breaching in 2005, led to the service by the County Council of an Enforcement Notice against stone crushing and screening within the 'extension' area. The use ceased but the confirmed Notice remains in place.
13. A period of detailed site negotiations ensued. Planning permission DA/09/974 was subsequently granted in 2009 for parking and storage of skips and lorries in support of the main waste transfer activity. Nevertheless, an unauthorised screening machine is currently being used on site, which has been brought to the applicant's attention. Assurances have been given that it will be removed shortly; a matter which I shall pursue separately under the auspices of the Regulation Committee.

Proposal

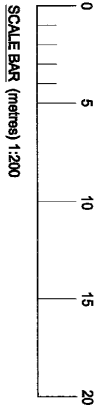
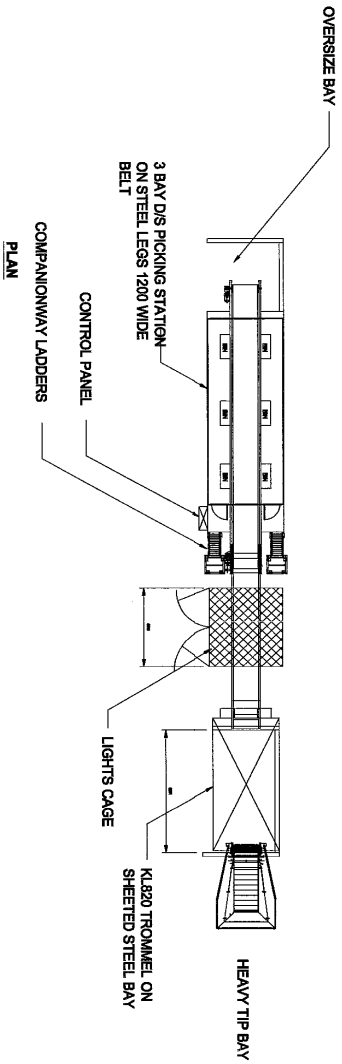
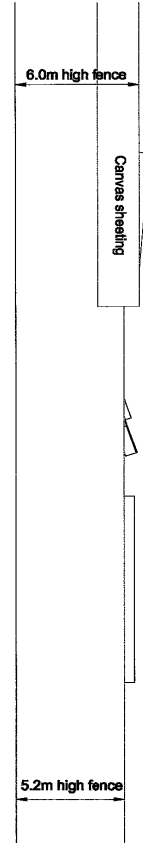
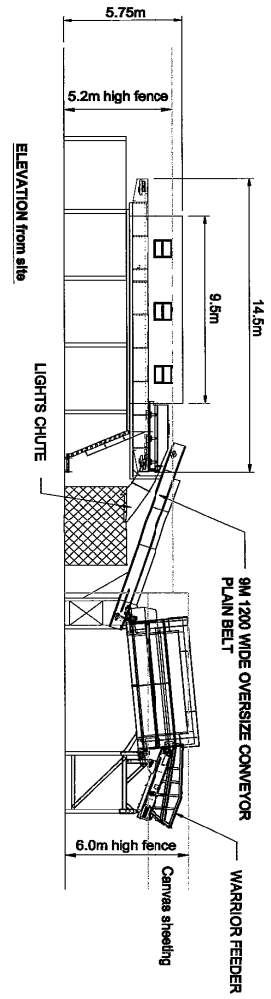
14. The proposal seeks to extend the area and extent of waste separation and recycling at the site by internal rearrangement, relocation of the majority of existing storage and parking and the introduction of dedicated plant and machinery.
15. Currently, mixed skip waste is brought onto the site, weighed, tipped, separated and sorted. Reusable and recyclable materials are extracted, leaving a residue for landfill. The operation involves up to 6 manual pickers sorting waste whilst lorries tip around them. A mechanical 360⁰ grab crane is also used which moves larger components of waste material into a metal container for removal off-site.
16. The current waste sorting and recycling operation is considered by the applicant to be less than efficient with only 30-40% of the waste being recycled and the rest going to landfill. It is proposed to address this deficit in two ways.
17. Firstly, the waste handling area of the station would be extended over that part of the site (the 'extension' area) currently used for skip storage and skip lorry parking. The operator proposes to relocate the existing 500 skips and 12 skip lorries to a nearby skips storage site that he owns in Bexley, known as 'The Old Orchard'. However, he would retain and park 3 articulated vehicles on the waste site overnight.
18. Secondly, mechanical screening of waste would be introduced, through the use of a 'Trommel' machine and picking station. The relevant dimensions are shown on Plan 4: 'Trommel Elevations'.
19. The waste brought onto the site would be tipped into designated areas either side of the site; heavy waste to the east and commercial waste to the west. The proposed Trommel and picking station would be located between these areas, close to the site boundary. The applicant advises that the separation of these waste types would aid recycling and make it easier to sort, separate and export (See Plan 3 Proposed Site Layout). In fact, according to the applicant this new operational arrangement offers the possibility of waste separation rates of up to 60-70%. In other words, the greater part of the waste stream handled at the site would be recovered, leaving a much reduced proportion simply consigned to landfill.
20. In doing so, there would be neither change in the waste stream, nor increase in hours of operation, throughput and traffic movements into and out of the site. The proposal is directed instead towards improving the efficiency and sustainability of existing waste management methods on site.
21. As part of his set of proposals, the applicant has attempted to safeguard against any potential visual, noise, dust or odour amenity problems encountered.
22. In visual terms, the proposed Trommel would be positioned immediately (1 metre distance) behind the 5 metre high northern site boundary. This it is claimed would visually shield the plant, leaving only the top of the picking station and certain angular sections of the Trommel protruding above the boundary fence.
23. To address the remaining amenity issues, the applicant has submitted noise, dust and odour assessment studies. To add to their veracity, the applicant stresses that the methodologies for the assessments were agreed with the County Council and relevant advisers prior to the assessments being undertaken.

24. The applicant's noise study, having taken all relevant variables into account, concluded that this potential amenity impact, with appropriate siting of the Trommel and other internal safeguards, fell below background noise levels, as measured from the nearest sensitive receptor (the nearest house in Braeburn Park housing estate). It noted however that the setting of the Trommel and its relationship to the site boundary would be crucial in achieving the required noise management. The optimal distance from the site boundary was calculated as being 1 metre (on the assumption of the same size and noise-rated plant). That 'set-back' distance and fixed location for the Trommel is reflected in the proposed scheme.
25. The related assessments identify dusty releases from site operations and odours from any putrescible waste that has been allowed to decompose, as being the two other potential amenity impacts requiring particular attention and safeguarding.
26. The dust assessment states that the majority of waste materials (85%) handled at the site are not potentially dusty and the activities that are potentially so would be undertaken in an area which is bordered on the northern boundary by a sprinkler system used to suppress dust emissions. Good site housekeeping measures such as frequent yard sweeping and dampening down are recommended, which would further mitigate dust releases. The Trommel itself would also have its own water spray system.
27. Odour control and mitigation would largely be attained through standard EA waste transfer permitting controls which require amongst other controls that any odorous waste inputs to the site be removed within 48 hours from their arrival. This in addition to good practice measures such as containment of surface waste water drainage are considered sufficient through the odour assessment study for safeguarding purposes. That in turn is in the knowledge of prevailing wind direction and all other relevant variables in relation to residential amenity vulnerability and available controls and management.
28. Indeed, the operator is proposing to extend the sprinkler system by installing new spray 'bays' over active areas to continue to mitigate any adverse emissions from the site being released into the atmosphere.

Plan 1: Site Location Plan



Plan 2: Existing Site Layout Plan



Graham Simpkin Planning
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Site Lee's Yard, Old Rochester Road, Dartford	
Drawing title	Machine details - Plan and Elevation
Date	January 2010
Drwg. No.	1772 / 4A Rev 04/10
Scale	1:200 @ A3
Drawn by	S.C.M.



Planning Policy Context

29. The Development Plan planning policies summarised below are relevant to consideration of the application:

National Guidance – The most relevant to this application is set out in: PPS 2 (Green Belts and ‘The Town and Country Planning (Consultation) (England) Direction (2009)’ as far as it concerns development in the (Metropolitan) Greenbelt, PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).

South East Plan (2009) – The most relevant policy is W7 (priority to safeguarding and expanding suitable sites within an existing waste management use).

Important note regarding the South East Plan:

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 (the South East Plan in the case of Kent) were re-affirmed as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG’s Chief Planner Steve Quartermain advised Local Planning Authorities 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. The 10th November 2010 Quartermain Letter has since been challenged in the High Court with the outcome, that the intention of the Secretary of State to dispense with the services of the South-East Regional Plan is a material planning consideration in its own right. Account must still be taken of the Plan as such but a judgment needs to be made by Planning Authorities as to the degree of weight to be attached to its provisions in the context of individual cases.

That stands as the latest judgement on the matter, subject to the outcome of a further appeal, which has now been lodged within the Supreme Court. A hearing and further judgment is awaited.

Kent Waste Local Plan (1998) – The most relevant saved policies are W3 (Locational Criteria), W6 (Consideration of need), W9 (Locational criteria for waste transfer stations), W18 (Noise, Dust and Odour), W19 (Groundwater protection), W22 (Provision for adequate access arrangements including the need for any off-site highway improvements), W25 (Plant and Buildings) and W31 (Visual Impact and Landscaping).

Dartford Borough Council Local Plan (1995) – The most relevant saved policies and the policies contained in the Amended Second Deposit Draft (2004) – GB1, GB2 and B1, and GB1, GB2, GB6, RT14, C14, NR10, NR14 and NR16, respectively.

Consultations

30. **Dartford Borough Council** – *“The Borough Council would wish to raise no objection subject to consideration of the following conditions, should Kent County Council be minded to approve:*

01 The applicant should be required to ensure that existing dust suppression mechanisms such as water spraying and conveyor screening area maintained in sufficient working order and fully utilised to mitigate/suppress dust from the operations affecting local residents

02 Stockpiled material should be maintained at a maximum height of 5 metres above the site ground level.

03 Hours of operation should remain unchanged and controlled by a condition on the new permission”

31. **London Borough of Bexley** – Objects to this application on the grounds of adverse impact from noise and dust impacts on the residents in Braeburn Park housing estate.

32. **The Divisional Transport Manager** – DTM has no objections to the use in respect of highway matters subject to no increase in the permitted amount of waste the site can import.

33. **Jacobs Noise, Odour and Dust** – Jacobs have advised the following:

Noise:

“The setting of the trommel and its relationship to the barrier is crucial in achieving the required noise reductions. If the application were conditioned such that the trommel was required to be 1m from the noise fence and matched the technical spec (size, noise rating etc) used in the assessment then I do not see that noise can be a reason to delay the application. Noise levels from the application [site] will be within the relevant planning guidelines at the closest residential with the adoption of the mitigation measures mentioned in the noise report”

Dust:

“With regards to dust the expansion of the current dust suppression measures to the new area together with the trommel having its water spray suppression system would make the impact of dust emissions at the surrounding properties unlikely.”

Odour:

“In terms of odours, the waste materials consist predominately of inert or slowly degradable waste that doesn't give rise to odours. Only a small amount of putrescible waste is permitted on site and all waste is only meant to be kept at the site for a maximum of 48 hours and therefore there is little opportunity for any materials to initiate decomposition such that they could result in emissions of odour from the site. Spreading of material over a greater [area] would have little effect on the possible emissions of odour and would possibly result in a reduction in the sites potential to do so.”

34. **Environment Agency** – *“This site includes an area that has planning permission and a waste permit and has been operating with no major problems for a long period as a waste transfer station. As described, the new area is now integrated into the yard and is*

being used for storage of non-waste material.

The main comment is that Easy Load will need to vary their waste permit to cover the new area and the operation of a trommel and picking line if this planning permission is granted.

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without the condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with."

Representations

35. The application has been publicised by the displaying of a site notice on a sign post along Rochester Way and newspaper advertisement in the local press. Letters of notification were also sent to all the properties within 250 metres of the site.
36. Seven letters/emails of objection have been received (to date) all from the residents of Braeburn Park housing area. They have expressed common concerns regarding impacts from the perceived increase in traffic generation and potential noise, dust and odour pollution from the proposed activity.

Local Member

37. The County Council Member Jan Ozog was consulted and, to date, no comments have been received.

Discussion

38. 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 (26) above are in my opinion of greatest relevance.

Main issues:

39. The main determining issues, in my view, are the:
 - Appropriateness of the proposed development within the Metropolitan Green Belt (MGB)
 - Case of need; in general and for the use of this particular site.
 - Suitability of the location itself for the proposed use.
 - Likely amenity impacts and available safeguarding measures

Appropriateness within the Metropolitan Green Belt

40. PPS 2 (Green Belts) contains a presumption against inappropriate development within the (Metropolitan) Green Belt. In accordance with the relevant Government Direction (The Town and Country Planning (Consultation) (England) Direction (2009), any proposed development which consists of or includes 'inappropriate development' within the Greenbelt, has to be referred to the Secretary of State for Communities and Local Government, as a departure from the Development Plan. For the purposes of the Direction, that would include any development which *'by reason of its scale, or nature or location, would have a significant impact on the openness of the Greenbelt'*.
41. For the current proposal not to be deemed as 'inappropriate development' within the MGB (so avoiding referral as a departure to the Secretary of State), PPS 2 states that *'very special circumstances'* need to apply.
42. In making an assessment on those grounds, it is material that the proposed development would be within and integral to an established waste transfer use within the MGB. That in turn is located and contained within an existing industrial estate with industrial, open-storage and other waste-related uses. There would be no increase in the range of wastes, hours of operation and the level of throughput or any change in traffic movements, from that associated with the current use. Additionally, as a result of the application, there is scope to seek to elevate the existing level of safeguarding against noise, dust, odour and related amenity impacts from the use of the site.
43. Taking all of these factors into account, I conclude that the scale, nature and location of the proposed development would not have a significant impact on the openness of the MGB and therefore does not need to be referred to the Secretary of State as a departure from the Development Plan. On that judgement it is considered open for the County Council to grant planning permission, with conditions.

Case of need:

44. There is an acknowledged general case of need within the context of KWLP 'saved' Policy W6 (need considerations), for increases in the level and efficiency of waste separation and recycling. That is especially the case at established sites with existing capacity and potential for such improvements. Easy Load Ltd is conveniently located within range of the urban areas of Dartford, Gravesham and Bexley; reinforced by ready access to the Primary Route Network, via Rochester Way and the A2018 onto the A2. A definable catchment area exists, which has been serviced since 1986 by the current permitted waste transfer station and since 1996 by the applicant's own operation. A continuing pattern of need is apparent, which is potentially able to be met in a more sustainable way from enhanced waste management practices at the subject site. That waste management objective is in my view worthy of support both in general and in the context of this particular site.
45. To emphasise the point, the proposal represents a reversal of fortune in waste management terms. Central to the scheme is that up to 70% of incoming waste would be 'recovered' for further recycling or beneficial use. I understand that the reverse is currently the case, where a comparable percentage goes straight to landfill. This waste recycling initiative is in line with and actively supported by Government guidance, such as PPS10 (Planning for Sustainable Waste Management) and relevant parts of the Development Plan.

Suitability of the location

46. Kent Waste Local Plan (KWLP) 'saved' Policy W9, sets general criteria for assessing the suitability of waste separation and transfer stations within their surrounding site contexts.

Minimising Environmental and Amenity Impacts

47. The first suitability criterion is that any scheme should seek to minimise environmental and amenity impacts. These potentially include in the context of this particular application, amenity impacts from: visual intrusion, noise, dust, odour and traffic movements. I shall consider the issue of potential visual intrusion in this section given its wider locational relevance but defer the remaining KWLP Policy 18 (noise, dust and odour) issues and Policy W22 (traffic impacts) to the next and more appropriate amenity and safeguarding section under paragraphs (52) to (67).
48. Visual intrusion is an important potential amenity impact to consider. That is particularly the case as the application site and adjoining uses are located on an elevated platform, capable as a whole of being seen from selective vantage points in the vicinity of the Braeburn Park Housing Estate, lower down and to the north of the site. In terms of the visual impact of the specific proposal, whilst it is true that some protrusion would occur above the 5 metre boundary height, I regard this as marginal in its setting and context. In general, the intervening bund can be relied upon for effective visual mitigation from views from the housing estate in the direction of the application site. My conclusion on this aspect is that whilst the top of the proposed picking station and minor gantry detail might be visible from the medium distance, the existing visual envelope and presence of the landscape bund (with planting still in reserve) means that this would not be overriding in its own right.

Ready Access to the Main Road Network

49. The second suitability criterion under KWLP Policy W9 is for ready access to be available to the main road network. That is the case via Rochester Way and the A2018, which connects with the A2 and then the M2. The proposal therefore complies with this second part of the policy.

Location within the context of other Waste or Industrial Uses

50. Location within or adjacent to existing waste management facilities, or within an industrial setting, is the third criterion within KWLP Policy W9. The application site is within an industrial estate and is located next to the FM Conway's waste management facility and near to the County Council's own Civic Amenity Site. The proposal therefore qualifies on these grounds.
51. My conclusion to this section is that in terms of potential visual intrusion (with all other amenity impacts deferred to the next section), highway accessibility and conformity of use, the safeguarding requirements of KWLP Policy W9 are adequately met.

Amenity impacts and available safeguarding measures

52. Kent Waste Local Plan (KWLP) 'saved' Policy W18 requires the application to be assessed against the means of control of noise, dust, odour and any related emissions,

in respect of potential impacts on neighbouring landuses and amenity. That would include for instance, those members of the public using the nearby KCC Civic Amenity Site as well as residents of the Braeburn Park housing area.

53. It is important to stress at the beginning of this amenity and safeguarding section that the proposed development involves no change in the types of waste coming to the site, nor in relation to operating hours, throughput or traffic movements. The status quo would be maintained in those key regards. Internal site changes would be evident but short of the visual aspects discussed under paragraph (48) above, there should be no discernable difference from an outside perspective.
54. Notwithstanding that, objections have been received from some residents within the Braeburn Park housing area regarding potential impacts upon them from noise, dust and odour emissions. These objections have been supported by Bexley Borough Council. The local residents have also raised concern over perceived proposed increases in traffic movements to and from the site.
55. To address these anticipated amenity issues (beyond those of visual integrity), the applicant has submitted noise, dust and odour assessment studies. The methodologies were agreed in advance with this Authority. I shall take each in turn.

Noise

56. In paragraph 24 of the 'Proposals' section of this report, details are given of the applicant's noise assessment study. The waste separating Trommel plant has been identified within that appraisal as the point at issue in noise impact terms. The potential impact on residents of Braeburn Park has been the main focus of attention. Jacobs (Noise) have evaluated the contents of the study and concur overall with the applicant's approach and conclusions. They comment in particular that *'the setting of the Trommel and its relationship to the barrier (the site boundary) is crucial in achieving the required noise reductions'*.
57. These respective assessments and conclusions are based on known variables and a fixed technical specification and location for the Trommel, including a 1 metre 'set-back' distance from the site boundary. These aspects may be conditioned to ensure that noise generation and management are held in balance at all times during operation of the plant. In the knowledge of all other key operational aspects being equal (see paragraph 20), and in light of the provisos on the Trommel just given, together with the adoption of related mitigation measures mentioned in the noise report, they conclude that *'noise levels from the application [site] will be within the relevant planning guidelines at the closest residential point'*. Jacobs therefore have no planning objection to the application.
58. In these circumstances, I consider that noise as an amenity impact, within set and controllable parameters would not be overriding, especially given further available controls through the EA Permit on site. The proposed scheme therefore accords in my opinion with the noise control element of KWLP Policy W18.

Dust

59. The applicant's dust assessment identifies the key concern as being dusty releases from waste handling operations and the most sensitive receptors as being residents of Braeburn Park.
60. Details of the applicant's dust assessment study and safeguarding provisions are given

in paragraph 26 of this report. It maintains that only 25% of waste materials on site have potential for any material dust impact off-site. It stresses that any dust problem would be containable with the existing water sprinkler system; in turn to be expanded, with run-off helping to lay any general dusty residues on the concrete pad within the yard. Good site housekeeping measures are again highlighted such as frequent yard sweeping and dampening down.

61. Jacobs (Dust) have raised no specific dust related concerns. They acknowledge in particular the proposed expansion of the site sprinkler system and the Trommel's own in-built water spray system. Overall, they have registered no planning objection to the proposed scheme from a dust point of view.
62. In these circumstances, I consider that as with noise, dust as an amenity impact, within set and controllable parameters (including no material change to the intensity of the use of the site) would not be overriding, especially given again available and required updated controls through the existing EA Permit. The proposed scheme therefore accords in my opinion with the dust control element of KWLP Policy W18.

Odour

63. The applicant's odour impact assessment study has followed the same approach as its companion noise and dust reports. It has taken note of prevailing wind direction and account of all other relevant variables in relation to residential vulnerability and available site controls and management. The report concludes that odour from decomposition of (or receipt of part-decomposed) minor quantities of putrescible waste entering the site is the potential amenity point at issue here.
64. To place the issue in context, Members should be informed that odour control and mitigation measures, particularly with the potential for harm to any residential interests would continue to be of focussed concern within the existing and any required updated EA Site Permit. A standard control within that régime is that any odorous waste inputs to the site should be removed within 48 hours from their arrival. This in addition to good practice measures such as containment of surface waste water drainage would seem to suffice for safeguarding purposes. Indeed, Jacobs (Odour) state that if the 48 hour rule is adhered to there would be *'little opportunity for any materials to initiate decomposition such that they could result in emissions of odour from the site'*. The spreading of waste materials over a greater area of the site would also in their opinion have no appreciable effect on any potential odour generation, perhaps even a reduction in such potential.
65. In these circumstances, I consider that as with noise and dust, odour too is a potential amenity impact capable of being controlled within acceptable levels by the individual and combined effects of planning and EA Permitting conditions. I do not consider therefore that this amenity aspect is overriding and meets in my view the odour safeguarding requirements of KWLP Policy W18.

Traffic

66. Some residents of Braeburn Park have entered objections over potential increases in traffic related movements from the proposed development.
67. As stressed in paragraph (20), there would be no increase in the measurable intensity of the use of the site (apart from the positive increase in waste separation rates). The same hours of operation, waste input types and level of throughput and traffic movements, both in and out, would remain. Consequently, there would be no material change to the

potential highway capacity or amenity impact issues (noise, dust, odour and vibration) already associated with the current and proposed continuing level of site traffic. In those respects, I consider that the proposed development accords with the traffic-related safeguarding objectives of KWLP Policies W18 (amenity controls) and W22 (traffic impacts).

Conclusion

68. In conclusion, I consider that the overall objective of the proposed development is worthy of support. The displacement of skip storage and vehicle parking to make way for a Trommel and picking station presents some organisational and control issues on a relatively small, sloping and elevated site. The revised arrangement however does offer an effective doubling of waste separation and recycling rates at the site. New sustainability credentials of that calibre are very much in line with Government guidance and the Development Plan.

69. Amenity impact concerns have been received from the residents of Braeburn Park and in their support, from Bexley Borough Council. Placing these in context, Members should note that the proposed operational changes to the site would be internal. There would be no change to the waste stream handled at the site, nor any increase in hours of operation, throughput or traffic movements. The proposed scheme in my view would involve no new overriding amenity impacts by virtue of visual intrusion, noise, dust, odour or related traffic-induced disturbance and emissions. The technical amenity studies submitted by the applicant have been vetted by the relevant sections of Jacobs and no planning objection has been raised, subject to mitigation measures being followed.

70. On balance, I conclude that given the sustainability benefits of the proposed development, the containable nature of any potential amenity impacts and available planning and EA Permitting controls, that the scheme is in overall accordance with the Development Plan and should therefore be granted planning permission, subject to conditions.

Recommendation

71. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions including amongst others those to cover the following aspects:

- Development to be carried out within 5 years.
- Development to be carried out in accordance with the scheme as submitted and any subsequently approved details, including a single site access (with reserved emergency access) and the footprint of the proposed waste stockpiles on site.
- Restriction of waste types, hours of operation, throughput and traffic movements to the level of those already permitted at the site.
- The Trommel and picking station shall be of a fixed specification and location within 1 metre of the northern site boundary.
- Stockpile heights shall be no greater than the boundary fencing and below the visible eye-line.
- Operational safeguarding measures to control noise, dust, odour, related emissions, surface run-off and drainage, light pollution and mud and debris on the road. Such measures to include transitional arrangements (without undue amenity impacts) for the re-location of skip storage and vehicle parking within the 'extension' area, in

favour of active waste management within the same footprint.

- Remediation measures to handle any unsuspected site contamination issues that may arise during the carrying out of the development.

72. In addition, an informative to the applicant to confirm that whilst planning and EA Permitting controls are designed to be complementary in these types of waste management settings, planning controls always preside.

Case Officer: Sav Patel

Tel. no. 01622 221053

Background Documents: see section heading.

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Item C3**MA10/01932 – Erection of a replacement building for waste processing on Unit 6 with provision of revised access and parking.**

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2011.

This application has been submitted by DHA Planning on behalf of the operator D&D Waste Recycling Ltd for planning permission to erect a replacement building to house the waste processing and storage activity including revised access and parking provision at unit 6 Detling Aerodrome, Detling, Kent.

Recommendation: Permission be granted subject to conditions

Local Members: Jenny Whittle

Unrestricted

Site description

1. The application site is located within a well established industrial estate, formerly used as an airfield by the RAF. The estate is located north of the A249 between Maidstone and Sittingbourne and is isolated from the surrounding settlements of Detling and Stockbury. There is small group of houses approximately 300 metres south of the estate along Bimbury Lane.
2. The estate is also located within the North Downs Area of Natural Beauty and predominately surrounded by open countryside and areas of woodland. There is also a public footpath that is located north and running parallel with the estate. It is located approximately 100 metres from the estate boundary (See fig 1 Site Location Plan).
3. The estate has grown organically around, and on, the footprint and associated buildings of the former RAF airfield. The layout of the former airstrip acts as the main spine of the estate around which vehicles circulate. The estate consists of a variety of industrial uses within an emphasis on distribution and uses that are generally considered un-neighbourly such as road work contract depots and other similar uses operating within B2 (General Industrial) or B8 (Warehousing & Distribution) use classes.
4. The piecemeal way in which the estate has been developed has resulted in various styles and sizes of sites and warehouse/industrial buildings, many of which have areas of open storage within their individual compounds.
5. The internal ring road is in relatively good condition although there are areas that are in need of repair. The main link road between the A249 and industrial estate is in relatively good condition.
6. The estate boundary is defined by a combination of fence and landscaping. The estate also contains a variety of trees that are scattered around the estate, most of which are protected by a Tree Preservation Order (No.1 1992). The tree species include Birch, Horse and Sweet Chestnut, Sycamore, Oak, Ash and Holly. There is a row of protected Sycamores along the southern perimeter of the application site (See Fig 2: Site Layout

Plan).

7. The site is located in a central location and on the northern side of the estate. The site is also set back and separated from the internal ring road by a grass and gravelled area. Operational parking occurs informally on the open area of grass land in front of the access in addition to within the site.
8. The site is contained by a 2 metre high palisade security fence, which runs along the northern, eastern and southern boundary. The internal layout of the site comprises a concreted surface and no permanent structures. Access to the site is via a metal gate that was created following the unauthorised unification of units 6, 13 and 14. However, unit 6 does maintain a degree of separation from unit 13 by virtue of an existing 2 metre high concrete panel boundary against which waste material is stored.
9. There is a small group of residential properties located along Bimbury Lane, approximately 300 metres from the site. The properties are unable to access the estate as it is 'one-way' in the direction of traffic travelling along the A249. This allows for separation between residential and estate traffic flows.

Background / Planning History

10. The application site of approximately 1000sqm is bound on three sides by other industrial units (including unit 13 northwest) and on the fourth (south-western boundary) by the site access point. The present permitted use of the application site is as a waste transfer facility. The operator, D&D Waste Ltd leases Unit 6 from EJ Mackeldon & Sons, who own the industrial estate. The operator also leases the two adjoining units 13 and 14. Previously, all 3 units were separate entities with their own access points and benefited from separate permissions and uses. However, in 2006/7 the units were seamlessly joined together and enclosed by a security fence and gate that created a common entrance point into the coalesced site.
11. Unit 6 was originally granted planning permission by the County Council in 1995 for use as a waste transfer facility under planning application ref: MA/95/0989 dated 7th November 1995. The permission included a covered building and ancillary waste storage containers including a concreted base.
12. Following the implementation of the waste use, the original operator began to breach the terms of the planning permission and expanded his operation onto the adjoining unit 13 which is outside the permitted waste use site boundary. As a result of this action, the County Council in 2004 served an Enforcement Notice (EN) to stop both sets of breaches. The Notice was upheld at appeal in December 2005.
13. The current operator and applicant came onto the site soon after. He reversed the breaches and drew the activity back to within its unit 6 boundary. However, periodic breaches have resumed. The use of unit 6 as a waste transfer facility remains active albeit without the provision of a covered building within which waste is required to be processed. That was demolished in 2009.
14. Units 13 and 14 have also been used by the operator, without the benefit of planning permission, for the complementary parking and hiring of skips and ancillary purposes incidental to the waste transfer use.
15. Unit 13 is currently used as a skip hire and storage area with a weighbridge. However prior to this, the unit was used to store surplus waste arising from unit 6. That breach

has ceased, in favour of the uses retrospectively applied for in the allied application, reported as Item C4 of these papers.

16. In 1993, unit 13 was granted planning permission for open storage uses including the provision of a portacabin office and 7 car parking spaces
17. The operator is currently using unit 14 to house two single storey portacabins used as his company office and staff canteen. There is also provision for vehicle parking. Previously, unit 14 was granted planning permission for use as a regional depot for telecommunications contractors under MA/97/0916 in December 1998. The permission included the erection of warehouse, office and secure store with security fencing and hardstanding.
18. Following extensive discussions with the operator and his agent, a planning solution has been proposed to the activities across the three units and endorsed in principle by the Regulation Committee at its 9th September 2010 Meeting. The scheme contained a commitment to comply with planning regulations and the confirmed Enforcement Notice. This has since been honoured, pending the outcome of this and the related (unit 13 and 14) application, reported as Item C4 of these papers.

Proposal

19. The proposed development includes a continuation and enhancement of the current permitted waste transfer use, comprised of a new waste management building, increased throughput and revised operational arrangements.
20. The current waste operation processes two types of waste streams: construction, demolition and excavation, and Commercial and Industrial waste. The waste is brought onto site, tipped onto the concreted apron and sorted for recycling and transfer.
21. According to the operator the proposed building would facilitate the continued operation of an approved waste transfer facility with amenity impacts contained and no appreciable impact on the surrounding road network. Furthermore, the industrial estate contains industrial warehouse buildings of similar size and therefore would not appear unduly out of place.

Proposed new waste management building

22. This part of the overall site development, is for a building within unit 6 to conclusively contain the current waste transfer use including revised parking and access provision.
23. The original covered building had a floor area of 150sqm and mono pitch roof design rising to a ridge height of 6 metres. The building was also open-fronted and located along the northern boundary with the opening elevation facing southward.
24. The proposed replacement building is of similar mono-pitch design but fully enclosed and would cover a much larger floor area, approximately 825sqm (33 metres wide and 25 metres in depth). This building would take up three quarters of the site leaving the final quarter for vehicle manoeuvring and ancillary waste processing operations. The proposed building is also larger in terms of its height at 6.5 metres to eaves rising to 8.75 metres to the full ridgeline (see Fig 3: Building Elevations). The operator is seeking to incorporate and contain all the waste processing activity within the proposed building.
25. The base of the proposed building would be made up of 3 metre high concrete panel

plinths on top of which would sit grey profiled plastisol sheeting. This would reinforce the structural integrity of the building and the colour would assist in softening its visual appearance. The roof covering would also contain a series of translucent roof lights to increase natural light entering the building. Other than the roller shutting door, no openings are proposed in any of the elevations.

26. The applicant's justification for proposing a large building is so that it is 'fit-for-purpose' in terms of being able to accommodate the entire waste processing operation and use of modern machinery under one roof. A full size roller shutter door is included within the design to ensure enclosure of the use. This size and design building would also overcome in his view the operational difficulties encountered with the previous building and assist in overcoming concerns arising from dust, odour and noise emissions
27. The proposed building would be located along the south-eastern boundary and be within close proximity to existing buildings located in the adjoining units. The front of the building would face northwest and would allow direct access for waste vehicle.

Proposed increase in throughput

28. An upgraded and better equipped site, would in the operator's view allow an increase in waste throughput, from 25,000 tonnes to 38,400 tonnes per annum. This would be made of 30,000 tonnes of C&D waste and 8,400 tonnes of C&I waste. None of the waste material processed on unit 6 would be stored or processed on units 13 or 14. However, units 13 and 14 would be used in concert with the waste processing use on unit 6.
29. The proposed increase in waste throughput would result in an additional 13,400 tonnes of waste being processed from the site. However, the operator is not proposing to increase daily vehicle movements for importing and exporting waste material to and from the site. A condition (9) was imposed on the original waste permission to restrict vehicle movements to 30 per day (15 in and 15 out). The operator is proposing to accept this restriction as part of the proposal.

Proposed new operational arrangements

30. Although this application proposes a replacement building for the waste use on unit 6, units 13 and 14 (which are considered in item C4 of these papers) would serve a complimentary function to the overall waste operation. By displacing the skip hire and storage use onto unit 13 and ancillary office and staff room onto unit 14, the applicant claims that it would enable the waste use to function more efficiently by freeing up more operational space and allowing dedicated waste processing within unit 6.
31. In addition to the proposed replacement building the application also seeks to regularise the existing common access, which was installed without the benefit of planning permission.

Future Perspective

32. To place this application and its counterpart under Item C4 of these papers in a forward and rolling perspective, I should inform Members that the operator's planning consultant has said that:

"..... [it is]...our client's intention to submit a planning application for the whole site comprising Units 6, 13 and 14 for a composite use of waste transfer site and skip hire depot with an expanded capacity and new buildings. This would provide the necessary

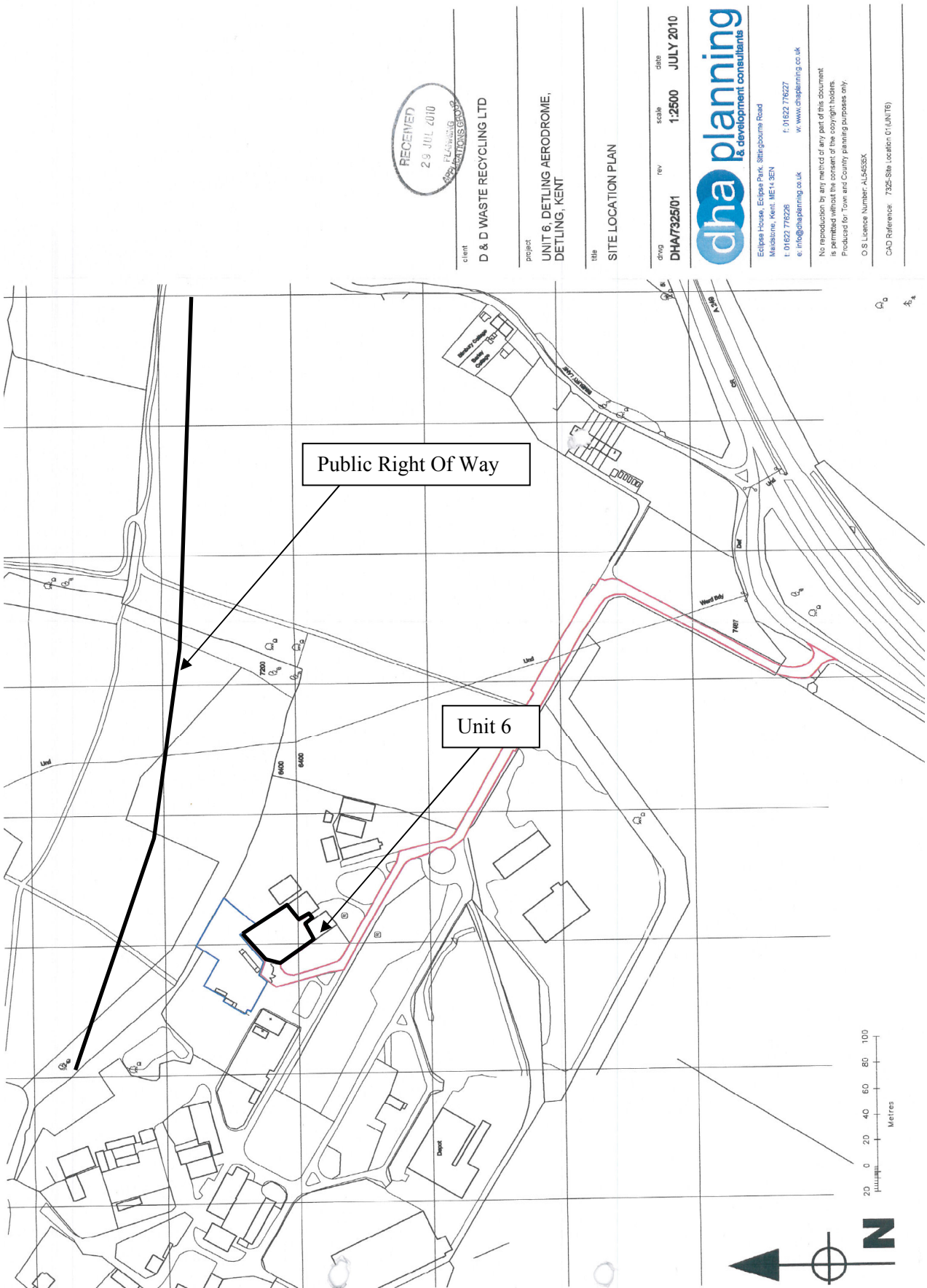
Fig

1:

Site

Location

Plan



RECEIVED
29 JUL 2010
PLANNING
DEPARTMENT
MAIDSTONE BOROUGH COUNCIL

client
D & D WASTE RECYCLING LTD

project
UNIT 6, DETLING AERODROME,
DETLING, KENT

title
SITE LOCATION PLAN

drawn
DH47325/01

rev
1:2500

date
JULY 2010

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CAO Reference: 7325-Site Location C1(UNIT6)

Fig 2: Site Layout Plan

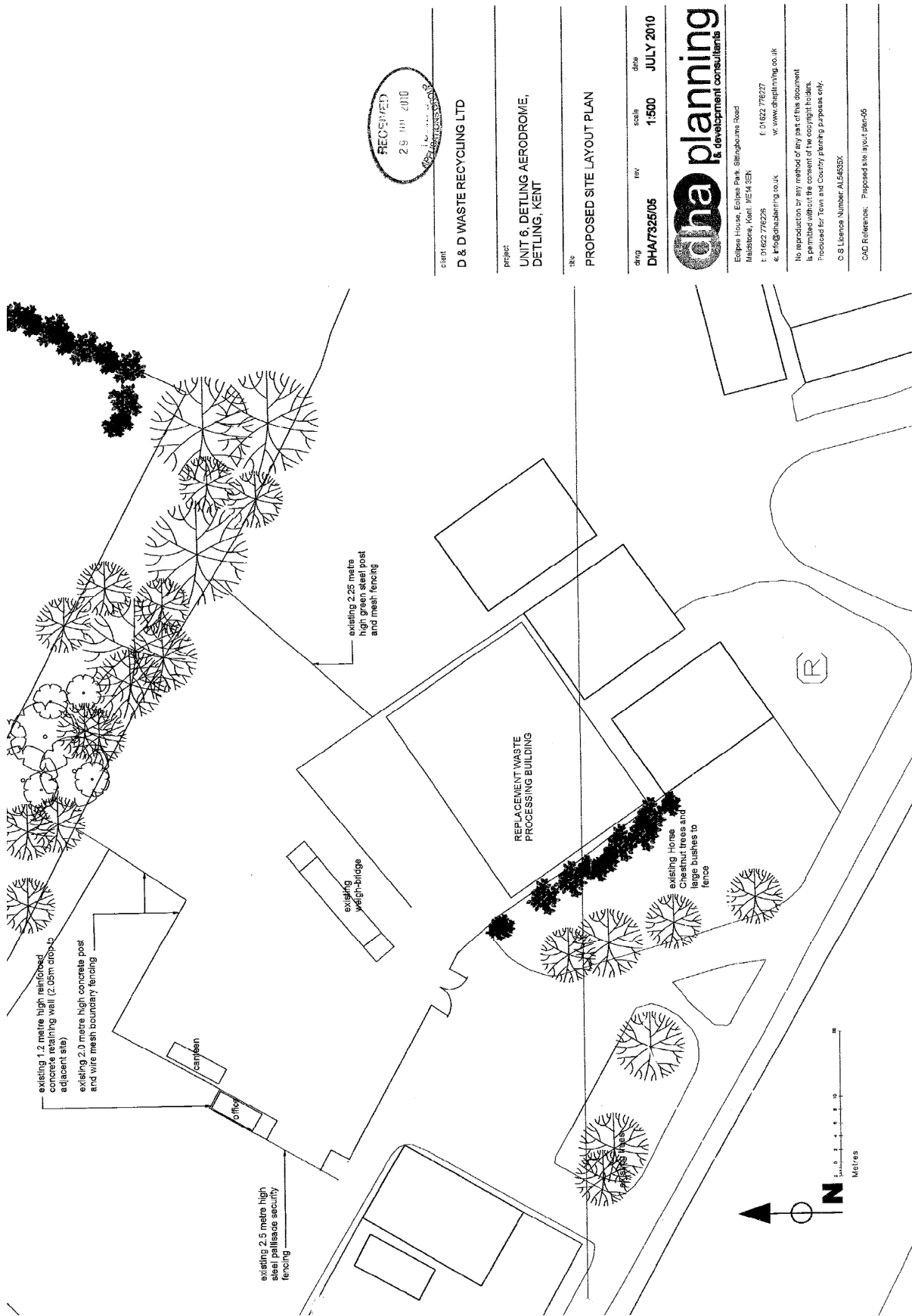
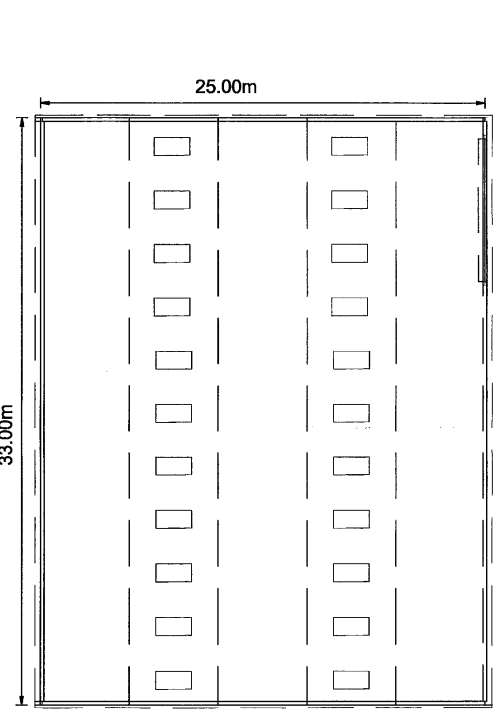
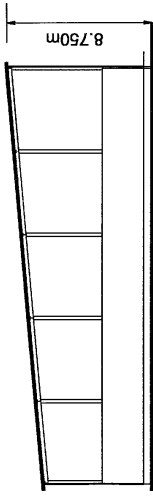


Fig 3. Building Elevations



FLOOR PLAN

DETAILS SPECIFICATION
 a. Trial framework to form enclosed mono-pitch bay
 b. Concrete panel inner wall to a height of approx
 c. Walls and roof Upvc
 d. Excavator shovelling. Albatross BS18B17 or
 e. Albatross BS18B17 or
 f. optional rooflights.
 g. 8.0metre wide electronic roller shutter door to
 h. elevation.



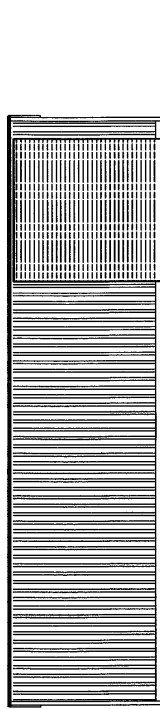
TYPICAL CROSS-SECTION



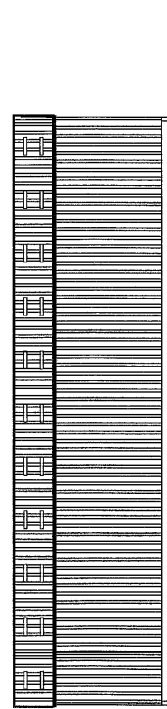
SOUTH-WEST ELEVATION



NORTH-EAST ELEVATION




NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION



client:	D & D WASTE RECYCLING LTD
project:	UNIT 6, DETLING AERODROME, DETLING, KENT
file:	REPLACEMENT WASTE PROCESSING BUILDING, PLAN & ELEVATIONS
dwg:	DHA7325/06
rev:	1,200
scale:	1:200
date:	JULY 2010



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A2

investment basis to allow his business to expand in due course and will be derived from his business plan. The current proposals for the replacement building and the proposed application for the use of Units 13 and 14 can be regarded as the first phase of the scheme.”

Planning Policy Context

33. The Development Plan planning policies summarised below are relevant to consideration of the application:

National Guidance – The most relevant guidance to this application is set out in PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).

South East Plan (2009) – The most relevant policy is W7 (priority to safeguarding and expanding suitable sites within an existing waste management use).

Important note regarding the South East Plan:

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 (the South East Plan in the case of Kent) were re-affirmed as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities 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. The 10th November 2010 Quartermain Letter has since been challenged in the High Court with the outcome, that the intention of the Secretary of State to dispense with the services of the South-East Regional Plan is a material planning consideration in its own right. Account must still be taken of the Plan as such but a judgment needs to be made by Planning Authorities as to the degree of weight to be attached to its provisions in the context of individual cases.

That stands as the latest judgement on the matter, subject to the outcome of a further appeal, which has now been lodged within the Supreme Court. A hearing and further judgment is awaited.

Kent Waste Local Plan (1998) – The most relevant saved policies are W3 (Locational Criteria), W6 (Consideration of need), W9 (Locational criteria for waste transfer stations), W18 (Control of noise, dust & odour), W19 (Groundwater protection), W22 (Provision for adequate access arrangements including the need for any off-site highway improvements), W25 (Plant and Buildings), W27 (Safeguarding of Public Rights of Way) and W31 (Visual Impact and Landscaping).

Maidstone Borough Council (2000) – The most relevant saved policies are ENV28 (Countryside), ENV 31 (Strategic Gap), ENV33 (Kent Downs AONB), ENV34 (Special Landscape Area) and ED2 (Employment Land).

The industrial estate is designated as an 'employment area' for Class B1 and B2 uses under the adopted Maidstone Borough Council Local Plan (2000).

Consultations (final comments)

34. **The Divisional Transport Manager** – has raised no objections to the application in respect of highway matters.
35. **Maidstone Borough Council** – has raised no objections to the development.
36. **Stockbury Parish Council** – has raised no objection and recommend approval.
37. **Environment Agency** – has raised no comments.
38. **Jacobs** – has raised no objection to the proposal regarding noise, dust and odour.

Representations

39. The application has been publicised by site notice, newspaper advert in the local press and letters to all commercial properties within 250 metres of the application site. As a result of this consultation no comments were received.

Local Member

40. The County Council Member Jenny Whittle was consulted and, to date, no comments have been received.

Discussion

41. 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 (33) above are of greatest relevance.
42. It is important for Members to note that this proposal has attracted no objection from the consultation or neighbour notification process and therefore could have been determined under delegated authority. However, this application and the application for units 13 and 14 (MA/10/1931) on item C4 of these papers are interlinked. The latter proposal has attracted objection and must therefore be reported. Given the interdependency of the two submissions, I consider it is therefore appropriate for both applications to be considered by Members, in tandem.

Main issues:

43. The main determining issues, in my view, are the:
 - Case of need for the proposed development; in general and for the use of this particular site.
 - Suitability of the location itself for the proposed use.
 - Likely amenity impacts and available safeguarding measures

Case of need

44. The general case of need for an increase in waste handling capacity of the type proposed is acknowledged. It is further noted that the Detling Airfield Industrial Estate is conveniently located between the urban areas of Sittingbourne, Maidstone and the Medway Towns. Access is readily available to the primary route network, via the A249. A definable catchment area exists, which has been serviced since 1995 by the current permitted waste transfer station. A pattern of need is apparent. The point now at issue is the degree to which that need may further be met at this particular site?

Suitability of the site for enhanced waste handling

45. Kent Waste Local Plan (KWLP) 'saved' Policy W9, sets general criteria for assessing the suitability of waste transfer stations within site contexts.

Environmental and Amenity Impacts

46. The first criterion is that any scheme should seek to minimise environmental and amenity impacts. Development that gives rise to unacceptable impacts should not be permitted.
47. In terms of the environmental issues arising from the use of the site the operator would be constrained and controlled by the terms of a waste permit issued by the Environment Agency.
48. The proposed building would exceed the size and scale of the originally permitted building. Nevertheless, there is a rationale for an increase in size and scale at the site. Unlike the originally approved and subsequently demolished building, the proposed covered building would be fully enclosed from all four sides and would enable the waste processing activity to be fully contained. The proposed size of the building would also afford modern waste plant and machinery sufficient clearance to operate and manoeuvre efficiently in and out of the building. I am therefore satisfied that waste processing within the proposed building would be acceptable and in accordance with development plan policies.
49. The operator has advised that the site would have a waste throughput of 38,400 tonnes per annum. If Members are minded to permit the overall scheme, this waste throughput rate could be conditioned.
50. The estate is characterised by large commercial buildings that are clad in metal sheeting and painted either dark green or, more recently grey colour. The height, bulk (itself reduced by the mono-pitch rising from back to front) and design of the proposed waste management building should also readily be absorbed within the context of similar size buildings within the industrial estate. In my opinion, the proposed building would not appear unduly out of place or dominant in the landscape. The impact upon the landscape and the AONB would be minimal. Furthermore, the boundary planting of the estate would soften the visual impact of the structure from the wider setting particularly from views into the site from the north.
51. With the displacement of the complimentary and ancillary waste uses onto units 13 and 14, the space in front of the proposed waste building would allow waste vehicles and machinery to manoeuvre within the unit more effectively with fewer obstructions. That would be reinforced by the separate statutory need to reduce the potential of any health

and safety issues arising. The revised layout would in my opinion result in a more efficient and enhanced waste management operation.

Ready Access to the Main Road Network

52. The second criterion is for ready access to the main road network. The industrial estate is accessed off the primary road network, the A249. That is available and KCC Highways further confirm that the proposed enhanced throughput may be accommodated within the existing site access arrangements and available road capacity.

Location within the context of other Waste or Industrial Uses

53. Location within or adjacent to existing waste management facilities, or within an industrial setting, is the third criterion within KWLP Policy W9. The site again qualifies on those grounds and indeed, all three criteria under the policy are in my opinion adequately met.

Amenity impacts and available safeguarding measures

54. In my view, the proposed waste management building, would improve the condition of the site and the way in which waste is processed. Currently, the waste is brought onto the site and processed in the open. That is in part due to the unfortunate demolition of the site building but even with that in place, the advantages of a larger and properly appointed building would be self-evident. That would include in my opinion an enhanced ability to control and contain amenity impacts intrinsic to a mixed waste transfer activity.
55. Modern noise, dust, odour and related safeguarding measures, would also be possible within the proposed purpose-built structure. The building itself in my opinion would present no overriding visual impact, from vantage points within the adjoining AONB and related Public Rights of Way which is located 100 metres north of the site. The intrinsic design of the proposed building and 'cloaking' effect of surrounding industrial buildings of similar or even larger size and scale (see paragraph 50 above), should provide sufficient visual protection and is acceptable in planning policy terms.
56. In addition to KWLP Policy 9, I am satisfied that the proposed development further meets the safeguarding requirements of KWLP Policy W18, which seeks to ensure that the planning authority is satisfied with the means of controlling noise, dust and odour before planning permission is granted.

Conclusion

57. In conclusion, the proposed enhanced waste transfer facility at Unit 6 at Detling Industrial Estate, would be positioned to serve an existing catchment area but to a greater level of throughput. The size and scale of building required could be accommodated on site, given in part the proposed displacement of support facilities on to the adjoining Units 13 and 14. Subject to Members consideration of the companion report in item C4, the complementary skip hire and storage use would be regularised in the process. In my opinion, the dedicated waste building would be absorbed visually within the company of similar and even larger buildings nearby. Associated traffic flows would also be within highway capacity. A predominantly covered facility, with a central and fully enclosed building, offers the opportunity of modern waste management techniques being introduced to a current open-air use. Associated amenity safeguarding would also be possible. Furthermore, scheme provides the opportunity for modern

controls over the site which has a planning and enforcement history.

58. On balance, I conclude that given the general case of need for further waste transfer capacity, as it translates to this particular site and lack of any overriding amenity impacts, that the scheme is worthy of support. The control and containment advantages of a modern and enclosed facility, reinforces in my opinion the overall acceptability of the scheme.

Recommendation

59. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions including amongst others those to cover the following aspects:

- Development to be carried out within five years
- Development to be carried out in accordance with the scheme as submitted and approved plans
- Details of the external materials to be submitted and approved by the County Council
- Restriction of waste types
- Restriction of waste processing throughput to 38,400 per annum
- Vehicle movements shall be restricted to 30 per day (15 in and 15 out)
- No waste processing outside of the waste building
- No external storage of any waste materials
- Hours of operation
- Operational safeguarding measures to control noise, dust, odour, vibration and mud and debris on the road.

Case Officer: Sav Patel

Tel. no. 01622 221053

Background Documents: see section heading.
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Item C4**MA10/01931 – Change of use of land at unit 13 and 14 of Detling Aerodrome Estate to provide for skip hire depot including retention of existing portacabins for use as office, canteen and toilet (dual use with adjoining waste transfer facility – Unit 6).**

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2011.

This application has been submitted by DHA Planning on behalf of the operator D&D Waste Recycling Ltd for planning permission for change of use of land to provide for a skip hire depot including retention of existing portacabins for use as office, canteen and toilet (dual use with adjoining waste transfer facility) at units 13 and 14, Detling Aerodrome Estate, Detling, Maidstone. This application should be read in conjunction with Item C3 on these papers, which proposes an enhanced and enclosed waste transfer use on the adjacent unit 6.

Recommendation: Permission be granted subject to conditions

Local Members: Jenny Whittle

Unrestricted

Site description

1. The application site is located within a well established industrial estate, formerly used as an airfield by the RAF. The estate is located north of the A249 between Maidstone and Sittingbourne and is isolated from the surrounding settlements of Detling and Stockbury. There is a small group of houses approximately 300 metres south of the estate along Bimbury Lane.
2. The estate is also located within the North Downs Area of Natural Beauty and is predominately surrounded by open countryside and areas of woodland. There is also a public footpath that is located north and running parallel with the estate. It is located approximately 100 metres from the estate boundary (See fig 1 Site Location Plan).
3. The estate has grown organically around, and on, the footprint and associated buildings of the former RAF airfield. The layout of the former airstrip acts as the main spine of the estate around which vehicles circulate. The estate consists of a variety of industrial uses operating within B2 (General Industrial) or B8 (Warehouse & Distribution) use classes.
4. The piecemeal way in which the estate has been developed has resulted in various styles and sizes of sites and warehouse/industrial buildings, many of which have area of open storage within their individual compounds.
5. The internal ring road is in relatively good condition although there are areas that are in need of repair. The main link road between the A249 and industrial estate is in relatively good condition.
6. The estate boundary is defined by a combination of fence and landscaping. The estate

also contains a variety of trees that are scattered around the estate, most of which are protected by a Tree Preservation Order (No.1 1992). The tree species include Birch, Horse and Sweet Chestnut, Sycamore, Oak, Ash and Holly (See Fig 2: Site Layout Plan).

7. The application site comprises units 13 and 14 on the estate and is located on the northern side of the estate, is set back from the internal ring road by a grass and gravel track. The site is bound by a combination of 2.5 metre high steel palisade security fencing and wire mesh fencing. Both units are contained within the perimeter fenced boundary, This further includes the adjoining unit 6, which is the subject of a companion report as Item C3 within these papers. The northern perimeter of the site is defined by a tree-line boundary.
8. Unit 13 is currently surfaced with a mixture of concrete and ballast. It is proposed that the vehicle parking area is fully concreted and drained to the existing sealed facility that serves unit 6. The operator believes that this is fully compliant with the need to eliminate any pollution through surface water run-off. Unit 13 is mainly used to store empty skips and also has a built in weigh bridge.
9. Unit 14 contains two single storey mobile buildings, which are located along the western boundary and occasionally used to store skips. The mobile buildings are used as a site office and staff canteen with toilet in connection with the waste operation on unit 6 (see fig 2 Site Layout Plan).
10. There is a small group of residential properties located along Bimbury Lane approximately 300 metres from the site. The properties are unable to access the estate as it is 'one-way' in the direction of traffic travelling along the A249. This ensures separation of residential and estate traffic flows.

Background and Planning History

11. The operator, D&D Waste Ltd leases Units 13 and 14 from EJ Mackeldon & Sons, who own the estate. Previously, all 3 units were separate entities with their own access points and benefited from separate planning permissions and uses. However, in 2006/7 the units were seamlessly joined together and enclosed by a security fence and gate that created a common entrance point into the coalesced site.
12. Units 13 and 14 have been used, without the benefit of planning permission, within that time period, for purposes complementary and incidental to the adjoining waste transfer use (unit 6). The applicant is seeking to regularise the use of these units as a skip storage/hire depot including site office and canteen as part of the existing waste transfer operation. As part of the proposal it is also intended that as and when the need arises skips are hired out from the site commencing at 0600hrs. This is to ensure they arrive at their destination on site to meet the needs of customers.
13. In 1993, unit 13 was granted planning permission for open storage uses including the provision of a portacabin office and 7 car parking spaces. However, the former operator used this unit in conjunction with unit 6 for unauthorised storage of waste materials. A confirmed Enforcement Notice now applies, prohibiting this and related shared activities between the two sites.
14. The operator is currently using unit 14 to house two single storey portacabins used as his company office and staff canteen. There is also provision for vehicle parking.

Previously, unit 14 was granted planning permission for use as a regional depot for telecommunications contractors under MA/97/0916 in December 1998. The permission included the erection of warehouse, office and secure store with security fencing and hardstanding.

Proposal

15. The application is for retrospective planning permission for the use of units 13 and 14 for a skip hire/storage depot including weighbridge (unit 13) and the retention of the existing single storey portacabins used as a site office and canteen/toilet facility, and car parking provision for staff and commercial vehicles (unit 14); all of which form part of a dual use with the existing waste transfer operation on unit 6 (item C3 on these papers).

Site layout

16. The current site layout of both units would not materially change and the current open storage of the metal skips, two single storey portacabins, weighbridge and parking provision would remain in situ (see fig 2). Both units are contained within a security fence, which varies in height, ranging from 2 metres to 2.5 metres.
17. The two single storey portacabins located in tandem along the western boundary of unit 14 are used for office and staff purposes. There is also a weighbridge located in the middle of unit 13 and set back from the front of the common access by approximately 8 metres. Metal skips are stored on both units. .

Proposed operating hours

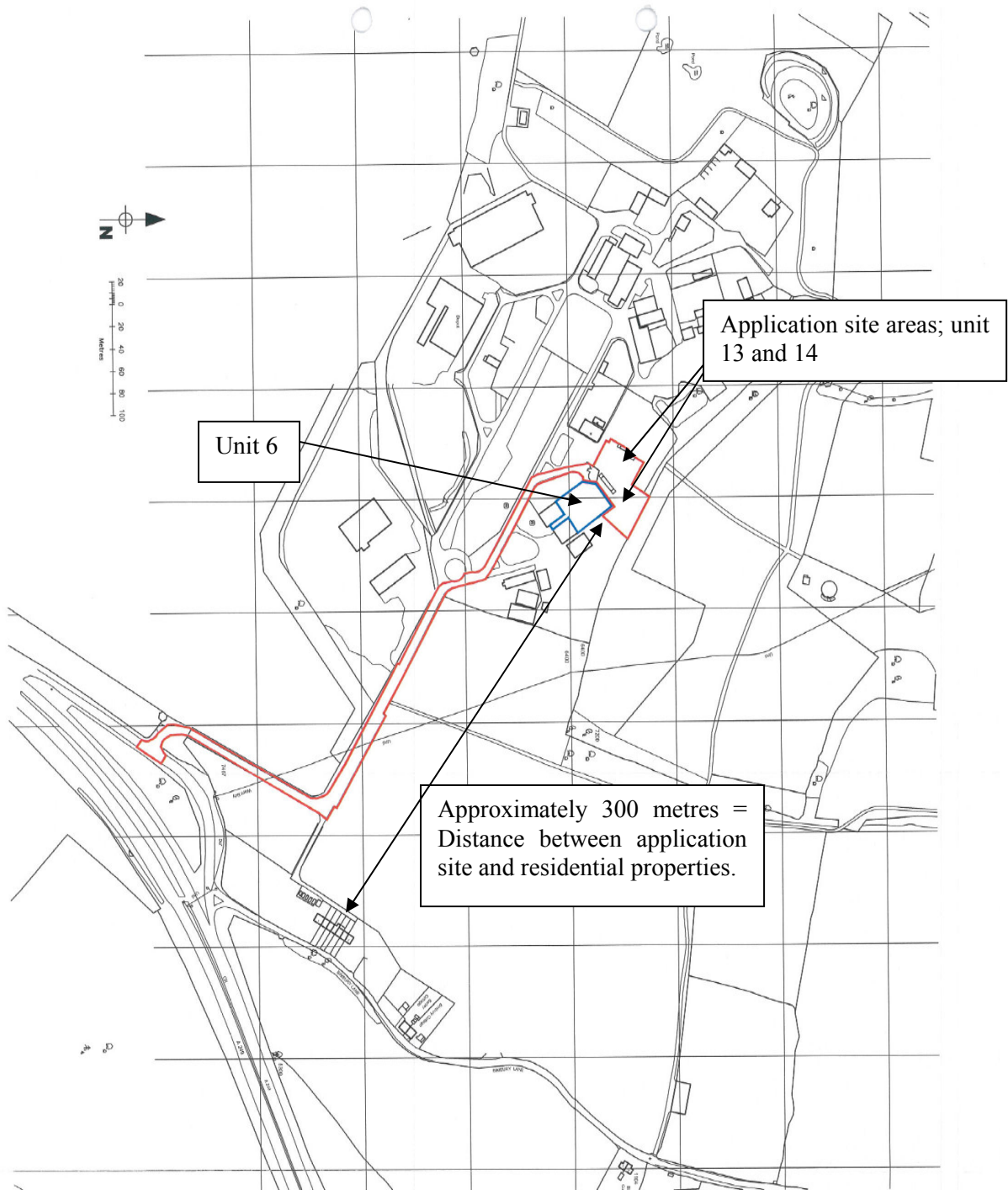
18. The application proposes hours of operation of the skip hire/storage use on unit 13 from those associated with previous uses of 07:00 to 18:00 Monday to Friday and from 07:30 to 13:00 on Saturdays to 06:00 to 18:00 Monday to Friday and from 07:00 to 17:00 on Saturdays. There is no proposal to operate on Sundays or Bank Holidays.

Dual use and ancillary function:

19. Although the proposal is for dual use with the waste transfer activity, no waste material from unit 6 would be stored or processed on units 13 or 14. Instead, they would play an ancillary role by being the location where the administration of the waste activity and staff quarters were located.
20. To place this application and its counterpart under Item C3 of these papers in a forward and rolling perspective, I should inform Members that the operator's planning consultant has said that:

"..... [it is]...our client's intention to submit a planning application for the whole site comprising Units 6, 13 and 14 for a composite use of waste transfer site and skip hire depot with an expanded capacity and new buildings. This would provide the necessary investment basis to allow his business to expand in due course and will be derived from his business plan. The current proposals for the replacement building and the proposed application for the use of Units 13 and 14 can be regarded as the first phase of the scheme."

Fig 1: Site Location Plan



client
D & D WASTE RECYCLING LTD

project
UNIT 6, 13 & 14 DETLING AERODROME,
DETLING, KENT

date
OCT 2010

rev
A

scale
1:2500

drawing
DHAF325/01

Site Location Plan

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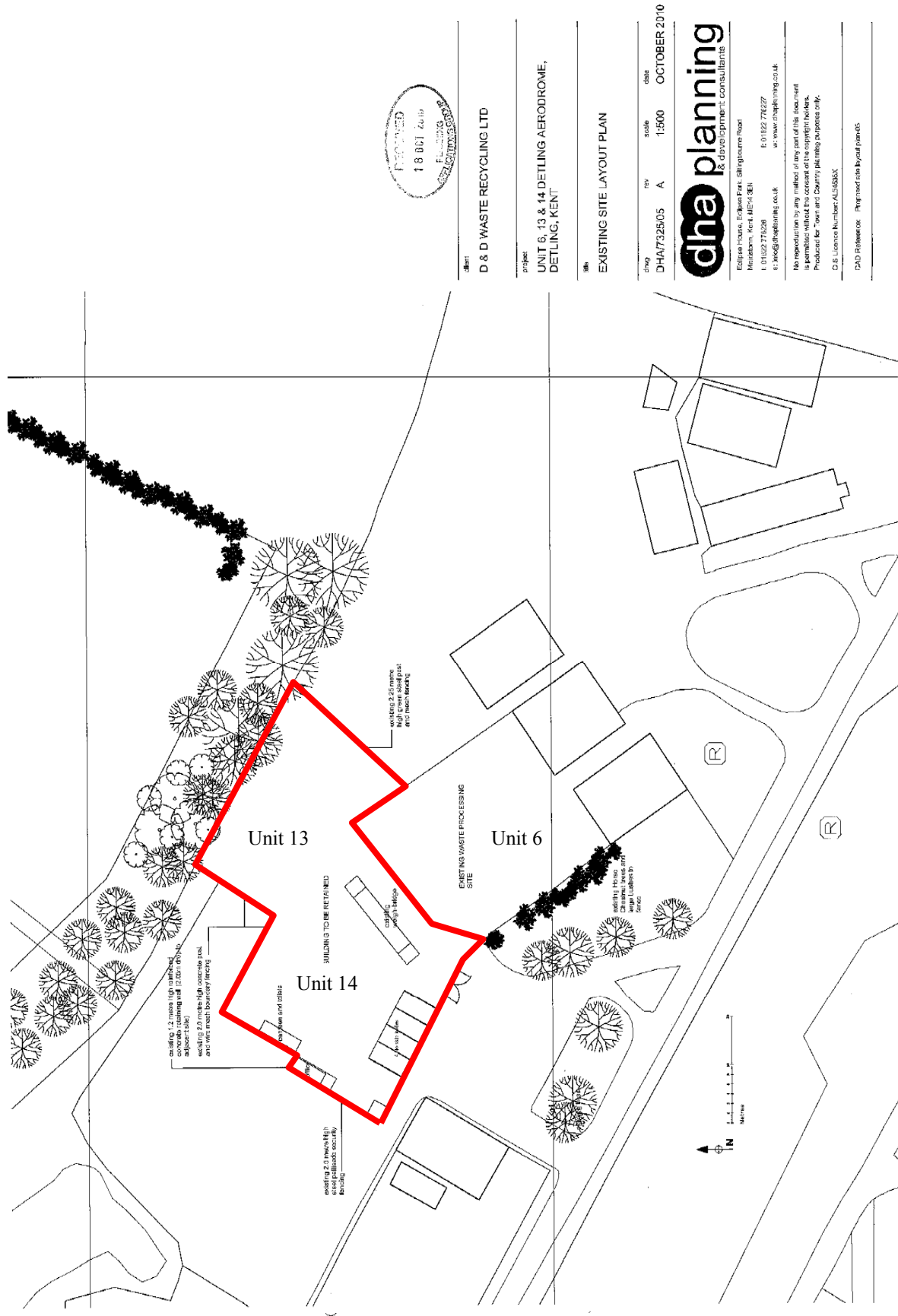
CAD Reference: Site Location Plan 01

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Fig 2: Site Layout Plan



D & D WASTE RECYCLING LTD

project: UNIT 6, 13 & 14 DETLING AERODROME, DETLING, KENT

sheet: EXISTING SITE LAYOUT PLAN

dwg: DHAT7325/05 A rev: A scale: 1:1500 date: OCTOBER 2010

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Planning Policy Context

21. The Development Plan planning policies summarised below are relevant to consideration of the application:

National Guidance – The most relevant guidance to this application is set out in PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).

South East Plan (2009) – The most relevant policy is W7 (priority to safeguarding and expanding suitable sites within an existing waste management use).

Important note regarding the South East Plan:

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 (the South East Plan in the case of Kent) were re-affirmed as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities 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. The 10th November 2010 Quartermain Letter has since been challenged in the High Court with the outcome, that the intention of the Secretary of State to dispense with the services of the South-East Regional Plan is a material planning consideration in its own right. Account must still be taken of the Plan as such but a judgment needs to be made by Planning Authorities as to the degree of weight to be attached to its provisions in the context of individual cases.

That stands as the latest judgement on the matter, subject to the outcome of a further appeal, which has now been lodged within the Supreme Court. A hearing and further judgment is awaited.

Kent Waste Local Plan (1998) – The most relevant saved policies are W3 (Locational Criteria), W6 (Consideration of need), W9 (Locational criteria for waste transfer stations), W18 (Control of noise, dust & odour), W19 (Groundwater protection), W22 (Provision for adequate access arrangements including the need for any off-site highway improvements), W25 (Plant and Buildings), W27 (Safeguarding of Public Rights of Way) and W31 (Visual Impact and Landscaping).

Maidstone Borough Council (2000) – The most relevant saved policies are ENV28 (Countryside), ENV 31 (Strategic Gap), ENV33 (Kent Downs AONB), ENV34 (Special Landscape Area) and ED2 (Employment Land).

The industrial estate is designated as an 'employment area' for Class B1 and B2 uses under the adopted Maidstone Borough Council Local Plan (2000).

Consultations

22. **The Divisional Transport Manager** – DTM has raised no objections to the application in respect of highway matters.
23. **Maidstone Borough Council** – raises no objections to the development.
24. **Stockbury Parish Council** – raises objection: *“The proposed increase in the hours of work to 0600 – 1800 Monday to Friday and 0700 – 1700 on Saturdays is regarded as excessive and unacceptable. Vehicle movements commencing at 0600 hours would have a detrimental effect on properties in the area.*

Stockbury Parish Council recommends REFUSAL of this application.”
25. **Environment Agency** – No objection.
26. **Jacobs (Noise/Dust/Odour)** – has raised no objections to the application proposal regarding noise, dust and odour.

Representations

27. The application has been publicised by the displaying of a site notice and newspaper advert in the local press. Also notification letters were sent to those commercial properties within a 250 metre radius of the application site. As result of this consultation no comments have been received.

Local Member

28. The County Council Member Jenny Whittle was consulted and, to date, no comments have been received. However, Cllr John Horne (Member of Detling and Thurnham) has emailed his support to Stockbury Parish Council's objections.

Discussion

29. 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 (21) above are of greatest relevance.
30. This application is for retrospective change of use to run alongside a separate application for a proposed replacement building at the adjoining unit 6 (MA/10/1932). As this application received an objection and given the interdependency of the two submissions, I consider it proper for both applications to be considered by Members, in tandem.

Main issues:

31. The main determining issues, in my view, are the:
 - Case of need for the proposed development; in general and for the use of this particular site.
 - Suitability of the location itself for the proposed use.
 - Likely amenity impacts and available safeguarding measures

Case of need

32. The general case of need for an increase in waste handling capacity (including skip hire) of the type proposed across units 6, 13 and 14, is acknowledged. It is further noted that the Detling Airfield Industrial Estate is conveniently located between the urban areas of Sittingbourne, Maidstone and the Medway Towns. Access is readily available to the Primary Route Network, via the A249. A definable catchment area for skip hire and associated waste transfer exists, which has been serviced to a degree since 1995 by the current permitted waste transfer station. A pattern of need is apparent. The point now at issue is the degree to which that need may further be met at this composite site and in particular the contribution that units 13 and 14 might play?

Suitability of the site for enhanced waste handling

33. Kent Waste Local Plan (KWLP) 'saved' Policy W9, sets general criteria for assessing the suitability of waste transfer stations within site contexts.

Environmental and Amenity Impacts

34. The first criterion is that any scheme should seek to minimise environmental and amenity impacts. Development that gives rise to unacceptable impacts should not be permitted.
35. In terms of the environmental issues arising from the use of the site the operator would be constrained and controlled by the terms of a waste permit issued by the Environment Agency.
36. In terms of visual impact, there are no buildings within unit 13 or 14 that could be considered as having a detrimental impact to the amenity of the estate and setting of the AONB. Indeed, views into the site from north and from longer views are screened by an existing belt of trees and boundary planting.
37. The existing two single storey buildings, which are 2.5 metres in height, 9 metres in depth and 3.2 metres wide, are located against the western site boundary. Their location against the boundary fence precludes views of them from the estate road and from a wide setting. The buildings are coloured orange, which when viewed in the context of the surrounding use and character of the estate seem acceptable. However, an alternative grey colour would be available by planning condition.
38. The applicant claims that the proposed operational hours would provide flexibility for the skip hire/storage operation to be maintained and help to foster sustained economic growth of the business, which currently employs 10 operatives. The proposed hours would also give the opportunity for drivers to start earlier and finish earlier, so avoiding peak times and traffic flows. The pattern of demand for skips is dictated by the needs of local customers in the Maidstone / Mid-Kent areas. The working hours proposed are designed to synchronise sustainably with such local demand.
39. Aside from the above, consideration must also be given to the fact that the site is located within an active industrial estate where many of the operators either benefit from similar or unrestricted operation hours. In addition to this, the site is located adjacent to the A249 which is a dual carriageway and the main vehicular road link between Maidstone and Sittingbourne. In my opinion, the proposed operating hours are unlikely to have any significant impact on the area or adversely affect the amenity of surrounding residents.

40. In light of the above, the proposed extension to the operating hours is considered to be acceptable on the basis of the site location within the industrial estate and close proximity to the A249.

Ready Access to the Main Road Network

41. The second criterion is for ready access to the main road network. The industrial estate is accessed off the primary road network, the A249. That is available and KCC Highways further confirm that the proposed enhanced throughput may be accommodated within the existing site access arrangements and available road capacity. Units 13 and 14, under their respective extant planning permissions (for open storage with site office, and telecoms contractor's depot, respectively), benefit from unrestricted traffic movements. The applicant advises that the proposed use of the units would not generate any additional vehicle movements over and above that which could be generated from the existing permitted uses of the units. The Divisional Transport Manager has subsequently raised no objection to the proposal on this basis.

Location within the context of other Waste or Industrial Uses

42. Location within or adjacent to existing waste management facilities, or within an industrial setting, is the third criterion within KWLP Policy W9. The site again qualifies on those grounds and indeed, all three criteria under the policy are in my opinion adequately met.

Amenity impacts and available safeguarding measures

43. In my view, the use of the site for ancillary office/canteen and skip storage purposes in connection with the waste use on unit 6 would be acceptable in planning terms. The enclosed site and boundary vegetation along the northern perimeter of the estate would safeguard any adverse visual impact on the ANOB and from the related Public Right of Way north of the site and also on residents along Bimbury Lane, south of the site.
44. In addition to the locational criteria under KWLP Policy 9, I am satisfied that the proposed development further meets the safeguarding requirements of KWLP Policy W18. That policy seeks to ensure that the planning authority is satisfied with the means of controlling noise, dust and odour before planning permission is granted. Jacobs (Noise, Dust and Odour) have raised no objection, which underlines compliance with that particular policy.

Conclusion

45. It has been necessary to consider this application in the context of the companion report under Item C3 of these papers. Units 13 and 14 offer complementary skip hire and support services to the core waste transfer use on the adjoining Unit 6. Planning permission has been recommended for an enhanced waste transfer use within that unit, in part-recognition of the interrelated support available through Units 13 and 14. The cases for both applications are in my opinion mutually supportive. The uses of Units 13 and 14 in this context would be comparable in my view in scale and amenity impact to the independent planning permissions already enjoyed within the two areas.
46. In conclusion and on balance, I can see no overriding planning objection to the complementary and incidental waste-related activities proposed for Units 13 and 14. These would form part of an overall scheme with Unit 6 and would be subject to

overarching planning and Environmental Permitting controls. I am satisfied in that context that the proposed uses could be adequately safeguarded and are in compliance with relevant development plan policies.

Recommendation

47. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions including those to cover the following aspects:

- Development to be carried out within five years
- Development to be carried out in accordance with the scheme as submitted (and approved plans), for the interrelated uses of Units 13 and 14 with the adjoining Unit 6.
- Details of the external materials to be submitted and approved by the County Council
- Vehicle movements directed through the single and common site access for Units 6, 13 and 14 shall be restricted to 30 per day (15 in and 15 out)
- No processing or storage of waste shall be carried out on Units 13 and 14.
- Hours of operation to include 06:00 to 18:00 hrs Monday to Friday and 07:00 to 17:00 hrs on Saturdays.
- Operational safeguarding measures to control noise, dust, odour, vibration and mud and debris on the road.
- The skips that are stored on Unit13 shall not exceed a height of 3 metres from adjoining ground level.
- Unit 14 shall be used for no other purpose than to accommodate the existing site office, canteen facility and car parking area.
- The boundary palisade fencing shall be maintained throughout the use of the site.
- Landscaping along the rear boundary maintained and if necessary replaced.

Case Officer: Sav Patel

Tel. no. 01622 221053

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 proposal dossier for each case and also as might be additionally indicated.

Item D1

Redevelopment of existing school site to provide a new Academy at The Skinners Kent Academy, Land East of Blackhurst Lane and between Sandown Park & Pembury Road, Tunbridge Wells – KCC/TW/0434/2010

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2011.

Application by Kent County Council Building Schools for the Future & Academies Team to redevelop the existing school site to provide a new 3/4 storey Academy; Alterations and additions to existing sports centre; Retention of existing CDT block; External provision of new floodlit all weather pitch on Site 2, 165 car parking spaces and 164 cycle spaces (to replace existing provision), an external amphitheatre, dining terrace and energy centre on Site 1; Relocation of floodlit Multi-Use Games Areas; Reconfiguration of bus set down area and the provision of hard and soft landscaping; The Skinners Kent Academy, Land East of Blackhurst Lane, and between Sandown Park & Pembury Road, Tunbridge Wells (KCC/TW/0434/2010).

Recommendation: Planning permission be granted subject to conditions.

Local Member:	Mr. K. Lynes Mr. J. Scholes (adjoining Local Member)	Classification: Unrestricted
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Site

1. The Skinners Kent Academy (SKA) comprises the existing buildings and grounds of the former Tunbridge Wells High School located to the east side of Tunbridge Wells. The site is located just north of the Pembury Road (A264), the main arterial route connecting Tunbridge Wells town centre with the A21, Pembury Village and other outlying villages further east of the town centre. The site is accessed principally from Blackhurst Lane, with a secondary entrance off Sandown Park. Both are residential streets leading north from Pembury Road. The centre of Tunbridge Wells is located some 2.4km west where Tunbridge Wells railway station is located, whilst the suburban centre of High Brooms and its railway station are located some 2.7km north west. The A21 is situated approximately 1.6km to the east of the application site and provides the only direct road access to the M25 from Tunbridge Wells.
2. Extending to approximately 5.3 hectares in total area, the application site is split into two distinct areas, hereafter referred to as "Site 1" and "Site 2". Additional land owned by the Academy, but not forming part of this planning application, is referred to hereafter as "Site 3". A description of each site is provided below:
 - (i) **Site 1:** Comprises the existing school building campus, located in a predominantly residential area with development surrounding the site being largely detached dwellings. Site 1 is bounded on the east, south and west sides by Blackhurst Lane and Sandown Park residential streets. The rear gardens of properties along Ospringle

**Redevelopment of existing school site to provide a new Academy at
The Skinners Kent Academy, Tunbridge Wells – KCC/TW/0434/2010**

Place back onto the northern boundary of the site and an undeveloped area of trees extends south to meet the junction of Sandown Park and Blackhurst Lane. A block of key worker flats and associated parking (known as Cecil Kirby House) is located adjacent to the north-eastern corner of the site. The main vehicular entrance to Site 1 is from Blackhurst Lane to a dedicated car park, with two further secondary vehicle access points off Sandown Park used by school buses to pick up and drop off pupils. A student access provides pedestrian only access from the southern part of Blackhurst Lane into the heart of the school campus. The boundaries of Site 1 are generally well defined by a dense margin of mature trees, evergreen shrubs and native hedgerow which to a large degree visually contain this site. The northern boundary, which is only enclosed by a timber close-boarded fence, forms a sensitive edge with the adjoining block of key worker housing and gardens of private residences in Ospringe Place. Site 1 contains a publically accessible sports centre (known as the Blackhurst Lane Sports Centre) and two external floodlit Multi-Use Games Areas (MUGAs) with eight metre high lighting columns. The Sports Centre and external sports facilities are used by both the existing Academy, and in the evenings and weekends outside of school hours for community use. Community use of the sports centre and floodlit MUGAs is restricted by planning condition to between the following time periods: -

During school term periods:

Monday-Friday: 18:30-22:30;

Saturdays, Sundays and Bank Holidays: 08:30-22:30

During school holiday periods:

Monday-Friday: 10:00-16:30 and 18:30-22:30;

Saturdays, Sundays and Bank Holidays: 08:30-22:30

Site 1 is located within the urban area of Tunbridge Wells and is defined within the Limits to Built Development within the Tunbridge Wells Borough Local Plan. The southern part of the site falls within the Pembury Road Conservation Area. The site does not contain any protected trees and is not located in any other designated area of environmental or landscape importance.

(ii) **Site 2:** Forms the existing playing fields for the Academy located on the east side of Sandown Park and physically detached from Site 1. The topography of Site 2 rises approximately 2 metres in a gentle slope from the north adjacent to Sandown Park (approximately 150m AOD) to the south adjacent to Pembury Road (approximately 152.6m AOD). The site is bounded by Pembury Road along its southern boundary where a 2 metre high timber close-boarded fence has recently been installed behind a hedgerow and linear tree planting adjacent to Pembury Road. The site is bounded by the rear garden of properties along Sandown Park along the south western side of the site where established tree and evergreen vegetation is present. On the north eastern side rear gardens of properties in Sandown Close back onto the site, with the grounds of the Leonard Cheshire Disability Seven Springs care home adjoining most of this boundary. Site 2 is secured by a substantial hedge with a timber close-boarded access gate along the boundary with Sandown Park and significant screening along the south western and north eastern sides from trees and shrubs located along these boundaries. It is acknowledged that intermittent gaps are present within this existing vegetation screening, notably on part of the northern section of the north western boundary, and a southern section of the south eastern boundary, the latter being adjacent to several residential bungalows occupied by the Seven Springs care facility. Access to the site is largely pedestrian (with limited emergency vehicle access) and is

**Redevelopment of existing school site to provide a new Academy at
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solely from Sandown Park. In the south eastern corner is a disused brick built subway which provides pedestrian access, under the Pembury Road, to Site 3. Site 2 is located within the urban area of Tunbridge Wells and is defined within the Limits of Built Development within the Tunbridge Wells Borough Local Plan. The far south edge of the site (nearest to Pembury Road) falls within the Pembury Road Conservation Area. Site 2 is also located adjacent to two Areas of Landscape Importance (defined by Local Plan Policy EN22) to the east and west, and an Important Landscape Approach to the south along Pembury Road (defined by Local Plan Policy EN23). The site does not contain any protected trees and is not located in any other designated area of environmental or landscape importance.

(iii) **Site 3:** Comprises additional land owned by the Academy and is located on the southern side of Pembury Road. It comprises a substantial area of fallow grass and woodland. The land is currently not used by the Academy, but parts are used as ancillary land by Oakwood School which is located immediately adjacent to the north east. Site 3 does not form part of the planning application area, although it is shown within this planning application as land under the ownership of the applicant. Site 3 falls within the Metropolitan Green Belt and High Weald Area of Outstanding Natural Beauty. It also contains a number of high value specimen trees.

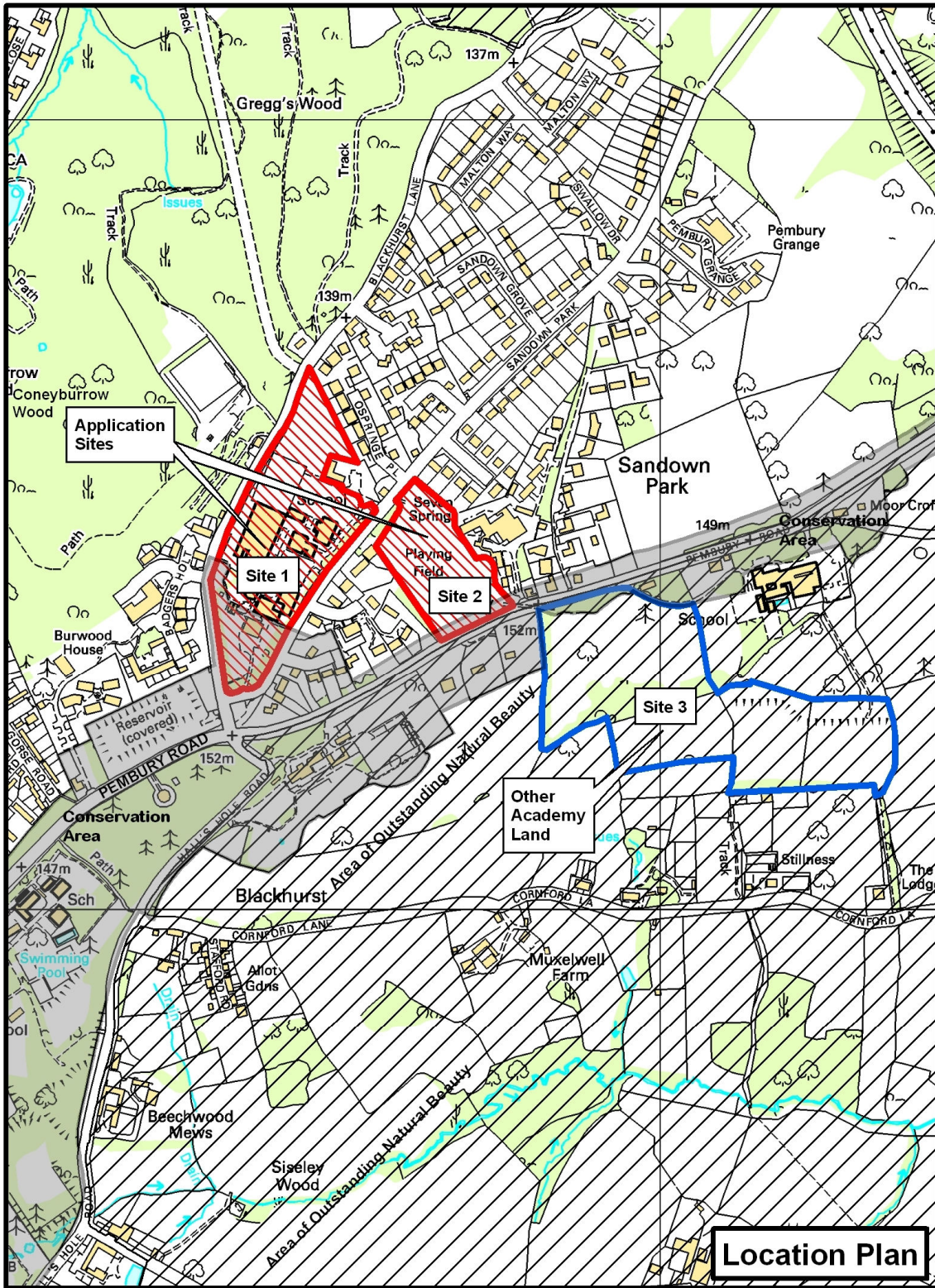
3. Ancient woodland (Gregg's Wood) is located north west of Site 1, with two Local Wildlife Sites (Gregg's Wood and Coneyburrow Wood) located to the north west of Site 1. These areas are also within the Rural Fringe as identified in the Tunbridge Wells Borough Local Plan. The nearest Site of Special Scientific Interest (Pembury Cutting & Pit) is located approximately 1 kilometre north east of the application sites. There are no Public Rights of Way within the application sites, nor are there any Listed Buildings within the immediate vicinity.
4. Vehicular access to the Skinners Kent Academy site is obtained from the town centre direction (from the west) or from the Pembury direction (from the east) via an existing 4 arm junction on Pembury Road. This junction is met by Blackhurst Lane to the north and Halls Hole Road to the east. Congestion problems are experienced at this junction on a daily basis, resulting in road users experiencing substantial difficulties exiting from both Blackhurst Lane and Halls Hole Road onto the Pembury Road on the basis of priority movements into and out of the town centre. At present this junction does not benefit from traffic signal control, but instead has a modest central refuge area for cars to wait when turning off the Pembury Road to either Blackhurst Lane or Halls Hole Road. An existing traffic signal pedestrian crossing is located just west of this junction.
5. A site location plan identifying Sites 1, 2 and 3 together with the key landscape and heritage designations can be found on page D1.4. A wider location plan identifying the geographic position of the Academy within the context of Royal Tunbridge Wells can be found on page D1.5.

Background and Site History

6. The Skinners Kent Academy (SKA) formed in 2009 as part of the previous government's Academies programme. The Academy forms the lead project in the Kent Batch 2 Academies programme and the creation of a new school site and buildings forms a crucial part of the delivery of this programme. The Academy comprises the former Tunbridge Wells High School and operates from an existing split campus. The school is permitted to allow the schooling of up to 960 pupils (**see important note below*) and

**Redevelopment of existing school site to provide a new Academy at
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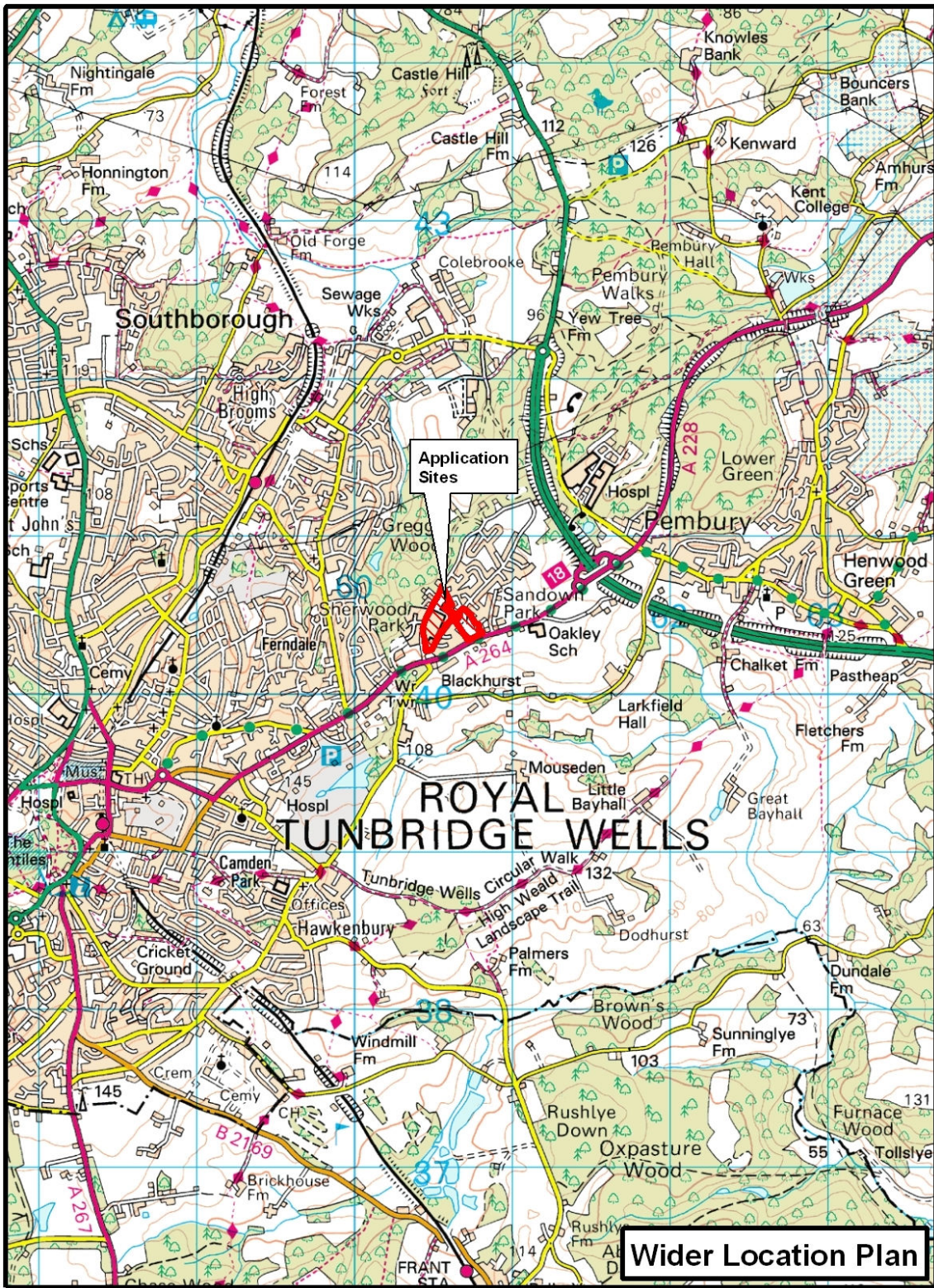
Site Location Plan



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Wider Location Plan



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Site 1 Layout Plan



Revision: G
 Status: Final
 Date: 04.02.11
 Date: 04.02.11
 Date: 04.02.11

Dwg No.: W103218102
 Scale: 1:500 @ A1
 Drawn By: JLN
 Checked By: KD
 Approved By: AL

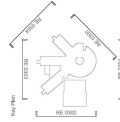
Skidders Kent Academy
 Landscape Masterplan

whitelaw turkington
 WILLMOTT DIXON

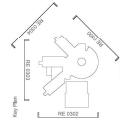


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Typical Elevations



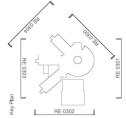
 Kent County Council
 WILMOTT DIXON STUDIO ARCHITECTS
Skinners Kent Academy
South Elevation
Scale: 1/500 (A1) Date: 21.03.2011



 Kent County Council
 WILMOTT DIXON STUDIO ARCHITECTS
Skinners Kent Academy
North East Elevation
Scale: 1/500 (A1) Date: 21.03.2011

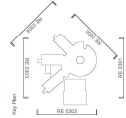
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Typical Elevations



North Elevation
 Scale: 1:1000 (A1) - 1000 (A1) (1000.00m) - 1000.00m - 1000.00m - 1000.00m - 1000.00m

Skinners Kent Academy



West Elevation
 Scale: 1:1000 (A1) - 1000 (A1) (1000.00m) - 1000.00m - 1000.00m - 1000.00m

Skinners Kent Academy



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approximately 125 staff but currently operates significantly under capacity. Tunbridge Wells experiences lots of commuting out to schools elsewhere because of the lack of choice as Skinners Kent Academy is the only non-selective secondary school in the town. The new Academy would seek to reverse this trend and attract more pupils as first choice from within the town by significantly improving the educational offer through a shift in teaching focus and practice and the substantial upgrade and improvement in teaching facilities and in the built and natural environments.

** Important Note on Capacity Assumptions:*

The School is permitted to allow the schooling of up to 960 pupils. This figure represents the maximum number of pupils the site can theoretically accommodate under its lawful planning usage and under currently accepted education space standards. This figure is the realistic potential of the site in planning terms as no further planning consent is required for the site to accommodate up to 960 pupils.

A second threshold of 750 is a negotiated baseline assumption used within this planning application for transport modelling purposes. This figure was agreed by the applicant, the Planning Authority and Kent Highway Services and represents a much more robust position on the traffic effects of granting planning permission for buildings with a proposed 1150 pupil capacity, as the difference between 750 and 1150 is greater than between 960 and 1150. Transport modelling has therefore assumed a greater increase in the pupil roll than might occur if the site was at its maximum allowable capacity (i.e. 960 pupils).

7. The main sponsor for the project is the Skinners' School. The co-sponsors for the project are West Kent College and Kent County Council. The role of the sponsor is to help develop the culture and direction of the new Academy. The sponsor will also hold a number of seats on the governing body which is typically smaller than a maintained school's governing body.
8. Various stakeholder engagement sessions were undertaken by the applicant as part of this projects development. First, a pupil engagement session was undertaken to help shape the layout, internal and external areas of the Academy to reflect as far as possible student's ideas and identified needs. Pre-application meetings were held with the County Planning Authority and a public exhibition was held at the Skinners Kent Academy (SKA) in November 2010 by the applicant to allow the public the opportunity to view the proposals in advance of the formal planning application being submitted. A second public exhibition was held by the applicant at the end of January 2011 after the initial period of consultation and neighbour notification undertaken by the County Planning Authority. The second public exhibition was organised by the applicant in response to the concerns raised by local residents at the initial planning application consultation stage. At the second public exhibition a number of amendments were outlined by the applicant and residents' views on these changes were sought. It is important to note that these stakeholder engagement sessions (including the two public exhibitions) did not form part of the formal planning application process undertaken by the County Planning Authority. Further information was submitted by the applicant shortly after the second public exhibition amending and amplifying the planning application. These changes are discussed throughout this report.
9. There have been a relatively few number of planning permissions granted for development at the site, the key applications include the following:
 - In 1997 outline planning permission was granted by Tunbridge Wells Borough Council (under application reference: TW/97/00925) for the demolition of the existing sports hall and swimming pool and the construction of a new sports hall, changing

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and reception area and two new Multi Use Games Areas with floodlighting. The hours of use of the sports hall and floodlit MUGAs are controlled by planning condition – the details of which have been outlined in paragraph (2i) above;

- A 'Reserved Matters' application was granted by the Borough Council (under application reference: TW/99/00440) relating to the outline consent for the new sports hall and floodlit sports pitches;
- Permission was granted in 2000 by the County Planning Authority for a new technology teaching block, under application reference: TW/99/2089;
- Permission granted by the County Planning Authority for an enclosed porch with associated steps and ramp at the site in February 2007, under application reference: TW/07/227.

10. Tunbridge Wells Borough Council's Joint Eastern and Western Area Planning Committee recently resolved to grant planning permission on 26 January 2011 to Tesco Stores Limited for the construction of a new foodstore to replace the existing Pembury foodstore, associated car parking and landscape works, together with the construction of a 320 space Park and Ride Facility and associated bus facilities (under application reference: TW/09/01265). As part of these proposals, Tesco is required to enter into a Section 106 Agreement with the Borough Council that includes the payment of financial contributions towards, amongst other matters, bus priority measures along Pembury Road. A detailed Transport Assessment was submitted with the application which considered expected traffic impacts on the local highway network and the strategic road network (i.e. the A21). After negotiations between the applicant, Borough Planning Officers, Kent Highway Services and the Highways Agency and the submission of further information in respect of transport modelling, it is noted that both Kent Highway Services and the Highways Agency did not raise objection to the proposal subject to off site highway improvements, Section 106 Agreement contributions and the submission of a Store Travel Plan. The proposal was considered to be a departure from the adopted development plan and therefore has been referred to the Secretary of State for the Department for Communities and Local Government for consideration.

11. A Screening Opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 was issued by the County Planning Authority on the 20 December 2010 advising the applicant that this planning application for the SKA redevelopment does not constitute EIA development. Following the receipt of further information amending and amplifying the application a further Screening Opinion was issued to the applicant on the 22 February 2011 advising that the proposed Academy redevelopment (as amended and amplified) does not constitute EIA development.

Proposal

12. The application is made by Kent County Council Building Schools for the Future & Academies Team and seeks planning permission for the redevelopment of the existing school site to provide a new 3/4 storey Academy. It involves alterations and additions to the existing sports centre, the retention of an existing CDT block, the external provision of a new floodlit All Weather Pitch (AWP) on Site 2, 165 car parking spaces and 164 cycle spaces (to replace the existing provision), an external amphitheatre, dining terrace and energy centre on Site 1. It also includes the relocation of floodlit Multi Use Games Areas (MUGAs), the reconfiguration of a bus set down area and the provision of hard and soft landscaping. It is easiest to consider the proposals on a site by site basis as set out below:

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Site 1

13. The main campus would be focussed on Site 1 where the new 3/4 storey Academy building would consist of a single core 'circular' building with three 'wings' set within recreational grounds, sports facilities and amenity areas. The 'wings' would provide accommodation for the senior houses, whilst the conical heart of the building would provide accommodation for dining and kitchen space, circulation and break-out areas, drama, music, gallery and teaching space. The applicant states that the proposed building would represent a rationalised layout and a more compact footprint than the existing array of buildings on site, in turn allowing more efficient movement throughout the building and site generally. They also state that the new Academy building would be located further north west than the current academy buildings, to make maximum use of the topography of the site to allow the car parking to be located to the south away from surrounding residential properties. As a result, the existing floodlit MUGAs would be located further northwards.
14. The existing sports hall would be retained on Site 1 with alterations made to improve the operation and quality of sport facilities provided. The existing CDT block would also be retained to provide a studio for future technology projects and is known within the new Academy plans as the "Future Skills Academy".
15. The proposed building would primarily be a three storey building with the taller volume located on the south eastern side of the site where the building would effectively be cut-in to the sloping landscape to provide a four storey appearance with a lower ground floor level. The application details that the four storey element has been designed to be located in the least visually prominent part of the site on the basis of the dense tree screening and sloping nature of existing ground levels. The senior house 'wings' would be three storeys in height and would present the closest relationship to existing surrounding residential properties along Osprunge Place to the south and to Cecil Kirby House to the north east. The circular core and senior wings would all sit under a modern flat roof form, with various plant and equipment installations rising above the finished roof height.
16. The overall design strategy for the new Academy seeks to improve the appearance and operation of the current school, providing a more flexible and functional space to learn, which provides for the needs of all users whilst creating an innovative and inspiring learning environment. The application details that it was important to ensure that a bold and identifiable school building was developed to in order to provide students attending the new Academy from the wider community in Tunbridge Wells an inspirational education environment, whilst ensuring that the wooded and green elements of the landscape are retained. The new Academy has been designed to incorporate energy efficient measures, including: a well-insulated and airtight building; good natural daylight levels within the building; exposed thermal mass (concrete soffits) coupled with secure night time ventilation; effective natural ventilation to the majority of spaces; and high efficiency fluorescent lighting with automated occupancy and dimming controls. The building has been designed to achieve, as a minimum, a BREEAM rating of "Very Good" however at the design stage the building has been assessed as being capable of reaching an "Excellent" rating.
17. The proposed building includes the installation of a biomass boiler as an integral part of the design concept, following initial concerns received relating to the originally proposed stand-alone 'Energy Centre' building. The biomass boiler is now proposed to be located within the envelope of the main Academy building and would use wood pellets as the fuel source. The biomass installation would consist of a fuel storage container, a

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biomass boiler rated at 300kW output and associated flue and fuel handling systems. Fuel deliveries would arrive using the highway network and would gain access to the site from the service access road leading from Sandown Park. The applicant states that deliveries would be undertaken by 12 metre long 4 metre wide delivery vehicles with a gross vehicle weight of 26 tonnes. By providing a bulk fuel source, deliveries are not expected to be more frequent than every two weeks in the peak winter season, with significantly less deliveries occurring during summer months. The fuel delivery process is anticipated to last between 45-60 minutes from the time that the delivery vehicle arrives at the site and would consist of a pneumatic blower used to transfer the wood pellets from the delivery vehicle to the fuel storage container. The boiler and flue would be located away from the site boundary and integrated within the mass of the new Academy building. The flue height has been calculated in accordance with the requirements of the Clean Air Act and meets the required minimum clearance from opening rooflights in the new school building and neighbouring properties. The flue would extend some 3 metres above the highest part of the roof of the Academy building.

18. The main pedestrian entrance to the school would be from the south western side of the site, leading from Blackhurst Lane. An entrance plaza would be created from the existing site entrance at the south end of the existing service road. A safe pedestrian route through a plaza leading pedestrians towards the building entrance would be physically separated from vehicles by bollards. Two of the three existing pedestrian access points to the site would now be closed as part of the proposals. The existing pedestrian access on Sandown Park and the most southerly access at the junction of Sandown Park and Blackhurst Lane would be closed leaving a single pedestrian access point further round on Blackhurst Lane. The most southerly access is currently used as an informal lay-by by parents for pick-up and drop-off, often causing congestion and road safety concerns from local residents. This area is proposed to be closed off, levelled, paved and kerbed to discourage this practice in the future. The existing service entrances from Sandown Park would be retained as a visitor and bus/coach entrance. A 4 metre single and one-way loop route (utilising the route of the existing service road) would provide access for coaches, buses and visitors. Lay-bys along the loop road would provide both disabled and visitor parking spaces as well as drop-off/pick-up areas for 4 coaches to be used at the beginning and at the end of the day. The application details that these coach bays would also provide additional disabled and visitor parking during the day. The existing main access from Blackhurst Lane would become a secondary entrance providing access to the car park and also to a new parent drop-off loop. During morning arrival and evening departure times, only students arriving by car would access the building via a tree-lined pedestrian link through a supervised gate to the outdoor dining terrace, continuing up steps leading directly to the main entrance plaza at first floor level. Service deliveries to the kitchen and other school facilities would be obtained from Blackhurst Lane, through the proposed car park to a delivery yard between the kitchens and the sports hall. Enclosed refuse stores would be located close to the delivery yard and would be accessed by refuse collection vehicles following the same route as deliveries, with the overall aim of ensuring proper segregation of pedestrians/students and delivery/refuse vehicles. Emergency vehicles would be able to be brought up to both key entrances from Sandown Park and Blackhurst Lane.
19. The new Academy scheme proposes the retention of the existing sports centre (known as 'Blackhurst Lane Sports Centre') and seeks to fully integrate it into the overall Academy design. The sports hall itself would be upgraded to provide better visibility for spectators and the internal arrangement rationalised to create a more legible layout. The existing activity studio would be extended southwards to provide for an upgraded fitness suite. The changing rooms would be entirely reorganised to provide a total capacity for 90 pupils plus staff changing. The school and community entrances would lead directly

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into a centrally located foyer area which would visually connect the sports hall and activity studio by glazed viewing screens. The access to the sports centre would be via a corridor to the north from the school, whilst a separate and independently accessed entrance for the community would be located on the south western side of the building. The sports hall would continue to provide teaching and learning space not only for students of the Academy, but for sports, training and courses attended by the wider community. The application details that the Sports Hall is proposed to be open between the following times: Monday – Friday 06:00-22:30; Saturday 08:00-22:30; Sunday and Bank Holidays 08:00-22:30. The hours of use of the existing sports centre would not change as a result of these proposals.

20. The application details that an integral part of the design of the Academy is the range and quality of sports provision that can be provided on all sites. On Site 1 existing floodlit MUGAs would be moved northwards to provide flexible use as either 3 Netball courts or 5 tennis courts. An informal basketball court would be constructed broadly on the site of the existing floodlit MUGAs which currently contain 6 tennis courts. The floodlit MUGAs would be lit by 16 (8 metre high) flood lighting columns with flat glass type fittings specified to minimise light spill. These would be 'modern-standard' lighting units compared to the lights on site at present which are now over 10 years old. The surface of the MUGAs and basketball court would consist of porous macadam. The application details that the proposed floodlit MUGAs would be used between the following times: Monday to Friday 07:30-22:30; Saturday 08:00-22:30; Sunday and Bank Holidays 08:00-22:30. As previously noted in paragraph (2i) the existing MUGAs can be used seven days a week (including Bank Holidays) until 22:30 under the existing planning consent granted by the Borough Council. The floodlit MUGAs are proposed to be screened by 3 metre high timber acoustic fence on the north-western boundary (facing Blackhurst Lane), northern boundary (facing Ospringe Place) and eastern boundary (facing Cecil Kirby House). In addition, the MUGAs would be surrounded by 3 metre high welded mesh ('ball stop') fencing.
21. Additional casual recreation areas would be provided on Site 1 including within courtyard areas between the senior house 'wings', a canopied amphitheatre area and a small grassed playing field to the far north of the relocated MUGAs. The amphitheatre would be used as an outside classroom, performance space, social gathering point and play area. This space is considered by the applicant as important, in educational terms, as any of the internal learning spaces within the Academy building. It is not proposed to have any form of external audio or lighting equipment fitted in this area and it would be for the sole use of the Academy. In order to access the sports pitches on Site 2, a designated route alongside the MUGAs on Site 1 would link with the existing route adjacent to Cecil Kirby House and continue via the existing access on Sandown Park to the gated entrance to Site 2. That would allow community users of Site 2 to park within the main site, to use changing and toilet facilities within the sports centre and then make their way across to Site 2.
22. A reconfigured and significantly enlarged car park is proposed on Site 1, consisting of 165 car parking spaces, including 8 for mobility impaired users. This compares to the current provision of just 33 car parking spaces on site. The main car parking area would be located on the south western side of the new Academy building and would be accessed via the Blackhurst Lane entrance. This car park would provide for staff parking as well as the community out of school hours. The site zoning would ensure that the community would be able to access the sports facilities independently, without having to pass through other areas of the site. Cyclists would arrive at the site via the existing entrance on Sandown Park where a gently ramped path would lead to a secure, covered cycle provision located on the south side off the main entrance plaza for 164 bikes in

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stacked stores, compared to the existing on site provision of just 40 cycle parking spaces. Additional cycle parking (10 covered and 24 uncovered) would be installed near the sports hall entrance for use by the community.

23. A tree survey report submitted with the application identifies many fine individual specimens mostly located towards the site boundaries or contained within the fenced off areas to the perimeter of the site, which most likely pre-date the development of the school. It notes that the few trees located between the school buildings have been more recently planted and tend to be 'standard issue' amenity tree planting species, such as Cherry or Rowan. 7 trees are proposed to be removed from site 1, together with one group of trees. One of the trees is dead and should be removed for sound arboricultural reasons, whilst the remaining 6 trees consist of a mix of Rowan, Silver Birch, Monkey Puzzle, Ash and Leylandii of varying category grading. A group of ornamental cherry trees is also proposed to be removed. All trees due to be removed fall within the footprint of the new development, with the exception of the tree to be removed for sound arboricultural reasons which is located on the north western boundary of the site adjacent to Blackhurst Lane. The report recommends that all trees to be retained are afforded protection during construction activities in accordance with the current British Standard. The application proposes new tree and hedgerow planting with an indicative landscaping strategy scheme submitted with this application.

Site 2

24. The proposals for Site 2 consist of the construction of an All Weather Pitch (AWP) measuring 82 x 55 metres (plus runoff). The pitch would be constructed with third generation polyethylene sand and rubber filled synthetic grass. There have been a number of changes made to the proposed development on Site 2 since the original application was made, notably with changes to the size of the AWP as a result of initial concerns raised by Sport England and the positioning of the pitch in response to local concerns. When the application was originally submitted, Site 2 development consisted of a floodlit AWP located approximately in the centre of the field, with a grass mini football/rugby pitch located to the south adjacent to the Pembury Road boundary. A running track circled the original floodlit AWP.
25. Following concerns received from consultees and local residents in respect of Site 2, the applicant amended the scheme to increase the size of the floodlit AWP and move it southwards adjacent to the Pembury Road boundary. A further public consultation was undertaken by the County Planning Authority on this change (amongst others) to the original scheme and the public and consultees were invited to express views on the amended proposals. As a result of continued concerns to this element of the scheme, the applicant has now withdrawn the floodlighting element from Site 2. Therefore, the proposals for Site 2 now include the installation of an AWP (with no floodlighting) to the south of the site, with a grass mini football pitch/rugby pitch to the north adjacent to Sandown Park. Other sporting facilities to be located on Site 2 include a 100 metre grass running track along the north eastern boundary and a grass shot put area in the northern corner of the field.
26. The AWP is proposed to be surrounded on the north eastern and south western sides by 3 metre high timber acoustic fence. Discussions have taken place between the applicant, officers from the County Planning Authority and the County Council's Noise Advisor to establish the best position for such fence. Following these discussions the applicant has provided further revised proposals for Site 2, as shown on Page D1.9, which details acoustic fence located on the immediate north eastern edge of the AWP, acoustic fence located some 3 metres from the south western edge of the AWP (to allow

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for an area for limited spectator viewing space), and acoustic fence running along the north eastern and south western boundary of the playing field in the locality of the proposed mini football/rugby pitch. The exact positioning and specification of this acoustic fence is provided by the applicant at this stage as indicative details only, with the final positioning and specification being a matter requested to be reserved by condition in the event of planning consent being granted. A 3 metre high welded mesh ('ball stop') fence would surround the perimeter of the AWP on all sides. An upgrade of boundary fencing between a section of the playing field boundary and three bungalows within the Seven Springs care home is proposed by the applicant. This upgrade shows 1.5 metre high chain link fencing, but this is provided as indicative details only with the final details/specification to be agreed at a later date to allow discussions to take place with the users and management of Seven Springs care facility. Supplementary native planting is proposed along the north eastern and south western boundaries of the playing field to strengthen the existing residential boundaries.

27. As part of the amendments made to the proposals, the application details that hours of use of Site 2 (covering the use of the AWP and additional grass areas) be limited to between the following times: Monday – Thursday 07:30-21:00; Friday 07:30-20:00; Saturday 10:00-16:00; Sunday and Bank Holidays – no use. These hours have not changed as a result of the withdrawal of the floodlighting element from Site 2.

Site 3

28. As noted in paragraph (2iii) above, there is no development proposed on Site 3 as part of this planning application. The applicant intends to eventually accommodate an informal Cricket pitch with wicket facilities, trim trail and athletics space on this site. A separate planning application would be submitted to the County Planning Authority for consideration at a later date should planning consent be required.
29. The application proposes the upgrade of the existing underground subway between Sites 2 and 3 as part of this application. This would involve the refurbishment of an existing walkway with new lighting and security measures. The intention is to facilitate improved access to Site 3 which is not currently used by the Academy.

General Issues

30. A Transport Assessment accompanies the planning application which sets out in detail the current baseline position of the Academy site and calculates the predicted increase in staff and pupil numbers, the mode of travel and the impact of the increased use of the site. As noted in paragraph 6 above (*Important Note on Capacity Assumptions*) the theoretical maximum number of the pupils the site could theoretically accommodate, under its lawful planning usage and on the basis of currently accepted education space standards, is 960, supported by approximately 125 staff. The proposals increase that to 1150 pupils, supported by approximately 150 staff. A negotiated baseline of 750 pupils and 100 staff was accepted by Kent Highway Services as a reasonable figure to assess any transport related impact against. The net increase in pupil numbers over and above the agreed baseline (750 pupils and 100 staff) is 400 and 50 respectively.
31. The Transport Assessment recognises that the site is well served by non-car transport provision, particularly by bus services running along the Pembury Road giving access to at least 3 bus services per hour throughout the day. It also notes that footway and cycle infrastructure is very good in the site vicinity, particularly along the Pembury Road. A road safety analysis has been undertaken by the applicant for the surrounding highway

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network which has identified that there have been no fatal accidents on the local or strategic networks under consideration.

32. The Transport Assessment considers the impact of the proposed increase in staff and pupil numbers at the site, taking account of predicted growth arising from the use of the new Pembury Hospital, the implementation of the Tesco Pembury store redevelopment and predicted traffic growth generally for 2020. It concluded that subject to existing School Travel Plan targets being fully implemented, which seeks to reduce pupil drop-off and pick-up journeys from 13% to 8% by September 2012 that the proposals should not result in significant detrimental impacts in transport terms on the local or strategic road networks.
33. Following issues raised during the application consultation and publicity process, the applicant has submitted details of a scheme of traffic mitigation for the Blackhurst Lane/Pembury Road/Halls Hole Road priority junction. A number of alternative junction improvements were considered, including signalisation (traffic lights) of all arms of the junction and a small roundabout. The preferred option put forward by the applicant comprises an arrangement where single ahead lanes are provided on the Pembury Road, with the addition of a separate left only lane on the west side of the junction serving traffic turning left into Blackhurst Lane. Two exit lanes would be provided on the Blackhurst Lane approach (as currently exists), and a single approach on Halls Hole Road. Following detailed discussions with Kent Highway Services (and their technical advisors), refinements were made to the scheme to remove central islands, and provide enhanced right turn facilities into Blackhurst Lane from Pembury Road east. Further modifications were made to the kerb radii on the north west side of the junction, following swept path analysis assuming a 12 metre long bus/coach turning left from Tunbridge Wells direction. Minor changes were also made to signal head and pedestrian crossing points in accordance with current design guidance. A Stage 1 Road Safety Audit has been carried out on the proposed junction improvement scheme. No significant safety issues have been raised as part of this process.
34. The applicant's transport consultant details that, compared to the existing priority junction arrangement, the proposed junction would be far safer, reducing current level and conflict and taking away the need to take risks pulling out of the side roads. They note that the layout is seen to work effectively in modelled scenarios, with the ability to refine timings to improve main road (Pembury Road) flows should it be deemed necessary. The applicant has now agreed to meet the financial costs of providing the junction improvements and to implement these works in full prior to the first occupation of the new Academy. Details of this junction improvement were provided to statutory consultees and local interested parties for their views under a second period of consultation as part of the further information received amending and amplifying the original planning application in early February 2011.
35. A construction management plan has been submitted as part of the further information requested from the applicant. The overall construction programme would last approximately 22 months. SKA would remain a functioning school whilst the construction of the new Academy is carried out. Proposals have been provided detailing various phases of the development. Construction traffic routeing details have been provided in respect of both sites. Site offices, staff parking and welfare facilities would be located within Site 1. There is proposed to be no waiting of construction vehicles on surrounding residential roads. Wheel cleaning measures would be used at both sites, deliveries would be controlled by a banksman and the local community will be kept informed of ongoing construction issues. Third party suppliers and contractors visiting the site would be made aware of the construction access and routeing arrangements at the start of the

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project. The site management would be responsible for ensuring compliance with the construction access arrangements at all times.

36. A Phase 1 habitat survey has been undertaken for Site 1 and is included with the application. It identifies that the presence of bats, dormice, badger, hedgehog, nesting birds, reptiles, great crested newt and common toad within the site is possible. The report makes a number of recommendations for limited measures to be taken into account before and during development works within Site 1. The recommendations do not include a requirement for further survey work. More recently, an Ecology Survey has been submitted in respect of Site 2 which details that the proposals for Site 2 are considered unlikely to have any direct impact upon protected species. Instead the report identifies precautionary measures to take into account when installing acoustic boundary fencing.
37. The application is accompanied by a Landscape & Visual Impact Assessment Report. This report identifies the two application sites (Sites 1 & 2) and examines the impact on four long distance views (more than 1 km away) and four close views (less than 250 metres away). It identifies that there would be no significant predicted visual effect of the proposed development on long distance views. It also notes that there would be some 'minor adverse' predicted visual impacts arising from Site 1 proposed development on close views.
38. The application is accompanied by a Noise Impact Assessment Report relating to the external floodlit sports pitches on Site 1, the AWP on Site 2 and the biomass boiler. The report has been updated as a result of the changes made by the applicant. The report addresses the noise impact on the nearby residential properties surrounding Site 1 through comparing noise levels currently experienced from the existing floodlit facilities against those likely to occur with the proposed relocated facilities taking account of the proposed acoustic fencing. Site 2 noise impacts have been assessed through the use of typical noise data from a 5-a-side football game that has 8 pitches in simultaneous and continuous use and comparing this to background noise level readings measured on Site 2. Noise information has also been provided relating to the operation of the proposed biomass boiler and the noise impacts associated with the delivery of fuel stock.

Planning Policy

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

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

Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development. This sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Guidance Note 2 (PPG2) – Green Belts. This sets out planning policies for long term protection of land within the Green Belt from inappropriate development which is by definition harmful. *It is only relevant in so far as part of the school site (site 3 as set out in para 2(iii) above) is within the Green Belt, although outside the application site area.* Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice

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the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

Planning Policy Statement 5 (PPS5) – Planning for the Historic Environment. This sets out the planning policies on the conservation of the historic environment and to particular heritage assets.

Planning Policy Statement 7 (PPS7) - Sustainable Development in Rural Areas. This sets out the planning policies applicable to rural areas *and is relevant in so far as land to the south of application Site 2/Pembury Road is within the High Weald Area of Outstanding Natural Beauty*. PPS7 confirms Areas of Outstanding Natural Beauty (which are nationally designated) as having the highest status of protection in relation to landscape and scenic beauty.

Planning Policy Statement 9 (PPS9) - Biodiversity and Geological Conservation. This sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13 (PPG13) – Transport. This sets out how the Government seeks to integrate planning and transport through the planning system.

Planning Policy Statement 17 (PPS17) - Planning for Open Space, Sport & Recreation. Amongst other matters it considers development affecting playing fields and open spaces, and enhancement of existing open space and sport and recreational facilities.

Planning Policy Statement 22 (PPS22) – This sets out the key principles for renewable energy provision, requires targets for energy reduction within new development to be set at regional and local level, and has regard to locational considerations and impacts from such development.

Planning Policy Statement 23 (PPS23) – Planning and Pollution Control. This provides guidance on how planning controls may interact with the separate pollution control regime set out in the Pollution Prevention and Control Act 1999 and the Pollution Prevention and Control Regulations 2000. *It is relevant, in particular, to consideration of the emissions from the biomass boiler.*

Planning Policy Guidance Note 24 (PPG24) - Planning and Noise. This sets out guidance on controlling the effects of noise pollution, including consideration of the location of proposed developments and measures which would mitigate the adverse impacts of noise.

Planning Policy Statement 25 (PPS25) – Development and Flood Risk. This sets out the Government's aims and approach to ensure that flood risk is taken into account at all stages of the planning process to avoid inappropriate development in areas at risk from flooding, and to direct development away from areas at highest risk.

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

- Policy SP2** Policies and proposals that support and develop the role of regional hubs will be included in local development documents. Tonbridge and Tunbridge Wells are identified as a joint hub.
- Policy SP3** The prime focus for development in the South East should be in urban areas, in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel.
- Policy AOSR8** States that the local development framework for Tonbridge and Tunbridge Wells will amongst other things at Tunbridge Wells give priority to conservation of the urban and natural environment and the setting of the town. It will also support high quality proposals for intensifying or expanding the knowledge sectors at established and suitable locations.
- Policy CC1** Seeks to achieve and maintain sustainable development in the region.
- Policy CC2** Measures will be implemented to mitigate and adapt to the effects of climate change through the application of local planning policy and seeks to ensure Local Authorities include policies in their plans and strategies to help reduce carbon dioxide emissions to particular standards.
- Policy CC4** The design and construction of all new development will be expected to adopt and incorporate sustainable construction standards and techniques.
- Policy CC6** Promotes the creation of sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy CC7** States that the scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of new development. Where this cannot be demonstrated the scale and the pace of the development will be dependent on additional capacity being released or the provision of new infrastructure.
- Policy T4** Sets out the approach to parking standards to be taken in Local Development Documents including restraint-based maximum levels of parking provision for non-residential development in line with PPG 13 and provision of adequate secure cycle parking.
- Policy T5** Requires Local Authorities to ensure they identify those categories of major traffic generating developments existing and proposed for which travel plans should be developed.
- Policy NRM2** Water quality will be maintained and enhanced through avoiding adverse effects of development on the water environment.
- Policy NRM4** Confirms that the sequential approach to development in flood risk areas set out in PPS25 will be followed.
- Policy NRM5** Requires Local Planning Authorities and other bodies to avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.
- Policy NRM9** Seeks to achieve improvements in local air quality.
- Policy NRM10** Seeks to locate new, noise sensitive development away from existing or planned new sources of significant noise.
- Policy NRM11** Seeks to ensure all new non-residential development of more than 1000m² secures at least 10% of their energy from renewable or low carbon sources unless this is not feasible or viable.

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- Policy BE1** Local Authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment.
- Policy BE6** Gives support to proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place. *This policy is relevant in so far as the proposed development may affect the Conservation Area which crosses the southern end of Sites 1 and 2.*
- Policy C3** High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context. *This policy is relevant in so far as it may affect the land to the south of application Site 2/Pembury Road which is within the High Weald Area of Outstanding Natural Beauty.*
- Policy S1** Supports measures for developing and shaping healthy sustainable communities, including: community access to amenities such as open spaces and physical recreation activity; and healthier forms of transport.
- Policy S3** States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities.
- Policy S5** Increased and sustainable participation in sport, recreation and cultural activity should be encouraged by Local Authorities.
- Policy S6** Encourages the mixed use of community facilities in order to make effective use of resources and reduce travel and other impacts, and requires community facilities to be located and designed appropriately.
- Policy W2** Requires development design, construction and demolition which minimises waste production and associated impacts.

Important note regarding the South East Plan:

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 (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities 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.

As a result of the legal challenge Members will be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the RSS as material considerations. However the weight to be accorded is a matter for the decision makers. Members should also note that Cala Homes has been granted leave to appeal the recent High Court judgement and are seeking clarity on how much weight should to be given to the RSS in light of the intention to revoke.

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(iii) The adopted Tunbridge Wells Borough Core Strategy 2010:

- Policy CP1** Affords priority to the use of previously development land within the Limits of Built Development.
- Policy CP3** Encourages the increased use of sustainable transport such as walking cycling and public transport and requires all significant traffic generating development proposals to provide a Transport Assessment and Travel Plan to demonstrate how car based travel can be minimised.
- Policy CP4** Seeks to conserve the locally distinctive character of the Borough's urban and rural landscapes, including the High Weald Area of Outstanding Natural Beauty. Refers to the Borough Local Character Assessment 2002 being used to manage, conserve and enhance the landscape as a whole. Applies a hierarchical approach to nature conservation and biodiversity protection seeking to avoid net loss and states opportunities will be taken for biodiversity enhancement. Heritage assets, including Listed Buildings, Conservation Areas and Scheduled Ancient Monuments, will be conserved and enhanced with special regard had to their settings.
- Policy CP5** Requires all new development to employ sustainable design and construction standards and techniques and to make efficient use of water resources, comply with the sequential test set out in PPS25 in respect of reducing flood risk, have regard to and implement the renewable energy and energy efficiency targets sets out in the South East Plan, manage and seek to reduce air, light, soil and noise pollution and be designed to reduce waste creation and disposal. Developments should also be of high-quality design which will create safe, accessible, legible and adaptable environments, and conserve and enhance the public realm.
- Policy CP8** Seeks to maintain and enhance where appropriate the capacity, quality and accessibility of community facilities and importantly pledges specific support for the provision of additional facilities where there is a continuing demonstrable need and this will be provided on a single site or provide multi-use facilities.
- Policy CP9** Reaffirms the priority of conserving the towns built and natural heritage and landscape assets. Requires new development to respect and where necessary contribute to an integrated approach to improving movement into and around the town including promoting improved cycling and waking routes and increase use of public transport.

(iv) The adopted Tunbridge Wells Borough Local Plan (Saved Policies):

- Policy EN1** Requires all proposals for development to satisfy certain criteria, including: no unacceptable loss of/affect on amenity; respect for the context of the site; no loss of significant buildings, related spaces, trees, shrubs, hedges or other features important to the character of the area; no significant adverse impact on highways safety; services for foul and surface water sewerage and water supply have sufficient capacity/can be improved; no significant adverse effect on any features of nature conservation importance; and design, layout and landscaping take account of the security of people and property.

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- Policy EN5** Sets out criteria for development within conservation areas including, amongst others: that the proposal would preserve or enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area; the use, or intensity of use, would be in sympathy with the character and appearance of that part of the conservation area in which the proposal would be situated; the proposal would not result in the loss of trees, shrubs, hedges or other features important to the character of that part of the conservation area in which the proposal would be situated; and, in meeting the car parking and access requirements, the character and amenity of the area would not be adversely affected.
- Policy EN8** Proposals for new outdoor lighting must present the minimum lighting necessary and should be unobtrusively sited or well screened by landscape or other site features. The specification of the lighting should minimise glare and light spillage having regard to local character, visibility if the night sky, residential amenities of surrounding and adjoining occupiers and public safety.
- Policy EN13** Provides for protection of trees in conservation areas.
- Policy EN14** Development proposals which would affect the habitat of a protected species will only be permitted where it would not have a detrimental effect on the nature conservation of the site.
- Policy EN22** Small areas, to the west of the western end of site 1 and to the east and west of site 2, are identified on the Proposals Map as areas of landscape importance. Policy EN22 states that proposals for development will only be permitted where no significant harm would be caused to the appearance or landscape character of the designated area and the development would not materially detract from the contribution which that area makes to the locality.
- Policy EN23** Pembury Road is identified as an Important Landscape Approach characterised by being lined principally by mature hedges and native trees which partly conceal built development and give the impression of the countryside extending into the built up area. The policy seeks to protect this character and to prevent discordant elements of development.
- Policy TP1** Large scale non-residential development (in particular new or significantly expanded schools) will be required to provide a Transport Assessment and Travel Plan to demonstrate the adequacy of transport infrastructure to serve the development. Where this can not be demonstrated the Local Planning Authority will seek provision of or a contribution towards appropriate measures which will address the identified inadequacy.
- Policy TP4** Development proposals will need to demonstrate that the surrounding road network has adequate capacity to cater for the traffic generated by the development taking account of the use of non-car modes of transport. Within the Limits to Built Development the intensification of use of an existing access directly onto a primary or district distributor road must be demonstrated to not significantly worsen traffic delays or the risk of accidents. Traffic generation from the proposal should not compromise the safe free flow of traffic along roads and where highway improvements are necessary the developer is expected to meet the cost of the

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	improvements where these are fairly and reasonably associated with the development.
Policy TP5	Confirms that Kent County Council's Vehicle Parking Standards will be applied to development proposals.
Policy TP9	Within the Plan area, the cycle parking standards for non-residential development set out in the latest Kent County Council's Cycling Strategy for Kent will be applied.
Policy RF1	Land to the north east of Site 1/Blackhurst Lane is identified on the Proposals Map as Rural Fringe.

(v) Other relevant guidance/documents:

1. **Royal Tunbridge Wells and Rusthall Conservation Areas Appraisal (2000).** This details the special character of the Borough's Conservation Areas.
2. **Tunbridge Wells Borough Council Supplementary Planning Document - Renewable Energy (2007).** Seeks to ensure renewable energy measures are introduced wherever appropriate as a means of addressing the effects of climate change.

Consultations

40. **Tunbridge Wells Borough Council:** raises no objections to the proposals subject to the following comments and conditions:

- *"Raise no objection to the redevelopment of Site 1 for a new school, and the school building proposed;*
- *Notwithstanding the amended highway details submitted for the Pembury Road/Blackhurst Lane junction, the Borough Council wishes to be consulted on the highway details at this junction as it has specific concerns in relation to: (i) the avoidance of further congestion of Pembury Road in the vicinity, to the detriment of the town centre and town as a whole, caused by this development; and (ii) the occupation of the proposed development being conditional upon suitable highways details being agreed and implemented and the resourcing of the required highways works;*
- *The hours of use of MUGAs and AWP and floodlighting of those areas should be limited to between the hours of Monday to Saturday 08:30 to 19:30 and not at all on Sundays and Bank Holidays in order to protect residential amenities;*
- *No objection in relation to various other matters subject to appropriate conditions to cover design details and landscaping;*
- *An amended plan to show a landscape buffer strip at least 4 metres wide between allotments and pond to northern end of Site 1 and adjacent houses in order to protect adjacent residential amenities;*
- *An amended plan to show an increased gap and landscaping between new car parking and Blackhurst Lane near the entrance to protect visual amenities of the immediate locality;*
- *An amended plan and implementation of a landscaping scheme to show additional planting on and near the Pembury Road frontage of Site 2 in order to reduce the impact of the works on the character and appearance of the conservation area;*
- *Prior to the first use of the premises, details of any plant (and associated equipment) shall be submitted to and approved by the Planning Authority;*
- *Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved by the Planning Authority; and*

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- *The amphitheatre and outside dining area shall not be open to the public other than between the hours of 08:30 to 19:30 Monday to Saturday and not at all on Sundays and Bank Holidays in order to protect residential amenities”.*

41. **Divisional Transportation Manager:** raises no objections to the proposals, subject to the various undertakings as detailed below and the imposition of a number of conditions:

“The existing school roll is substantially below the theoretical maximum capacity, but the proposal would enable that maximum to rise by a further 400 pupils. Local residents have expressed concern about the likely impact of additional traffic generated as a result and in particular how this would affect the nearby junction of Blackhurst Lane and Pembury Road. All traffic to and from the school and residential properties in Blackhurst Lane and Sandown Park must use this junction.

It was concluded that there were three options available. The junction, which is acknowledged to operate over theoretical capacity at present, could be left as it is with the consequent likelihood of increased delays for those entering or leaving Blackhurst Lane. A second option was to consider the installation of a roundabout at the junction and a third, to introduce signal control. The first option was not considered to be acceptable. The local highway authority has long been aware of the need to manage traffic at this location but lack of funds has prevented this from being progressed. Although some of the impact resulting from a much larger school can be mitigated through the operation of a Travel Plan, it is accepted that there will be a noticeable increase in traffic movement, and that an already stressed highway network cannot cope without a likely adverse impact on highway safety. Roundabout and signal schemes were designed for the junction and whereas the former was found to be unviable on the highway land available, a signalisation proposal has been refined to the point where we are satisfied that it can function beneficially, although there will possibly be some extra delays for through traffic on the A264 at the busiest times. The necessary preliminary safety audits and technical assessments have been completed.

The first recommendation, therefore, is that the school should not open until the junction of Blackhurst Lane and Pembury Road has been signalised. A number of options for when the signalisation should take place were considered, but trigger points relating to numbers of pupils would be complicated. They also may not provide the much needed solution for many years.

At present the school has a relatively small and poorly laid out car park which has no circulation areas and is inadequate for the existing uses. The result is that parking regularly takes place on adjoining streets and interferes with the safety and free flow of traffic on the local network. A significantly larger school and greater levels of staffing will result in a need for improved car parking facilities and we are satisfied that what is being proposed in that respect is appropriate without running the risk of undermining the objectives of the Travel Plan which seek to encourage non car travel wherever possible. Because the school already has sporting facilities used by others, there are different aspects to the parking issue and many of the complaints from local residents have been on the subject of inconvenient and potentially hazardous on street parking by users of the school’s facilities. The second recommendation, therefore, is that the on site vehicle parking and turning areas (as detailed within the application) be provided and maintained for those purposes.

It is possible that, in extreme situations, the car park may not cater for all potential users. This is common to most developments and facilities are rarely if ever designed to provide for the worst possible case. In this instance, it is suggested that the situation be

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monitored by the County Planning Authority and Local Highway Authority and that funding be secured to cover the installation of waiting restrictions should they prove necessary at some point in the future. It is not considered necessary or appropriate to promote such restrictions in anticipation of a problem which may not occur.

The provision of an all-weather pitch accessed off Sandown Park will create a separate demand for car parking facilities and it is understood that outside school hours, the area accessible off Sandown Park for coach and bus parking will be made available to satisfy that need. It is, therefore, recommended that this area (as detailed within the application) should be provided and maintained for bus and coach parking when required by the school and that at all other times it be available to users of the all-weather pitch. A further recommendation is that a pedestrian link between the main school car parking area and Sandown Park be provided and maintained for users of the all-weather facilities.

The proposal involves the rationalisation of pedestrian access points to the school with one being closed in Sandown Park near the Blackhurst Lane junction. A further recommendation is that, when the access in question is closed, the adjoining footway be reinstated with full height kerbing.

Whilst the signalisation of the Blackhurst junction will incorporate pedestrian facilities, the provision needs to be enhanced between the junction and the school entrances. Measures detailed within the application should be completed prior to first occupation of the school.

The following conditions are also recommended:

- *Prior to commencement of works, a pre-construction highway condition survey shall be undertaken in Sandown Park and Blackhurst Lane, together with a post completion survey and completion of any consequent remedial measures;*
- *A construction management plan should be submitted and agreed and include details of lorry routing and traffic management measures. On site provision shall be made for all contractors' vehicles and measures implemented to ensure that all vehicles are cleaned before leaving the site to prevent the deposit of mud and debris on the highway; and*
- *A School Travel Plan shall be submitted, agreed and implemented.*

In forming the above views, the comments and concerns of others, including local residents, have been taken into account"

42. **Highways Agency:** raises no objections to the proposals. Considers that the Transport Assessment submitted within the application is robust, is based on appropriate methodology, uses an appropriate baseline model, takes account of Pembury Hospital and Tesco (Pembury) store developments and are content that the resultant traffic impact associated with the development would not result in a material impact on the Strategic Road Network (SRN).

Further notes that they do not regard the predicted impact on the SRN junctions (i.e. the A21 slip road junctions on to/off the Pembury Road) as inconsequential given the existing peak hour congestion issues and therefore require the associated Academy Travel Plan to be robust. In this respect, suggest that the proposed school parking strategy be consistent with the aim of encouraging sustainable modes of transport and therefore should be linked to travel planning measures identified in the process. Consider that for the Travel Plan to be enforceable and successful the annual monitoring survey should be carried out during a neutral time of the year, aiming to collect at least

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95% of all person trips into and out of the site during the surveyed day. Monitoring arrangements must be agreed with Kent Highway Services and the Planning Authority at the outset and must include appropriate triggers/restrictions if targets are not met. If modal split targets are not met (i.e. reducing the sole use of private car) then enforcement measures must be introduced. Considers that this monitoring process must be continually monitored and updated over an agreed period of time to ensure that modal split targets are consistently met.

43. **Environment Agency:** raises no objections to the proposals, subject to the imposition of a condition to cover ground contamination. Advises the applicant of the need to apply for an Environmental Permit from the Agency to operate the proposed biomass boiler.
44. **Sport England:** raises no statutory objections to the proposals, making the following comments:

“Sport England is disappointed to note the removal of the floodlighting element of the proposed all weather pitch and is similarly disappointed to note that the hours of use of the all weather pitch have been reduced considerably. With the proposed changes, the all weather pitch is only likely to be used by the community on Saturday’s, particularly in the winter months as the AWP would not benefit from any natural light during later afternoon/evening. As such, the revised proposals seriously hinder the potential benefit (to the development of Sport) of the all weather pitch. With the hours of use proposed and the omission of floodlighting, it is considered that the all weather pitch provides little or no benefit over and above the existing position. Whilst Sport England is not raising a statutory objection with regards to Site 2, we request that our concerns be reported to Committee and duly considered.

With regards to the proposed changes to the hours of use of the MUGAs on Site 1, we raise no objection from a planning perspective, however the absence of an objection in the context of the Town and Country Planning Acts, does not in any way prejudice Sport England’s position with regards to any past, present or future related application for grant funding”

45. **County Council’s Landscape Consultant:** raises no objections to the proposals and makes the following comments, as separated out into individual sites below:

Site 1:

- Considers the general approach and methodology set out within the submitted Landscape & Visual Impact Assessment to be in accordance with the latest guidance;
- Considers that the Zone of Visual Influence is reasonably well contained by the surrounding landform, woodland cover and built development. Notes that longer distance views towards the proposals would be limited and agrees that there would be no significant change in such views. Also agrees with the significance of visual effects (‘minor adverse’) assigned to more immediate, shorter distance, views assessed;
- Notes that the existing buildings on Site 1 are a little scattered in terms of layout and their physical condition appears to be deteriorating. In principle, considers that a more condensed footprint of the buildings would therefore rationalise the layout of the school and make better use of the surrounding space. However, notes that the buildings would be taller and would generally appear more bulky than the existing structures, and the extent of floodlighting would increase on Site 1;

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- Notes that the site is located in close proximity to the west of the High Weald AONB, falls partially within the Pembury Road Conservation Area and is nearby other locally designated landscapes. However, does not consider the proposals would have any significant effect on High Weald AONB because they would not be clearly viewed in the foreground to or from the designated landscape. Also does not consider the proposals on Site 1 would significantly affect the character of Pembury Road Conservation Area because this is a redevelopment of an existing school site;
- Notes that it is fortunate that the proposals would not necessitate extensive removal of existing vegetation. Notes that much of the vegetation to be retained across the site has been assessed as being of the highest quality and value (Category A) and therefore considers it important that this is adequately protected during construction;
- Considers the landscape proposals for Site 1 to be appropriate in terms of the extent of planting and the detailed specification;
- Acknowledges that trees are no longer proposed along the northern boundary of Site 1, adjacent to properties along Ospringe Place, because of residents' concerns regarding shading. Considers that these properties would incur some of the worst visual effects because the proposals would increase the extent and intensity of floodlighting and the new buildings would appear higher, bulkier and therefore more prominent. However, accepts the reasons for omitting the originally proposed planting in this location;

Site 2:

- Does not consider the AWP and associated fencing would cause any significant effects on the Pembury Road Conservation or High Weald AONB because the site is reasonably well enclosed by development and vegetation.
- Considers that the character of views from surrounding overlooking properties would be adversely affected by the AWP and associated fencing, but considers the proposed native infill planting specification around the north eastern and south western edges of Site 2 to be appropriate in helping to filter views of the of the fenced AWP from these surrounding properties;
- Request that a detailed specification for acoustic fence installation around Site 2 be provided to ensure that minimal disturbance to existing boundary vegetation;

46. **County Council's Noise and Air Quality Consultant:** raises no objections to the proposals and notes that the applicant has provided a Noise Assessment (NA) which assesses the noise impacts associated with proposed new sports pitches on Site 1 and Site 2 including barrier attenuation calculations. The following comments are made, as separated out into individual sites below:

Noise - Site 1:

- The NA addresses the noise impact of the proposed sports pitch upon the nearby residential properties through comparing noise levels currently experienced from the existing netball facility against those likely to occur with the proposed new sports pitches. Notes that the NA concludes that with the introduction of a 3 metre high acoustic fence, noise level exposure from the proposed sports pitches at nearby residential properties would not exceed that currently experienced and indeed the aural environment would likely be improved, with reductions in both the overall noise level and peak noise levels. Having reviewed the proposed location of the 3 metre high acoustic fence, he concurs with the NA's conclusion;
- Considers that the hours of use of the proposed facility should be restricted to those currently employed to avoid additional exposure to noise;
- Has considered the detail submitted by the applicant in terms of noise impact associated with the delivery of biomass fuel [maximum of a delivery every 2 weeks in the peak of winter] and requested that a condition be placed on any consent

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ensuring that the rating level emanating from the facility (i.e. in terms of the fuel delivery process) at nearby residential premises when assessed in accordance with BS 4142 shall not exceed the background noise level by +5 dB.

Noise - Site 2:

- Notes that the floodlighting element of Site 2 has now been withdrawn by the applicant;
- Considers that noise levels emanating from the use of the sports pitch is likely to result in adverse noise impacts at nearby properties for a variety of time periods, with noise levels increasing by up to 7 dB. However, further details provided by the applicant in respect of noise barrier calculations demonstrate the effectiveness of the proposed 3 metre barrier in attenuating noise levels from the pitches at the surrounding properties. The calculations shown that a 3 metre high fence would give a noise reduction of between 10 and 15 dB. Considers that the inclusion of a 3 metre high acoustic fences along the north eastern edge of the pitch, together with a barrier along the south western perimeter of the pitch would produce the required noise reduction to reduce the impact of the pitches use.

Air Quality

- Given the level of traffic on Pembury Road, concurs with the applicant's transport consultant that the additional increase in traffic would not generate the level of traffic (+/-5%-10% AADT) on Pembury Road to trigger the need for an air quality assessment;
- Requests that full details of the biomass boiler be reserved for later consideration by condition prior to installation.

47. **County Council's Lighting Consultant:** raises no objections to the proposals (with floodlighting from Site 2 AWP removed). Notes that the light spill drawings show lighting levels of 2-3 lux falling on the side of Blackhurst Lane and up to 2 lux on the adjacent property (The Lodge). Considers that existing trees along this boundary would reduce the problem but states that floodlights along this edge may need to have cowls fitted to the rear to reduce this light spill. Recommends that lighting details for the proposed car park and general areas be submitted for consideration by the Planning Authority and considers that car park lighting should be designed to achieve an average of 10 lux with a uniformity of 0.25 to meet Best Practice guidelines.
48. **County Council's Biodiversity Officer:** raises no objections to the proposals as is satisfied that the ecological importance of Sites 1 and 2 have been adequately assessed. Notes that the survey reports conclude that the development is unlikely to result in significant impacts on protected species, provided the recommendations for precautionary mitigation (as detailed in the application) are carried out prior to development.
49. **County Council's Archaeological Advisor:** raises no objections to the proposals subject to the imposition of a condition to cover a programme of archaeological work, including a historic site survey and a watching brief on below ground works.
50. **Kent Fire & Rescue Service:** raises no objections to the proposals. Confirms that the means of access is considered satisfactory.
51. **Southern Gas Networks:** raises no objections to the proposals. Advises the applicant the presence of a Low/Medium/Intermediate Pressure gas main in the proximity to the site.

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52. **UK Power Networks:** raises no objections to the proposals.

Local Members

53. The local County Member, Mr. K. Lynes and the adjoining local County Member, Mr. J. Scholes were notified of the application on the 20 December 2010. Both Members were notified of further information received amending and amplifying the application on the 8 February 2011.

Publicity

54. The application was publicised by the posting of six site notices around the application site (Sites 1 & 2), a newspaper advertisement in the Kent and Sussex Courier (Tunbridge Wells edition) and the individual notification of 308 nearby residential properties. Copies of all the planning application documents were sent to the Sandown Park and Blackhurst Lane Local Community Group, as well as being made accessible via the County Council's website. As discussed in paragraph (8) above, the applicants held a public exhibition at the school prior to submitting the planning application, and again prior to submitting amendments and further information on the proposals. A second round of publicity was carried out on receipt of the amendments and further information, including the posting of six further site notices around Sites 1 and 2, a further newspaper advertisement in the Kent and Sussex Courier (Tunbridge Wells edition) and the individual notification of the same 308 nearby residential properties notified of the original application. Individual notifications were also sent to all people who had written in to the Planning Authority regarding the original application, living outside of the area of original notification carried out by the Planning Authority. A full copy of the further information amending and amplifying the planning application was sent to the Sandown Park and Blackhurst Lane Local Community Group.

Representations

55. Comments in response to the two public exhibitions have been collated and summarised by agents acting on behalf of the applicants. These comments in response to the public exhibitions have fed into the changes made by the applicant to the proposals. Letters received directly by the County Planning Authority have been made in response to the application as originally submitted and then subsequently in response to the amended proposals. Some 130 letters of representation were received in response to the original submission, very largely from adjacent addresses in the Sandown Park area of Tunbridge Wells. Most responses are not objecting to the principle of the proposed development but have serious concerns over certain aspects. Whilst many people have raised the same points in their own words, the key points of concern and objections can be summarised under the following headings:

Traffic issues:

- Object to the application because insufficient consideration has been given to the safety and convenience of residents and other users of the Blackhurst Crossroads, who have no alternative access to Blackhurst Lane.
- The application is flawed since it makes no provisions to address the dangerous situation at Blackhurst Crossroads on Pembury Road, where regular accidents cannot be allowed to continue.
- The volume of traffic on Pembury Road has increased due to various recent and planned developments, including the new hospital at Pembury, the expansion of the

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Tesco supermarket, new residential development, traffic avoiding congestion in other areas such as Longfield Road and the forthcoming A21 improvements, and the closure of all other accesses to Sandown Park has created a bottleneck at Blackhurst Crossroads.

- If KCC cannot solve the road traffic problem, then an alternative site for the Academy should be sought.
- Whilst the Academy would be a welcome addition to secondary schooling, resolution of the outstanding problems at Blackhurst Crossroads need to be addressed as part of the application.
- A roundabout solution was proposed in 1984, for completion in 1990/91, but never completed despite 248 houses being since permitted and other exits from Sandown Park being closed off.
- The list of recorded accidents in the Transport Assessment bears little relation to actual accidents at this junction, since local residents have more extensive records.
- KCC has benefitted from the redevelopment of landholdings in Sandown Park over the years and cannot absolve itself from the responsibility for the traffic problems.
- Following recent developments, several hundred houses are now accessed off the Blackhurst junction, and with inadequate public transport it is unreasonable to expect local residents not to rely on private cars.
- Some of the funding for this proposed development must be devoted to road improvements, such as traffic lights or a roundabout at the Pembury Road junction.
- The junction should be improved and on-street parking restrictions agreed prior to the start of construction. Pembury Road speed limit should be reduced from 40 to 30mph to reduce the high accident risk.
- Exiting Sandown Park/Blackhurst Lane onto Pembury road is a risky manoeuvre. What improvements are proposed to make this safe for the increased traffic?
- The junction is already incapable of efficiently dealing with the traffic, and the Traffic Assessment acknowledges that the side roads have no spare capacity at peak times.
- The suggestion that increased pedestrian movements at the junction would allow more traffic to exit Blackhurst Lane and that the additional traffic would discourage people from driving is just wishful thinking.
- The highway consultants recognise there are significant capacity problem at this junction and the proposed development would significantly add to that.
- Traffic congestion would worsen with school traffic returning to its earlier levels here, especially with more sixth form students now driving, so some traffic controls at the junction would be essential.
- Traffic lights are urgently required at the Pembury Road junction and the existing Pelican crossing should be decommissioned in favour of full traffic signals, with Halls Hole Road being one-way away from the junction. Halls Hole Road could be made one-way towards Hawkenbury, if Cornford Road was used two way from the [old] A21.
- Traffic signals should be installed before any school redevelopment plans are approved or work undertaken.
- £60,000 was allocated for traffic surveys on Pembury Road which have never been properly evaluated, and a timetable for installing traffic lights is urgently needed; developer funds should be available for these works.
- The need for such traffic controls is undisputed and consequently should have the Highway Authority's urgent consideration, and be in place before the Academy opens in September 2012.
- A sensible junction improvement would be widening to include a right turn lane for school buses. Traffic lights would cause excessive traffic queuing on Pembury Road, since the road is not wide enough to cope.

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- A mini-roundabout could be the solution to the junction problems to enable free flowing movements.
- The application should be refused until the Local Authority can afford to solve the Pembury Road junction.
- The Transport Assessment is based on an assumed current maximum number of 750 pupils but there are only 300 at present on roll, so the traffic forecasts are unreliable and flawed with the actual increase likely to be from 300 to 1150 pupils.
- The suggestion that most pupils would travel by bus is not supported by the scant service available, and the predictions of reduced car use in the School Travel Plan would be outweighed by the extra community use of the facilities not covered by the Plan.
- The Transport Assessment contains technical data which only a highways expert could properly assess, and it is unclear how enforceable the School Travel Plan is, especially with regard to the community users, who are not quantified.
- There has been no research into the increased traffic from the commercial activities, the community use of the proposed amphitheatre and the numbers using the sports facilities.
- Support the new school development but are concerned that the on-street parking outside the site would increase threefold. What provision has been made to keep parked cars off the local roads?
- There is not enough parking provided on-site, and the school frontage should be widened to allow overspill parking at busy times.
- Would the on-site parking be sufficient once the academy is at full capacity, and would the pupil drop-off area be properly used?
- Additional on-street parking would cause even more inconvenience for residents, with access already hampered by parking on both sides of the road and too close to driveways.
- What provision is being made to prevent parking in Sandown Road? Since residents have ample private parking, we would welcome double yellow lines.
- Parking space within the school grounds for community users would be too distant from Site 2 and needs to be closer to avoid the use of Sandown Park.
- Existing on-street parking congestion in Blackhurst Lane from the Sports Centre needs to be addressed, as well as the delivery vehicles for the biomass fuel supply.
- Traffic congestion could be addressed by charging for on-site parking, yellow line restrictions in Blackhurst Lane and a new roundabout at the Pembury Road junction.
- There is no priority pedestrian/cycle link between the Pembury Road routes and the Academy, and a route should be provided along Blackhurst Lane.
- Object to the increased use of the Sandown Park access; the principal access point should remain in Blackhurst Lane.
- Additional parking provision on-site would not prevent inconsiderate on-street parking by school parents, particularly at the Blackhurst Lane/Sandown Park junction.
- The existing school access is a disgrace because of indiscriminate parking on the grass verges; parking should be restricted at all times at least 100m either side of the entrance, with high kerbs and/or posts to maintain a satisfactory appearance.

Amenity issues:

- Whilst community use of the school facilities is desirable, persistent use in evenings and weekends would be a potential problem for residents with noise nuisance and on-street parking.
- The proposals pay scant regard to the impacts on residential properties, and therefore are incomplete and flawed. The whole development brings problems with it, most notably the impact on residents from noise and light pollution, plus traffic infrastructure.

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- The additional community leisure elements should not take priority over the education of our children, since adult leisure seekers have alternative facilities around the town.
- The Academy should not transform a quiet residential area into a commercial enterprise zone, exploiting new sports facilities for financial reward at the expense of the local community.
- The Site 1 floodlit sports pitches already cause recreational noise until 11pm, including shouting, foul language and spectator noise.
- The existing floodlit sports pitches on Site 1 are poorly designed and are currently subject to an Environment Agency investigation into the adverse noise and light pollution.
- The existing floodlighting on Site 1 could be better controlled since it is often left on unnecessarily, and the repositioning of the MUGAs 50m closer to housing would cause us significant noise and light pollution; we also object to the junior football pitch backing onto gardens in Ospringe Place due to noise and loss of privacy.
- The proposed planting of trees along the boundary with Ospringe Place is also objected to because of the overshadowing of gardens, unless they were further away from the fence line.
- The design of the existing sports centre on Site 1 was unsympathetic and did not respect its setting, and has not been adequately maintained externally.
- Opportunity should be taken to rectify shortcomings in the planning conditions imposed in 1997, to protect the amenities of neighbouring properties.
- The nearest house to the Site 1 MUGAs is only 12m away and at a lower level, so the noise, light spill and glare from the luminaires would be unacceptable and disrupt children's sleep.
- Site 2 produces most problems and the all-weather pitch proposal lacks any rationale or justification with other nearby floodlit facilities at Hawkenbury and St. John's Road.
- Site 2 is closely bordered by housing and currently only used during school hours, so the increased use would bring unacceptable noise and lighting pollution.
- Artificial sports pitches are noisier than grass ones, and Pembury Road is already too busy with no traffic calming, so noise is already unbearable.
- All-weather pitches should be at least 12m and ideally 30m from residential properties, according to Sport England, and given that there are several such houses, the pitch is in the wrong location.
- Floodlighting on Site 2 would be visible on entering the town on Pembury Road and be out of character with the surroundings, as well as a major source of nuisance for residents, potentially detrimental to health if intruding into bedrooms.
- Site 2 adjoins the Pembury Road Conservation Area, which is an important landscaped approach to the town and would be compromised by the proposed floodlighting.
- Our main concern is the floodlit all-weather pitch on Site 2 because of the lightspill and the potential noise shattering the current peaceful environment, plus the likely on-street parking.
- The development of Site 2 would considerably change the character and appearance of the area, and the artificial pitch would endanger local wildlife and constitute a change of use to commercial use, seriously affecting the lifestyle and health of disabled and seriously ill residents at the adjacent Cheshire Home (Seven Springs).
- Extra activity on Site 2 would entail substantial noise from whistles, the players and spectators (including shouting and foul language) every day and up to 11pm, disrupting children's sleep and the peace and quiet of gardens.
- The Site 2 sports proposals should be developed on Site 3 instead.
- Site 2 could be developed for an all-weather pitch without any floodlighting, plus reduced usage (e.g. only 4 hours community use per week, no use on Sundays and a curfew time of 7.30pm).

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- Floodlit sports facilities elsewhere in the town are closed at 7.30 pm and a similar restriction should be imposed here.
- Residential security could be jeopardised with the presence of unsupervised strangers.
- The adjacent Leonard Cheshire Home (Seven Springs) would be harmed by the lighting, since the residents live most of the time in their rooms and after 7pm this would be difficult to cope with.
- As Service Manager at Seven Springs, my main concerns for the residents are the noise and light pollution from the all-weather pitch. Some residents require afternoon rest, and many have to go to bed early; lack of rest and sleep is detrimental to their health and wellbeing. When windows are open in Summer, the noise would cause unnecessary upset and suffering to their daily lives.
- Those of us living at the Cheshire Home will be greatly affected by the noise from Site 2, and the floodlights would shine directly into our bungalows which back onto the field. Most of us are light sleepers and some are sensitive to light and wear sunglasses a lot because of that.
- The floodlights on Site 2 would be taller than the surrounding fencing so light would spill into neighbouring gardens; if the fencing was increased in height then sunlight would be lost.
- Any floodlighting on Site 2 would cause light trespass and light reflection to the detriment of wildlife as well as residents.
- Hours of use of the sports pitches by the community must be restricted, with consideration to the amenities of the neighbouring properties.
- Community use should be restricted to 9pm or 9.30pm at the latest to avoid considerable disturbance to residents from noise and light pollution.
- Sixteen 12m high [*actually 10m*] lighting columns and use until 11pm would be out of keeping with the residential nature of Sandown Park, and deny our rights to enjoy our property.
- The applicants have not produced adequate noise survey or lightspill data relating to the additional sports use on Site 2, and there are discrepancies in lighting column heights with 12m columns likely to be more detrimental than the 10m columns tested.
- The proposed extra after-hours use on Site 2 would not be for the benefit of pupils, and the School already provides for community use on Site 1.
- How can the extension of use on Site 2 lessen the existing incidence of foul language from the participants?
- Sport England is not involved in funding the academy development, so there is no funding prerequisite that floodlighting be included on Site 2.
- A new community sports centre open to the public all hours as part of the redevelopment would be totally insensitive to the local context and should not be allowed.

Building issues:

- The designers can be commended for pleasant views from the buildings and the eco balance, but what about the views of residents being impeded by a concrete monstrosity?
- The existing buildings may have some merit as examples of 1950s architecture and should be assessed by building historians.
- The building of an unscreened energy centre poses a potentially detrimental addition to the site, and would require the removal of trees previously promised to be retained for screening the whole development. No energy strategy accompanies the application.
- Alarmed at the scale of the proposed energy centre – a 4m high warehouse type building topped with 8m high chimney – which would not be shown in the originally

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exhibited proposals and unlike the rest of the development would not be shielded from view by trees.

- The energy centre would be ugly, visually and maybe environmentally damaging, badly sited and out of character with the locality, so it should not be permitted in its current form.
- Transporting fuel for the biomass plant from Rye is not very environmental in itself, and the local roads are not sufficiently durable to sustain the impact of the 38 tonne fuel delivery lorries, nor is there adequate space for such vehicles without impeding access for other traffic, including emergency vehicles.
- Smoke and fumes from this plant would be very near to houses, and the airborne pollution would be unacceptable and damaging to the environment and residents' health.
- The latest scientific research does not support this type of heating and it is now not considered to be environmentally friendly.
- If such an energy centre is built, it should be well camouflaged, with no trees or hedgerows removed, and site away from neighbouring housing, or built into the main part of the development.
- The energy centre would be constructed close to a mains gas pipeline, which might have safety implications for residents with spontaneous combustion dangers.
- The energy centre could be a noise nuisance, produce ash and soot and present a fire risk, and so should be moved further away from housing or use an alternative fuel such as gas.
- An industrial scale incineration plant would presumably require daily truck deliveries bringing in fuel and taking away waste.
- Biomass energy centres are not recommended in residential areas and the use of wood pellets can produce chemicals harmful to human health.
- Consent should be withheld until an alternative energy system without such huge fuel storage requirements is proposed.
- Are the 400 seat amphitheatre and the outdoor dining terrace for commercial use, since that would have noise and traffic implications?
- Object to the use of the proposed open-air amphitheatre being marketed and used commercially because of potential noise intrusion.

General issues:

- No objection to the plans in principle but serious concerns about traffic access and the energy centre that need addressing before any consent is given.
- Support the modernising of the school buildings in general and accept that the construction work would be disruptive for local residents, but the proposals are fundamentally flawed and based on inaccurate and misleading data.
- The needs of residents have been neglected in the planning application, and commercialisation to make money for the School should not be at the expense of residents' wellbeing. It is imperative that concerns such as the traffic issues are addressed before the development goes ahead.
- It is not clear why the proposed development is not on a new site, nor whether Site 3 would ever be used. The development could be better sited on the currently redundant Kent and Sussex Hospital site.
- Distributing the proposed built development across all 3 sites, as originally proposed by Gensler, would have lessened the impact on residential amenity overall and better protected biodiversity.
- The use of Site 3 for recreational use and a working farm is a concern because of increasing traffic on Pembury Road.
- Can the seldom used accesses into Site 1 from Sandown Park be removed and planted, with the kerblines reinstated to prevent parking?

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- Construction activity should be restricted to the hours of 8am to 4pm weekdays, and not take place on weekends, plus conditions should be imposed to prevent mud and waste deposited outside of the site.
- Object to the loss of any trees in the vicinity of the school, since that would increase the visibility of the development. Concerned at the loss the huge rhododendrons and other trees and shrubs as a result of the development.
- Site 1 adjoins a Site of Nature Conservation Interest and trees along the site boundary accommodate bats, so a bat survey should be carried out to assess the disturbance to bats from the development before deciding the planning application.
- Trees have not been assessed in detail for use by bats, nor has the ecologist considered the trees to be removed; insufficient information has been submitted to demonstrate that bats would be protected.
- Some properties would clearly devalue as a result of the Site 2 proposals.

Procedural issues:

- The proposals are not defined County Matters and therefore should be considered by the District Planning Authority.
- Concerned that the County Planning Authority is considering the Council's own proposals, which conflicts with Human Rights issues since there is no third party appeal rights, other than legal challenge.
- The heritage assessment is lacking in that it does not consider the impact of the lighting columns on Site 2 on the adjacent Conservation Area.
- It is unclear of what built development is proposed for Site 3, and that might affect the consideration as to whether the total development would constitute Environmental Impact Assessment development.
- The EIA screening opinion predates the availability of significant further information, important to the consideration of the environmental effects; the cumulative effects of all the missing or subsequently submitted information is important to the EIA screening, including any later phases of development on the more environmentally sensitive Site 3.

56. **The Sandown Park and Blackhurst Lane Local Community Group** represents most of the residents who have contributed the above points, and has compiled its own detailed documentation in response to the planning application. The Group welcomes and supports the notion of the Academy with its focus on quality and enhancing the lifetime opportunities of young people, but has particular concerns over:

- the quality and accuracy of the Planning Statement;
- the absence of mitigation for traffic and parking impacts;
- the proposed all-weather pitch and associated floodlighting;
- the proposed energy centre and storage facility; and
- various other aspects.

An executive summary of the detailed concerns is included at Appendix 1.

57. Some 76 letters of representation have been received in response to the submitted amendments to the original submission, and the key further points of concern and objections can be summarised as follows:

Highway Issues:

- Pleased to see that junction improvements for the Blackhurst Crossroads have now been incorporated in the planning application, but remain concerned that these would not be carried out until the school has been redeveloped; this must be revisited before permission is given, to ensure a commitment that such works be carried out at a non-deferrable date before the redevelopment begins.

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- Traffic signals are welcomed but the junction would be more congested and dangerous during the construction period; cannot temporary lights be used during the construction? Why has a mini-roundabout not been considered? Traffic signals would create a further problem for traffic flows on Pembury Road, and a 20mph restriction should be introduced for Sandown Park.
- Priority pedestrian and cycle routes along Blackhurst Lane and Sandown Park should be required by condition.

Amenity Impacts:

- Continued concern that insufficient attention has been given to residential amenity impacts, i.e. a reasoned analysis of the overall effects, so the application remains incomplete and flawed.
- Control of on-street parking in Blackhurst Lane and Sandown Park still needs to be addressed, especially by sports users, to avoid dangerous parking on the bends and obstructing residents' driveways.
- If the Site 1 MUGAs are moving, why must the existing contracted hours remain unchanged? The proposed acoustic wall is an untested gesture and the rebounding of balls would add to noise, and the gaps in the proposed fencing would deflect the sound elsewhere.
- The Site 1 MUGAs could be kept in their current location if further consideration is given to the design of the new buildings, thereby lessening the visual and audible disturbance to neighbouring residents.
- Continued hours of use on the Site 1 MUGAs to 10.30pm remains completely unacceptable - land use planning matters should not be compromised by other legal considerations.
- The extra numbers using the Site 1 MUGAs, closer to neighbouring houses, would be intolerable and prevent quiet enjoyment of gardens, and some of us work nights and need to sleep during daytime.
- The existing 66.5 hours of community use on Site 1 far exceeds Sport England's required 40 hours. Even so, could the hours therefore be reduced outside of school term-time to end at 7pm?
- Do not agree that the acoustic wall would considerably improve the environment for local residents if there is to be 66 hours of additional, use.
- Replacement of the proposed tree planting on Site 1 with hedging is welcomed, but confirmation is sought over the restricted access to and use of the proposed junior football pitch.
- The locality is generally dark, so any floodlighting distorts the natural level of light, and natural habitat would be irretrievably damaged by the light and noise from the extended use of the pitches.
- The Site 1 pitches are generally only used about 8 hours per week, so full use up to 66 hours would have hugely detrimental effects on residents. We ask for similar protection to our amenity as TWBC has provided at Rosehill School in 2010 (ie. 7.30pm curfew).
- Concerns over the legality of the 1997 planning consent [by TWBC] for MUGA on Site 1 before the houses in Ospringle Place were built and occupied, so the residents were not able to make objections even though the MUGA was developed afterwards.
- The significant change in location of the Site 1 MUGAs warrants completely new terms to the contractual agreement with Sport England in 1997 to provide 40 hours of community use, given the development of neighbouring houses since then.
- Noise monitoring of the existing MUGAs at the neighbouring property have concluded that the noise is unacceptable in terms of residential amenity, noise within the home from netball games increases by 15dB (33% above complaint levels), noise level is in excess of a doubling of subjective loudness, and the nature of the

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noise is extremely intrusive. Restricting the hours of use would not remove the established unacceptable level of noise, but merely limit its duration.

- The proposed 3m high acoustic fencing would need to be continuous and surround the noise source completely, and there is currently a 5m wide gap directly opposite the nearest property.
- Moving the floodlit pitch on Site 2 would benefit some residents, but have devastating impacts on the disabled residents of the Cheshire Home and the character of the Pembury Road Conservation Area.
- As agents for Leonard Cheshire Disability, we object to the revised proposals, and whilst have no objection in principle to improved recreational facilities here, object strongly to the AWP with its floodlighting and fencing within a few feet of the supported living dwellings, on the grounds of unacceptable noise pollution, light pollution and the impact of the character and amenity of the area resulting from the intensification of use and associated equipment.
- The floodlighting would have an unacceptable detrimental impact on the Home's residents, with direct glare and indirect illumination into the bungalows given the deciduous boundary vegetation. Since background noise reduces at present in the evenings, it is ludicrous to assert no additional noise would be generated, and the noise reduction from the proposed fencing would be reduced by its distance from the noise source. The lighting columns and the 3m fencing would be discordant and incongruous features, visually harmful to the character of the area.
- We residents at Seven Springs are devastated at the loss of freedom to enjoy the gardens, effect on wildlife, and the loss of natural light at the bungalows. Whilst such a development could be hugely beneficial to the community, it would be intrusive and detrimental to our quality of life. Some bedrooms and the communal lounges face onto Site 2 and would be hugely affected by the floodlighting, including sleep disturbance up to 11pm. Noise from use on Sundays is already a disturbance and we are concerned at it continuing throughout the week and late into the evening. We are also concerned at users parking in the surrounding streets and obstructing our driveway, given the need for emergency access, and reducing wheelchair access to surrounding pavements.
- The floodlights on Site 2 are not a prerequisite of Sport England, and there are adequate floodlit facilities elsewhere in the Tunbridge Wells area. What about the impact of the floodlights on Pembury Road, and the potential distraction for motorists?
- The lighting consultants fail to take account of upward reflected light, sky glow and glare, as well as the effects of diffraction. Even if the change in lighting is within the accepted ILE standards, the existing dark grass area would certainly change with the introduction of floodlights.
- The lighting drawings do not show that the combination of cut-off luminaires and distance would avoid any light spill into neighbouring premises or vegetation used by bats, but direct light spill and reflection from the pitch surface is actually likely to occur.
- Reducing the usage from 7 to 6 days per week on Site 2 is only a minor concession and shows no regard for the peaceful community.
- The proposed acoustic fencing on Site 2 is totally unacceptable, since it would be visually oppressive, and would provide only marginal attenuation. Reducing the curfew time to 9pm is an insult and still unacceptable in terms of noise and light nuisance. Why does the acoustic fencing not run along the Sandown Park side, since the noise would be channelled in that direction towards other houses?
- The proposed 3m high fencing would be a hideous eyesore. The cost of restoring the Hawkenbury sports facility only 1 mile away would be less than providing a new AWP, or the new facility at St. John's could be better used by the community.

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- Reduction in the hours of use on Site 2 is much appreciated, but 3m high fencing would be totally oppressive where house eaves are at only 1.8m, and entirely unwarranted if the predicted noise levels would not exceed the existing levels as suggested. Some house-bound residents might appreciate viewing the sports activities.
- The noise consultants claim that the noise levels on Site 2 would be no greater than those from Pembury Road, but that road is not 3m away from houses and would be additional to the prevailing noise. 7dB attenuation from the acoustic fencing does not take account of sound wave diffraction, and noise at bedroom height above the 3m fence.
- How can the consultants conclude that there would a decrease in noise levels? Since Site 2 currently has only limited use, the increase in activity would obviously increase noise levels.
- All-weather pitches are notoriously noisy, with the artificial grass pitch surface creating and reflecting more noise than grass when is use.
- Sport England advises against pitches being sited near deciduous trees because to the maintenance problems with leaf fall.
- The Noise Assessment takes no account of irregular peaks in noise, such as whistles, shouting and swearing, and can only be based on 'guestimates' because there is nothing currently to record.
- The noise evidence is incomplete and compares predicted LaeqT noise ratings with Laeq 15 mins, which is not a true comparison, plus there is no means to be clear on whether the example of pitches elsewhere is truly comparable with Sandown Park and in terms of background noise. The attenuation benefit of the acoustic fencing cannot realistically be assessed as acceptable in advance of knowing actual effects before and after its installation. Account needs to be taken of the pattern of peak noise events, which the report does not indicate, and which the 3m fencing would not mitigate for to any material degree.
- Site 2 is too small to accommodate the proposed uses, which would conflict with Sport England's guidance on setting pitches away from adjoining residential areas.
- Why cannot the sports uses be relocated to Site 3, which would be an appropriate use in an Area of Outstanding Natural Beauty and would not affect the openness of the Green Belt? Any development on Site 2 should be refused, and the floodlit pitch, if needed, relocated to Site 3.
- Spacious grass pitches are already available on Site 3, so why destroy an eco-friendly green sports area and replace it with a noisy AWP with night sky polluting floodlighting?
- Would strongly oppose any redevelopment of Site 3.

Building Issues:

- Re-siting the energy centre in the main building is welcomed, but there are some anomalies in the revised drawings and more assurance is needed on emissions, with no use of landfill material or household waste as fuel.
- Continued concerns over the noise and odour effects of the energy centre, pus the visual impact of the protruding stack. Prevailing winds would direct smells to houses in Ospringe Place and the surrounding area to the north and east. The pollutants cause breathing problems in children, create acid rain and will add to poor air quality on Pembury Road.
- The pollution potential of biomass is unknown, so tried and tested heating fuels should be relied upon rather than experimenting. Biomass boilers are more expensive to install and run than gas ones, and present a greater fire hazard. What provision has been made of solar or wind power?

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- A more detailed study of the actual local effects of the biomass boiler is needed, given the emissions of nitrogen oxide and particulates in an area being considered as an Air Quality Management Area. Please consider a cleaner fuel such as gas.
- The 20.8m high stack is completely out of context in a residential area and more in keeping with an industrial site.
- The noise from the pneumatic delivery of the wood pellets has been likened to that from a domestic lawnmower, which clearly has the potential to disturb nearby properties.

General Issues:

- Why is this development being shoehorned onto the existing site, rather than onto a Greenfield site? The site is too small to accommodate all that is proposed.
- Why cannot the new buildings be sited on the footprint of the existing buildings, rather than damaging local residential amenity?
- School only use of the amphitheatre is welcomed, but continued objection to its potential commercial use, which must have no sound or lighting installations.
- Continued objection to outdoor dining area overlooking neighbouring gardens, and as a further noise nuisance. Is this area to be used by visitors and the general public?
- Parking provision must be made on site for construction workers, unless a park and ride system is adopted. Continued concerns over construction traffic and large lorries having to negotiate the Sandown Park/Blackhurst Lane junction and locking in residents.
- The Ecology Reports are superficial with little reference to bats, grass snakes and birds, such as sparrow hawks, and neither are detailed surveys for protected species. A bat survey is a mandatory requirement if there is evidence of bats in the area and must be carried out prior to planning approval.
- Despite constant references to community use, there is little regard for the neighbouring community of Sandown Park.

Procedural Issues:

- Consultation on this whole development has been abysmal, with tight deadlines for responses, late amendments to plans and inaccurate information.
- Concern at applicants' inappropriate responses to residents' concerns and the short notice given to residents of the recent exhibition.
- The Site 1 sports proposals should not be proceeded with since the use of existing courts amounts to a statutory nuisance, and use of the Site 2 facilities might also have to be curtailed if noise nuisance is successfully established.
- We ask that the revised application be refused, and particularly the outdoor sports elements.
- The further EIA screening opinion is flawed and fails to take into consideration future development on Site 3, even if it is excluded from the current application; case law has established that the whole project should be properly screened and assessed rather than just a part of it.
- Continued concern that the procedures under the Town and County Planning General Regulations 1992 are contrary to the Human Rights Act 1998, given the absence of any meaningful independence or impartiality and any merits review process. County Council Members are not the local planning authority for this area and were not principally elected to determine planning applications in their area, so the applications should be directed to Tunbridge Wells Borough Council to determine.
- Consent should not be given in advance of sight of the Construction Management Plan and further details on the biomass proposals.

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- Despite contrary claims, the whole proposals are clearly commercially oriented. Please consider this development as if it was within 35 yards of your own home.
- Concerned that planning officers and the Committee are not being given enough time to fully consider and respond to all residents' views, and disappointed that officers have not visited individual properties.
- The application documents and reports contain various misleading anomalies, errors and inaccuracies.

58. **The Sandown Park and Blackhurst Lane Local Community Group** has complied further documentation in response to the amendments to and further information on the planning application. The Group welcomes the Academy and believes that it would make a vital contribution to the lives and futures of young people in Tunbridge Wells and the surrounding area, but are concerned that:

- the inevitable escalation of the widely acknowledged and long standing traffic problems at Blackhurst Crossroads,
 - the construction activity and operational aspects of the Academy,
 - the additional parking difficulties,
 - the construction of an industrial level biomass heating facility,
 - the floodlit all-weather pitch on Site 2 and its public use, and
 - the building of new MUGAs on Site 1 alongside existing residential properties,
- would all combine to increase the risk of serious accidents to students and residents, and harm the lifestyles and interests of residents.

An executive summary of the further concerns is included at Appendix 2.

59. A petition has been received with 34 signatures from 11 properties in Ospringe Place objecting to the proposed location and hours of intended use of the MUGAs on Site 1:

“We all believe the relocation of the courts closer to Ospringe Place will cause a significant and detrimental effect to the residents' lives of all properties in the immediate locality. Notwithstanding the addition of an acoustic wall, the proposed extensive hours and the associated noise and light pollution will deprive us of our right to the quiet enjoyment of our gardens and homes.”

A copy of this petition is included at Appendix 3.

Discussion

Introduction

60. The application seeks planning permission for the redevelopment of the existing school site to provide a new 3/4 storey Academy. It involves alterations and additions to the existing sports centre (known as 'Blackhurst Lane Sports Centre'), the retention of an existing CDT block (referred to within the proposed plans as the 'Future Skills Academy'), the external provision of a new All Weather Pitch (AWP) on Site 2, 165 car parking spaces and 164 cycle spaces (to replace the existing provision), an external amphitheatre, dining terrace and energy centre on Site 1. It also includes the relocation of floodlit Multi Use Games Areas (MUGAs), the reconfiguration of a bus set down area and the provision of hard and soft landscaping. The application is being reported to the Planning Applications Committee for determination as a result of the objections received from local residents (as summarised in paragraphs 55-59). In considering this proposal, regard must be had to the most relevant Government Guidance/Statements and adopted Development Plan Policies as outlined in

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paragraph (39) and any other key material planning considerations relevant to take into consideration in the decision making process. 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.

61. As discussed in the proposals section above, the applicant submitted further information amending and amplifying the original application following the initial period of publicity and a second public exhibition held at the Academy by the applicant. The key changes as a result of this amendment included: the inclusion of highway junction improvements at Blackhurst Lane/Pembury Road/Halls Hole Road and the commitment by the applicant to implement these improvements prior to the first opening of the new Academy; the relocation of the Energy Centre (biomass boiler) within the envelope of the new Academy building; alterations to proposed hours of use, further acoustic details and mitigation measures for sports facilities on Sites 1 and 2; the submission of additional ecological information relating to Site 2; the closure of several pedestrian access points into Site 1; and the details of a Construction Management Plan. The applicant has also now withdrawn the previously proposed floodlighting element from the AWP on Site 2 pending further consideration.
62. The key planning considerations in this particular case can be categorised under the following headings:
- the principle of improved educational facilities on Sites 1 and 2;
 - the impact on the local and strategic road networks, highway safety and the adequacy of vehicle parking;
 - the visual impact on surrounding landscape and heritage designations;
 - residential amenity considerations from the proposed development on Site 1 and Site 2;
 - ecological considerations;
 - biomass and air quality considerations;
 - construction impacts; and
 - other issues.

Principle of improved educational facilities

63. Skinners Kent Academy formed in 2009 as part of the Government's Academies programme. It replaced a well established secondary school (Tunbridge Wells High School) principally located on a split site, whereby the main campus buildings are located on Site 1 and the main sports field on Site 2. The Academy serves the local area of Tunbridge Wells and surrounding outlying areas. There is also a well established sports centre (Blackhurst Lane Sports Centre) on Site 1 which serves both the Academy during school hours and the local community during out of school periods. In principle, the use of Site 1 as the main campus facility and Site 2 as the main playing field site is considered appropriate in planning terms and closely underpins the existing arrangements. Furthermore, the school's educational contribution to the local community is acknowledged in terms of an important community asset. It is noted that Core Policy 8 of the Tunbridge Wells Core Strategy seeks to maintain and enhance (where appropriate) the capacity, quality and accessibility of community facilities. Core Policy 1 of the Core Strategy states that priority will be given to the use of previously developed land for these purposes. I consider that the existing school buildings on the main campus site to be of no architectural merit sufficient to warrant preservation as opposed to their demolition and rebuilding with a purpose built educational building which would have clear benefits to

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pupils attending the school in the future. The Academy is reasonably well located in relation to public transport links and to walking and cycling routes of the immediate population it seeks to serve, and there is the potential to improve public transport measures to/from the site as detailed in the site's existing Travel Plan which seeks to reduce pupil drop-off and pick-up journeys from 13% to 8% by September 2012. Taking account of Core Strategy Policies CP1 and CP8, I see no reason, in policy terms, to presume against the principle of the redevelopment of educational facilities suitable for modern learning requirements on Sites 1 and 2.

Impact on the local and strategic road networks, highway safety and the adequacy of vehicle parking

64. The Transport Assessment (TA) which accompanies the planning application uses an agreed baseline of 750 pupils and 100 staff in order to assess the highway impacts of the proposal to increase the school roll following redevelopment up to 1150 pupils, supported by approximately 150 staff. This baseline figure was agreed between Kent Highway Services and the applicant at the pre-application stage. It is noted that the Highways Agency has confirmed (see paragraph 42 above) that they consider the submitted TA to have used an appropriate baseline model. It should be noted that the existing Academy operates significantly below the agreed baseline, with the school roll typically ranging between 400-500 pupils for some years. The TA has taken into consideration the impact of increased school traffic on the local and strategic road networks under different circumstances, including taking into account whether the proposed Tesco (Pembury) store redevelopment is implemented and the impact of the use of the new Pembury Hospital.
65. Members will note that all traffic to and from the school site has to use the nearby junction of Blackhurst Lane/Pembury Road/Halls Hole Road. Many existing road users from all directions have raised considerable concerns over the existing junction as part of these proposals. An intensification of the use of the Academy site from the agreed baseline of 750 pupils and 100 staff to the proposed 1150 pupils and 150 staff (and increase of 400 pupils and 50 staff respectively) would clearly increase the use of this junction on school days, although additional housing in recent years has increased traffic movements as well at all times. The Divisional Transportation Manager (see paragraph 41) has noted that this junction is acknowledged to operate over theoretical capacity at present, and therefore the option of 'doing nothing' to improve this junction would lead to the consequent likelihood of increased delays for those entering or leaving Blackhurst Lane. He goes on to identify that the local Highway Authority has long been aware of the need to manage traffic at this location but the lack of funds has prevented this from being progressed to date. He recognises that whilst some of the impacts resulting from a much larger school could be mitigated through the operation of a successful Travel Plan, it is accepted that there would be a noticeable increase in traffic movements, and that an already stressed highway network could not cope without a likely adverse impact on highway safety. Obviously the funds provided for the new school development must be invested in the school development and not used for remedying off-site highway problems. However, the Highway Authority would normally expect developers to pay towards any necessary highway improvement works, since it does not have the funds for such works itself. Under the circumstances, negotiations have taken place between the applicant, the Highway Authority and the Planning Authority to explore the potential for junction improvement here.
66. Proposals have now been submitted for signalisation of the junction as detailed above in paragraphs 33-34. The Divisional Transportation Manager is satisfied that these signalisation proposals would be functionally beneficial, although he recognises that

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there would possibly be some extra delays for through traffic on the A264 (Pembury Road) at the busiest times. The signalisation proposal has undergone necessary preliminary safety audits and technical assessments, with no significant concerns arising from them. The junction improvement works now form part of the planning application and the applicant has given a commitment to carry out these works prior to the first occupation of the new Academy. Statutory consultees were consulted and local residents notified of the proposed junction improvements in early February 2011 with 21 days to comment. The views received are summarised above in paragraphs 55-59.

67. Local Plan Policy TP4 recognises that within the Limits of Built Development (in which the site is located) the intensification of use of an existing access directly onto a primary or district distributor road must be demonstrated to not significantly worsen traffic delays or the risk of accidents. It stresses that traffic generated by the proposals should not compromise the safe and free flow of traffic or the safe use of the road by others. It requires that where a proposal necessitates highway improvements, the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development. I considered that in this instance there is sufficient justification to seek the applicant to undertake highway improvement works to the Blackhurst Lane/Pembury Road/Halls Hole Road junction to include traffic signalisation as part of their proposals. That would involve further safety and technical assessment of the proposed junction scheme, as detailed on page D1.10, the approval of the detailed scheme by the Highway Authority and full implementation prior to the first occupation of the new Academy. Based on the professional advice received from the Divisional Transportation Manager, I note that without such junction improvement the intensification of use of the Academy would otherwise be unacceptable in highway capacity and safety terms.
68. Members will note that the Borough Council (see paragraph 40) has requested that they be formally consulted on the highway details of this junction improvement scheme as they have specific concerns in relation to: (i) the avoidance of further congestion of Pembury Road in the vicinity, to the detriment of the town centre and town as a whole, caused by this development; and (ii) the occupation of the proposed development being conditional upon suitable highways details being agreed and implemented and the resourcing of the required highway works. Whilst I acknowledge the concerns raised, in my view sufficient details have been provided to enable the junction improvements to be agreed in principle and these were provided to the Borough Council under the second period of formal consultation on this application in early February 2011. The detailed design would be a matter for the Highway Authority to agree before giving the works final approval. On the basis that the signalisation works fall within the extent of existing highway ownership land, planning permission would not be required for the works per se, but the scheme should be a conditional requirement to be implemented (in accordance with final details to be agreed with the Highway Authority) prior to the first occupation of the new Academy, in the event that planning consent was granted in accordance with the advice of the Divisional Transportation Manager.
69. Local residents have expressed concerns that the junction improvements must be fully implemented prior to the commencement of construction activities. In the light of the Divisional Transportation Manager's views I do not consider that it is necessary or reasonable to require these to be carried out before construction commences. Furthermore, the time required to undertake further detailed safety and technical assessments of the proposed junction scheme before its final approval by the Highway Authority would, in my view, unreasonably jeopardise the delivery of this project. It

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should be borne in mind that the junction improvement is necessitated by the enlargement of the Academy and its roll number, and not by the actual construction activity.

70. The Highways Agency has raised no objections to the proposed development (see paragraph 42) and are content that the resultant traffic impact associated with the development would not result in a material impact on the strategic road network (i.e. the A21). However, they do not regard the predicted impact on the strategic road network junctions (i.e. the A21 slip road junctions on to/off the Pembury Road) as inconsequential given the existing peak hour congestion issues and therefore require the associated Academy Travel Plan to be robust. Tunbridge Wells Core Policy 3 encourages the increased use of sustainable transport such as walking, cycling and public transport and requires all significant traffic generating development proposals to provide a Transport Assessment and Travel Plan to demonstrate how car based travel can be minimised. As discussed above, the application is accompanied by a TA which details the predicted impacts of increased traffic movements on the local and strategic highway network. An existing School Travel Plan is already in place at the site which seeks to reduce pupil drop-off and pick-up journeys from 13% to 8% by September 2012. I consider that the school site is well related to the urban populations of Tunbridge Wells and Pembury, and therefore in my view is in a relatively sustainable location from a transport point of view. I support the views received from the Highways Agency in terms of the need for a new robust School Travel Plan, a view which is also shared by the Divisional Transportation Manager. I therefore propose that a condition be placed on any forthcoming planning consent requiring the submission for approval, the implementation and ongoing monitoring of a robust new School Travel Plan. I consider this approach to accord with general principles contained within National Planning Policy Guidance Note 13 and be consistent with the requirements of Local Plan Policy TP1.
71. A reconfigured and significantly enlarged car park is proposed on Site 1, consisting of 165 spaces compared to the existing on site provision of just 33. Car parking would be provided for Academy staff parking as well as the community out of school hours. Cycle parking provision would similarly be significantly upgraded to provide 164 bike spaces in stacked stores for the school use, with an additional provision of 10 covered and 24 cycle spaces for sports hall community use. A coach/bus drop off zone would be provided within the internal service road accessed from Sandown Park. The general arrangement and location of parking and drop off areas are deemed to be acceptable and I note that the Divisional Transportation Manager is satisfied that what is being proposed is appropriate without running the risk of undermining the objectives of the Travel Plan, which actively seek to encourage non car travel wherever possible. I am therefore satisfied that the proposals are in accordance with Local Plan Policies TP5 and TP9 and South East Plan Policy T4 in relation to parking provision. I also consider the proposals to accord to general principles contained in National Planning Policy Guidance Note 13. Furthermore, I recommend that in accordance with the Divisional Transportation Manager's views that the areas shown on site for vehicle parking and turning be provided and maintained solely for that purpose prior to the first occupation of the new Academy.
72. Concerns have also been expressed from local residents (as summarised in paragraphs 55-59) relating to problems with existing staff cars being parked in surrounding residential roads, notably Sandown Park and Blackhurst Lane, as opposed to within the campus site. It is acknowledged that given the current lack of parking on Site 1 staff regularly park outside of the Academy grounds. However, the parking provision proposed as part of this application should avoid such problems

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occurring to any significant degree in the future. In this respect, the Divisional Transportation Manager notes that it is possible that, in extreme circumstances, the proposed car park may not cater for all potential users. That is common to most developments and facilities are rarely ever designed to provide for the worst possible case. In this instance he has suggested that the situation be monitored by the County Planning Authority and Local Highway Authority and that funding be secured from the applicant to cover the installation of waiting restrictions on roads surrounding the Academy should they prove necessary at some point in the future. He has stressed however that at present it is not considered necessary or appropriate to promote such restrictions in anticipation of a problem which may not occur. I therefore propose that in the event of planning permission being granted, a condition be imposed to the effect that the applicant is required to fund the installation of reasonable waiting restrictions should they prove necessary in the future.

73. The Divisional Transportation Manager notes that the provision of an AWP on Site 2 would create a separate demand for car parking facilities outside school hours, but that facilities would be made available within Site 1 to accommodate adequate parking provision for such community use. It is therefore recommended that a condition be placed on any forthcoming consent to ensure that adequate parking provision be made available at all times within Site 1 for vehicle parking associated with the community use aspect of Site 2. In addition, a condition requiring a secure pedestrian link between the main school car parking area and Sandown Park be provided and maintained for users of the AWP (as detailed within the application).
74. The application proposes the closure of two of the three existing pedestrian access points to Site 1. An entrance on Sandown Park and the most southerly access at the junction of Sandown Park and Blackhurst Lane would be closed with boundary fencing erected to match the existing boundary treatment and infill vegetation planting where required. An informal lay-by used by parents dropping-off and picking-up students, occasionally causing congestion and road safety concerns for local residents, would be closed off, levelled, paved and kerbed to discourage such continued use. A condition would be imposed on any planning consent requiring the full reinstatement of this section of footway to the satisfaction of the Highway Authority.
75. Having considered the highway impacts of the proposed development, in relation to the local and strategic road networks, the impact on highway safety and the adequacy of on-site parking provision I am satisfied that the proposals are acceptable in planning policy terms and note that no objections have been raised by the Divisional Transportation Manager or the Highways Agency. For the reasons discussed above, I am satisfied that the timing of the junction improvement works should be fully implemented prior to the first occupation of the new Academy, but do not consider it is necessary or reasonable to require these works to be carried out before construction commences in light of the views received from the Divisional Transportation Manager. In my view, I consider this to be a reasonable approach, which would not significantly delay the commencement of the project pending further technical assessment and approval of a final scheme by the Highway Authority. I therefore recommend that the junction improvement works be a condition requirement of any planning consent. As outlined above, I also consider that highway related conditions in respect of on-site vehicle parking being provided and retained for the duration of the development, that vehicle parking be made available at all times on Site 1 for community uses associated with Site 2, footway reinstatement, a prior and post completion highway survey, code of construction practice, measures to guard against mud and debris on the public highway during works and the submission of a new School Travel Plan be made conditional requirements of any forthcoming consent.

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Visual impact on surrounding landscape and heritage designations

76. The application is accompanied by a Landscape and Visual Impact Assessment Report which the County Council's landscape consultant has considered to be sound in terms of its general approach and methodology. They consider that the zone of visual influence is reasonably well contained by the surrounding landform, woodland cover and built development and that there would be no significant change as a result of the proposed development on long distance views (greater than 1km). They also consider that the significance of visual effects (classified as 'minor adverse') would be experienced from close views (less than 250 metres away). The application has also assessed the heritage impacts of the proposed development on Site 1 and Site 2 in respect of the Pembury Road Conservation Area, as required by National Planning Policy Statement 5.
77. The built form of the new Academy building itself has given rise to very little objection from the local community and statutory consultees. It would however be striking in visual appearance and different in style and form from the design of existing school buildings on Site 1 and the built form of surrounding domestic development. That in itself is not considered to be a reason to presume against the proposed new Academy design, but instead I consider the design approach adopted to be appropriate for a modern purpose built educational building. I therefore would not raise concerns to the proposed building form which has been the subject of extensive pre-application discussions, subject to the final approval of a suitable quality and appearance of external materials. Furthermore, I consider that the design of the new Academy building to be appropriate for its setting, taking into consideration what it is trying to achieve in terms of being a striking 21st century educational building to inspire the future generations of secondary school pupils within the Tunbridge Wells area. I therefore consider the proposed new Academy to accord with general high-quality design and amenity principles contained in Core Strategy Policy CP5 and Local Plan Policy EN1. The outside spaces surrounding the new Academy building, the retained Sports Hall and Future Skills Academy buildings have been well thought out and comprise courtyard spaces between the new Academy 'wings', an external partially canopied amphitheatre and a generally well hard and soft landscaped site. The proposed development has been designed to retain, as far as was reasonably possible, existing mature trees which make a valuable contribution to the Conservation Area (located to the southern most part of the site) and the screening of the site from the surrounding street scene and nearby residential properties. I consider that the retention of the vast majority of this boundary vegetation makes an important contribution to protecting visual and residential amenity. I therefore consider that the built form and landscaping proposed on Site 1 are acceptable and broadly accords with Core Strategy Policy 4 and Local Plan Policies EN1 and EN13.
78. The vast majority of existing trees on Site 1 are proposed to be retained as part of the proposed development. Given the substantial benefit that these trees provide in terms of screening Site 1 from the adjoining Conservation Area and nearby residential properties I consider that sufficient protection should be afforded to them during all construction/demolition works. I therefore propose that a condition be placed on any consent requiring tree protection fencing to be installed and maintained surrounding all retained trees during proposed development works. I note that concerns have also been expressed in terms of an impact on trees to be retained surrounding Site 2 in terms of the installation of sections of proposed acoustic fencing. I therefore propose that in order to fully consider this matter in detail, in order to retain and avoid any unnecessary impacts on these trees, that a condition be placed on any consent

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requiring tree protection measures to be submitted for Site 2 prior to the commencement of any works.

79. The southern part of Site 1 is within the Pembury Road Conservation Area (as can be identified on page D1.4). In my view this part of the site would remain open from built development, with a dominance of mature soft landscaping retained, particularly at the site boundary. Whilst the demolition of the vast majority of existing school buildings on site and the construction of the proposed 3/4 storey Academy building would affect the setting of the Conservation Area in this locality, the impact would only be marginal and is considered to preserve and enhance the character of the Conservation Area in my opinion. The retention of the vast majority of mature trees on Site 1 together with their protection during construction activities, as detailed within the application, would help to ensure that there is no significant detrimental impact on the character and/or appearance of the Conservation Area. It is noted that Site 1 is located in relative close proximity to the west of the High Weald AONB and other locally designated landscapes, but given the separation distance from existing built development I am satisfied that the proposals would not have any significant effect on the High Weald AONB as they would not be clearly viewed in the foreground to or from the designated landscape. For the same reasons, I do not consider there to be any adverse impact on the openness of the Metropolitan Green Belt which is located broadly on the same boundary as the High Weald AONB (to the south of Pembury Road). Overall, I consider that the proposals for Site 1 comply with Tunbridge Wells Core Strategy Policy 4, Local Plan Policy EN5 and South East Plan Policies BE6 and C3. Furthermore, I consider the proposals accord with national planning policy guidance contained in PPG2 and PPS7.
80. Site 2 is located adjacent to two Areas of Landscape Importance (defined by Local Plan Policy EN22) to the east and west and an Important Landscape Approach (defined by Local Plan Policy EN23). The latter designation identifies Pembury Road as an Important Landscape Approach characterised by being lined principally by mature hedges and largely native trees which partly conceal built development and give the impression of the countryside extending into the built up area. The southern part of the site, fronting Pembury Road, is within the Pembury Road Conservation Area. Beyond the Pembury Road sits the boundary of the High Weald AONB (as shown on page D1.4) and Metropolitan Green Belt. I note that the County Council's Landscape Advisor (paragraph 45) considers that the AWP and associated 3 metre high welded mesh ('ball stop') and 3 metre high timber acoustic fence would not cause any significant effects on either the Pembury Road Conservation or High Weald AONB as the site is reasonably well enclosed by development and mainly deciduous vegetation. With the recent removal of the floodlighting columns which were previously proposed for the AWP on Site 2, any potential impacts on the Conservation Area and High Weald AONB are substantially reduced. On this basis, I do not consider it necessary to seek additional planting along the Pembury Road frontage of Site 2 as suggested by the Borough Council. I note that this request was made by the Borough Council at the time when the floodlighting elements were still being proposed. I propose however that the existing vegetation along this boundary be afforded suitable protection during the construction of the AWP, satisfying the requirements of Local Plan Policies EN13 and EN23. Based on the current proposals for Site 2, I am satisfied that the proposals comply with Tunbridge Wells Core Strategy Policy 4, Local Plan Policies EN5 and EN22 and South East Plan Policies BE6 and C3. Furthermore, I consider the proposals accord with national planning policy guidance contained in PPG2 and PPS7.

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Residential amenity considerations from the proposed development on Site 1 and Site 2

81. Members will note that residential concerns have been expressed regarding the potential use of the external amphitheatre on Site 1 outside of school hours, particularly for social gatherings/concerts. The applicant has confirmed that the amphitheatre would be used as an outside classroom, performance space, social gathering point and play area. It is not proposed to have any form of external audio or lighting equipment fitted in this area and it would be for the sole use of the Academy. I note that the Borough Council has recommended that a condition be placed on this specific aspect of the proposal to limit the use of the amphitheatre to between the hours of 08:30 to 19:30 Monday to Saturday, with no use on Sunday and Bank Holidays. In the interests of the preservation of surrounding residential amenity, I support that recommendation and propose that a condition limiting the hours of use of the amphitheatre to those suggested by the Borough Council be imposed on any forthcoming planning consent. Concerns have also been raised over the proposed external dining area as a potential noise nuisance. However, there is no intention for this area to be used commercially and its use by pupils is unlikely to cause any more disturbance than the current use of other outdoor parts of the site.
82. Acoustic details of all plant and equipment which would be installed on the roof/external façade to the new Academy building have been requested for later approval by the Borough Council (see paragraph 40). On the basis that there is potential that any external plant/equipment installed on the external façade/roof of the new building could lead to noise concerns at nearby noise sensitive receptors, I suggest that a suitable condition be placed on any decision requiring the submission for approval of acoustic details relating to all external plant/equipment proposed.
83. Acoustic details have been provided on the day-to-day operation of the biomass boiler, together with predicted noise levels which would be experienced when fuel (wood pellet) deliveries arrive at the site. The boiler itself would be located within the new Academy building, with its day-to-day operation not considered to present any acoustic concerns outside of Site 1. Increased noise levels are expected to be experienced at the nearest residential properties (located some 50 metres away) during the fuel delivery process which is expected to occur, at a maximum, of every two weeks during peak winter months. This process would use a pneumatic blower to transfer wood pellets from the delivery vehicle to the fuel store located within the main building. This process is expected to last between 45-60 minutes from the time that the delivery vehicle arrives at the site. The County Council's Noise Consultant has considered the detail submitted by the applicant in terms of noise impact associated with the delivery of biomass fuel and has requested that a condition be placed on any consent ensuring that the rating level emanating from the facility at nearby residential premises when assessed in accordance with BS 4142 shall not exceed the background noise level by +5 dB. I therefore propose that this requirement be placed on any forthcoming consent and accordingly request the applicant submit details for the prior approval of the County Planning Authority of how this requirement would be met.
84. Members will note that the existing floodlit MUGAs are proposed to be extended and relocated further north on the north western part of Site 1, adjacent to the site boundary with Blackhurst Lane. These new pitches would be illuminated by a total of 16 (8 metre high) flood lighting columns with flat glass type fittings specified to minimise light spill. It should be noted that two existing floodlit MUGAs are located in a broadly similar position, although the proposed floodlit MUGAs would extend closer to the rear boundaries of rear properties in Ospringle Place and the key worker flats at

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Cecil Kirby House. At the closest point, the nearest part of the proposed floodlit MUGA pitch would be located some 30 metres from the rear façade of no. 3 Ospringe Place, 17 metres from the western façade of Cecil Kirby House and some 18 metres from the front façade of The Lodge (located to the west of the proposed courts and separated by Blackhurst Lane). This compares to the existing floodlit MUGAs currently on site which are located some 75 metres from the rear façade of no. 3 Ospringe Place, approximately 25 metres from the western façade of Cecil Kirby House and some 18 metres from the front façade of The Lodge. The existing floodlit pitches on Site 1 are lit by 8 metre high lighting columns.

85. The associated amenity impacts of the proposed new pitches need to be considered in respect of acoustic and lighting impacts, having regard to the existing consented floodlit sports pitches already located on Site 1. It should be noted that the Borough Council granted permission for these pitches in 1997 (under application reference: TW/97/00925) whilst the school was outside of County Council control. This consent granted by the Borough Council allows for use of the existing floodlit pitches until 22:30 seven days per week, including Bank Holidays. The Borough Council has informed me that their Environmental Protection Team is currently investigating a complaint of noise nuisance caused by the use outside of school hours of the MUGAs and has recently completed noise monitoring using recording equipment within the complainant's home. They have advised me that the outcome of this investigation is still ongoing and that representatives of the School and the company who run the facility will be contacted separately in this regard. Whilst I note this ongoing issue, I consider that this matter is one which the Borough Council is dealing with relating to the sports pitches for which they granted planning consent themselves for. The noise and visual amenity aspects of the proposed new sports pitches should, in my opinion, be considered on their own merits, separately from this ongoing complaint.
86. The applicant has provided an acoustic assessment in respect of the proposed floodlit MUGAs on Site 1. This assessment considers the potential noise impact on surrounding noise sensitive receptors through comparing noise levels currently experienced from the existing floodlit facilities against those likely to occur with the proposed relocated facilities. This assessment has led the applicants to propose the installation of 3 metre high timber acoustic fence along the western boundary of the MUGAs (adjacent to Blackhurst Lane), to the northern boundary of the MUGAs (facing the boundary with properties in Ospringe Place), and to the eastern boundary of the MUGAs (facing the boundary with Cecil Kirby House). I note that residential concerns have been expressed regarding a current gap in the proposed acoustic fence, almost opposite The Lodge, causing a weak point in the overall acoustic mitigation strategy. I have discussed this issue with the applicant further and have agreed that a continuous boundary of 3 metre high acoustic fence should be located along the entire length of the western site boundary adjacent to the proposed MUGAs. As the details of fencing provided by the applicant at this stage are indicative, I recommend that the exact positioning and specification of the acoustic fence at this location be reserved for later consideration. The intention is to also plant up against the acoustic fence to help soften its visual appearance within the site and from surrounding areas, which from a visual perspective is supported in principle. It should be noted that at present there is no acoustic fencing on Site 1 to assist with noise attenuation from the existing floodlit MUGA facilities. Members will note that the acoustic assessment of proposed sports pitches on Site 1 has been assessed by the County Council's Noise Advisor (see paragraph 46), who considers that with the introduction of a 3 metre high acoustic fence, noise level exposure from the proposed sports pitches at nearby residential properties would be no worse than that currently experienced from the existing use of

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the netball courts and considers that the aural environment would likely be improved, with reductions in both aural noise level and peak noise levels.

87. The applicant has provided details of vertical and horizontal light spills associated with the proposed relocated MUGAs. These details have been assessed by the County Council's Lighting Consultant (see paragraph 47) who raises no objections to the proposals, noting that the submitted light spill drawings show lighting levels of 2-3 lux falling on the ground on the side of Blackhurst Lane and up to 2 lux on the façade of an adjacent property (The Lodge). It should be noted that the section of Blackhurst Lane northwards beyond the main school vehicle entrance is not lit with streetlights, which would typically provide 2-3 lux on neighbouring properties, whilst the section between the Pembury Road junction and the school entrance on Blackhurst Lane has streetlights. These light spill levels are considered by the County Council's Lighting Consultant to be acceptable when considered against Best Practice guidelines, contained in the Institute of Lighting Engineers' Guidance Notes for the Reduction of Obtrusive Light. It should be noted that these Best Practice guidelines allow up to a maximum level of 5 lux limit on windows of surrounding properties in suburban areas. Based on the technical advice received in this respect, I am satisfied that the proposed sports pitch floodlighting is acceptable in planning terms and would not constitute unacceptable harm to surrounding residential amenity when considered against the existing floodlighting currently installed on Site 1. I therefore consider the proposed lighting scheme to accord to the general principles contained in Local Plan Policy EN8.
88. Having considered the acoustic and lighting details relating to the Site 1 sports proposals, it is important to consider the hours of use of the proposed pitches. The applicant has sought that hours of use of floodlit sports pitches be limited to between the following times: Monday to Friday 07:30-22:30; Saturday 08:00-22:30; Sunday and Bank Holidays 08:00-22:30. Whilst I acknowledge that a principle was established by the Borough Council in granting permission for floodlighting on Site 1 up until 22:30 seven days per week (including Bank Holidays), I am mindful that the proposed pitches would be located closer to residential properties as outlined in paragraph (84) above. In view of that, and in order to preserve residential amenity, I propose that the hours of use proposed by the applicant relating to Site 1 be further reduced by planning condition to a level I consider to be acceptable in the event of permission being granted. I note that the Borough Council has expressed the view (see paragraph 40) that the hours of use of the proposed sports facilities should be limited to between the hours of 08:30-19:30 Monday to Saturday and not at all on Sundays and Bank Holidays. In order to strike a suitable balance between the wider benefits to sport (in terms of extended hours of use by the community out of school hours) and the preservation of residential amenity, I recommend that the hours of use of the floodlit sports pitches on Site 1 be limited, by condition, to between the following periods: **Monday-Friday 08:30-22:00; Saturday 08:30-21:00; Sunday and Bank Holidays 08:30-20:00**. I do not support the Borough Council's views that the proposed hours of use should be curtailed to 19:30 on weekday and Saturday evenings, with no use on Sundays or Bank Holidays since that would barely allow time for Academy use and very little time for community use. Moreover, that approach could not, in my opinion, be justified in planning terms based on the acoustic mitigation measures proposed by the applicants (to include 3 metre high acoustic fencing), and in light of the professional technical advice received from the County Council's Noise Consultant (as detailed in paragraph 46).
89. The upgrade and intensification of sports facilities on Site 2 have attracted a high level of objection from the local community (as summarised in paragraphs 55-59 above). The proposals involve the construction of an AWP measuring some 82x55 metres

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(plus runoff) on the southern end of the site, nearest to Pembury Road. The pitch would be constructed with third generation polyethylene sand and rubber filled synthetic grass. The original proposal sought permission for the floodlighting of this pitch, with 14 ten metre high lighting columns. The applicant has now withdrawn the floodlighting element of the proposed development on Site 2, pending further investigations of lighting possibilities, but still seeks permission for the installation of the AWP surface and associated infrastructure. An additional grass mini football pitch/rugby pitch would be located to the north of Site 2 adjacent to Sandown Park, with a 100 metre running track proposed along the north eastern boundary of the site and a grass shot put area in the northern corner of the field.

90. Members should note that Site 2 currently forms the main grass playing field for the Academy. The use of this site is currently uncontrolled from a planning perspective, in that the Academy is free to use this existing facility during hours chosen by them with no planning control. The current site is however constrained in sporting use terms by existing daylight hours and suffers heavily from becoming waterlogged during winter months and therefore it is not used as extensively as it could be.
91. The construction of the AWP would arguably intensify the use of Site 2 beyond that experienced at present. An acoustic assessment of the proposed AWP on Site 2 has been submitted by the applicant which assesses noise impacts through the use of typical noise data from a 5-a-side football game that has 8 pitches in simultaneous and continuous use and comparing this to background noise level readings measured at the site. This assessment has led to the applicant proposing the erection of 3 metre high timber acoustic fencing to help mitigate the impacts of noise arising from the use of the AWP on surrounding noise sensitive properties, including the Seven Springs residential care facility. However, in the light of objections to the visual intrusion of acoustic fencing on parts of the site boundary, the applicants have now agreed instead to have acoustic fencing located on the north eastern and south western boundaries of the AWP itself, with a slight 'wrap-around' on the northern and southern edges to limit noise diffraction. Two further sections of 3 metre high acoustic fencing are now proposed along the north eastern and south western field boundaries, adjacent to the ends of the grass mini football/rugby pitch. An upgrade of fencing would take on the boundary between the playing field and three bungalows within the Seven Springs residential care facility, subject to further discussion taking place regarding the specification and exact positioning with users and the centre manager in due course. The fencing strategy for Site 2 has therefore been provided by the applicant as an indicative scheme at this stage, the final detail, specification and location of which should be secured by planning condition if planning permission is granted.
92. Hours of use of Site 2 (AWP and grass pitch/areas) are proposed within the application to take place between the following periods: Monday to Thursday 07:30-21:00; Friday 07:30-20:00; Saturday 10:00-16:00; Sunday and Bank Holidays – no use. These hours of use currently proposed were reduced by the applicant following the initial period of publicity on this application and in light of a substantial number of complaints from local residents. The applicant had previously proposed hours of use up until 22:00 hours seven days a week. The hours set out above have not been changed by the applicant as a result of the recent withdrawal of the floodlighting elements. However, in order to strike a suitable balance between the benefit to sport (in terms of extended hours of use by the community out of school hours) and the preservation of residential amenity, I recommend that no hours of use on Site 2 commence before 8:30am Monday to Friday. This approach would be consistent with the proposed start times of sports pitches on Site 1. I therefore recommend that in the

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event of planning permission being granted, the hours of use of Site 2 (AWP and grass pitch/area) be restricted by condition to only take place between the following periods: **Monday to Thursday 08:30-21:00; Friday 08:30-20:00; Saturday 10:00-16:00; Sunday and Bank Holidays – no use.** Members should note that in the absence of floodlights on Site 2, the maximum use during winter evenings would be substantially curtailed beyond the hours I have suggested due to the lack of daylight hours.

93. The County Council's Noise Consultant has considered the acoustic assessment provided in respect of Site 2, noting that floodlighting on this site has now been withdrawn. He considers that the noise levels emanating from the use of the sports pitch (without acoustic fencing) is likely to result in adverse noise impacts at nearby properties for a variety of time periods, with noise levels increasing by up to 7 dB. He notes that further details provided by the applicant in respect of noise barrier calculations demonstrate the effectiveness of the proposed 3 metre barrier in attenuating noise levels from the pitches at the surrounding properties and that the calculations shown that a 3 metre high fence would give a noise reduction of between 10 and 15 dB. He considers that the inclusion of a 3 metre high acoustic fences along the north eastern edge of the pitch, together with a barrier along the south western perimeter of the pitch would produce the required noise reduction to reduce the impact of the pitches use. He therefore does not raise objection to the construction and use of the AWP on Site 2.
94. I recognise that the withdrawal of floodlighting columns from the AWP on Site 2 has significantly reduced amenity impacts on surrounding residential properties in relation to lighting issues. I understand that the applicant intends to further consider the issue of floodlighting on the proposed AWP in the future and note that should they wish to pursue this option they would need to apply for planning permission under a separate application. Any permission granted for these current proposals would ensure that no floodlighting could be installed at the site under that consent, but that would not stop the applicant from submitting a further planning application for the installation of floodlighting on this site in the future. This would need to be considered on its planning merits at the time any application was made.
95. On balance, I am satisfied that on the basis of the technical and professional advice received from consultees, the mitigation measures proposed by the applicant, and the reduced hours of use of floodlit sports facilities on Site 1 and a reduced start time of sports facilities on Site 2 that there are no overriding amenity considerations sufficient to warrant objection to the current sports proposals on Sites 1 and 2. Furthermore, I consider the proposals to have a positive impact on the benefits to sporting facilities of the Academy, and note that Sport England has not raised any statutory objections to the proposals. I note that Sport England have expressed some concerns that the removal of the floodlighting element of the proposed AWP and the reduction in its hours of use would seriously hinder the potential benefit (to the development of sport) of the AWP, in turn considering that the AWP would provide little or no benefit over and above the existing position. However, I am satisfied that there would be clear and demonstrable benefits to the installation of the AWP from the Academy's curriculum perspective given the current difficulties experienced on this field at present through a waterlogged pitch during winter months. I therefore see no reason to presume against the installation of the AWP on Site 2.

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Ecological considerations

96. The application is accompanied by a Phase 1 habitat survey undertaken for Site 1 which identifies that the presence of protected species within the site is possible, and makes a number of recommendations for limited measures to be taken into account before and during development works within this site. The recommendations for Site 1 do not require further survey work to be undertaken in respect of any protected species, including birds and bats. More recently a Ecology Survey was submitted in respect of Site 2 which details that the proposals for this site are considered unlikely to have any direct impact upon Protected Species. Instead, the report for Site 2 identifies precautionary measures to take into account when installing the proposed acoustic fencing. Members will note that the County Council's Biodiversity Officer (see paragraph 48) is satisfied that the ecological importance of Sites 1 and 2 have been adequately assessed. Furthermore, they advise that a condition should be placed on any consent requiring the recommendations for precautionary mitigation be carried out for both sites prior to development. I am therefore satisfied that ecological considerations have been satisfactorily addressed in this instance and consider the proposal accords with Core Strategy Policy CP4, Local Plan Policy EN14 and South East Plan Policy NRM5. Furthermore, I consider the approach taken in this instance to be consistent with best practice guidelines contained in National Planning Policy Statement 9.

Biomass and air quality considerations

97. The proposed energy centre has provoked many objections from local residents, initially because of its late inclusion as the proposals were evolving, but also because of its originally proposed location and appearance as a stand alone building, the delivery of the fuel supply by lorries, and the danger of harmful odours and emissions. Note that there has never been any intention to import household waste or any other form of waste to this site as an energy source, which would be an entirely different type of planning application. Biomass energy is a relatively new form of harnessing energy from renewable fuel supplies, unlike coal, oil and gas, and is therefore being strongly promoted by both Government and several environmental bodies. In April 2010 the Government will introduce the Renewable Heat Incentive, which will provide financial incentives for the development of alternative energy technologies such as biomass in new housing developments, hospitals, schools/colleges, hotels and public buildings. As part of the Carbon Reduction Commitment, Kent County Council is duty bound with all other local authorities to reduce its carbon outputs, and to aim for carbon neutrality where opportunities for major rebuilding of public buildings arise. Achieving low carbon emissions has also been a design stipulation for the new academies and schools built under the Building Schools for the Future initiative, and is a key aspect of attaining the sought after "Very Good" BREEAM rating for the environmental performance of the buildings. The general concept of supporting the use of renewable energy is supported by Tunbridge Wells Core Policy 5, South East Plan Policy CC2 and National Planning Policy Statement 23.
98. Biomass heating not only relies on a supply of wood from sustainable/replaceable sources, but also uses highly efficient boilers with significantly lower production of ash and emissions, compared to more conventional heating systems. It is certainly not untested technology, and contrary to some of the local opinions is a cleaner form of combustion than most domestic heating systems, which involve high carbon release and potentially harmful fumes when improperly maintained. The smart technology employed in modern biomass plant ensures constantly monitored combustion

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efficiency, thereby greatly maximising heat capture and minimising the release of emissions. Nor is biomass technology new in Kent or in County Council buildings, since it is employed at Shorne Wood Visitor Centre, and several new secondary schools in Gravesend and Maidstone; in Tunbridge Wells it is used at St. Augustine's Catholic Primary School. At the main Skinners School site, renewable energy and energy efficiency are key elements of their curriculum, and various commendable projects have been pursued including the installation of photo-voltaic panels. Assessment work has identified reductions in carbon emissions of 90%, and the initially higher installation costs are soon offset by the savings on fuel costs. Even allowing for the transport of imported fuel to the site, according to research, the carbon emissions from wood based heating fuel are over 7.5 times lower than from mains gas and over 11 times lower than from oil. Under the circumstances, I would contend that the objections to the proposed energy plant on the basis of harmful emissions and sustainability are greatly unfounded.

99. The applicant has submitted a report detailing that the operation of the proposed biomass boiler would be operated within the limits of the Clean Air Act. It also notes that the application site is not within an Air Quality Management Area (AQMA). A specific biomass boiler has not been selected at this design stage, although the report has assessed a number of different boilers. The report details that the combustion process with commercial wood pellets is efficient and clean. The pellets are combusted at a very high temperature with a secondary combustion process to combust the gas emissions from the heated fuel bed. Due to this double process, many commercial wood pellet boilers are certified for use in smoke free areas. Particulates are released during the burning of solid fuels but pellets have been chosen over wood chip partly because they are cleaner burning and the quality of the fuel is better controlled to give a more consistent combustion. Exact levels of particulate emissions vary between boilers. On the basis that the exact biomass boiler has not been chosen by the applicant at this stage, I recommend that a condition be placed on any decision requiring the submission of details for approval relating to the specification of the boiler and a full assessment of any potential air quality impacts. This approach is supported by the County Council's Air Quality advisor.
100. I also note the advice received from the Environment Agency (see paragraph 43) which advises the applicant of the need to apply for an Environmental Permit to operate the proposed biomass boiler. The issues surrounding air quality impacts would also therefore be fully considered by the Environment Agency at such time as an Environmental Permit application is made by the applicant.
101. In respect of increased traffic movements associated with the proposed Academy redevelopment as a whole, the applicant considers that the proposals would not generate the level of traffic (+/-5%-10% AADT) on Pembury Road to trigger the need for an air quality assessment. It is noted that Pembury Road is not within an AQMA, and neither the Divisional Transportation Manager or the Highways Agency raised the need for an Air Quality Assessment at the application scoping stage for the Transport Assessment. The County Council's Air Quality Advisor (see paragraph 46) states that he also considers there to be no requirement for the applicant to undertake further air quality assessment in respect of this application on the basis of additional traffic movements. In this regard, it needs to be borne that vehicle numbers on Pembury Road are likely to increase generally because of various permitted (and future) development in the locality irrespective of the predicted growth of the Academy.

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Construction issues

102. A construction traffic management plan has been submitted as part of the further information requested from the applicant. This plan details measures proposed for key phases including the new build on Site 1, the construction of the AWP on Site 2 and the demolition of existing school buildings on Site 1. It details routeing arrangements for both sites, that there would be no waiting of construction vehicles in roads adjacent to the site, that construction related vehicles would be held in a holding area within the construction access road, that wheel washing facilities would be available for the duration of groundworks and that deliveries would not be permitted between the following key school times: 08:45-09:15 and 15:15-15:45. The plan details that during construction of the new Academy on Site 1, all vehicles would use a dedicated construction site entrance on Sandown Park. All construction traffic would be directed from Blackhurst Lane immediately onto Sandown Park, with appropriate signage along Blackhurst Lane to advise no access for construction traffic. During the construction of the AWP on Site 2, the same principle would be applied whereby all construction traffic would be directed directly off Blackhurst Lane down Sandown Park. In contrast, during the demolition phase construction traffic would use the existing vehicle entrance on Blackhurst Lane, with appropriate signage advising all construction vehicles of no access for construction traffic along Sandown Park. Recent confirmation has been provided by the applicant that construction delivery vehicles would come straight to the site and be held on site if necessary, as opposed to the previous suggestion that some vehicles may be held in lay-bys on the A21 and called to the site on an individual basis.
103. Given that there are neighbouring residential properties in close proximity to Sites 1 and 2, if planning permission is granted, it would, in my view, be appropriate to impose a condition restricting hours of construction for the Academy project in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 08:00 and 18:00 Monday to Friday and between the hours of 09:00 and 13:00 on Saturdays, with no operations on Sundays and Bank Holidays. Whilst some residents have asked for more strict hours, that would arguably lengthen the construction period and any associated inconvenience it might involve.
104. Members will note that the Borough Council has recommended that a Code of Construction Practice be submitted for approval. They suggest that the Code covers (amongst other matters) aspects such as an indicative programme for carrying out the works; measures to minimise the production of dust on the sites; measures to minimise noise (including vibration) generated by the construction and demolition process; design and provision of site hoardings; measures to manage the production of waste and to maximise the re-use of materials and measures to minimise the potential for pollution of groundwater and surface water. Given the sensitivities surrounding the application sites, I consider that such request is justifiable in this instance. I therefore propose that a condition be placed on any forthcoming consent requesting the submission of a Code of Construction Practice for approval prior to the commencement of development. The provision of such a strategy would also address the conditions required by the Divisional Transportation Manager with regards to construction activities.
105. In addition, the Divisional Transportation Manager has recommended that prior to commencement of any works, a pre-construction highway condition survey be undertaken in Sandown Park and Blackhurst Lane. A post completion survey should then be undertaken and completion of any consequential remedial measures undertaken as appropriate. I recommend that this measure be secured by planning

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condition and would, in my view, avoid potential discrepancies relating to damage caused to the surrounding road network superficially by construction activities, rather than general wear and tear.

Other issues

106. The County Council's Archaeological Advisor (see paragraph 49) has raised no objections to the proposals, subject to the imposition of a condition to cover a programme of archaeological work, including a historic site survey and a watching brief on below ground works. I agree that such measures are justifiable in this instance, are consistent with the general guidelines contained in National Planning Policy Statement 5, and therefore recommend that a condition be placed on any consent to this effect.
107. The Environment Agency has also raised no objections to the proposals, subject to the imposition of a condition being placed on any consent covering ground contamination. I support this approach, which I consider to be consistent with general guidelines contained in National Planning Policy Statement 23.
108. The County Council's Lighting Consultant (see paragraph 47) recommends that lighting details for the proposed car park and general areas be submitted for consideration. Furthermore, he recommends that the lighting should be designed to achieve an average of 10 lux with a uniformity of 0.25 which would be in accordance with Best Practice. I support this view and recommend that such detail be secured by condition for later consideration. I further recommend that an informative is placed on any decision advising the applicant of the recommended car park/general areas lighting design. This approach would allow the County Planning Authority to assess the impacts of this element of site lighting at a later date in the interests of preserving nearby residential amenity, notably against Tunbridge Wells Borough Local Plan Policy EN8.
109. In accordance with the advice from Southern Gas Networks (see paragraph 51), I propose to include an informative on any decision advising the applicant of the presence of Low/Medium/Intermediate pressure gas mains in proximity to the application sites. However, the presence of gas mains within and close to the development site is not in itself any reason to presume against the proposed development, since such services would need to be introduced were they not already present.
110. Concerns have also been raised by some residents over procedural aspects. In particular, it has been suggested that the application should be dealt with by the District Planning Authority and that Planning Authorities considering the development proposals by another arm of their own authority is at variance with Human Rights issues. Members will be fully aware that the Planning Legislation requires all Planning Authorities to consider their own authority's planning applications, be they County, District or Unitary Authorities, and has been the case since 1992 (and 1976 prior to that). Whilst the Human Rights Act has emerged subsequently, its provisions have been introduced into the town and country planning procedures by Government, and it is not within the gift of Local Authorities to amend legislation to further enshrine human rights issues. In the event that UK planning legislation was deemed to be deficient with regard to human rights, it would be a matter of challenging Government through the High and European Courts. It has also been suggested that the application has not been properly screened under the Environmental Impact Assessment procedures, on

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the basis that the cumulative effects of the total development have not been taken into consideration. As mentioned previously, there are no current proposals for the rest of the school site, and Site 3 is therefore not part of the application. Whilst the applicants have indicated for information purposes that Site 3 is hoped to be used in the future for a cricket pitch with an ancillary sports pavilion/equipment store, there are currently no other proposals for this land, which was excluded from consideration for further built development at the pre-application planning stage because of its location within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty. Under the circumstances, the EIA screening opinion has correctly taken into consideration the totality of the proposed development.

111. Whilst some residents have clearly gone to a lot of trouble to document what they regard as errors and misleading points in the planning application and its supporting documents, it is not necessary to itemise every point of detail in this report, which deals principally with the main determining issues. In any case, where appropriate many of the items have either been corrected, superseded by amendments to the proposals or are generally immaterial. Moreover, if permission is granted, some of these points would be addressed by further detailed submissions reserved by condition.
112. The County Council's Planning Applications Group has had proper regard during the processing of this planning application for the requirements of the Human Rights Act 1998 and the Equality Act 2010, including engagement with those with protected characteristics.

Conclusion

113. The application proposes new Academy buildings and associated sports facilities on well-established education sites. In principle, I therefore see no overriding objection to the proposed development. The proposal would provide a significant improvement in the provision of new and modern education and community facilities together with a building of a high standard of design in terms of external appearance and finishes. Whilst I note that a significant amount of local concern has been raised to the proposals, primarily relating to highway, amenity, building and procedural issues, I am satisfied that based on the professional advice received from technical consultees that subject to the imposition of conditions as set out below, the proposals are acceptable in planning terms. I consider that subject to the implementation of the Blackhurst Lane/Pembury Road/Halls Hole Road junction improvements prior to the first occupation of the new Academy, the proposed acoustic measures to mitigate the impacts of sports facilities on Sites 1 and 2, and the reduced hours of use of sports facilities on both Sites 1 and 2 as recommended within this report, the proposals accord with the general aims and objectives of the relevant Development Plan Policies and there are no other material planning considerations that indicate that planning permission should not otherwise be granted. I therefore recommend accordingly as set out in paragraphs (114) and (115) below.

Recommendation

114. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions to cover (amongst other matters) the following:
- 5 year implementation period;
 - the development to be carried out in accordance with the permitted details;

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- junction improvements implemented in full (in accordance with final details to be agreed with Highway Authority) prior to first occupation of new Academy;
- on-site vehicles parking and turning areas be provided (as detailed within the application) prior to first occupation of new Academy and maintained in perpetuity thereafter;
- coach, vehicle and cycle parking (as detailed within the application) shall be made available for community use associated with Sites 1 and 2 at all times when the community facilities are in use;
- pedestrian link between the main Academy car park area and Sandown Park (to access sports facilities on Site 2) be provided and maintained for users of the AWP;
- pedestrian footway reinstatement at existing pedestrian entrance to be closed as detailed within the application to include full kerbing;
- pedestrian enhancement facilities be carried out (as detailed within the application) prior to the first occupation of the new Academy;
- prior to commencement of works, a pre-construction highway condition survey shall be undertaken in Sandown Park and Blackhurst Lane, together with a post completion survey and completion of any consequential remedial measures;
- measures to guard against the deposit of mud and debris on the public highway during construction/demolition operations;
- requirement for applicant to fund the reasonable installation of waiting restrictions on surrounding residential roads should they prove necessary in the future;
- submission of a new School Travel Plan, its implementation and ongoing monitoring;
- submission of a Code of Construction Practice;
- details of ground contamination;
- submission of lighting details for car park/general areas for approval;
- full implementation of ecological recommendations for precautionary mitigation carried out prior to commencement of development;
- programme of archaeological work, including a historic site survey and watching brief on below ground works;
- submission of external materials for approval;
- submission of acoustic details of all external plant/equipment on new Academy building;
- details and specification of all fencing proposed on Sites 1 and 2 for approval;
- hours of construction limited to: Monday to Friday 08:00-18:00, Saturday 09:00-13:00; Sunday and Bank Holidays – no operations;
- submission of detailed landscape/vegetation planting schemes for Sites 1 and 2, implementation within first planting season following the completion of development and maintenance for period of 5 years thereafter;
- tree protection details implemented on Sites 1 and 2 in accordance with British Standard 5837:2005 (Trees in Relation to Construction);
- noise levels of biomass fuel deliveries be limited to ensure that the rating level emanating from the facility shall not exceed the background noise level at nearby residential properties by +5 dB when assessed in accordance with BS 4142;
- hours of use of floodlit MUGAs (Site 1) be limited to: Monday to Friday 08:30-22:00; Saturday 08:30-21:00; Sunday and Bank Holidays 08:30-20:00;
- hours of use of AWP (Site 2) be limited to: Monday to Thursday 08:30-21:00; Friday 08:30-20:00; Saturday 10:00-16:00; Sunday and Bank Holidays – no use;
- hours of use of external amphitheatre (Site 1) be limited to: Monday to Saturday 08:30-19:30; Sunday and Bank Holidays – no use; and
- details of biomass boiler be submitted for approval.

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115. I FURTHER RECOMMEND that the applicant be advised by way of INFORMATIVES the following matters:

- the applicant is required to seek an Environmental Permit from the Environment Agency to operate the proposed biomass boiler;
- the applicant be advised of Low/Medium/Intermediate pressure gas mains in proximity to the application sites;
- the applicant be advised that lighting for the car park/general areas be designed to meet an average of 10 lux with a uniformity of 0.25 to meet ILE Best Practice guidelines.

Case officer – Julian Moat 01622 696978
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Background documents - See section heading
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Executive Summary from the Submission by Sandown Park & Blackhurst Lane Local Community Group dated 25 January 2011 in response to the planning application:

Executive Summary

The SWP Community welcome and support the notion of the Academy with its focus on quality and enhancing the life time opportunities of young people.

The current Application for Planning Permission itself, and associated documents, highlights four major concerns for local citizens, each of which is dealt with in a subsequent section.

In particular we note that TWBC Environmental Services has said in its submission, that “the application completely fails to consider any impact that the school may have on its neighbours at any level”. A statement which highlights those four major areas of concern:-

Concern 1. The Quality of The Primary Planning Statement

(MFP/KAL/7595) and Planning Application and supporting material. There are a number of disturbing omissions and queries arising from the data submitted in support of the application. Additionally, the quality of information presented in a several areas (e.g. The Transport Assessment, The School Travel Plan, The Acoustic Assessment) is weak, does not reflect the situation on the ground and does not always support the conclusions reached in that element.

Some items were omitted from the Public Consultation exercise – notably the Biomass Heating facility and the outdoor amphitheatre. There is also some disturbing statistical manipulation e.g. the School Travel Plan (STP)¹ target of reducing students driven to the Academy alone is used extensively to justify an absence of transport mitigation measures. The STP forecasts a *proportional* reduction from 13% (of the current 318 students) in January 2010 to 8% (of the planned 1150 students) in 2012. Here it conceals a *substantive* increase in real numbers which more than double from 41 to 92. The use of unqualified percentages in this way distorts reality.

In actual fact, the number of car commuters will be much higher than this projection because nearly all of the 800 or so new students to be recruited will live well beyond the existing walking and cycling zones which are fully saturated. There is also “a Base Level” of 750 students cited in Transport Assessments, whereas the current school roll is only 42% of that figure.

Occasionally the submission enters Alice in Wonderland territory: the Transport Assessment creates a fallacious travel profile² of the projected 1150 students based on the travel arrangements and places of residence of 235 members of the *existing* student body³ This produces a projection of 506 walking students: i.e. according to the 2001 census 78% of the *entire* 11-18 year old population in SKA’s Sherwood Ward heartland (including those who

¹ The STP is not actually a plan since it lacks metrics, milestones and enforceable goals. It is more a social and educational manifesto.

² Table 6-8 of the Transport Assessment

³ Table 6-1 of the Transport Assessment extracted from the STP source data

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no longer attend school): this fallacious travel profile is then multiplied by an unsupported assumption in the STP (described elsewhere as a “hoped for improvement”) to include a new projection of Travel Modes to the Academy⁴.

There are widespread arithmetical errors in the Traffic Survey information. E.g. a total of 70 appears at the foot of a column where the data actually amount to 196 (more than double!), similarly 58 (should be 129), 71 (should be 109), 70 (should be 106) and 57 (should be 122). Buses and HGV traffic are unaccountably omitted from some totals. Presumably these survey data were fed into the computer models used in the Traffic Assessments⁵. Many of these traffic survey calculations are shown in unnumbered tables printed on unnumbered pages which renders them almost unusable. This is not a rigorous basis to support a Planning Application.

We have identified a total of 35 errors, inconsistencies, omissions and misleading statements in the Primary Planning Statement - these 35 points of fact show that this application is fundamentally flawed: it is based on incorrect student numbers, inaccurate transport assumptions, unsound survey results and naïve methodologies. These 35 items are summarised and tabulated in Section 3.0.

Concern 2. Absence Traffic and Parking Impact Mitigation. The Planning Statement (1.3.1) states quite erroneously that the site is accessed by two residential streets (Sandown Park and Blackhurst Lane) leading North from Pembury Road. This is simply not true: the only access from Pembury Road to SKA is via Blackhurst Lane. Sandown Park is an offshoot from Blackhurst Lane. Blackhurst Lane Crossroads is a recognised traffic trouble spot hosting frequent accidents as the damaged traffic barriers demonstrate. The Planning Statement 4.2.3 states that “the Blackhurst Corner Junction currently operates over capacity and does not function successfully”.

Blackhurst Lane is a bottleneck providing the only, narrow access and egress to the SKA site which is effectively located in a cul de sac. Despite the traffic volume increases concealed within the Traffic Assessment the Planning Application contains no Traffic Mitigation measures nor does the School Travel Plan (STP) on which the assessment relies heavily.

Yet Paragraph 2.6.24 of the Transport Assessment Addendum says “Were school children not to call the pelican crossing so frequently, then existing users of Blackhurst Lane would have *less* opportunity to exit ...” Here is cast iron evidence from the research supporting the Application that a traffic light based solution on the junction itself would contribute to easing congestion.

The Transport Assessment addendum expresses the hope that the School Travel Plan will address the anticipated increased volumes and no further mitigation is needed at present. This is not scientific planning, it is misplaced and unjustified optimism.

⁴ Table 6-15 of the Transport Assessment

⁵ This is known as GIGO in the computer world – Garbage In = Garbage Out

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Consideration of Transport Issues is inhibited by the plethora of documentation submitted to KCC by the applicants between 29th November and 16th December. These include The Transport Assessment, The Transport Assessment Figures & Appendix (which includes as its Appendix G the School Travel Plan which is cited extensively and authoritatively throughout this Application.) and The Transport Assessment Addendum submitted to KCC on 16th December 2010.

Paragraph 4.1.4 of the Transport Assessment Addendum states that Traffic Mitigation is the subject of ongoing discussion between SKA and KHS. We do not believe that this application can be determined whilst discussions which go to the heart of this application remain unconcluded and unreported.

Section 4.0 deals with Traffic & Transport Issues at greater length.

Concern 3. The Proposed All Weather Pitch and associated Floodlighting.

KCC would challenge its own guidelines⁶ if it were to permit the development of the All Weather Pitch and associated floodlighting proposal. These say *“The impact on the openness of the Green Belt, or on the character of the countryside, of floodlight towers or pylons should be a key factor in determining whether planning permission should be granted”*

Light pollution from the proposed floodlights and noise levels from people using these sports facilities will also violate TWBC Core policies 5.120 & 5.121 which acknowledge the rights of residents to quiet enjoyment of their properties.

Section 20 of the Planning Application form itself shows, that this floodlighting is not an educational requirement: it is common ground that, in educational terms, there is no requirement for the All Weather Pitch and Floodlighting system on Site 2 – this was to be strictly a commercial venture.

The proposal for floodlighting is the direct consequence of opening the facility for Community usage even though TWBC Core Policy 5.217 states that Tunbridge Wells is already well provided with such facilities: it certainly does not mention a requirement for more All-Weather floodlit pitches.

It is a cruel paradox that the predicted Noise Levels from the Pitches would exceed considerably the levels defined as acceptable for Academy Students according to the Acoustic Assessment. Accordingly, we wish to see the proposed construction of the AWP and the Floodlighting it entails removed from this application on the grounds of noise and light pollution and the threat to the residential amenity of the local neighbourhood. (Section 5.0 & Appendix B deal with this topic at greater length).

⁶ Kent County Council Planning Floodlighting Guidance Note 2006

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Concern 4. The Energy Centre & Storage Facility

Section 6.0 of Design & Access Statement refers to recognition of local sensitivities which clearly were not considered in the Biomass installation. It was omitted from the Public Consultation Exercise on 17th November 2010 and its potential for dust, ash, fumes and pollution is not addressed in the Environmental Study.

The Energy Centre is listed in the Planning Application Drawings (1229 PL 025) and referenced in the Planning Statement Design & Access Statement but this drawing is not available on the KCC Planning Website.

This late addition to the Planning Application involves a 4 metre high Biomass storage and heating facility in an industrial building surmounted by a 12 metre chimney located in an unscreened location on the edge of an established residential community. We are unclear why a 12 metre chimney is required since this is not a feature of other similar installations we have inspected.

There is no significant UK experience of operating this type of innovatory facility on such an industrial scale. The present suggestion to relocate this building elsewhere on the SKA site is welcomed but again we do not believe that this application can be determined whilst discussions which go to the heart of key issues remain unconcluded and unreported.

We would require any Planning Condition to prescribe that the Energy Centre be located and constructed in an unobtrusive manner consistent with the residential context and that satisfactory controls are imposed on transportation arrangements for fuel delivery and ash removal. (Section 6.0 deals with the Biomass topic at greater length)

Other issues of significant concern, are dealt with in Section 7.0. These include:-

- As stated, the School Travel Plan itself is not a reliable document for Transport Assessment purposes because it is statistically unreliable, relying on input from just 24 students – none of them owner drivers, and a “Hands Up” Student Survey. Crucially, the Travel Plan appears to rely on the travel practices and residences of 235 of the existing 318 locally based students, which clearly are not an indicator of how the planned 1150 students will choose to travel to and from their remote, but as yet, unknown home locations.
- To date the Contractors have not filed a Construction Plan. But it is clear that the format of any Planning Permission must hold them responsible and accountable legally, socially, morally and financially for the consequences of their proposed project. Section 7.1 describes the components we would require to be included in the Construction Plan.
- There is no evidence of a Risk Analysis or Contingency Plan to recognise and deal with potential hazards (e.g. fire, spontaneous

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combustion of Biofuel, lab explosions, Hungerford or Dunblane type incidents, construction accidents) on a site with a single congested access point.

- The Statement of Community Involvement (SCI) is of little value: it appears to be written as a morale booster for the sponsors. The consultation it reports took place before plans for the Biomass facility and Amphitheatre were known (these crucial items were not shown at the Exhibition) and neither were the floodlights on Site 2.

Moreover, the statistical analysis on which the SCI depends is invalid: it lumps together *all* respondent answers whereas the survey actually embraces two entirely separate and statistically distinct subject groups - possibly with opposing interests and views. These groups are those with connections to the school (37%) and local residents (63%).

We note that TWBC Environmental Services has said that “the application completely fails to consider any impact that the school may have on its neighbours at any level”. Which suggests that the SCI exercise was a complete sham.

- Additionally, in paragraph 4.1.6 of the SCI the analysis totally ignores the noise, traffic and parking concerns which elicited widespread write-in comments from an element of the surveyed population: any competent analyst recognises the importance of write-in comments but here, their significance which undermines the entire analysis is totally missing from the report.
- The intended usage and impact of the proposed Amphitheatre was not explained at the Public Consultation meeting and clarification is urgently required.
- There is evidence of Bats on Site 2 but no mandatory study has been undertaken.

1.1 Key Conclusions

The Planning Statement concludes that “It is therefore recommended to KCC as the relevant planning authority, for a positive decision.”.

But it is the view of the Sandown Park Local Community Group that the lack of quality, accuracy and completeness in this application mean that it is not a sufficient basis on which to base any such decision.

The entire application should be referred back to the applicants to be reworked and resubmitted with particular attention to the following components:-

- A realistic review of the Traffic Impact Assessment to ensure that appropriate weight is given to the forecast addition of 800 students from indeterminate locations beyond SKA's current recruitment area.

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- Inclusion of the conclusions of the current discussions on traffic mitigation referenced in 4.2.3 of the Planning Proposal Document
- The provision of full traffic mitigation measures at the Blackhurst Lane crossroads to relieve the existing (admitted) and projected overload. The existing submission contains no mitigation measures whatsoever.
- The School Traffic Plan to be reworked to account for the student increase referenced above to include explicit measures to address control of parking, drop off & collection arrangements. The data collection and processing exercise used to fuel this revised plan should be transparent and the underlying data made available for inspection at a new Public Consultation exercise.
- There is no justification or benefit in permitting either the AWP Floodlighting proposal or the Site 1 Games Area Location proposals to proceed. These elements of the application should be rejected.

The light and noise nuisance and loss of residential amenity suffered by nearby residents, including the physically disabled residents of the Seven Springs Leonard Cheshire Home, which the current plans would cause is totally unacceptable and this finding is underlined by the TWBC submission.

The existing noise and light nuisance from the Site 1 Multi Use Games Areas would be substantially exacerbated if the applicants were to relocate those areas nearer to the houses in Ospringe Close.

- The Environmental & Acoustic Impact statements should be reworked to take account of the existence of the Energy Centre and the potential public use of the Amphitheatre.
- Clarification of any proposals for Public Access to the Amphitheatre describing the nature and frequency of events and opening times, security, stewarding and parking arrangements.
- Plans for the Energy Centre should be resubmitted to show a location, design and format which is screened within the site and is compatible with the residential context in which it is placed. The notion of a 12 metre industrial chimney should be revisited since this does not appear at other Biomass sites.

We appreciate that KCC is committed to making a major success of the SKA project, particularly since this is a pilot and template for a new wave of academies to be run out across the County.

But this Planning Application represents a grave threat to those ambitions because it is incomplete, inaccurate, error strewn and unsound and it ignores the rights and interests of SKA's residential neighbours.

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Accordingly we advise and recommend that the Application be referred back so that all of these defects can be rectified. The Application should only be resubmitted when it has been the subject of a thorough and transparent Community Involvement Assessment Exercise in which the community is properly represented.

Subject to privacy considerations, the data from the any questionnaire used in this exercise should be made available to the community in its raw state.

The membership of the LCG includes the skill sets and experience required to administer and process such a consultation programme and we stand ready to assist in any way we can.

1.2 Submission Format

This submission is structured as follows: it may also be viewed on the Local Community Group website <http://sandownparklcg.pbworks.com/>.

- 1.0 Executive Summary
- 2.0 Background to Sandown Park / Blackhurst Lane Community
- 3.0 Major Problems Regarding the Planning Statement
- 4.0 Traffic Congestion & Parking Issues
- 5.0 The All Weather Pitch & Floodlighting
- 6.0 Energy Centre & Storage
- 7.0 Additional Factors
- 8.0 Vital Conclusions

Appendix A contains additional photographic evidence supporting this submission

Appendix B contains details of authorities, references and research relating to the All Weather Pitch & Floodlighting issues.

Attachment 1 lists the figures and diagrams used in this submission.

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Executive Summary from the Submission by Sandown Park & Blackhurst Lane Local Community Group dated 27 February 2011 in response to the amendments:

1.0 Executive Summary

This document contains the submission of the Sandown Park / Blackhurst Lane Local Community Group (LCG) to Kent County Council Planning Committee in response to the formal amendments to Planning Application KCC/TW/0434/2010 registered on 7th February 2011.

Where relevant our filing of 28th January 2011, continues to apply unless an element is superseded by detail in this document.

1.1 Failures in the Community Consultation Process

Paragraph 4.2.3 of the Planning Statement says on the subject of Residential Amenity and Environmental Impacts: *"The key elements of the scheme that will affect the living conditions of the Academy's neighbours are considered to be traffic congestion, noise, lighting and security."*

As one resident has written in their personal submission *"It is unreasonable to make decisions that affect the lives of people living near the Academy without understanding the consequences of those actions"*. The resident has gone on to point out that her home and family are rooted in the Sandown Park locality: a sense of permanence and belonging which is not shared by the students and sponsors of SKA which is currently such a disruptive force in her life. Clearly the Applicants did understand the consequences of many of their actions for the Academy's neighbours but coldly and cynically decided to sacrifice those rights and interests in order to pursue the SKA Project.

TWBC Environmental agrees with this position: they say in one response *"the application does not contain any assessment or mitigation of impacts upon local residents"*.

We are concerned, even at this late stage, that the Planning Process and Decision Making should give due and proper weight to key issues of neighbourhood and residential amenity. This is a test of the integrity of the Planning process as well as the credibility of KCC Education as sponsors of the Academy Programme with its constant emphasis on Community involvement which somehow by passed the community in the Sandown Park neighbourhood. The following instances of the failure of the Consultation process are informative:

- 1.1.1 On 31st January 2011 a consultation meeting was summoned with just a few days notice by an unsigned undated flyer mailed out by KCC Education. Most neighbours never received this communication but our Local Community Group ensured a healthy attendance.
- 1.1.2 The SKA questionnaire completed at that 31st January 2011 meeting showed a clear majority of neighbours disapproved of the amended Site 2 developments. Less than 7 days later, SKA (whilst claiming "to work collaboratively with neighbours") submitted a paper to KCC Planning ("SKA Site 2 Rationale") which simply ignored these objections and, more poignantly, those from their close neighbours, the Leonard Cheshire Home for the Physically Disabled at Seven Springs.
- 1.1.3 We are concerned that in the second paragraph of the SKA Site 2 Rationale document, the phrase "neighbours and local community" is used and subsequently these phrases appear as if there were two different groups of people: the "Community" is characterised as being worthy of every consideration and "Neighbours" receive no consideration whatsoever as the TWBC quotation illustrates. "Benefits" & "Concessions" for neighbours described in the Rationale paper are totally fallacious. As in, reducing the proposed AWP opening hours (when no agreement or ruling on new hours existed), or placing a 3 metre acoustic fence next to one's house will somehow "considerably improve the environment for local residents".

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- 1.1.4 A year earlier at the inception of the KCC Academy Program in January 2010, KCC Cabinet was misinformed in a budget paper¹ by KCC Education that they would not be required to fund vital road modifications at Blackhurst Lane relating to the establishment of SKA. The Cabinet was given incorrect data to support this submission by KCC Education. These traffic mitigation measures had been demanded vigorously at a public meeting held six weeks earlier to receive the first SKA plans: this decision to ignore neighbourhood submissions and refuse funding for traffic mitigation was not reported or explained to local residents. Now that the traffic light funding decision has been reversed the priority implementation of these works **ahead of construction** is seen by Sandown Park residents as the first specific and serious test of KCC integrity and goodwill.
- 1.1.5 A controversial proposal for a Boiler House (modified in the latest proposals) was not shown at the 17th November Public Consultation Meeting 2010 but was quietly lodged with the Planners a few days later. Major questions are still outstanding – including TWBC questions on Air Quality because of weakness in hard detail provided in the planning submission.

1.2 Principle Issues Requiring Resolution

Our position on key issues is summarised below. This summary is followed by a detailed discussion of each item: the fact that our issues are primarily concerned with matters which are peripheral (i.e. they address subjects like logistics, sports fields, elimination of nuisance and danger from the roads situation, and seek clarification of the biomass arrangements) is a fair indication of our continued support for the Academy in its core mission of educational excellence for its own students. *But this must not be achieved at the expense of residential amenity and quality of life of our families and neighbours which hitherto have been neglected.*

- 1.2.1 Traffic & Parking Issues:** without amendment, the current road infrastructure is incapable of supporting simultaneously the Academy, the Sandown Park neighbourhood and this major Construction Project. The potential danger for all users, the operational impact on the school and risks to the Construction programme itself are all too serious to contemplate. This is recognised by KCC Highways² in its filing which says “The school should not open until the junction of Blackhurst Lane and Pembury Road has been signalised” : but the Academy is *already* opened in the old buildings. Clearly it is vital that the planned signalisation and other measures are implemented **before** the start of any construction or related works, which would only exacerbate the current situation.
- 1.2.2 The Relocation of the Site 1 MUGAs:** we oppose the works to relocate these facilities nearer to existing residences which already suffer levels of noise and light pollution and are the subject of formal action by TWBC. The proposals to add non continuous 3M high acoustic fencing are likely to prove ineffective but will add visual nuisance and loss of amenity to the existing noise nuisance which can amount to 1,600 shrill whistles in an evening.
- 1.2.3 The Site 2 Floodlit All Weather Pitch:** This proposal fails to consider neighbouring residential amenity in any way, runs directly counter to the findings of the Community Consultation exercises, has aroused major misgivings among TWBC officers and violates KCC’s own guidelines for floodlighting usage. We are totally opposed to this development on the grounds of its inappropriateness and its unacceptable impact on the visual and residential amenity of neighbouring homes, particularly the Leonard Cheshire Home for the Physical Disabled at Seven Springs. Site 3 is a far more appropriate location for this facility.
- 1.2.4 The Amphitheatre:** we would wish to see the Applicant’s intentions to exclude external audio and sound facilities incorporated into the planning permission.

¹ Agenda Item 6 – Kent Academies Batch 2 Procurement Program – 11th January 2010

² Kent Highway Services Paper registered with KCC Planning on 15th February 2011

Appendix 2 to Item D1

Redevelopment of existing school site to provide a new Academy at The Skinners Kent Academy, Tunbridge Wells – KCC/TW/0434/2010

- 1.2.5 **Construction Plan & Related Factors:** The Construction Plan is still missing. The Traffic Management Plan attempts to meet this requirement in part but lacks specifics in many areas.
- 1.2.6 **The Biomass Heating Facility:** The new Biomass proposals³ and drawings proposals appear to contain many uncertainties about equipment, fuel, performance, Air Quality and design: in these circumstances we believe that they should be referred back for further development, to permit appropriate consultation, design finalisation, testing of Air Quality to be carried out and validation of the fuel delivery arrangements

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Appendix 3 to Item D1

**Redevelopment of existing school site to provide a new Academy at
The Skinners Kent Academy, Tunbridge Wells – KCC/TW/0434/2010**

Petition received to the proposed location of the MUGA on Site 1 and hours of intended use

The petition received has been signed with 34 signatures, the petition details are set out in the covering letter below.

3rd March 2011

Mr Julian Moat
Kent County Council
Planning Applications Group
1st Floor, Victor House
County Hall
Maidstone
ME 14 1XX

Dear Mr.Moat,

Re Planning Application Number KCC/TW/0434/2010 – Redevelop Existing School Site at the Skinners Kent Academy

Please find attached a petition signed by the residents of Ospringe Place. There are 34 signatures which include signatures from 11 out of 12 households (the remaining 12th household not being present at this time).

We all believe the re-location of the courts closer to Ospringe Place will cause a significant and detrimental effect to the residents' lives of all the properties in the immediate locality. Notwithstanding the addition of an acoustic wall, the proposed extensive hours of use and the associated noise and light pollution will deprive us of our right to the quiet enjoyment of our gardens and homes.

We feel this demonstrates our unanimous objection to the proposed location and hours of intended use of the MUGAs on site 1.

We hope this petition, further to our other letters of objection, receives your full attention.

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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.

SW/10/1578 Section 73 application for the variation of conditions 2, 7 & 9 and the removal of condition 10 of planning permission SW/05/77 to enable construction of a secure storage shed and five external storage bays. Sittingbourne Transfer Station, Units 5 – 7 West Lane, West Lane Industrial Estate, 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/10/512/R13 | Details of the electricity substation, including location and design.
Repton Primary School, Former Rowcroft & Templer Barracks (Repton Park), Templer Way, Ashford |
| AS/11/14 | Single storey extension to provide additional teaching space.
Godinton Primary School, Lockholt Close, Ashford |
| AS/11/47 | New installation of a mobile building with a plan area of 92m ² as a library facility as an interim solution prior to future permanent solution.
The John Wallis Academy, Millbank Road, Kingsnorth, Ashford |
| CA/09/680/R7 & R8 | Details of surface water drainage pursuant to condition (7) and car park lighting pursuant to condition (8) of planning permission CA/09/680.
Herne Bay High School, Bullockstone Road, Herne Bay |
| CA/10/100/R | Planning application for a non-material amendment to change the external cladding material from flat resin bonded cladding panels to through coloured render on the proposed classroom extension and play area (that was granted planning permission under CA/10/100).
St Stephens Infant School, Hales Drive, Canterbury |
| CA/10/2144 | Extension to the existing ASD (Autistic Spectrum Disorder) facility for the school. The works include new staircase and lift, hard/soft landscaping around the new extension to provide a new footpath and adequate access for disabled persons.
Simon Langton Grammar School for Boys, Langton Lane, Canterbury |
| CA/10/2177 | Internal remodelling of the building with two single storey extensions.
Grosvenor House, Victoria Park, Herne Bay |
| DA/10/627/R6 | Details pursuant to condition (6) - (Drainage details) of planning permission DA/10/627 – Extension off main school building for additional learning space.
The Gateway Primary School, Milestone Road, Dartford |

E2

DA/11/34	Construction of a detached single storey building for the use as a children centre and nursery. Manor Community Primary School, Keary Road, Swanscombe
DO/09/1189/R3	Details pursuant to condition (3) – (Materials to reduce noise of gates opening and shutting) – Existing gates to entrance of campsite to be moved approximately 6 metres into premises and painted green. Kearsney Campsite, Kearsney Avenue, Kearsney, Dover
DO/10/1184	Section 73 application to vary condition 12 of planning permission DO/10/637 to limit the use of the Children Centre and Nursery to between the hours of 0800 and 1800 Monday to Friday except with the prior written approval of the County Planning Authority. The Downs CEP School, Downs Road, Walmer, Deal
GR/10/808	Erection of perimeter fencing. Vigo Village School, Erskine Road, Meopham, Gravesend
MA/10/123/R3	Details of external materials pursuant to condition 3 of planning permission MA/10/123 - Proposed new Archbishop Courtenay C of E Primary School. BT Depot Site, Beaconsfield Road, Maidstone
MA/10/1209/R11	Details pursuant to Condition (11) - (Widening Gateway Brick Pillars) of Planning Consent MA/10/1209 – To refurbish the existing school house located within the boundary of Marden Primary School and convert into a self-contained Children's Centre with parking to the front and steel fire escape to the rear. The proposal also includes the installation of 1.8 metre high closed boarded timber fencing to the garden. Marden Primary School, Goudhurst Road, Marden, Tonbridge
MA/10/2206	Renewal of planning consent for the continued siting of a specially adapted mobile classroom unit for the provision of storage space. Shepway EISTC, Oxford Road, Shepway, Maidstone
MA/11/70	Installation of a wall mounted canopy to provide all weather usage on existing external play area. Brunswick House Primary School, Leafy Lane, Maidstone
SE/10/3420	Construction of a single storey extension to reception area. Hever CE Primary School, Hever Road, Hever, Edenbridge
SH/10/1136	Section 73 Application to vary condition (5) of planning permission reference SH/03/837 to amend the hours of use of Pent Valley Leisure Centre to be able to open at 06.30 Monday to Friday instead of 07.00 and to be able to open until midnight occasionally on Friday and Saturday for special events. Pent Valley Leisure Centre, Tile Kiln Lane, Folkestone
SW/10/1607	Provision of additional hardstanding car parking. Richmond Primary School, Nursery Close, St Helens Road, Sheerness
SW/11/4	Partial replacement of windows and doors. Faversham Library, Newton Road, Faversham

SW/11/51	Renewal of planning consent for a pre-school within a mobile classroom. Owl and Pussycat Nursery, Bapchild and Tonge CE Primary School, School Lane, Bapchild, Sittingbourne
TH/05/964/RVAR	Details of archaeology works, contractor's vehicle parking and storage arrangements, revised agricultural accesses, movement and storage of soils during construction and treatment of redundant carriageways. Proposed East Kent Access Scheme Phase 2, between former Richborough Power Station (A256), Minster Roundabout (A299) and the Lord of the Manor Junction at Cliff
TH/08/534/R5/R	Amendment to the details of a landscaping scheme, previously approved pursuant to condition (5), (TH/08/534/R5). King Ethelbert School, Canterbury Road, Birchington
TH/11/21	Renewal of planning consent for the siting of 3 timber demountable classrooms and 3 mobile classrooms. Garlinge Primary School, Westfield Road, Margate
TH/11/64	Renewal of planning consent for 'terrapin' mobile buildings. St Nicholas at Wade C of E Primary School, Downbarton Road, St Nicholas at Wade, Birchington
TW/09/85/R2	Details pursuant to condition (2) – Replacement trees of planning consent TW/09/85 – New music room extension to existing classroom. Claremont Primary School, Banner Farm Road, Tunbridge Wells
TW/10/884	Demolition of existing single storey attached wc's, kitchen and storage block; demolition of existing single storey detached nursery, and erection of part two storey, part single storey extension. comprising hall, kitchen, nursery, it suite, library, MI room, wc's and storage. Frittenden CEP School, Frittenden, Cranbrook

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:-

KCC/TW/0434/2010 - Further information received amending and amplifying application KCC/TW/0434/2010: Redevelop existing school site to provide a new 3/4 storey Academy. Alterations and additions to existing sports centre. Retention of existing CDT block. External provision of new floodlit all weather pitch on Site 2, 165 car parking spaces and 164 cycle spaces (to replace existing provision), an external amphitheatre, dining terrace and energy centre on Site 1. Relocation of floodlit multi-use games areas. Reconfiguration of bus set down area and the provision of hard and soft landscaping.

The Skinners Kent Academy, Land East of Blackhurst Lane, and between Sandown Park & Pembury Road, Tunbridge Wells.

- (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:-

KCC/EIA/DA/0042/2011 - Proposed increase in depth of excavation of part of Pinden Quarry Northern Extension within plan limits permitted by DA/07/1.

Pinden Quarry, Green Street Green Road, Longfield, Dartford

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.

KCC/EIA/DA/0042/2011 - Proposed increase in depth of excavation of part of Pinden Quarry Northern Extension within plan limits permitted by DA/07/1.
Pinden Quarry, Green Street Green Road, Longfield, Dartford

Background Documents -

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