

PLANNING APPLICATIONS COMMITTEE

Wednesday, 18th January, 2017

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 18th January, 2017, at 10.00 am
Council Chamber, Sessions House, County Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **03000 416749**

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

Membership (19)

Conservative (10): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),
Mr M J Angell, Mr D L Brazier, Mr N J D Chard, Mr S C Manion,
Mr R J Parry, Mr C Simkins, Mrs P A V Stockell and
Mr J N Wedgbury

UKIP (4) Mr M Baldock, Mr L Burgess, Mr T L Shonk and Mr A Terry

Labour (3) Mrs P Brivio, Mr T A Maddison and Mrs E D Rowbotham

Liberal Democrat (1): Mr I S Chittenden

Independents (1) Mr P M Harman

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 - 7 December 2016 (Pages 5 - 12)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TW/16/05690 (KCC/TW/0135/2016) - Erection of a 499kw anaerobic digestion facility to process farm yard manure and slurry which is processed on site along with a proportion of crops which are grown on the farm and 832 tonnes of imported chicken manure. The development comprises two 18m diameter tanks connected by a pump room, each topped with a gas dome, one feeder and a Combined Heat and power unit at Forest Farm, Nineveh Lane, Benenden; Mr G Reynolds (Pages 13 - 44)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal DA/16/01413/CPO (KCC/DA/0211/2016) - New two storey building, kitchen and toilet extension and internal alterations to existing building; fenced hard games court and 6 additional spaces at Craylands Primary School, Craylands Lane, Swanscombe; KCC Property and Infrastructure Support (Pages 45 - 64)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 65 - 70)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (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)

John Lynch
Head of Democratic Services
03000 410466

Tuesday, 10 January 2017

(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.)

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 Wednesday, 7 December 2016.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mr D L Brazier, Mrs P Brivio, Mr L Burgess, Mr N J D Chard, Mr I S Chittenden, Mr M Heale (Substitute for Mr A Terry), Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins and Mr J N Wedgbury

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Principal Planning Officer - Waste Developments), Mr P Hopkins (Principal Planning Officer), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr A Pigott (Strategic Transport and Development Planner) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

57. Minutes - 16 November 2016
(Item A3)

- (1) The Head of Planning Applications Group advised in respect of Minute 55 (4) (c) that a letter had been sent to the Secretary of State and that a reply was still awaited.
- (2) RESOLVED that the Minutes of the meeting held on 16 November 2016 are correctly recorded and that they be signed by the Chairman.

58. Site Meetings and Other Meetings
(Item A4)

- (1) The Committee noted that there would be a site meeting at Paradise Farm, Hartlip on the afternoon of the Committee meeting on Wednesday, 18 January 2017 in respect of the application for brickearth extraction.
- (2) The Committee noted that there was still no definitive date for the site tour in respect of the proposed school developments in Wilmington as the detailed mitigation measures in respect of the access arrangements were still not available.

59. General Matters
(Item B1)

The Head of Planning Applications Group informed the Committee of the consultation in respect of the *Statement of Community Involvement*. This would include the Committee's *Speaking to the Planning Applications Committee* leaflet. The consultation period would conclude on 31 January 2017.

60. Application AS/16/462 (KCC/AS/0065/2016) - Variation of the hours of working of the Barber Green Asphalt Plant to increase the permitted "out of hours" working to up to 180 periods per year at Hothfield Works, Watery Lane, Westwell, Ashford; Tarmac Ltd
(Item C1)

(1) Mr C Simkins informed the Committee that he was the Local Member for this application. He had not given his views on the application and was able to approach its determination with a fresh mind.

(2) Mr I S Chittenden informed the Committee that he had formerly been an employee of the applicants, Tarmac Ltd. This employment had ceased 10 years earlier. He did not have a Disclosable Pecuniary Interest or An Other Significant Interest and was able to approach the determination of the application with a fresh mind.

(3) Mrs Christine Drury (Chairman of Westwell PC) addressed the Committee in respect of the application. Ms Sian Holden (Matthews and Son LLP) spoke in reply on behalf of the applicants.

(4) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 13 votes to 3 with 1 abstention.

(5) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the public highway between the site access and the A20 being resurfaced and the drainage work described in the public highway between the site access and the A20 being resurfaced and the drainage work described within the application documents being completed prior to the implementation of the permission; Out of Hours working being restricted to a maximum of 180 occasions per year; no more than a total of 25 HGVs leaving the site between 1800 and 0600 hours and/or in any 8 hour additional working period unless otherwise agreed in writing by the Mineral Planning Authority; the implementation of the updated Landscape and Ecological Management Plan; the installation of the proposed acoustic cladding on the highest part of the plant, with the colour coating match the existing plant; the lighting scheme being maintained; the re-imposition of all conditions included in Permissions AS/90/608 and AS/12/844; the asphalt plant being maintained as approved; the hard surfacing and surface water drainage system being maintained; controls on permitted development rights; normal operational hours being restricted to between 0500 and 1800 hours on Mondays to Fridays, 0500 to 1300 hours on Saturdays, with no HGVs leaving the site before 0600 hours on Mondays to Saturdays; operation of the asphalt plant ceasing in the event that minerals are no longer imported to site by rail; the plant being maintained to minimise dust and other emissions; the Terms of this permission being made known to any person given responsibility for operations on site; noise from 'out of hours' operations on site being restricted to the specific limits previously permitted; no articulated HGVs being used between 1800 and 0600 hours; no more than 10 HGVs leaving the site per hour between 1800 and 0000 hours and no more than 6 HGVs leaving the site per hour between 0000 and 0600 hours; the additional working periods not being used in conjunction with normal working hours to operate the

site continuously for more than ten consecutive days; a record of additional 'out of hours' working periods undertaken being maintained and made available to KCC on request; the voluntary code of practice for HGV drivers included within the application being adhered to and made known to all drivers attending the site, including the voluntary 20mph speed limit between the site and the A20; and

- (b) the applicants be advised by Informative that:-
- (i) they need to secure all necessary highway approvals and consents prior to commencement of the development, including a separate Section 278 Agreement for any work within the public highway;
 - (ii) they are encouraged to re-establish a formal local liaison group (committee) for the site with invitees to include representatives of the local community (for example residents of Watery Lane, Westwell Parish Council, Ashford Borough Council (Environmental Health), the local KCC Member, Kent County Council (Highways and Transportation) and (Planning) and to hold regular liaison meetings or facilitate other suitable arrangements for discussion, such as notification of local residents providing details of when and how to raise any concerns;
 - (iii) they are asked to regularly emphasise to all HGV drivers attending the site of the importance of the Code of Practice for HGVs using Watery Lane; and
 - (iv) they are encouraged to liaise with the Local Highway Authority and other local land owners concerning the regular maintenance of the highway verges between the works and the A20 in order to minimise encroachment into the public highway.

61. Application AS/16/01192 (KCC/AS/0208/2016) - Permanent use of the site as a High Output Operating Base, including the storage and loading onto train of track ballast, maintenance activities and erection of accommodation at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford; Network Rail (Item C2)

(1) The Head of Planning Applications Group reported correspondence from Mr Paul Bartlett which had previously been circulated to the Committee. This correspondence included the suggestion for a specific condition requiring the use of a sprinkler and for the "nearest noise sensitive receptor" condition to be strengthened to take account of possible new houses to the south of the application site. The Head of Planning Applications Group advised that it would not be appropriate to require the applicants to fulfil a condition in respect of a future development that might or might not arise and also that the proposed conditions included a requirement the development to be carried out in accordance with the approved details and drawings set out in the application. This included the use of a sprinkler.

(2) RESOLVED that permission be granted to the application subject to conditions, including conditions covering implementation within 3 years of the date of the permission; the development being carried out in accordance with the approved details and drawings set out in the application; noise mitigation

measures being put in place prior to the commencement of the High Output Operating Base (HOOB), including the erection of the various buildings and structures associated with the development, and the provision and maintenance of a 6m high bund, noise barrier or combination of both along the eastern and southern perimeters of the site, together with the construction and maintenance of a 5m high noise barrier around the perimeter of the rail sidings, as shown on Figure 5 of the RPS Noise Assessment Report dated October 2016; the noise rating level calculated and measured in line with BS 4142:2014 at the nearest noise sensitive receptors being at or below 42 dB Lar for any 15min period between 5am. and 7am; the noise rating level calculated and measured in line with BS 4142:2014 at the nearest noise sensitive receptors being at or below 52 dB Lar for any 1hr period between 7am. and 11pm; noise monitoring being carried out, with the results being submitted to the County Planning Authority within one month, upon the commencement of the HOOB operations at the nearest noise sensitive receptors in order to demonstrate whether the noise limits specified are being met; operations immediately ceasing in the event that the levels measured are above those specified, until such times as additional noise mitigation measures are put in place. Further noise monitoring being carried out upon the re- commencement of the HOOB operations, with the results being submitted to the County Planning Authority within one month in order to enable an assessment to be made as to whether further additional noise mitigation measures are required in order to comply with the noise limits set; the submission of a remediation strategy in the event of the discovery of any ground contamination during site construction; no infiltration of surface water into the ground, except where it can be demonstrated that there is no unacceptable risk to groundwater; all foul drainage being contained within a sealed cesspit; the submission and approval of a detailed surface water drainage scheme prior to commencement of the development. no occupation of any buildings taking place until after the implementation of the approved surface water drainage scheme; the submission and approval of detailed design plans for the proposed diversion of Public Right of Way AE350; retention of the existing Public Right of Way AE350 on its current route until such times as the Diversion Order securing it diversion has been certified; and no obstruction of either the current Public Right of Way AE350 or its diverted route throughout the duration of the HOOB operations.

62. Proposal SE/16/01043/KCC/REG3 (KCC/SE/0055/2016) - Single storey extension to provide additional teaching space, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at Seal CE Primary School, Zambra Way, Seal; KCC Property and Infrastructure Support
(Item D1)

(1) Mr N J D Chard informed the Committee that he was the Local Member for this proposal. He had not given his views on the proposal and was able to approach its determination with a fresh mind.

(2) Mr Tim Martin from Seal PC addressed the Committee in opposition to the proposal. Mr Paul Mew (Paul Mew Associates) and Ms Sarah Hiscutt (GL Hearn Limited) spoke in reply on behalf of the applicants.

(3) Mr N J D Chard moved, seconded by Mr M Baldock that consideration of this proposal be deferred to enable further detailed consideration of opportunities to improve travel and access arrangements.

(4) Following discussion, Mr Chard withdrew the motion with the agreement of his seconder and the Committee.

(5) Mr M Baldock moved, seconded by Mr C P Smith that the application be refused. *The reasons for refusal are set out in (6) below.*

Carried Unanimously

(6) RESOLVED that the application be refused for the following reasons:-

(a) The proposal would represent inappropriate development in the Metropolitan Green Belt by reason of the scale and size of the extension and the increase in built form on the site, which would be harmful to and would not maintain the open character of the Green Belt, contrary to Policy GB8 of the Sevenoaks District Council Allocation and Development Plan, Policy LO8 of the Core Strategy and paragraph 89 of the NPPF; and

(b) the proposed expansion of the school would result in an increase in school related traffic on surrounding roads without provision in place of adequate mitigation measures to offset the adverse travel impacts, contrary to Policy T1 of the Sevenoaks District Council Allocation and Development Management Plan.

63. Proposal DA/16/01328 (KCC/DA/0213/2016) - Erection of two storey classroom block with additional site car parking at Wentworth Primary School, Wentworth Drive, Dartford; KCC Property and Infrastructure Support
(Item D2)

(1) The Head of Planning Group asked the Committee to amend her recommended Informatives so that the school should “request” rather than “instruct” parents of older children to park further from the school. This was agreed.

(2) 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 external materials; the carrying out (subject to a Traffic Regulation Order) of the highways works (provision of double yellow line waiting restrictions at the junction of Wentworth Drive and Chastilian Road) before first occupation of the building, or in accordance with a timetable to be agreed with the Highways Authority; the provision of the car parking and cycle parking spaces detailed in the application prior to occupation; the submission and approval of a car parking management plan prior to occupation; the submission and approval of a construction management strategy including details of the location of site compounds, operatives and construction visitor vehicle parking, wheel cleaning facilities and details of how the site access would be managed to avoid peak school times, together with details of any construction accesses, and details of procedures to be adopted to minimise and respond to neighbour complaints during the construction period; no HGVs reversing onto or off the public highway unless under the supervision of a banksman; hours of working during construction being restricted to between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 hours on Saturdays

with no operations on Sundays and Bank Holidays; the submission and approval of drainage design layout, with no drainage for the infiltration of surface water drainage to the ground being permitted other than with consent of the Planning authority; and the submission of a remediation strategy if contamination not previously identified is found to be present at the site, detailing how it will be dealt with; and

- (b) the applicants be advised by Informative that:-
- (i) the school should request parents of older children to park further from the school to relieve the pressure for parking in the most popular areas nearer to the school entrances;
 - (ii) the Responsible Parking Initiative should be included within the School Travel Plan;
 - (iii) construction should be governed by a Construction Environment Management Plan in order to prevent water pollution; and
 - (iv) their attention is drawn to the Environment Agency Developer's Guide and pollution prevention advice.

64. Proposal DA/16/01732/CPO (KCC/DA/0222/2016) - Single storey extension to accommodate eight new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford; KCC Property and Infrastructure Support
(Item D3)

- (1) Mr T A Maddison informed the Committee that he was the Local Member for this application. He had not given his views on the application and was able to approach its determination with a fresh mind.
- (2) On being put to the vote, the recommendations of the Head of Planning Applications Group were agreed by 16 votes to 0 with 1 abstention.

RESOLVED that the application be referred to the Secretary of State for Communities and Local Government and that subject to his decision:-

- (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; hours of working during construction being restricted to between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays or Bank Holidays; the submission of a Construction Management Plan, providing details of construction vehicle loading/unloading and turning facilities, and measures to be taken to prevent mud and debris being deposited on the public highway; a revised School Travel Plan, to include the commitment to operating the "Walking Bus" from the nearby Temple Hill Square car park; the implementation of the revised School Travel Plan and its future review and revision where necessary; the submission and written approval of a

specification for a programme of archaeological works; a detailed drawing showing the layout of the car park, and specifically the dimensions of all parking spaces, prior to construction; and the submission and approval of details of the photovoltaic panels; and

- (b) the applicants be advised by Informative that:-
 - (i) the School Travel Plan should be registered with Kent County Council through the “jambusters” website; and
 - (ii) they should follow the Environment Agency’s advice with regard to foul drainage, land contamination and waste.

65. Matters dealt with under delegated powers
(Item E1)

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

- (a) County matter applications;
- (b) County Council developments;
- (c) Screening Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Erection of a 499kw anaerobic digestion facility to process farm yard manure and slurry produced on site, along with a proportion of crops which are grown on the farm, and 832 tonnes of imported chicken manure. The development comprises two 18m diameter tanks connected by a pump room, each topped with a gas dome, one feeder and a Combined Heat and Power unit at Forest Farm, Nineveh Lane, Benenden, Cranbrook, Kent, TN17 4LG – TW/16/5690 (KCC/TW/0135/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 18 January 2017.

Application by Mr G Reynolds for the erection of a 499kw anaerobic digestion facility to process farm yard manure and slurry which is produced on site, along with a proportion of crops which are grown on the farm, and 832 tonnes of imported chicken manure. The development comprises two 18m diameter tanks connected by a pump room, each topped with a gas dome, one feeder and a combined heat and power unit at Forest Farm, Nineveh Lane, Benenden, Cranbrook, Kent, TN17 4LG – TW/16/5690 (KCC/TW/0135/2016)

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr Sean Holden

Classification: Unrestricted

Site

1. The application site of some 0.39 hectares is 1.9 miles (3km) south of Cranbrook and approximately 1.5 miles (2.5km) west of the village of Benenden within the High Weald Area of Outstanding Natural Beauty (AONB). The area surrounding the site generally consists of a mixture of open countryside and woodland. The site lies within an undulating area immediately to the north western side of the existing Forest Farm complex which houses a heifer rearing unit with some buildings being used in association with the applicant's arable farming activities. The site itself lies entirely within a plot of improved grassland which is subject to all year round grazing by cattle. With the exception of its AONB status the site is not subject to any other landscape or ecological designations although an area of Ancient Woodland lies approximately 11m from the northern corner of the site.
2. The site is afforded a high degree of visual screening by existing buildings and also by virtue of the site topography and field boundary hedgerow and woodland. In addition it is proposed that all excavated materials are used to form a 2m high bund

TW/16/5690 - Erection of a 499kw anaerobic digestion facility at Forest Farm, Nineveh Lane, Benenden, Cranbrook, Kent.

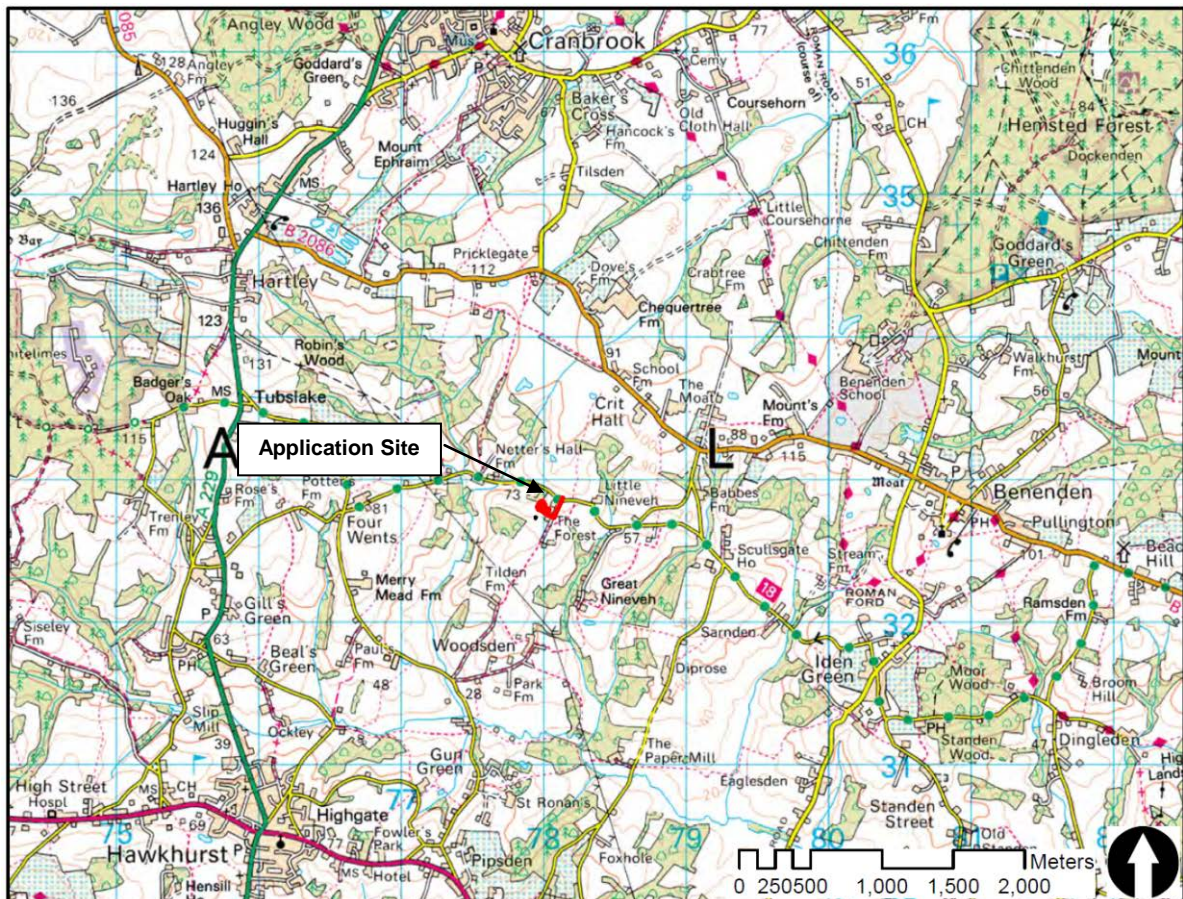
some 50m to the western side of the site layout which would serve as a protective barrier in the unlikely event of a spillage from the Anaerobic Digester (AD). The bund would be planted with a wild flower seed mix and the applicant considers that it would help serve to screen potential visual and noise impacts to the west. Additional screening would be added to the northern boundary of Forest Farm at Nineveh Lane, this would screen any views of the proposed development site from Nineveh Lane.

3. The applicant has discussed the proposal with the Environment Agency (EA) who have advised that in order to comply with a Standard Rules Environment Permit, amongst other matters the site must not be within 200 metres of a sensitive receptor unless there is a stack height greater than 7 metre (or “3m effective height”). The applicant has proposed that there be two stacks measuring 7.8 metres each.

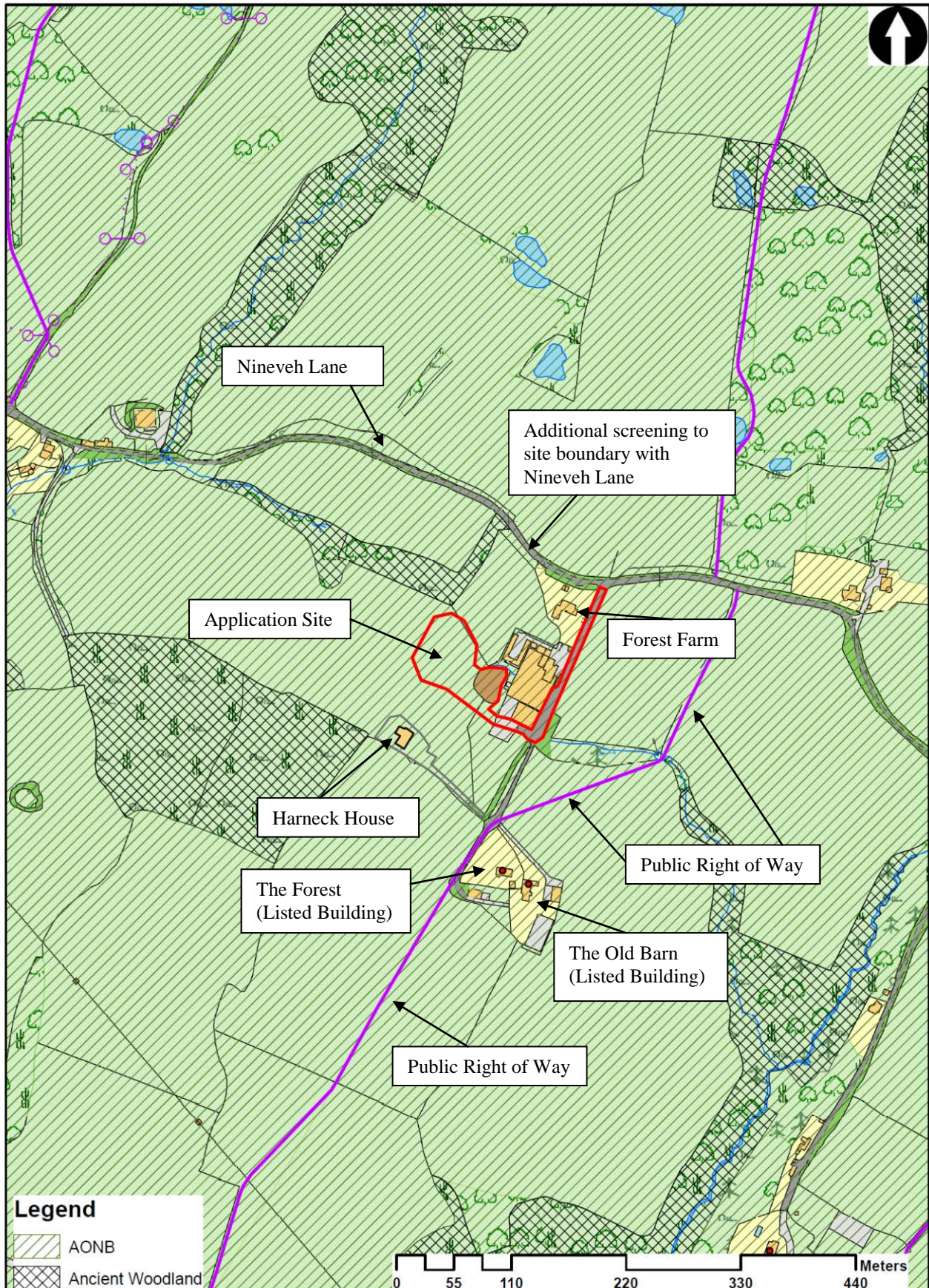
Recent Site History

4. This application is the third in a series of similar applications for the site at Forest Farm. The first was incorrectly submitted to Tunbridge Wells Borough Council in March 2015 and subsequently withdrawn in June 2015. The second was submitted to Kent County Council in October 2015, this application was broadly the same as the current application but with a higher throughput of 16,552 tonnes per annum compared to 12,450 tonnes now. A Members site visit for this application was undertaken on 10 February 2016; therefore some Members will be familiar with the proposed development site. This application was withdrawn in February 2016 following a decision by the applicant to utilise different AD technology than that previously proposed.

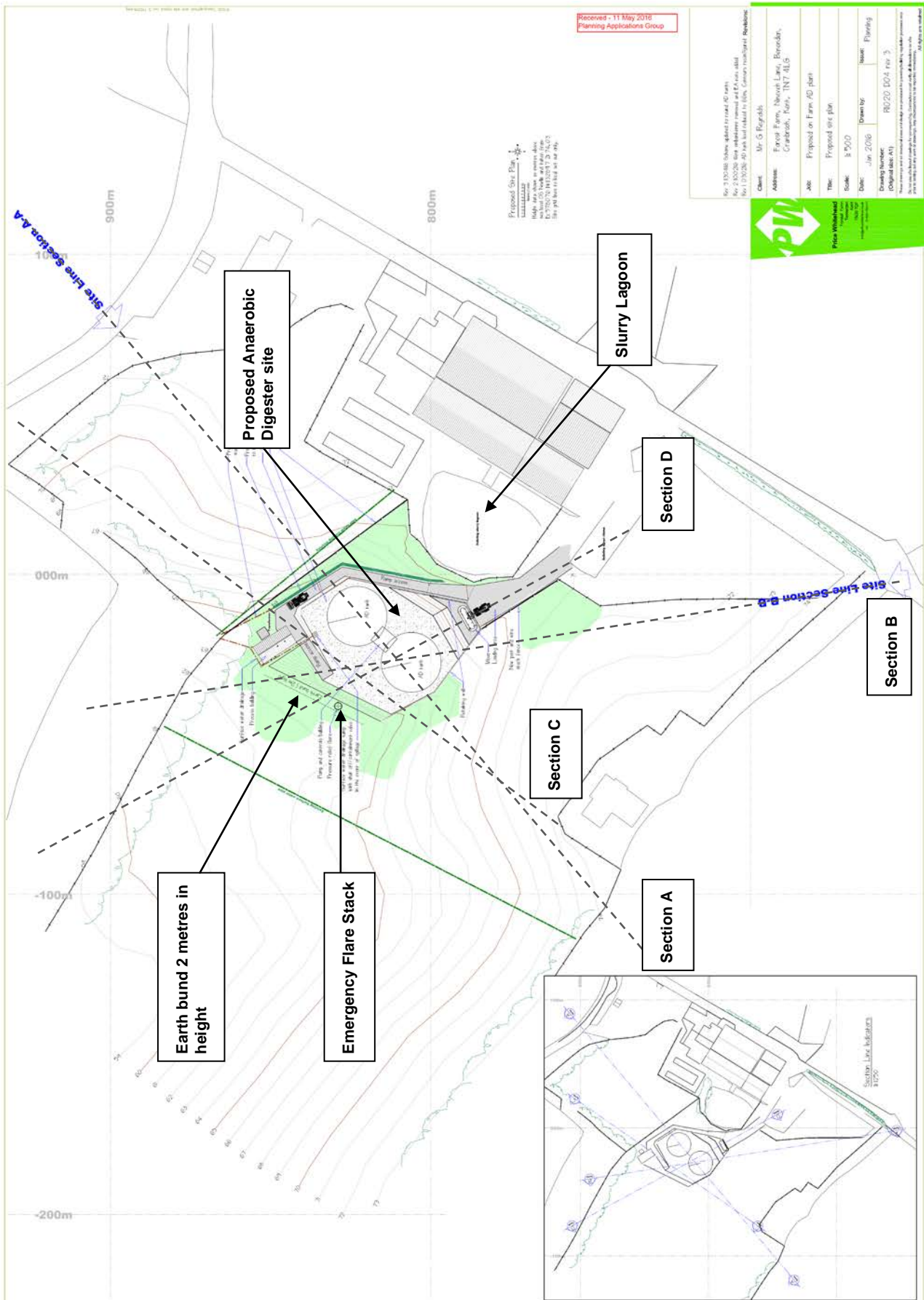
Location Plan



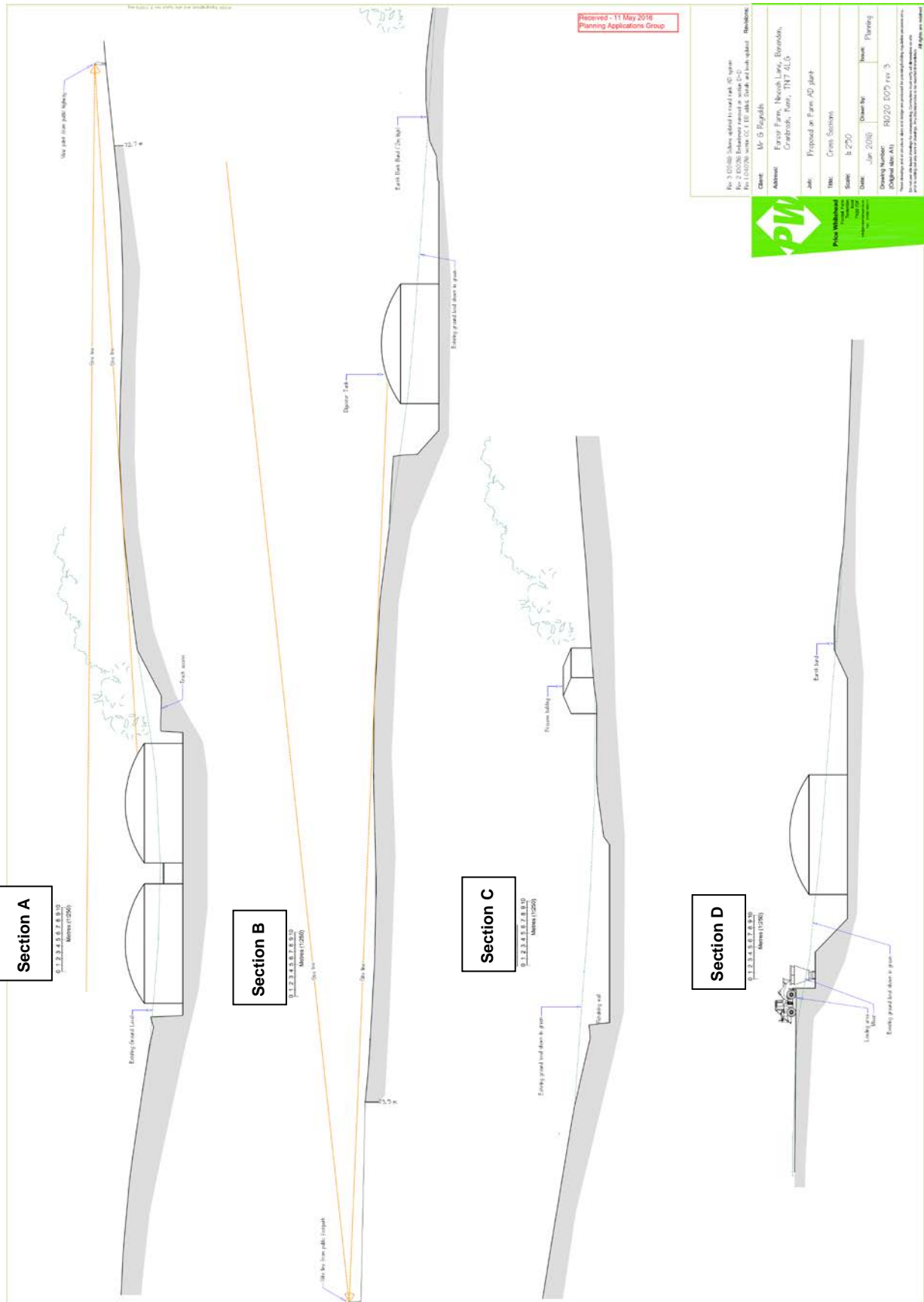
Site Location Plan



Site Layout



Proposed Elevations



TW/16/5690 - Erection of a 499kw anaerobic digestion facility at Forest Farm, Nineveh Lane, Benenden, Cranbrook, Kent.

Proposed Process Building Elevations

Received - 11 May 2016
Planning Applications Group

M1020 Process Bld Rev 2.dwg

Price Whitehead
Forest Farm
Nineveh Lane
Benenden, Kent
TN7 4LG
Tel: 01795 333111

Rev 3 15/04/2016 Building reduced in size following change to road tank system

Rev 2 10/02/2016 Enhancement to West of removal

Rev 1 04/02/2016 Floor plan added. Elevations modified to reflect smaller size of lid and embankment. Revisions:

Client:	Mr G Reynolds
Address:	Forest Farm, Benenden, Kent, TN7 4LG
Job:	AD plant
Title:	Process Building Proposed Elevations
Scale:	1:100
Date:	September 2015
Issue:	Planning
Drawing Number:	RO20 D02 Rev 3
(Original size: A2)	

These drawings and all documents show any design are produced for the client's use only. They are not to be used for any other purpose. Do not use the drawings for construction. Contractors must verify all dimensions and details on site. Any discrepancies to be reported immediately. All rights are reserved.

Proposal

5. The applicants are seeking planning permission for an Anaerobic Digester (AD) to be sited on their main farm site at Forest Farm, Benenden. The facility is intended to process up to 12,450 tonnes per annum comprising of cattle farm yard manure (2500 tonnes) and slurry (3000 tonnes) from the existing heifer rearing unit together with the beef unit at Netters Farm some 430m to the north west of the application site. This would be supplemented by grass and rye silage (2618 tonnes), maize silage (2500 tonnes), crimped maize (500 tonnes), milled straw (500 tonnes) and poultry manure (832 tonnes). All of these feedstocks are already produced on farm land within the control of the applicant and his family, with the exception of the poultry manure which would be imported from the nearby Fridays Poultry Farm. The applicant asserts that the supply of this feedstock to the plant would be undertaken in unison with current farming practices and not in competition with the growing of high value crops, whereas crop residue from the farm is currently sold off site.
6. The combined annual throughput for the plant would be up to 12,450 tonnes per annum which the applicant claims would generate 4,240,103kWh of electricity annually (499kW/h). The electricity generation would be equivalent to the average requirements of 1250 homes; the anaerobic process also produces a constant supply of heat as a by-product up to 450kW/h thermal. The electricity generated would be used on the farm with the remaining balance being sold onto the National Grid.
7. The facility would consist of the following main elements:
 - Two digester tanks 18m in diameter with a 4m wide process room and office between the two tanks;
 - One 30 tonne static feeder;
 - One transfer compound 5m x 5m;
 - One 499kW/h Combined Heat and Power unit 20m x 12m with a ridge height of approximately 5m with two integral chimney stacks both measuring approximately 7.8m.
 - Pressure release flare measuring 6m in height.
8. Anaerobic digestion is a biological process by which naturally occurring anaerobic bacteria breakdown organic matter (farm crops and slurry in the case of Forest Farm) to produce biogas which is then fed to a combined heat and power plant (CHP) to produce renewable energy in the form of electricity. Once used within the digester the solid contents of the digester are taken to a storage area for drying in preparation for spreading on farmland as a fertiliser. The digestate which is rich in nutrients has very little odour and considerably less than that of raw slurries which are currently spread on the farm. The liquid digestate produced would also be spread on the farmland as a fertiliser, while the remaining liquid fraction produced is returned to the head of the process for reuse.
9. As well as the carbon savings made from the production of green energy the applicant asserts that further carbon savings would be made as a result of using slurries and farmyard manure in the plant instead of spreading it straight onto land. There would also be a considerable reduction in odour normally associated with the spreading of raw slurries and manures. The applicant considers that it would be possible to pump the liquid digestate from the plant over some 120 hectares (ha) of interlinked adjoining land within his ownership using a temporary flexible pipe and via umbilical injection

from a tractor and tanker without the need for vehicles to enter the public highway. The remaining material would be dried and transported to outlying fields using tractors and trailers generating in the region of 295 vehicle movements per annum. The applicant states that this compares with the 818 slurry/dung spreading and dung carting vehicle movements per annum that currently occur. The applicant states that 'for the provision and movement of feedstock, the farm would continue using the existing tractor and trailer method of transporting materials, no HGV transportation would be required for the operation of the plant'. There are also hay and silage sales currently occurring from the farm which are sold in small quantities of up to 16 tonnes per load. The applicant therefore argues that with the new system in place which provides for all of this material along with the cattle slurry to be processed through the AD plant this would give rise to a significant reduction in vehicles which currently use the local road network, falling from 5044 to 4231 movements per annum, a decrease in the region of 16%.

10. In addition to the production of green energy which reduces the carbon footprint along with a reduction in odour which is currently caused from the spreading of raw manure on the land, the applicant claims that other environmental benefits include a reduction in the need to use chemical sprays to control weeds as the AD process can also kill most weed seeds present in the feedstocks.
11. The following properties have been identified as falling within 250m from the CHP to the external property walls.
 - Forest Farm (owned by the farm) 93m NE
 - Harneck House (owned by the farm) 103m SSW
 - The Forest 231m SSE (Grade II Listed)
 - The Old Barn (applicant's residence) 249m SSE (Grade II Listed)

Planning Policy

12. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:

National Planning Policy Context

13. **The National Planning Policy Framework (NPPF) (March 2012):** Should be read in conjunction with the National Planning Policy for Waste which sets out detailed waste planning policies which local planning authorities should have regard to when discharging their responsibilities to the extent that they are appropriate to waste management.
14. The NPPF sets out the Government's planning policies and its aim to secure sustainable development in a timely manner. The role of the planning system is seen as contributing to the achievement of sustainable development. Of particular relevance this includes supporting the transition to a low carbon future in a changing climate by encouraging the use of renewable resources (for example by the development of renewable energy). In facilitating the delivery of such developments the Framework requires that local planning authorities should look for solutions rather than problems and are therefore expected to work proactively with applicants to secure development that improve the economic, social and environmental conditions of the area.

15. Planning policies should support economic growth in rural areas by amongst other matters promoting the development and diversification of agricultural and other land based rural businesses.
16. **National Planning Practice Guidance: (Renewable and low carbon energy):** Increasing the amount of energy from renewable and low carbon technologies will make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon infrastructure in locations where the environmental impact is acceptable.
17. **Waste Management Plan for England (WMPE) 2013:** The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero waste economy as part of the transition to a sustainable economy. It summarises how the 'waste hierarchy' should be applied which gives top priority to waste prevention followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill). The term 'other recovery' includes anaerobic digestion. Any technology is considered more beneficial if both heat and electricity can be recovered. In this respect particular attention should be given to the location of the plant to maximise opportunities for heat use.
18. **National Planning Policy for Waste (October 2014) (NPPW):** The NPPW should be read in conjunction with amongst others the NPPF and the WMPE. It recognises the need to drive the management of waste up the waste hierarchy and the positive contribution that waste management can bring to the development of sustainable communities. Where a low carbon energy facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers.
19. **National Policy Statements (NPS) EN1 and EN3:** These represent the Government's overarching National Policy Statement for energy which sets out the national policy for energy infrastructure. In England and Wales these statements are likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). They are concerned with impacts and other matters which are specific to biomass and including energy from waste. They consider electricity generation from renewable sources of energy is an important element in the Government's development of a low carbon economy.
20. **UK National Renewable Action Plan (UKNRAP) 2010:** The UKNRAP recognises the need for the UK to radically increase its use of renewable energy which should look to make the most of our resources in order to provide a secure basis for the UK's future energy needs. It seeks to increase the proportion of energy obtained from renewable resources in order to increase the security of our energy supplies. It is considered that the development of renewable energy sources along with other types of low carbon development will enable the UK to play its full part in international efforts to reduce the production of harmful greenhouse gasses. The UKNRAP sets out measures that will enable the UK to reach its target for 15% of energy consumption to be from renewable sources by 2020 although this should not be seen as representing an upper limit. It considers that this target is feasible through domestic action which could be achieved with a proportion of around 30% of electricity demand.

21. **The UK Renewable Energy Strategy (2009):** seeks a radical increase in renewable energy use in order to reduce greenhouse gas emissions and diversify energy sources to enable lower reliance on fossil fuels.

Local Planning Policy Context

22. **Kent Minerals and Waste Local Plan (KMWLP) 2013 -2030 Adopted July 2016.** As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. Policy CSW1 gives support where, when considering waste development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by National Policy.
23. Consistent with one of the Government's key aims to reduce the volume of Municipal Solid Waste (MSW) and Commercial and Industrial Waste (C&I) being sent to non-hazardous landfill, the KMWLP seeks to establish a policy framework against which future proposals for waste related developments will facilitate the management of waste further up the Waste Hierarchy (Policy CSW2). Policy CSW4 of the Plan sets out the County Council's strategy for securing sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. In order to achieve this, the KMWLP has to plan for all forms of waste management in the Waste Hierarchy which helps accommodate the transition towards those forms of waste development which sit towards the top of the Waste Hierarchy. The plan seeks to address this transition by seeking to rapidly provide a more sustainable option for the mixed non-hazardous waste that is going to landfill by identifying sites for energy recovery.
24. The preference identified in response to early consultations on the Plan was for a mix of new small and large sites for waste management. This mix gives flexibility and assists in balancing the benefits of proximity to waste arisings whilst enabling operators of large sites to exploit economies of scale.
25. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the waste hierarchy. In reflecting the relative positions of the different methods of waste management in the waste hierarchy it is considered preferable to process organic waste to produce compost as opposed to burning it to produce heat/power. The use of organic waste to produce gas that may be used as a fuel via anaerobic digestion is also considered preferable to its direct combustion.
26. Policy DM1 requires that proposals for waste development are designed amongst other matters, to maximise the re-use or recycling of materials. Policy DM2 of the KMWLP states that proposals for waste development must ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. Policy DM3 of the KMWLP states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's

important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted permission following (amongst other things): an ecological assessment of the site (including specific protected species surveys as necessary); the identification and securing of measures to mitigate any adverse impacts; the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for; and the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity. Policy DM11 requires waste developments to demonstrate that they are unlikely to generate unacceptable adverse impacts from noise, dust, odour, vibration, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 establishes the need to take into account the cumulative impacts of individual elements of a proposal to ensure there are no unacceptable adverse impacts on the environment or local communities. Policy DM13 requires waste developments to demonstrate that road traffic movements are minimised as far as practicable by preference being given to non-road modes of transport. Policy DM14 seeks to provide safeguards which satisfactorily protect the interests of any Public Rights of Way affected by proposed developments.

27. **Tunbridge Wells Borough Council Core Strategy (June 2010):** Policy CP4 seeks to conserve and enhance the character of the High Weald AONB. Policy CP5 seeks to apply and encourage sustainable design and construction principles and best practice in order to combat avoidable causes of climate change and to adapt to or mitigate already unavoidable impacts of climate change. Policy CP14 seeks appropriate development in villages and rural areas. The interrelationship between the natural and built features of the landscape will be preserved, enhanced and, where necessary restored, this being the principal determinant of the character of rural areas. The Rural Lanes Supplementary Planning Guidance document is to assist in making decisions on planning applications which may have an impact on rural lanes.
28. **The High Weald AONB Management Plan 2014-2019:** Objective G3: Climatic conditions and rates of change which support continued conservation and enhancement of the High Weald's valued landscape and habitats. Rationale: To reduce locally arising greenhouse gas emissions and allow the High Weald to play its role in mitigating climate change, whilst ensuring the landscape is best prepared for the impacts of climate change, including enhancing habitat interconnectivity and developing adaptable land management systems. Objective FH1: To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management. Rationale: To contribute to sustainable domestic food and non-food agricultural production, to support a working countryside, and to reduce the dependency of the UK on non-sustainably managed agricultural land and the need for long-distance transport that produces air pollutants causing harm to health and the environment.

Consultations

29. **Amey (Landscaping) - No objection** subject to a condition covering final building design, earthworks and landscaping.

30. **Amey (Noise, Air Quality & Odour) - No objection** subject to the following noise conditions and comments on odour and air quality.

31. **Noise**

- Noise levels from the facility at the nearest sensitive receptors shall be below 30dB $L_{Aeq,15min,freefield}$ from 1900 to 0700 Monday to Sunday and shall be below 50dB $L_{Aeq,1h,freefield}$ from 0700 to 1900 from Monday to Saturday and below 45dB $L_{Aeq,15min,freefield}$ from 0700 to 1900 on Sunday.
- Construction works shall be limited from 0700 to 1900 Monday to Friday and from 0700 to 1300 on Saturday. Construction noise levels at the nearest sensitive receptors shall be below 65dB $L_{Aeq,1h,freefield}$.

32. **Air Quality**

We have now reviewed the findings of the screening assessment of emissions from the CHP unit stacks and our opinion is that the calculations have been made with reference to the appropriate guidance documentation and tools (IAQM/EPUK) and are suitably robust to support the conclusion of the report. Background air quality is generally good in the area and the calculations show that there is sufficient separation distance between the stacks and the receptors of concern (Forest Farm (93m) and Harneck House (105m)) to protect human health. We have reproduced the calculations using a stack height of 4.39m and 7.8m and agree that the impact of emissions in both instances will be negligible. As fine particular matter emissions from the burning of natural gas are very low and background air quality is good we can safely conclude that the impact from stack emissions will be negligible at all receptors.

It is therefore our opinion that a detailed air quality assessment is not warranted and no new conditions pertaining to air emissions from the CHP are required as a result.

33. **Odour & Dust**

We maintain the opinion that the changes to the application (from the last submission) are insignificant enough to trigger the need for detailed dust and odour assessments which is driven chiefly by the remoteness of the application site from sensitive receptors. Considering that the amount of material to be processed in the current application has reduced to 12,450 tonnes (from the previous application) and the material spread will be largely odourless, the recommendations made in our previous response remain the same with respect to odour whereby it is likely that the new controlled AD process will result in an improvement in odour in the vicinity of the farm as the current spreading of untreated slurry will be replaced with the use of the less odorous digestate. The applicant will also be required to meet a number of odour conditions that will be attached to the permit to operate issued by the Environment Agency. However, we advise that in order to ensure that odour is fully addressed and controlled an odour management plan (OMP) should be secured by condition.

34. **Kent Highways and Transportation - No objection** given the development will result in an overall reduction in vehicle movements.

35. **Tunbridge Wells Borough Council - No objection.**

36. **Benenden Parish Council –** The Council stated that although generally supportive

they could not recommend approval of the application until a number of queries were answered. The applicant provided responses to the questions raised and no further comments were received.

37. **County Council's Biodiversity Officer** - No objection subject to conditions including the submission of a precautionary mitigation strategy and the incorporation of ecological enhancements into the development.
38. **CPRE (Protect Kent)**: No objection but raise the following points. Forest Farm is in the AONB and in a deep rural area with narrow lanes. The combination of owned and rented land means that the farming operation covers a wide area and also makes it hard to follow the logic of the proposed operation.

Feedstock – A key issue for these proposals is whether the input can be produced on the farm where the plant is installed; this would allow existing traffic movements to be maintained or reduced. This is particularly important when the AD plant is in an AONB or Greenbelt land and/or in a deep rural area. The proposal assumes the use of feedstock from outside the farming operation, chicken waste from Fridays. No justification is given for this (apart from the fact that the farm currently imports chicken waste to spread on the fields), and it seems unnecessary to the functioning of the plant. CPRE suggests that agreement to the proposal should be conditional on using only materials from the farming operation. This would remove the risk of 'creep' with increasing quantities of off-farm materials being brought in.

Vehicle Movements – The lanes around the farm are very narrow and Attwater Lane/Nineveh Lane has a high score in the Rural Lanes SPD. The proposal appears to show a reduction of vehicle movements compared with the current operation. Because the farming operation is spread over a large area, the existing number of movements is substantial. Several reasons are given for the proposed reduction in traffic, but the overall impact shown is small. This may be because the figures include vehicles of all sizes. We understand that there may be some local concern about the accuracy of the figures and in view of the importance of the effect any increase in heavy traffic could have on the rural lanes we would recommend that an independently verified study of vehicle movements be required. The more important movements – of the large tractors and trailers used and anything over 3.5 tonnes – should be calculated separately.

Visibility – There is no doubt that AD plants look like industrial operations, so, especially in an AONB, consideration also needs to be given to the visibility and impact on the landscape. It is stated in the proposal that the AD plant is partially shielded by existing buildings and hedges and that new screening will be built. It is not clear what will remain visible from which directions.

39. **County Council's Archaeological Officer** - No objection subject to the implementation of an archaeological watching brief.
40. **Environment Agency** - No objection subject to the following conditions:
- 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented

as approved.

- The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
41. **High Weald AONB Unit - No objection**. It is considered that the proposed facility will support the ongoing agriculturally productive use of the farmland around Forest Farm and will assist with mitigating the effects of climate change. It is therefore compatible with objectives FH1 and G3 of the High Weald AONB Management Plan. The design and position of the development is considered to be appropriate and not harmful to the High Weald landscape components, subject to control over the source and colour of the materials used for the new plant and buildings and over vehicular movements to and from the site; and lighting. Overall it is considered that the proposal is appropriate to the High Weald Area of Outstanding Natural Beauty and I therefore support this planning application.
42. **Kent Wildlife Trust - No objection**. Satisfied all potential risks of harm to wildlife interests have been considered but would urge the County Council to secure by conditions and/or legal agreement all the identified mitigation and enhancement measures identified in sections 5 and 6 of the Extended Phase 1 Habitat Survey report.
43. **Natural England - No objection**.
44. **County Council's Flood Risk Officer (Sustainable Drainage) - No objection** subject to the inclusion of a condition requiring the submission of a detailed design of the surface water drainage scheme. This shall demonstrate the run-off collected from new impermeable areas is disposed of to watercourse at rates no higher than greenfield rates and accommodate sufficient capacity to ensure the proposed plant site does not suffer significant flooding up to and including the 1 in 100 year climate changed adjusted critical storm. The detailed drainage scheme shall also provide details of surface water treatment to ensure pollution to watercourse does not occur as a result of contaminated surface water.
45. **UK Power Networks - No objection**.
46. No responses have been received from the **National Grid, Public Rights of Way, South East Water or the Forestry Commission**

Local Member

47. The local County Member, Sean Holden was notified of the application on 4 July 2016.
48. An objection has been received from the local Tunbridge Wells Borough Council Ward Member Lynne Weatherly stating that:

"I have serious concerns on behalf of my residents with regard to the number of lorries that are using and will be using our residential roads. I can only see that this will mean an increase in an area that already suffers from lorries exceeding the current weight limit on these roads."

Publicity

49. The application was publicised by the posting of two site notices, an advertisement in a local newspaper, and the individual notification of 103 residential properties.

Representations

50. In response to the publicity, I have received 65 letters of representation, 53 raising objections to the proposal and 12 in support.

51. The objections can be summarised as follows:

- Increase in traffic along narrow rural country lanes given that materials would be imported to and distributed from the site from a wide catchment area incorporating the Reynolds Family's other farms.
- It would be far more relevant to have such a plant adjacent to a more appropriate main road.
- Damage to highway verges.
- Adverse impacts on highway safety.
- Inappropriate development in the High Weald AONB.
- Increase in malodorous odours on sensitive receptors both from the process itself and vehicles importing/exporting materials to and from the site. The danger of leakage, into nearby water courses does not bear thinking about. We understand that there is likely to be a high volume of noise 24/7 and there is the danger of highly volatile gasses and inflammability also.
- Lack of suitable areas to store raw and processed materials.
- There will be insufficient volumes of materials arising from the farming operations to feed the digester therefore other materials will need to be imported from elsewhere.
- There is no energy balance calculation to demonstrate the claim that the plant will be CO₂ neutral. It does not account for the energy consumed in the planting, production and transportation of the material to feed the plant.
- Where would the by-products of the digester be disposed of? This could be a potential health hazard.
- The facility and the output it produces would damage this environment.
- Many inaccuracies in the application.
- It appears to be an attempt to achieve change of use from traditional mixed farming to the production of electricity by creating a large scale Anaerobic Digester.
- The business proposed will increase emissions in the local area and whilst it claims to be renewable energy, I don't see any positives to deliberately using fields that could be used to grow local produce to grow crops in order to place it in a digester.
- There is a real risk that further areas of the valley around the already very large digester will be covered in heaps of seeping silage and/or digestate.
- The smell will be overbearing, the danger of leakage, into nearby water courses does not bear thinking about. We understand that there is likely to be a high volume of noise 24/7 and there is the danger of highly volatile gasses and inflammability also.
- There is no explanation as to how this proposed plant can produce 8% more power from 30% less input compared to the plant proposed in the previous

application.

- The applicant has only provided evidence in the application of land under his control of around 200 hectares. We do not understand the bridge between these numbers and the 800 hectares described in the application.
- If either farm were sold or ownership affected by change of ownership such as the death of one of the owners, then the future of the scheme may be uncertain.
- Fridays Chicken Farms have their own AD facility; therefore there is no need to transport their manure to Forest Farm.
- The applicant may switch to importing organic waste for which they can charge a gate fee and use the farm land for normal farming production.
- The scheme would provide no wider community benefit and the proposed form of electricity is neither green nor renewable.
- A digester in Oxfordshire was struck by lightning in June 2016 and caused a massive fireball.

52. The representations received in support of the proposal can be summarised as follows:

- There will be no extra movement of vehicles and less need for feedstock to be transported off site.
- It is important in the current economic climate that farmers should be allowed to diversify in order to remain viable.
- The proposal represents a sustainable source of green energy.
- There would be environmental benefits by virtue of the production of low carbon energy contributing towards renewable energy targets, a reduction in methane emissions and a reduction upon the reliance on the use of chemical fertilisers and a reduction in malodorous odours.
- The level of activity at the farm will be less than that currently associated with the existing farming operations.
- The scheme seems a sensible, green and safe way of disposing of waste.
- The plant will be almost unseen from anywhere, using existing infrastructure, and the tanks will be largely sunk under the ground.
- There will be no need to spread raw manure on the land anymore, which creates strong unpleasant smells.
- There would be a reduction in odour by using the digestate on the land and this has got to be advantageous to the local community.
- I think it is important to make every effort to increase and promote the use of renewable sources of energy.
- The one or two houses that are closest to the site currently overlook a slurry pit and working farm with its associated smells and noise in any event.
- Concerns have rightly been raised about traffic. I regularly ride horses on these lanes and find all traffic, especially farm traffic, to be very considerate and driven with care.
- We approve of the concept of a local supply. This is particularly relevant at a time when conventional base load generating capacity in the UK is being decommissioned for environmental reasons and very little new reliable capacity is planned or under construction.

Discussion

53. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs 12-28 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and the AONB Management Plan and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:
54. The main issues to be considered relate to:-
- Need for increased renewables/low carbon solutions;
 - Landscape and visual impact (including lighting & AONB);
 - Local amenity impacts (e.g. noise, odour and air quality);
 - Highways and transportation;
 - Feedstock;
 - Water environment (groundwater impacts);
 - Ecology.

Need for increased renewables/low carbon solutions

55. There is strong government and policy support for renewable energy, with the UK Renewable Energy Strategy (2009) seeking a radical increase in renewable energy use in order to reduce greenhouse gas emissions and diversify energy sources to enable lower reliance on fossil fuels. The aim is to increase the proportion of energy we obtain from renewable sources which will not only increase the security of energy supplies in the UK but will also provide opportunities for investment in new industries and new technologies. The UK Government will help businesses develop in this area to put the UK at the forefront of new renewable technologies and skills. The goal is to maximise the environmental, economic and employment opportunities for the UK from renewables. This strategy and the wider UK Low Carbon Transition Plan published in parallel with it will enable the Government to build a low-carbon economy, that promotes energy security and takes action against climate change.

Landscape and Visual Impact

56. National planning policies relating to landscape and visual impact are set out in the NPPF. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes. Tunbridge Wells Borough Council Core Strategy Policy CP4 also seeks to conserve and enhance the character of the High Weald AONB, therefore the proposed development must be found to accord with these policies and the objectives of the High Weald AONB Management Plan 2014-2019.
57. The site is located within the High Weald AONB, and accordingly is afforded the highest level of landscape protection. The surrounding landscape is a mosaic of pasture and arable fields with a strong network of woodlands, tree belts and hedgerows set within a varied rolling topography. Within this part of the High Weald AONB there are scattered houses and farmsteads many of which are of historic

importance and which are set alongside quiet and winding lanes.

58. The site for the proposed AD facility is to the west of the main farm yard adjacent to an existing slurry lagoon and cattery. The proposed site area is in a valley with the main tanks and built element of the development proposed to be sited at the bottom of the valley, significantly reducing the visual impacts of the proposed development. There would be minimal opportunity for the development to be visible from any property outside the ownership of the applicant. Views from The Forest (the only neighbouring property outside of the applicant's ownership and shown on the site location on page C1.3) and the Old Barn would generally be screened by hedgerows and other intervening vegetation. Both The Forest and the Old Barn are Grade II Listed Buildings, I do not consider that the proposed development would have any impact on the setting of these listed buildings given the distance from the site of the proposed development and that built element of the development would be seen within the context of the existing farm buildings. Harneck House is located to the southwest of the site along a further farm track, there are potential open views towards the site from this property but it would be seen within the context of the adjoining large barns. There is the possibility of the development being visible from the public right of way, however, the built development would be seen as part of the wider fabric of the existing farm yard complex, as the PROW rises in elevation a good hedgerow blocks views towards the site. The applicant has stated that they will be enhancing the existing hedgerow on the boundary of the site along Nineveh Lane (irrespective of the outcome of this application), mature trees further screen the site from this area, all ensuring that the development would not be visible from this direction.
59. Objections on the grounds of the impact of the development on the surrounding landscape and AONB have been received from the owners of The Forest and from residents further afield. These objections have centred on inappropriate development in the AONB, the visual impact of the built development and the flare stack. The built development would consist of two digester tanks 18m in diameter with a 4m wide process room and office that would be sited between the two tanks, a transformer compound and CHP unit measuring 5m x 5m and 20m x 12m respectively. Both the transformer compound and CHP unit will be clad in timber weather-board which will weather down to a natural grey colour. The AD plant would be fed once a day over an hour long period via a 30 tonne feedstock loader. This would be sited at the south eastern corner of the site, which is the most visible part of the site, however, it will be sited lower than ground level and would be below the height of the top of the tanks rendering it virtually unnoticeable from the wider farm setting.
60. I note that our landscaping consultants have no objection to the application and have commented that given the digester would be located close to the existing farm development and set within a shallow valley that its visual impact would be reduced. Whilst it is acknowledged that there would be the potential for slight adverse visual impacts on some visual receptors, including a short length of the PROW, the cattery and Harneck House, these impacts would not be significant. They further state that any adverse impacts could be mitigated by suitable landscaping and appropriate colouring of the facility which would both be secured by planning condition.
61. I have also received no objection from the High Weald AONB Unit, who have stated that the design and position of the development is considered to be appropriate development within the AONB and would not be harmful to the High Weald landscape and furthermore is compatible with Objective FH1 of the High Weald AONB

Management Plan. Overall the High Weald AONB Unit is supportive of the planning application, subject to control over the source and colour of the materials used for the new plant and buildings.

62. The proposed development includes a pressure release flare which would be used for emergency purposes only and be sited on the earth bund shown of the Site Layout plan on page C1.4. It is a safety requirement for the flare to be a standalone structure. The height of the flare, at around 6m would be similar in scale to the surrounding existing agricultural buildings and therefore I do not consider that it would be unduly intrusive within the wider landscape. I consider it to be prudent to include some lower level timber screening to the structure in order to tie it in with the other built elements and to create an overall cohesive design, along with some suitable planting, which, when combined, would reduce any adverse landscape and visual impacts to an acceptable level.
63. Numerous objections have been received regarding the use of excessive lighting on the development and the impact this would have on the overall darkness of this rural area. These objections are unfounded as the applicant is not proposing lighting that would be switched on permanently during the hours of darkness, rather a series of motion controlled lights, as is currently the case on the existing farm buildings. In the event of an emergency, there would be a manual override switch which would allow the lighting to remain switched on as required. I am therefore satisfied that there would be no negative impacts on the wider landscape and local amenity as a result of lighting on the proposed development.
64. I am satisfied that the proposed development is acceptable in landscaping terms and that there would be no significant adverse visual impact. The development conforms with national and local policies and is considered to be an acceptable form of development within the AONB. No objections have been received from any statutory consultees in this regard, subject to conditions on additional landscaping and building finish, which would be imposed on any planning consent.
65. Notwithstanding the objections that have been raised by residents in the vicinity of the development site, and the wider area, the harm that would arise from the proposed development is not significant and would be seen within the context of the existing farm buildings. The visual impact would be further mitigated by being sited in the bottom of a valley; I therefore do not consider that the landscape and visual impacts would be unacceptable or overriding. The minor impacts associated with the development would be mitigated by the inclusion of conditions in relation to additional landscaping. On the basis of the mitigation measures proposed and having regard to consultee responses, I do not consider that there are any overriding reasons to refuse the application on landscape or visual impact grounds given the benefits of providing renewable energy and the contribution that this would make more generally to securing sustainable development. On the basis that the impacts are not unacceptable, the proposed development would not be contrary to the above development plan policies subject to the imposition of appropriate conditions as discussed above.

Local amenity impacts

66. National planning policies relating to local amenity impacts associated with mineral working and waste disposal are set out in the NPPF. Paragraph 144 of the NPPF

states that local planning authorities should ensure that there are no unacceptable adverse impacts on human health when granting permission for waste development and that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and appropriate noise

67. Policies CSW1, DM1, DM11 and DM12 of the KMWLP are also relevant. Policies CSW1 and DM1 of the KMWLP support sustainable development. Policy DM11 of the KMWLP states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, odour, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 of the KMWLP states that permission will be granted for waste development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community.
68. Objections have been received in relation to an increase in malodourous odours both from the anaerobic digestion process and from vehicles importing and exporting materials; an increase in emissions in the area; surrounding areas covered in heaps of silage and/or digestate; leakages into watercourse; high volumes of noise; danger of highly volatile gas and risk of inflammability.

Noise

69. The applicant has submitted a noise assessment with the application. Whilst it is the same assessment that was submitted with the previous application, the County Council's noise consultants Amey have commented that as there are no substantial differences regarding the noise elements between both applications and therefore have no objection to this assessment being used now. The noise assessment uses the criteria and guidance in the NPPF and the Noise Policy Statement for England and follows the methodology stated in the standards BS4142 and ISO 9613-2 which are considered the appropriate documents to use.
70. The nature of anaerobic digester facilities are that they operate on a 24 hours basis, however, some of the processes involved, such as the digester feeding, only take place within daylight hours. This feeding element of the application is among the noisier aspects of the proposal and has caused some significant local concern, primarily that the telescopic handler used to transport feedstock from the storage clamps to the digester would operate for extended periods of time both during the day and night. The digester would be fed once a day, in the morning, via a 30 tonne feedstock loader, this process would generally not exceed one hour. The feedstock loader would be sited lower than ground level and the activity involved will be very much akin to a tractor moving around a farm yard, so would effectively cause no greater impact on the local amenity than the existing activities associated with farming operations at the site.
71. The application proposes the use of an existing storage clamp to the south of the site, adjacent to The Forest, as a site to store feedstock, whilst this clamp has been in existence, and use, for approximately forty years for a similar use, objections were received from the residents of The Forest in terms of both noise and odour. Whilst the applicants are within their rights to continue to use this clamp for the storage of agricultural products they have stated that they will not use the clamp for the storage of feedstock associated with the proposed development. This would significantly reduce the impacts in terms of both noise and odour for the residents of The Forest

and I do not consider there to be a significant impact to their residential amenity as a result of the proposed development.

72. I note that the County Council's noise consultants Amey have no objections to the application and consider that the expected noise levels at the nearby receptors are acceptable, however they do recommend the inclusion of conditions limiting the noise levels at certain times of the day and night and during the construction of the development, these conditions can be found at paragraph 31 above.

Odour

73. The current operations at Forest Farm i.e. cattle farming, spreading of slurry of fields are by their very nature are malodorous processes and there is a clear argument to be made that the proposed AD facility would likely reduce the amount of odour associated with the current farming operations. As such the County Council's air quality consultants Amey have not recommended that a detailed assessment of odour be undertaken as it is likely there would not be any adverse impacts and that there may reasonably be expected to be an improvement in odour in the vicinity of the farm buildings and wider farmland as the current spreading of untreated slurry would be replaced with the use of the less odorous digestate. Any odour generated from the AD facility under normal operating conditions would be small as the facility would be entirely enclosed. Any surplus biogas would be burned through the CHPs stacks and as such is not a source of odour (air quality impacts will be discussed below).
74. Modern AD facilities such as these have control over odours captured from the digester tanks to minimise releases and in addition to measures such as these the applicant would be required to meet a number of stringent odour conditions that would be attached to any permit that would be required to operate the facility issued by the Environment Agency. A number of queries have been received regarding the proficiency of the applicant to operate the AD plant safely. As part of any future environmental permitting application the Environment Agency would require the applicant to provide evidence of technical competence or registration on the relevant scheme. This is not a matter for the planning authority to consider.
75. The existing slurry lagoon has been in its current position for many years and is used for the storage of raw slurry, which is collected from the adjoining cattle yard via a series of connecting pipes. This pipe system would remain operational with the exception that the raw slurry would be pumped directly to the AD facility instead of the lagoon. The slurry lagoon has already undergone a number of remediation measures on the recommendation of the Environment Agency, which included the removal of a number of trees on the northern boundary that were causing the lagoon walls to be unstable. These works were required irrespective of the current planning application. The lagoon would be used for the storage of the liquid digestate which would be pumped directly from the AD plant into the lagoon; this material is virtually odourless and would represent a marked reduction in odour based on the current use for the lagoon. Therefore I am satisfied that the proposed development would mark an improvement to the current levels of odour within this area of the farm complex.
76. The farm is in a Nitrate Vulnerable Zone (NVZ) which means it is in an area designated as being at risk from agricultural nitrate pollution and that at times the nitrate levels are too high which prevents material from being spread onto fields. This has prompted concerns from local residents that the applicants do not have sufficient

capacity for storage of digestate during the NVZ closed periods. The applicant has provided capacity calculations for the existing slurry lagoon to the Environment Agency to demonstrate that there is sufficient capacity, the EA have no objection to this and I am therefore satisfied that the applicant has sufficient storage capacity available to them during the periods of time that they are not permitted to spread digestate/fertiliser onto their fields.

77. Currently the farm imports around 2000 tonnes of chicken manure per annum which is used as fertiliser. This material is stored at various sites around the farm. Therefore as a result of the proposed development the quantity of chicken manure imported will reduce to 832 tonnes per annum. There may be some short periods where chicken manure will need to be stored at Forest Farm, prior to being fed into the digester, however, where at all possible it will be imported and fed immediately into the digester. Whilst there may be occasions when chicken manure would be stored at the site for short periods this will, overall, represent a marked improvement to the current situation where the manure is stockpiled on fields for sustained periods. Whilst there may be some short-term impact from manure being stored at Forest Farm, this is to be expected within a working farming environment and is not considered to be significantly detrimental to local amenity.
78. I have been advised by our air quality consultants that they do not object to the proposal, however they do recommend that odour be fully addressed and controlled in an odour management plan (OMP), and this would be secured by condition on any planning permission.

Air Quality

79. The application has been screened against the latest Institute of Air Quality Management (IAQM) Land-Use Planning & Development Control: Planning for Air Quality (May 2015 v.1.1) guidance screening criteria. The indicative criteria in the latest guidance state that any combustion plant with a single or combined thermal input >300kW requires an air quality assessment, given the proposed thermal input of the AD plant is 499kW the applicant has provided an Air Quality Screening Assessment.
80. The Air Quality Screening Assessment considered that the background air quality is generally good in the area and the calculations showed that there is sufficient separation distance between the CHP stacks and the nearest receptors of concern (Forest Farm (93m) and Harneck House (105m)) to protect human health. The report also concluded that fine particulate matter emissions from the burning of natural gas are very low and given background air quality is good it can be safely concluded that the impact from stack emissions will be negligible at all receptors in the wider vicinity.
81. I received no objection from the County Council's air quality consultants who were satisfied that the calculations made in the screening assessment were made with reference to the appropriate guidance documentation and tools (IAQM/EPUK) and are suitably robust to support the conclusion of the report that there would be no risk to human health to any of the nearby sensitive receptors and that a detailed air quality assessment is not warranted and conditions pertaining to air emissions from the CHP would not be required.

Highways and Transportation

82. National planning policies relating to highways and transportation are set out in the NPPF. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from traffic. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications and Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
83. Policy DM13 of the KMWLP requires waste developments to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposed access arrangements must be safe and appropriate, traffic generated must not be detrimental to road safety, the highway network must be able to accommodate the traffic generated and its impact must not have an unacceptable adverse effect on the environment or local community.
84. The majority of objections raised from local residents comment on matters relating to highways and transportation. The perception locally is that the proposed development would result in a significant increase in the number of vehicle movements to and from Forest Farm along Nineveh Lane, an assertion that the applicant refutes. There are also more general objections in relation to adverse impacts associated with traffic and highway safety, damage to verges and the potential risks to other users of the surrounding lanes, including cyclists, horse riders and walkers. The proposed development would not result in an increase in HGV transportation required for the operation of the plant and the movement of feedstock to the farm would continue to utilise the tractor and trailer method as is the case currently.
85. The applicant has provided a detailed breakdown of vehicle movements to and from Forest Farm, based on historical, current and future movements as a result of the proposed development. Historic vehicle movements associated with the daily milking of 250 dairy cows amounted to 10,840 per annum, this included daily collections from a 30 tonne tanker along Nineveh Lane. Current daily movements amount to 5044 per annum, these movements include:
- Haulage of crops from field to storage at Forest Farm;
 - Selling of crops to other farms (currently 66% of yield);
 - 6000 tonnes of manure and slurry spread to fields;
 - Chicken manure delivered and spread to fields;
 - Fertiliser delivered and spread to fields;
 - Cattle rearing operations;
 - Daily ancillary movements;

Future movements would total 4231 per annum a reduction of some 16% to the current situation. The main areas where vehicle movements would reduce are the spreading of bagged (imported) fertiliser on fields (-106), the sale of silage (-214), slurry spreading (-170), dung spreading (-318) and dung carting (-270). These decreases would be offset against an increase in vehicle movements associated with

the spreading of digestate (+295). Overall the number of vehicle movements would decrease by 813 per annum.

86. Liquid digestate would be pumped over 120 hectares of interlinked adjoining land using an existing pipe line and via umbilical injection from a tractor and tanker, these methods would not impact the public highway. The dried digestate produced would be transported to outlying fields using a tractor and trailer and would replace the significant numbers of current manure spreading trips. The applicant has further stated that the tractor and trailer used to transport the dried digestate off site would return with a load of chicken manure from Fridays Farm. The digestate that would be produced by the proposed AD facility would reduce the need for the current quantity of chicken manure imported from 2000 tonnes to 832 tonnes, further reducing vehicle movements on the highway.
87. KCC Highways and Transportation have raised no objection to the proposed development on the basis that no additional movements on the public highway are proposed. I acknowledge that there have been a significant number of objections on the basis that the proposed development would result in an increase in vehicle movements. However, I am satisfied that this will not be the case and that the development would generate fewer movements on the public highway than currently present. I am satisfied that the vehicles associated with the proposal are already in operation at the site, and there would be no HGV vehicle movements associated with the proposal.

Feedstocks – Inputs and Outputs of digestate

88. The facility is intended to process cattle farm yard manure and slurry from the existing heifer rearing unit at Forest Farm together with the beef unit at Netters Farm, totalling up to 5500 tonnes per annum. This would be supplemented by grass and rye silage (2618 tonnes), maize silage (2500 tonnes), milled straw (500 tonnes) crimped maize (500 tonnes) and poultry manure (832 tonnes) up to total of 12,450 tonnes per annum. All of these feedstocks are already produced on farm land within the control of the applicant and his family, with the exception of the poultry manure which would be imported from the nearby Fridays poultry farm. Currently the applicant imports 2000 tonnes of poultry manure per annum from Fridays for spreading on fields, this practice would cease as a result of this proposal, along with a reduction of 1168 tonnes per annum and associated vehicle movements. The applicant asserts that the supply of this feedstock to the plant would be undertaken in unison with current farming practices and not in competition with the growing of high value crops, whereas crop residue is currently sold off farm.
89. A significant number of objections have focussed on the belief that the applicants are unable to produce sufficient feedstock from land that is under their control and that this would mean that they would have to import waste from external sources, including from farms outside of their control and food waste, for which they could charge gate fees. Irrespective of the applicant's assertions to the contrary on this point, this situation would be strictly controlled by conditions that only permit the sources of feed stocks outlined in the application. In the event that the applicant wishes to amend this in the future they would have to apply formally to do so, and would be at risk of enforcement action should they fail to comply with conditions imposed on any planning consent. Moreover, the applicant would be restricted to certain feedstocks by their Environmental Permit, which they would be required to obtain from the Environment

Agency in order to operate the site and which would place strict controls over the material fed into the digester. Indeed, when a digester is set up to receive feedstocks such as crop residues and slurry, the sudden introduction to the mix of food waste, for instance, can have severely damaging consequences to the overall functioning of the digester, leading to costly shutdowns of the equipment whilst it is cleaned, in order to be permitted to operate again by the Environment Agency.

90. Whilst the applicant contends that they can produce sufficient feedstock from land that they own as opposed to land that they own and rent as part of their current farming practices they require a degree of flexibility to fit in with their crop rotation policy. This has been confirmed in the application as referred to below:

'We operate a crop rotation system across the entire farm (including land owned and rented), which enhances soil conditions, and where possible we block drill crops. For example, this year, all our seed oats are at Apple Pie Farm, our triticale is at Great Swifts Farm, and we have two blocks of grass seed, one at Forest Farm and the other at Parkwood. This means that at harvest time, we do not constantly have to move the combine and other machinery from one site to another. Although we have shown that we would be able to produce enough to sustain the AD plant on land we own, we would not want to do this long term, as it would shorten our rotation. Produce we grow on our rented ground still needs to be brought back to Forest Farm for storage.'

91. The applicant states *'Although we have shown that we would be able to produce enough to sustain the AD plant on land we own, we would not want to do this long term, as it would shorten our rotation'*. They are not stating that they intend to import waste from external sources rather that they can provide sufficient feedstock for the AD plant from land solely within their ownership, however, it would be beneficial from a crop rotation viewpoint to utilise both the land that they own and rent.
92. The total farm size, both owned land and rented, extends to some 800 hectares, however the applicant has provided a detailed breakdown of the cropping schedule for the 100ha of land closest to Forest Farm. This shows that there is sufficient feedstock available from land that is in close proximity to Forest Farm that requires either no highway movements at all; a short journey on the public highway not passing any dwellings; or land that is within a maximum of 2 miles from Forest Farm requiring movements on the public highway (an area covered from paragraph 94 onwards). This information refutes the views held that the applicants are unable to source sufficient feedstock for the AD plant when they can in fact comfortably source sufficient material from around 12.5% of their overall land holdings, this further refutes the claims that they are purely growing crops for AD feedstock. With regards to the feedstock crops, the grass silage that would be used is a waste product of the applicant's grass seed production, as is the straw from their cereal seed production. Maize is grown primarily as cattle feed but also forms a vital part of the farm's crop rotation, in order for the applicant to be able to grow high quality seed crops (grass, wheat and oats), they need clean ground and adding a crop of maize into the rotation enables them to produce clean ground. It enhances organic matter in the soil, which subsequently enhances soil quality.
93. Average crop yield from the 100 ha of land closest to Forest Farm is 9200 tonnes per annum as detailed in the table below.

TW/16/5690 - Erection of a 499kw anaerobic digestion facility at Forest Farm, Nineveh Lane, Benenden, Cranbrook, Kent.

BLOCKS OF LAND	DISTANCE ON HIGHWAY	WEIGHT OF CROP		
		Maize	Grass	Hybrid Rye
22.5ha at Forest Farm	N/A		2250	
11.5ha Crit Hall	N/A		1150	
21ha Netters Farm	500metres (passing no dwellings)	1050		800
45ha east of Forest Farm	Max 2miles from Forest Farm	2250		1700
		3300	3400	2500
100ha in total		Total 9200 tonnes		

94. The table above demonstrates that the applicants are able to comfortably source sufficient material (9200 tonnes) per annum from the 100ha closest to the farm, should they wish to do so. However, the intention is to use material from the wider farm holdings as detailed in paragraph 92, without creating any further burden on the highway network, as the vast majority of crops from the outlying farmland are currently brought back to Forest Farm for processing, storage and onward selling.
95. The applicant has advised that comparable AD facilities to the one they are proposing have improved in technological efficiency and productivity in recent years and can often operate at maximum efficiency whilst using up to 20% less feedstock. Whilst this information is largely anecdotal it does have the potential to significantly reduce the impact of the development including vehicle movements on the public highway. This anecdotal evidence is supported, to a degree, by the fact that this iteration of the proposal sees the AD plant require less feedstock per annum yet still be able to generate more power from the CHP plant.

Water environment (groundwater impacts)

96. National planning policies relating to the water environment are set out in the NPPF. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from flooding, the flow and quantity of surface and groundwater and contamination (including cumulatively). Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Further policy on flood risk and related climate change issues is contained in paragraphs 93 to 104 of the NPPF and advice on these how water quality issues should be addressed in preparing and determining planning applications is contained in the Planning Practice Guidance (PPG) relating to water supply, wastewater and water quality.
97. Policies DM1 and DM10 of the KMWLP are also relevant. Policy DM1 of the draft KMWLP states that waste proposals should demonstrate that they have been designed to utilise sustainable drainage systems wherever practicable. Policy DM10 of the KMWLP states that permission will be granted for waste development where it does not: result in the deterioration of physical state, water quality or ecological status of any waterbody (e.g. rivers, streams, lakes and ponds); have an unacceptable impact on groundwater Source Protection Zones; and exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future.

98. During the consultation process some concern was raised by the Environment Agency with regards the level of detail around flooding, surface/groundwater protection and contamination. As a consequence the applicant produced a drainage and water management plan, this plan satisfied the reservations that had been raised by the Environment Agency and provided a suite of improvement measures in relation to the existing site infrastructure and in relation to the proposed development. These measures include:
- Surface water drains to be installed to a number of the site's retaining walls in order to divert clean water away from the site;
 - Land drains placed underground around the retaining walls to the north and south of the site in order to manage any shallow levels of groundwater around the site. These will protect groundwater and also help to relieve hydrostatic pressure on the retaining walls;
 - The bund that would be created as part of the proposed development would be placed and sized in order to capture any liquid and in the worst case scenario would be able to hold all the liquid from both digester tanks. The bund would be constructed of engineered clay and at the lowest point of the site within the bund, there would be a dirty water holding tank whereby dirty water can be collected and pumped back into the AD process;
 - A new effluent reception pit will be installed on the eastern side of the existing farmyard. This will collect all run-off from the yarded area and the maize silage clamp. The yard will also be re-levelled so that areas where cattle walk out to grazing will also drain to the new effluent pit. This will divert contaminated waters away from the existing surface water drain.
99. Any areas of the site where there would be potential for contamination, such as around the digester tanks, the feeding area and feedstock storage areas would be constructed of an impermeable material. The roadway to the feeder and down to the CHP unit and base of the site would also be impermeable to avoid contamination from dirty vehicle wheels. All these areas would fall away to dirty water drainage facilities where any liquid would be collected and pumped directly back into the process.
100. I am satisfied that the measures outlined in the application are robust and would prevent any negative impact to surface and groundwater and any risk of contamination to nearby watercourses. These would be conditioned should planning permission be granted. The Environment Agency are satisfied with the measures outlined by the applicant and would require all of these to be installed and operational before the grant of a permit to operate the facility.

Ecology

101. National planning policies relating to ecology are set out in the NPPF. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural environment. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve

and enhance biodiversity by applying (amongst others) the following principles: if significant harm resulting from development cannot be avoided, adequately mitigated or (as a last resort) compensated for, then planning permission should be refused; and planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and the benefits of, the development in that location clearly outweigh the loss. Paragraphs 007 to 023 of the Natural Environment Planning Practice Guidance (PPG) include advice in respect of biodiversity, ecosystems and green infrastructure.

102. Policies DM1, DM2, DM3 of the KMWLP are also relevant. Policy DM1 of the KMWLP states that waste proposals should demonstrate that they have been designed to protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary compensating for any predicted loss. Policy DM2 of the KMWLP states that proposals for waste development must ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. Policy DM3 of the KMWLP states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted permission following (amongst other things): an ecological assessment of the site (including specific protected species surveys as necessary); the identification and securing of measures to mitigate any adverse impacts; the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for; and the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity.
103. No objections have been received on ecological grounds from any technical consultees. The applicant has provided an extended Phase 1 Habitat Survey to assess the potential presence of protected species. No rare or endangered species, habitats or botanical species were found present at the site. With regard to the close proximity of the Ancient Woodland in order to avoid any direct impacts it is recommended that >10m buffer zone is established using HERAS fencing or similar. The survey concluded that the proposed development is unlikely to affect any statutory designated sites of conservation importance or Biodiversity Action Plan Priority Habitats and that provided the measures recommended to safeguard the adjoining Ancient Woodland are undertaken, it is unlikely that there would be any adverse impacts. Having regard to the requirements of the National Planning Policy Framework (NPPF) opportunities to enhance biodiversity are recommended by way of the incorporation of rough grassland and/or wildlife friendly planting between the edge of the proposed site and Ancient Woodland edge together with the provision of bird nesting boxes within the elevations of the proposed buildings. KCC Biodiversity and Kent Wildlife Trust have recommended that the ecological enhancements contained in this report are conditioned on any future planning consent.
104. The proposed development also has the potential for wider ecological improvements to be made as the digestate produced by the facility would then be spread back on to the applicant's fields. This in turn increases the organic matter levels and thus improves the soil and reduces the need to import chemical bagged fertiliser to the site,

allowing the farming operation to be a more environmentally sustainable enterprise. I am therefore satisfied that the proposed development is in accordance with ecological planning policies and indeed has the potential to enhance and preserve the ecological interests associated with the site.

Conclusion

105. I acknowledge that this proposal has attracted significant local concern; however, it is important to note that this proposal is a small scale operation and the operation of the proposed AD plant would effectively form an integral part of the applicant's existing farming activities. By utilising crop residues which currently arise out of the existing farming activities together with other waste products including cattle slurry, as a fuel to feed the plant would, in my opinion be consistent with national and regional policy relating to waste along with meeting the objectives of relevant development plan policies in respect of how waste should be treated as a valuable resource and recovered for some other useful purpose, which in this case is the generation of electricity. On the basis of consultee responses together with the imposition of those conditions as recommended in this report, I am satisfied that the plant would be able to operate without causing any adverse effects on the local environment. Arguably, the proposal will in my view serve to improve upon the existing impacts arising out of the current farming activities at the site and surroundings both in terms of reducing the amount of associated odour being generated along with a reduction in traffic on the local highway network. On this basis the proposal is in my opinion fully consistent with the principles of sustainable development as set out in the NPPF and should therefore be supported.
106. I am satisfied that the applicant would be able to source adequate feedstock material from their own farm holdings and I would impose a condition restricting it so that only crops under their control can be used in the facility. Whilst the proposed development would give rise to some minor harm in terms of landscape and visual impact, I do not consider that these adverse impacts would be unacceptable or overriding. The landscape and visual impacts associated with the development and operation of the site would be acceptable and give rise to benefits described elsewhere in the report. I do not accept that the proposed development would have a significant impact on the AONB or its setting and constitutes development that is appropriate within the AONB.
107. I do not consider that the application should be refused on landscape grounds given the benefits of providing a sustainable and renewable energy source sufficient to provide the electricity for up to 1250 homes. On the basis that the impacts are not unacceptable, the proposed development would not be contrary to the policies relating to landscape and visual impact referred to in paragraphs 56 to 65 above subject to the imposition of the conditions relating to these matters referred to in this report.
108. Whilst the proposed development would give rise to some adverse effects on local amenity (particularly during the construction phase), KCC's Noise, Odour and Air Quality Consultants are satisfied that noise, odour and air quality impacts would be acceptable provided the development takes place as proposed and appropriate controls are imposed by condition (including noise limits and odour management plans). On this basis, and subject to other conditions restricting hours of feedstock loading, I am satisfied that the proposed development would be acceptable in terms of noise, odour and air quality / dust impacts and accord with the policies referred to in paragraphs 66 to 81 above.

109. Whilst there would be some adverse impacts associated with vehicle movements to and from the site, this will cause no greater impact than the current situation and given KCC Highways and Transportation have no objection to the proposed development, I am satisfied that the proposed development would be acceptable in terms of highways and transportation and accord with policies referred to in paragraphs 82 to 87 above.
110. I am also satisfied that the proposals are acceptable in terms of the water environment and ecology (paragraphs 96 to 104), subject to the imposition of the conditions.
111. Having regard to all of the above, I am satisfied that the proposal represents sustainable development and recommend permission be granted subject to the imposition of the conditions referred to under paragraph 112 below.

Recommendation

112. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- Implementation of the permission within 3 years of the date of the permission;
 - The development being carried out in accordance with the approved details and drawings set out in the application;
 - Submission and approval of an Odour Management Plan;
 - Noise levels from the facility at the nearest sensitive receptors shall be below 30dB $L_{Aeq,15min,freefield}$ from 1900 to 0700 Monday to Sunday and shall be below 50dB $L_{Aeq,1h,freefield}$ from 0700 to 1900 from Monday to Saturday and below 45dB $L_{Aeq,15min,freefield}$ from 0700 to 1900 on Sunday;
 - Construction works shall be limited from 0700 to 1900 Monday to Friday and from 0700 to 1300 on Saturday only. Construction noise levels at the nearest sensitive receptors shall be below 65dB $L_{Aeq,1h,freefield}$;
 - The need for an Archaeological Watching Brief;
 - Details of final building design, earthworks and landscaping;
 - Feedstock will only be permitted from the sources outlined in the application documents.
 - Precautionary ecological mitigation strategy and the incorporation of ecological enhancements into the development;
 - 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
 - The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
 - Detailed design of the surface water drainage scheme.

TW/16/5690 - Erection of a 499kw anaerobic digestion facility at Forest Farm, Nineveh Lane, Benenden, Cranbrook, Kent.

Case Officer: Adam Tomaszewski

Tel. no: 03000 411029

Background Documents: see section heading

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

New two storey building, kitchen and toilet extension and internal alterations to existing building; fenced hard games court and six additional parking spaces at Craylands Primary School, Craylands Road, Swanscombe – DA/16/01413/CPO (KCC/DA/0211/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 18th January 2017.

Application by Kent County Council Property and Infrastructure Support for a new two storey building to provide eight classrooms, two group rooms and ancillary accommodation; kitchen extension, toilet extension and internal alterations to existing building; new fenced hard games court; and alterations to the car park to provide six additional spaces to facilitate an increase from 1FE to 2FE at Craylands Primary School, Craylands Lane, Swanscombe, Kent, DA10 0LP – DA/16/01413/CPO (KCC/DA/0211/2016)

Recommendation: the application be referred to the Secretary of State for Communities and Local Government, and subject to his decision, planning permission be granted, subject to conditions.

Local Member: Mr Peter Harman

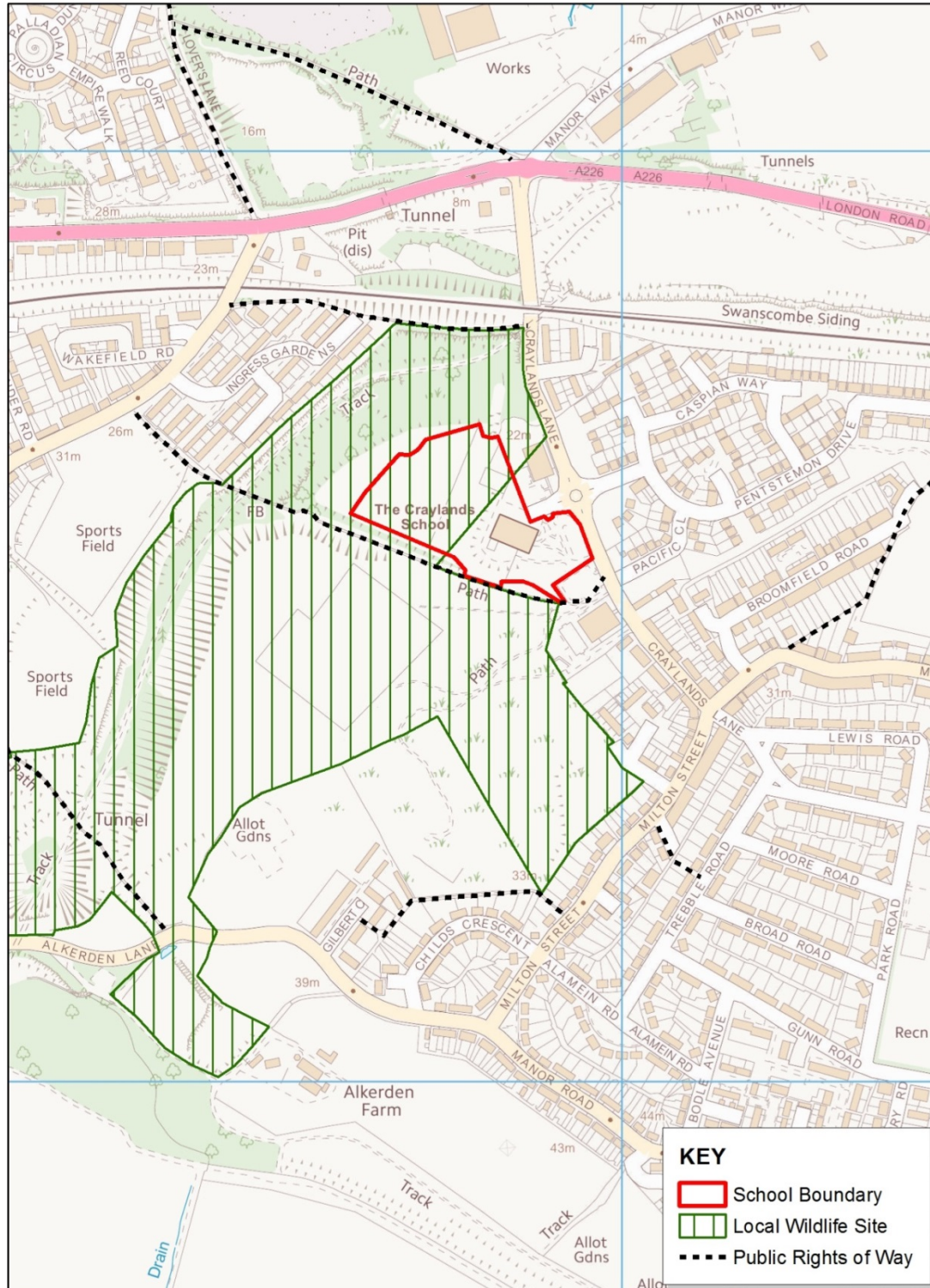
Classification: Unrestricted

Site

1. Craylands Primary School is located in Swanscombe, on the western side of Craylands Lane. Immediately to the north of the School is the Springfield Day Nursery and to the south the Swanscombe Centre (leisure centre). To the south-west of the school and behind the nursery and leisure centre is designated open space which forms part of the Swanscombe Heritage Park. On the opposite side of Craylands Lane, to the east of the school is residential development. The school and nursery are accessed from a mini roundabout on Craylands Lane, with the western arm of the roundabout serving these two facilities only. The school car park is located at the front of the school, alongside the main road, with the school being set further away from the road. There is a second access into the school car park from Craylands Lane and pedestrian access can either be gained from the roundabout spur or the Craylands Lane access, which is near the Swanscombe Centre.
2. The school itself is a single storey building with buff coloured brickwork and a standing seam curved roof. There are two hard surfaced playgrounds, one either side of the building and the playing field is located to the west of the school backing onto the open space. There is an existing fenced hard ball court located to the north of the school, sitting behind the nursery, and to the south are two 2-bay modular classrooms (4 classrooms in total) which have been on site since permission was granted in 2005, and which were given a further consent in 2012, allowing them to be retained until September 2017.

Two storey building, kitchen and toilet extension, internal alterations, new fenced hard games court and 6 new parking spaces at Craylands Primary School – DA/16/01413/CPO (KCC/DA/0211/2016)

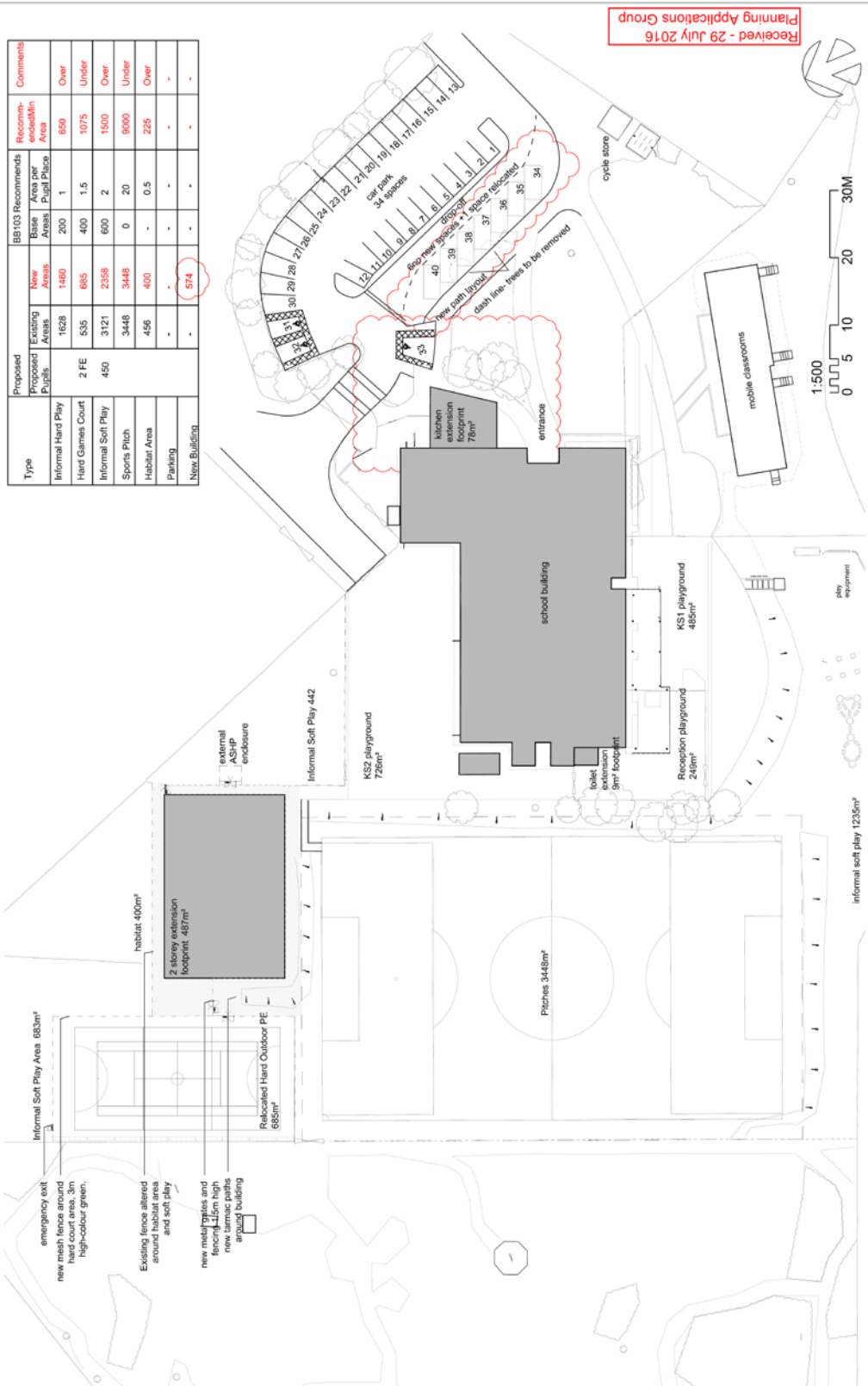
General Location Plan



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Two storey building, kitchen and toilet extension, internal alterations, new fenced hard games court and 6 new parking spaces at Craylands Primary School – DA/16/01413/CPO (KCC/DA/0211/2016)

Site Location Plan

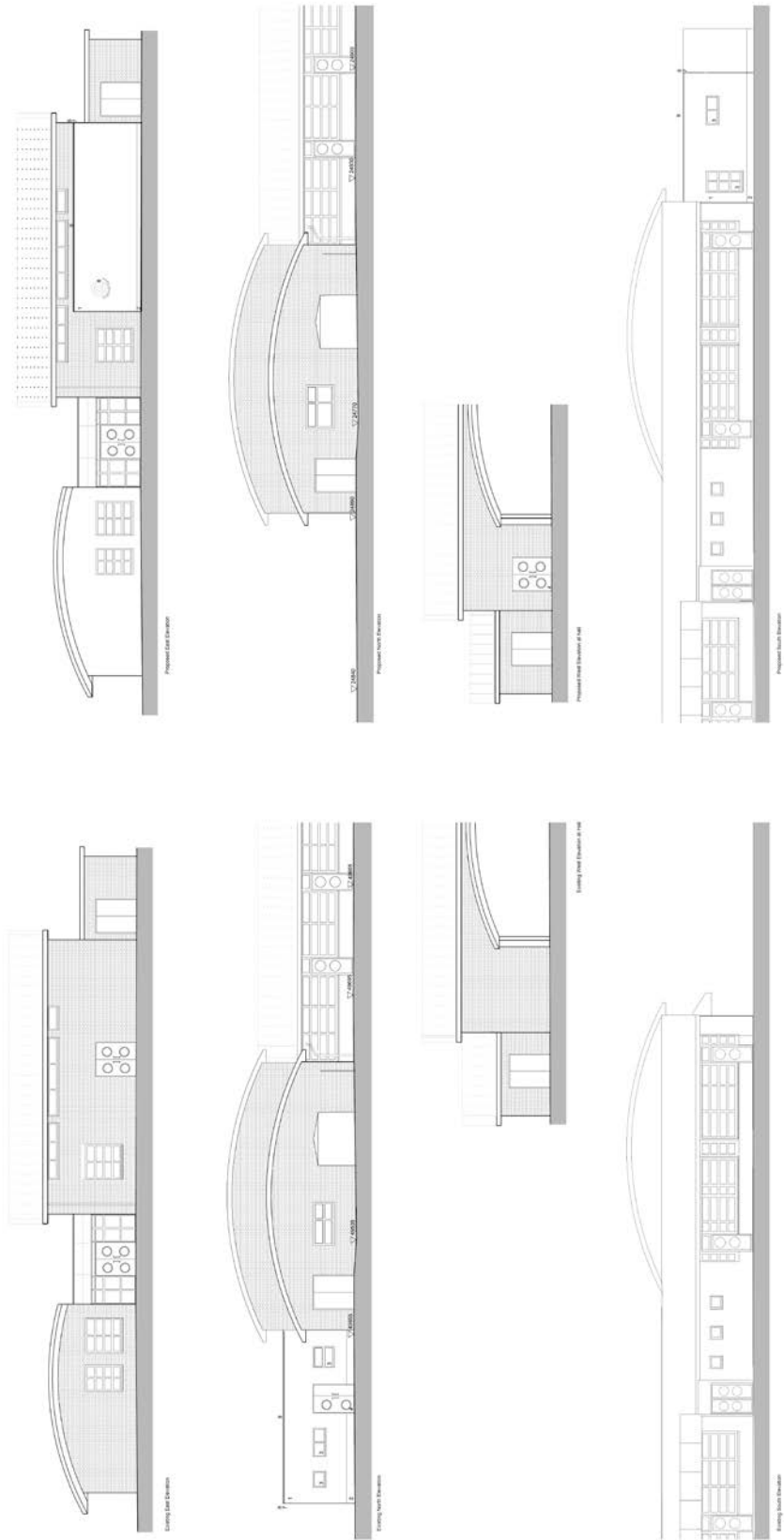


Received - 29 July 2016
Planning Applications Group

Two storey building, kitchen and toilet extension, internal alterations, new fenced hard games court and 6 new parking spaces at Craylands Primary School – DA/16/01413/CPO (KCC/DA/0211/2016)

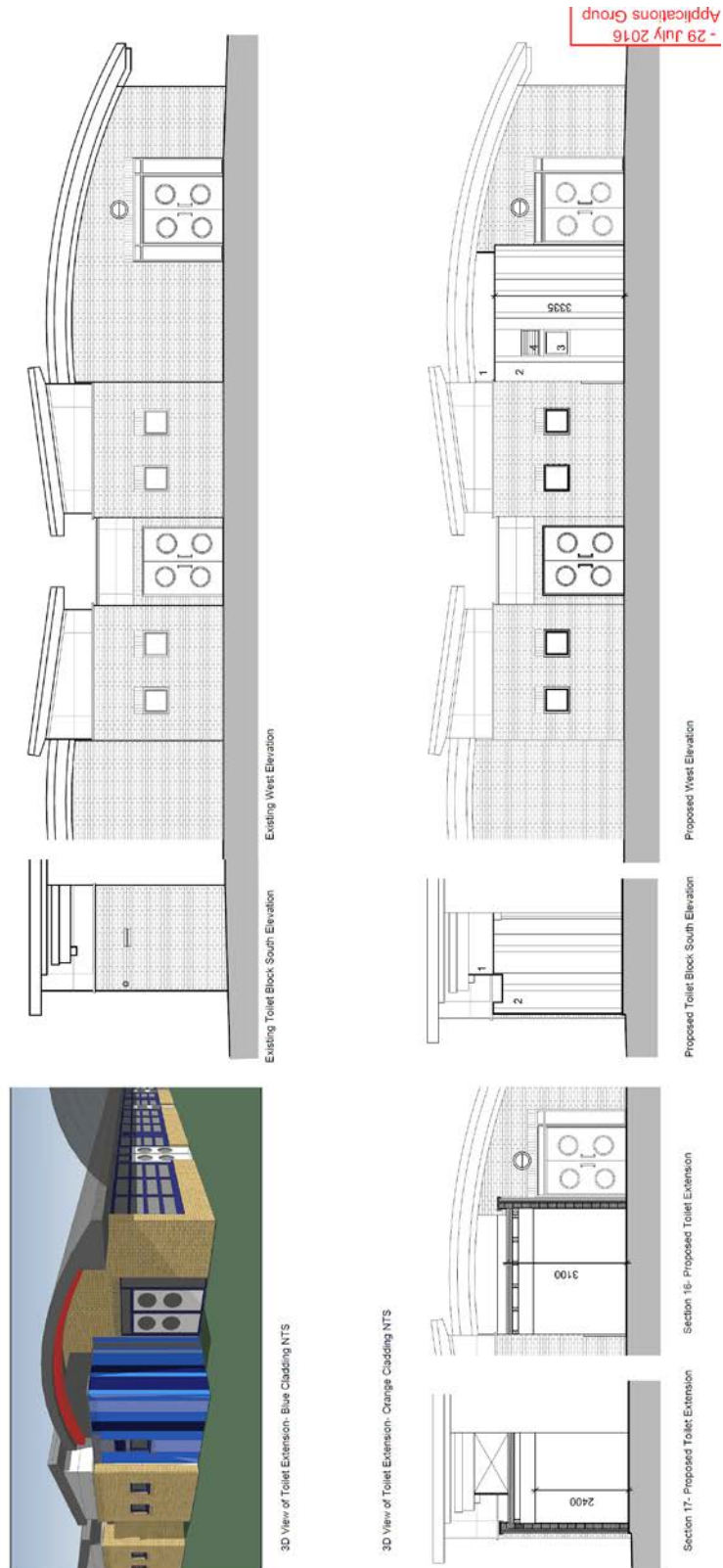
Proposed Elevations of New Kitchen Extension

1. Proposed elevations
 2. Proposed elevations shown
 3. Proposed elevations shown
 4. Proposed elevations shown
 5. Proposed elevations shown
 6. Proposed elevations shown
 7. Proposed elevations shown
 8. Proposed elevations shown
 9. Proposed elevations shown
 10. Proposed elevations shown
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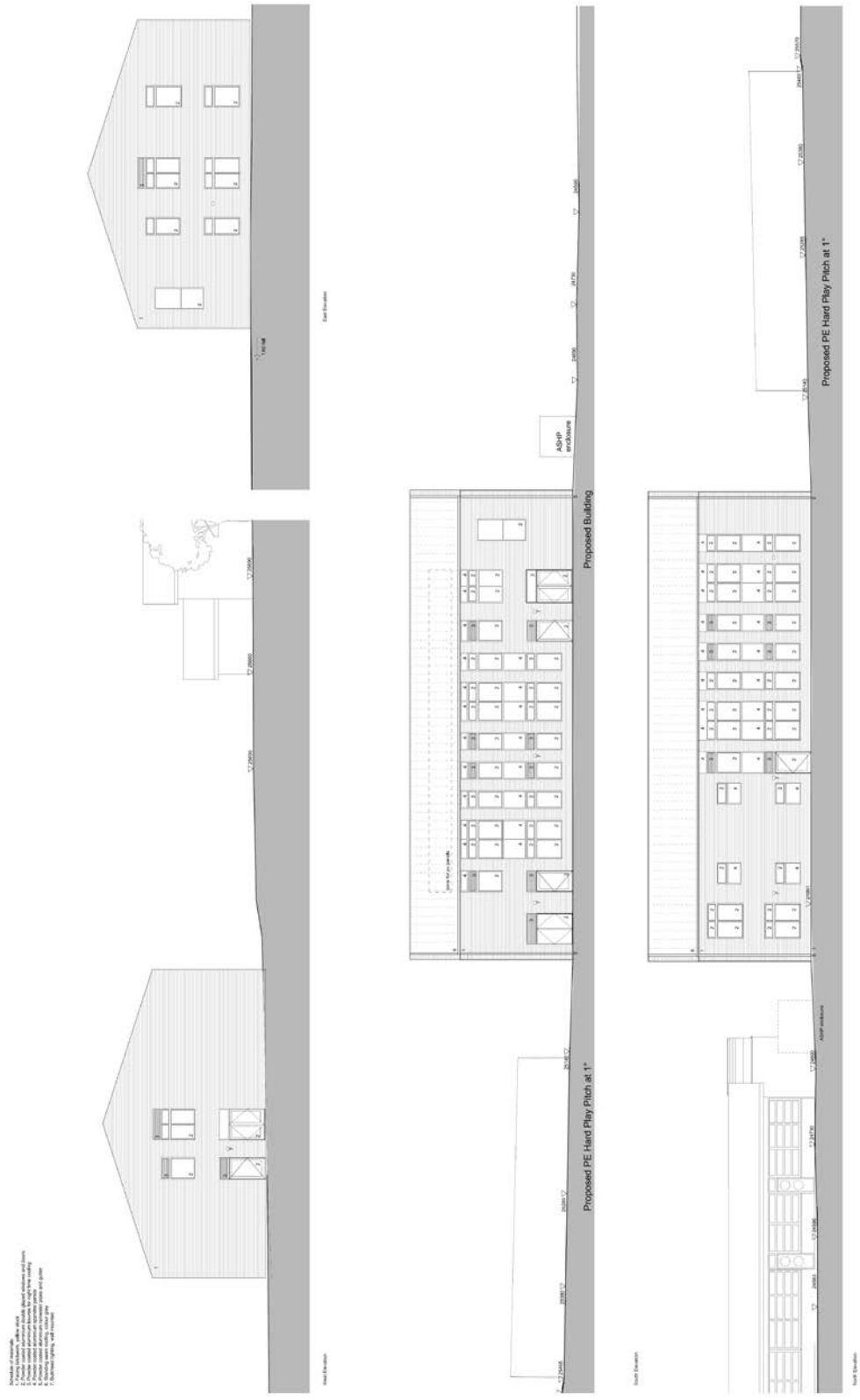
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Proposed Elevations of Toilet Extension



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Proposed Elevations of Two Storey Classroom Building



Two storey building, kitchen and toilet extension, internal alterations, new fenced hard games court and 6 new parking spaces at Craylands Primary School – DA/16/01413/CPO (KCC/DA/0211/2016)

Visual Images of Proposed Development



Two storey building, kitchen and toilet extension, internal alterations, new fenced hard games court and 6 new parking spaces at Craylands Primary School – DA/16/01413/CPO (KCC/DA/0211/2016)

Background

3. This application has been submitted in order to facilitate an expansion of Craylands Primary School from a 1FE school to a 2FE school as part of the County's Basic Needs Project.
4. The applicants state that the Swanscombe and Greenhithe urban areas have seen significant housing growth over the last ten years, with the residential development known as Ingress Park being largely finished and housing now taking place on the Ebbsfleet Garden City site. In addition Dartford experiences inward migration from both London and other parts of Kent, and from economic migrants. Furthermore birth rates remain high and are forecast to continue at this high rate. There is therefore an increased demand for primary school places in the area, and without the proposed expansion to this School, the applicants suggest that the County Authority would fail to meet its statutory obligation to provide sufficient school places for the Swanscombe and Greenhithe urban areas.

Recent Site History

5. There have been a number of planning applications at the site including the expansion to the original car park in 2002; the erection of a shade canopy and workshop and replacement of the perimeter fence in 2004; the installation of two two-bay mobile classroom units on site in 2005; and the renewal in 2012 of that planning permission to retain the mobiles until September 2017. All of the applications were approved.

Proposal

6. The proposed development is for the construction of a new stand-alone two storey classroom block to be built, which would facilitate an increase in the school roll from a 1FE school to a 2FE school. The building would be located where the current ball court is situated, and would have a rectangular footprint providing 8 classrooms in total, 4 on each floor along with the necessary toilets, storage and plant facilities required. There would be stairs at either end of the building and a lift at the eastern end. The building would be constructed from buff coloured bricks with a traditional pitched roof, utilising the same standing seam materials to match the existing school. PV panels would be sited on the southern roof slope. The windows and doors would be powder coated, double glazed units with louvres and inset panels as shown on the drawings. The existing ball court would be relocated to the west of this new building on the area currently used as informal soft play with some existing play equipment and a canopy/seating area. The ball court would effectively be rotated through 90 degrees from its current orientation but would otherwise be similar in layout to existing and again enclosed with a 3m high green mesh fence.
7. Two small extensions are also proposed for the existing school. The first would be a new toilet block located on the western end of the existing school for use with one of the reception classes. This would be a small rectangular addition which would be sited over one corner of the reception play area currently used for storage. It would have a flat roof with blue cladding for the elevations. The kitchen is also proposed to be extended, which would involve an addition to the front elevation of the school, which again would have a flat roof, with the walls rendered in a blue colour to complement the window

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colour scheme of the school. This extension would allow an internal rearrangement to enlarge the actual hall itself to reflect the space required for the increased school roll.

8. Finally the drop off area of the car park is proposed to be altered to provide 6 new spaces, with a slight alteration to the footpaths to the front of the school to accommodate this.

Planning Policy

9. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:

- (i) **National Planning Policy Framework (NPPF)** March 2012 and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- The great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools.

Paragraph 74 of the NPPF is also relevant to the consideration of this application, it states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

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- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

(ii) **Policy Statement – Planning for Schools Development** (15 August 2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

(iii) The adopted **1995 Dartford Borough Council Local Plan (Saved Policies September 2011)**:

Policy B1 Development proposals should be appropriate for the location and should not have a detrimental amenity impact on the local area. A high standard of design should be implemented in proposals with layout, materials, adequate infrastructure, access and parking taken into consideration

Policy S6 Development proposals should conserve and improve the existing built environment and a high quality and standard of design shall be achieved in new development.

Policy RT17 Land to the west of Craylands Lane, Swanscombe will be safeguarded for open space and leisure purposes, and appropriate recreational development will be encouraged. Any proposals must pay due regard to the nature conservation interest in this area.

Policy T19 Development proposals should be appropriately related to the highway network and not generate volumes of traffic in excess of the capacity of the highway network.

Policy T23 Development proposals should include adequate off-street parking facilities.

Policy T27 Development proposals shall make adequate provision for pedestrians.

(iv) **Dartford Borough Core Strategy (2011)**

Policy CS21 Community Services: Ensure the effective provision of community services.

Policy CS22 Sport Recreation and Culture Facilities: Seeks to extend sports, cultural and recreational facilities in the Borough and protect existing facilities unless demonstrated that the facility is no longer needed or an equivalent replacement facility is provided elsewhere.

Policy CS15 Managing Transport Demand: Pledges support for minimising the need to travel and minimising car use, whilst making effective use of the transport network. Travel plans will be required for all significant traffic generating development to ensure more sustainable modes of transport are pursued. Kent County Council's parking standards will be applied.

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(v) **Dartford Development Policies Plan (December 2015)** (This document was submitted to the Planning Inspectorate in June 2016 and the 'Examination in Public' hearings commenced on 18th October 2016. The Proposed Modifications consultation is due to commence shortly, with the plan expected to be adopted by Dartford BC in early 2017.)

Policy DP1 Presumption in Favour of Sustainable Development: States that the Plan is written in accordance with national objectives to deliver sustainable development. A positive approach to considering development proposals will be had, reflecting the presumption in favour of sustainable development contained in the NPPF and the development needs of the Borough set out in the Core Strategy.

Policy DP2 Good Design in Dartford: Development will only be permitted where it satisfies the locally specific criteria for good design in the Borough by (a) reinforcing and enhancing localities to create high quality places, (b) ensuring heritage assets are retained, re-used and respected, (c) facilitating a sense of place through a mix of uses and careful design, (d) providing clear pedestrian and cycle linkages and permeability, active frontages and a mix of buildings and spaces. Provides further advice about determining planning applications in relation to scale, massing, form, materials, Conservation Areas and areas of heritage sensitivity, inclusive, safe and accessible places, management of natural resources and flood alleviation, and appropriate signage and advertisements.

Policy DP3 Transport Impacts of Development: Development will only be permitted where it is appropriately located and makes suitable provision to minimise and manage the arising transport impacts, in line with Core Strategy Policies. Localised residual impacts on the highway network should be addressed by well-designed off site-transport measures and adverse impacts on residential amenity or the environment must be minimised. Development will not be permitted where the localised residual impacts from the development, on its own or in combination with other planned development in the area, result in severe impacts on one or more of the following: (a) road traffic congestion and air quality (b) safety of pedestrians, cyclist and other road users and (c) excessive pressure for on-street parking.

Policy DP5 Environmental and Amenity Protection: Development will only be permitted where it does not result in unacceptable material impacts, and consideration must be given to potential amenity/safety factors such as traffic, access and parking, anti-social behaviour and littering, and intensity of use (amongst other matters).

Policy DP24 Open Space: Development on playing fields, sports pitches and any land shown on the Policies Map as Borough Open Space will not be permitted unless it is clearly demonstrated that development is limited to a small proportion of the land and the proposal supports or

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enhances this existing space in its primary function; or where the proposal results in a significant loss of open space or sports pitches, replacement provision will be delivered within accessible walking distance of the site, unless it can be demonstrated that there is a surplus in existing and future requirements for sports and recreation facilities in the locality and Borough.

Policy DP25 Nature Conservation and Enhancement: Development located within close proximity to designated sites, or with likely effects on them, should demonstrate that the proposal will not adversely impact on the features of the site that define its value or ecological pathways to the site.

Consultations

10. **Dartford Borough Council** raise an objection to the scheme on the basis of the loss of playing field/open space; the austere design of the teaching block which would be at odds with the design of the school and adjacent nursery; the unsympathetic appearance of the kitchen extension; the lack of parking spaces which would not meet Dartford's parking standard's and the likely impact of congestion and highway safety issues on surrounding roads as a result of the increase in pupil numbers; and an increase in on street parking demand.

Swanscombe and Greenhithe Town Council sought confirmation that the current 'dropping off' provision would be adequate for the proposed increase in facilities.

KCC Highways and Transportation Officer has some concerns over the additional local congestion and parking issues that this development is likely to create, however they conclude that it will not result in conditions that could be described as 'a severe impact on congestion and safety'. With the application of appropriate planning conditions and a proactive input from the School to improve sustainable travel to and from school by pupils and staff, the impact of the expansion can be addressed.

Sport England objects to the application as they do not consider the scheme to accord with any of the exceptions in Sport England's playing fields policy or paragraph 74 of the NPPF. Further justification was received from the Applicant, and sent to Sport England for their consideration, but they have maintained their objection.

The Environment Agency raise no objection to the application subject to the imposition of conditions relating to contamination, the infiltration of surface water into the ground, the use of piling and informatives regarding fuel, oil and chemical storage on site.

KCC Sustainable Drainage Officer raises no objection subject to the imposition of conditions regarding the submission of a detailed sustainable surface water drainage strategy and no infiltration of surface water into the ground without express consent from the County Planning Authority and the EA.

KCC School Travel Planner has considered the submitted travel plan and offered suggestions for additional actions and targets to encourage more sustainable transport patterns.

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Local Member

11. The local County Member, Mr Peter Harman, was notified of the application on 31st August 2016.

Publicity

12. This application was publicised by the posting of a site notice outside the school and the individual notification of 11 residential properties surrounding the site, the adjacent Springfield Lodge Day Nursery and The Swanscombe Centre.

Representations

13. No letters of representation were received in response to the publicity for this application. The application is being reported to Planning Applications Committee as a result of the objections received from Sport England and Dartford Borough Council.

Discussion

14. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 10 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case are the siting and design of the proposed new building and extensions to the existing school (along with sustainability considerations); the highway and transportation implications of the school expansion from 1FE to 2FE, and the proposed car park extension; the loss of some existing playing field land and the objection received from Sport England; and other matters including any impact on the local wildlife site, contamination and construction issues.

Siting and Design of Building

15. The proposed classroom block would be a traditional rectangular building which facilitates a practical layout of classrooms arranged along a central corridor. The design is similar to those of other stand-alone 1 FE extensions that have been approved at other schools over the past 2 years or so. The design is intentionally simple but makes reference to the existing school building through its choice of materials including the yellow stock brickwork and the standing seam roof. The two storey building would be seen in relation more to the adjoining nursery than the existing school, due to its proposed siting. Whilst the existing school has a curved standing seam roof, the nursery has a monopitch roof form. A monopitch design would be impractical on the proposed building due to its two storey design (the nursery is a single storey building) as it would make the building look disproportionately tall. Instead the architects have proposed a traditional pitched roof with a central ridge, which reflects the pitch of the nursery building (rather than curve of the school) and also the architecture of the surrounding residential development. Whilst Dartford Borough Council's comments are noted, it is considered that the design would be acceptable given its relationship to the

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nearby nursery and the wider residential area. It is accepted that the roof design would not match the original school, but this in itself does not make the design unacceptable, and the 'nod' to the original school achieved through the material choices, I consider is sufficient to tie the two structures together.

16. The two smaller extensions are both proposed with flat roofs, and coloured rendered panels. The small extension at the rear of the school would provide additional toilets for the reception classes and would be sited on a corner of the enclosed outdoor reception play area, which at the time of visiting was being used for storage. This would be a very small addition to the overall school building, which would not result in the loss of any useful play space. The mixed blue rendered panels would pick up the colour running through the external windows of the original school, and add a splash of colour to the building. The kitchen extension would be in a more prominent position at the front of the school, but would be of a similar design with a flat roof and blue render, and would have the school logo added to the front elevation. In response to Dartford Borough Council's concerns about the flat roof design the Architects advised that a contrasting design was considered appropriate to create a focus for the entrance to the school, which at present is recessed between the two curved roof elements. The flat roof design allows a parapet to be created to hide the required kitchen extract ducts, which would not be achievable with a curved roof. Overall it is considered that the design of the smaller additions would be acceptable, despite Dartford Borough Council's concerns.
17. The school site is large enough to accommodate this additional building without making the site seem overcrowded or cramped. The building would be 23m (75 feet) away from the nearby nursery at its closest point, but orientated at an angle therefore the bulk of the building would project away from the nursery. The nursery car park would lie between the two buildings and this distance and orientation would mean that the new building would not cause any issues with overshadowing or being overbearing on the users of the nursery. The building would be visible from the main road, due to the open nature of the site in this area by the spur road from the mini roundabout, however it would be seen in the context of the other educational buildings and would be set back considerably from the road. Notwithstanding the objections received from Dartford BC and Sport England regarding the loss of playing fields, which is discussed in detail below, the siting of the extension would be in such a location that it would not have any adverse impact on the street scene, the neighbouring nursery or the existing school, and in my opinion is acceptable from this point of view.
18. It is therefore considered that the design and siting of the new building and smaller extensions would be acceptable and the development would be in accordance with Policies B1 and S6 of the adopted Local Plan and Policies DP1 and DP2 of the draft Dartford Development Policies Plan.

Sustainability

19. The NPPF places a presumption in favour of development that is sustainable and Policy DP1 of the Dartford Development Policies Plan reiterates this advice at the local level. The Design and Access Statement provides details of the sustainability measures to be used in the development, which would include natural ventilation to reduce energy consumption; good levels of daylight to reduce the need for artificial lighting; the use of dual flush toilets, efficient taps and low water use appliances to reduce water use; and a range of low and zero carbon technologies to meet carbon targets defined by Building

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Regulations. In addition the proposed two storey building has indicated an area for photo voltaic panels on the southern roof slope. It is considered that these measures would ensure the development complies with the aims of the sustainability policies.

Highways and Transportation Implications of School Expansion

20. This planning application seeks to provide the necessary accommodation to expand the school roll from a 1FE school to a 2FE school accommodating a maximum of 420 children. The number of staff is proposed to increase from 47 to 61. The application was supported by the submission of a Transport Assessment carried out by DHA Transport. The Highways and Transportation Officer notes that from a highways perspective the primary issue of such an expansion is parking. At the present time when parents collect their children at the end of the day some park where space allows on Craylands Lane, however, the majority park in the Swanscombe Centre car park which has 50 parking spaces. Although the capacity of this car park is sufficient for the existing school roll, if the school were to be doubled in size there is likely to be an increase in parking on surrounding residential roads such as Pentstemon Drive and Caspian Way, and there are likely to be associated amenity issues with this such as parking with two wheels on the footpaths. The proposed additional 6 spaces to be provided on the school site would not be sufficient to address any such parent parking shortfall, and furthermore the school parking spaces are used for staff parking only.
21. Although the Highway Authority has concerns over the additional local congestion and parking issues that this development is likely to create, the National Planning Policy Framework (NPPF) paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. That can only be judged on a case by case basis taking into account all material factors. The Highways and Transportation Officer has considered the Transport Assessment and the conditions on the local highway network, and concludes that although this shows that traffic and parking is likely to be worsened, it would not result in conditions that could be described as 'a severe impact on congestion or safety'.
22. The Highways and Transportation Officer further suggests that with the application of appropriate planning conditions and a proactive input from the school to improve sustainable travel to and from the school by both pupils and staff, the impact of the extension can be addressed. The careful production, monitoring and revision of the School Travel Plan can help this considerably and a condition requiring its submission prior to occupation of the new building is proposed, along with the subsequent monitoring and updating of the plan through the 'Jambusters' system, with the results to be published on the School website.
23. Dartford Borough Council have raised an objection on the grounds that the scheme would not accord with its parking standards, which for this number of additional pupils and staff would require an additional 18 spaces - 14 for staff and 4 for pupils, visitors, and clients. The school has limited scope to provide additional parking on site, a situation replicated in many other schools which have expanded in the County. If the County Planning Authority were to apply the parking standards for school expansions strictly, many would not be able to be accommodated, yet there are still children who require school places. There needs to be a balanced approach to the application of these standards and in this instance the school are providing an additional 6 spaces to

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the front of the school, for staff parking when the drop off facility is not in use – i.e. for part time staff that are only at school during the middle of the day.

24. Considering the off-site highway aspects of the proposed development as a whole, it is to be borne in mind that primary schools generate a level of localised traffic congestion and competition for on-street parking space. In most cases this is a short lived nuisance and irritation rather than a serious risk to road safety. Moreover, it only occurs on days when the school is open, compared to streets that are close to shops, offices, railway stations etc., so the level of nuisance is minimal compared to many other residential areas. Nevertheless, it is acknowledged that these can cause friction between residents and school parents over on-street parking, but the public highway is there to be used and it is not the sole preserve of any one category of highway user. The key to minimising traffic nuisance and avoiding safety risks is sound management of the available facilities and in this instance these are best pursued through the School Travel Plan.
25. It is considered that the development would accord with the aims of the NPPF and Policy CS15 of the Core Strategy.

Loss of Playing Field Land

26. The proposed new classroom building would be sited on the footprint of the existing fenced games court, and this facility would be replaced on an area of soft informal play space which lies in the northern corner of the existing site. This area of informal soft play is of a gradient which the applicant's state makes it unusable for a formal playing pitch due to its sloping layout. The gradient (demonstrated by the topographical survey) has a fall of 2.1m (6.8 feet) across the 40m (131 feet) length of grassed area, which results in a gradient of 1 in 19. A sports use generally requires a gradient of 1 in 100. The replacement MUGA would be in accordance with the guidance given by Sport England for such facilities (and would be fenced), and would therefore create a slight increase in hard games provision, as it would be slightly bigger than the existing games court which does not comply with the Sport England standards. The new MUGA and the proposed classroom block would be sited away from the area of playing field which is formally set out as a playing pitch and this would be retained without impact.
27. Despite being informed of the issue with the gradient of the land where the replacement MUGA would be sited, Sport England have maintained their objection to the scheme, stating that it would still involve the loss of an existing area of playing field, and would therefore not comply with any of the exceptions of their Playing Fields Policy or paragraph 74 of the NPPF.
28. The applicants have advised of the options considered for the siting of the proposed building, in order for the school to run effectively. By siting the building on the southern side of the school, the Key Stage 1 playground would have been divided up in an impractical and unusable way, or resulted in overshadowing of the existing classrooms. Locating it to the west of the school would have resulted in a severe impact on the large sports pitch which forms the main area of playing pitches for the school. The school did not want to build on the existing playground to the north of the school as this is directly accessed from the classrooms and intensively used. By proposing the new building on the existing hard games court, the playground would be able to be accessed by children in both the existing school and those being taught in the new building. Siting the

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building where the new MUGA is being proposed would have resulted in the same objection by Sport England, but in addition to this there is a gas line running below it so it would not be practical to build over it with a two storey building.

29. Whilst the provision of the new MUGA on the area of existing informal play space would result in the loss of this facility, the school is fortunate in that it has a significant amount of informal play space on site. Even taking account of the loss of the area for the proposed games court, an overall area of 2358m² (25,381 sq feet) of soft play space would be retained on site, which far exceeds the recommended area for a 2FE school of 1500m² (16,145 sq feet).
30. In my opinion, although there is a maintained objection by Sport England, the proposed extension has been sited in the most appropriate location for the effective running of the school. It is acknowledged that it would result in the loss of some informal play space, but sufficient space would be retained on the site as a whole, and the applicants have demonstrated that the area to be lost could not practically be used as a playing pitch due to its gradient. It is considered that this proposal should be considered in a holistic and broader context rather than inflexibly adhering to policy wording, however if Members are minded to permit the proposals, the application would need to be referred to the Secretary of State.

Other Matters

Ecology

31. The school playing fields lie at the edge of the Local Wildlife Site as designated in the Development Policies Plan document. This area is protected through policy DP25 of this document, relating to nature conservation and enhancement; however the proposed development would not encroach outside of the already developed school boundaries, and would therefore not have any direct impact upon the wider wildlife site. The application was supported by the submission of an Ecological Appraisal which considered the impact of the proposed development on the onsite habitat areas, which include a pond and some amenity grassland, which lie to the north of the proposed new classroom block. The proposals and the appraisal have been considered by the County's Biodiversity Team.
32. The pond has a confirmed presence of Great Crested Newts and the appraisal has considered the impact of the development on this protected species. The pond itself would not be affected, and the majority of the school site does not provide suitable habitat for Great Crested Newts. The appraisal states that it is likely that the newts would disperse into the woodland approximately 35m (115 feet) north of the pond, which provides high quality Great Crested Newt habitat. The Biodiversity Team have confirmed they are satisfied with the conclusions of the report which states that the proposed development would not result in any obstruction of connectivity between the pond and terrestrial habitats. In order to ensure that the recommendations given in the Ecological Appraisal are followed, it is suggested that a condition be imposed, should permission be given, which requires the submission of a detailed mitigation strategy.
33. Two trees and some ornamental planting would be removed to accommodate the proposed development, which could provide suitable breeding bird habitats. Given that all breeding birds are protected under the Wildlife and Countryside Act, the removal of

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these trees and shrubs must be carried out outside of the breeding season and if this is not possible then the site would need to be examined by an ecologist prior to works commencing. An informative to this effect can be added should permission be given. The agent has confirmed that there is no suitability for the presence of any bats on site, but an informative is suggested to ensure that the applicants are aware of the Bat Conservation Trust's guidance regarding bats and lighting.

34. In order to ensure that opportunities to incorporate biodiversity in and around developments are encouraged, as set out in the NPPF, the Ecological Appraisal included enhancement recommendations relating to native mixed species planting. The Biodiversity Team have suggested that additional enhancement measures could also be incorporated on site (for example further ponds, hibernacula for reptiles and amphibians, and bat and bird boxes) therefore a condition is suggested to require the applicants to submit details of these, if permission is granted.

Contamination

35. The application was supported by the submission of a Preliminary Ground Contamination Risk Assessment, a Combined Geotechnical and Quantitative Ground Contamination Risk Assessment, and Geo-Environmental Data and Historical Maps, which have been considered by the Environment Agency. They have advised that they have no objection to the proposed development relating to contamination, but request conditions be imposed on any consent given relating to contamination, the infiltration of surface water into the ground, the use of piling and informatives regarding fuel, oil and chemical storage on site.

Lighting

36. The proposals do not include any lighting for the proposed new MUGA. In order to retain control over any potential floodlighting (particularly given its proximity to the wildlife site), a condition has been suggested which would require the School to apply for permission for any lighting they may wish to install in the future.

Construction Matters

37. A condition requiring the submission of a full Construction Management Strategy, prior to commencement of development has been requested by the Highways and Transportation Officer and is considered appropriate. This would need to include, amongst other matters, times of access to the site (to avoid school peak times), operative parking, wheel washing facilities and delivery vehicle unloading and turning.

Conclusion

38. In my view the key determining factors for this proposal are the planning policy aspects in relation to the highways and transport related issues, the siting and design of the new building and extensions, and the objection received from Sport England regarding loss of playing field land. In addition weight should also be given to the NPPF's clear policy support for ensuring that a sufficient choice of school places be available to meet the needs of existing and new communities, and the need to create, expand or alter schools. Subject to the imposition of the conditions suggested below I consider that the development would not give rise to any demonstrable harm as explained in the

Two storey building, kitchen and toilet extension, internal alterations, new fenced hard games court and 6 new parking spaces at Craylands Primary School – DA/16/01413/CPO (KCC/DA/0211/2016)

discussion above, would result in a sustainable form of development, and would meet the aims of the NPPF in relation to the guidance for school provision.

Recommendation

39. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and SUBJECT TO his decision, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard 5 year time limit;
- The development to be carried out in accordance with the permitted details;
- The submission and approval of details of all construction materials to be used externally;
- The submission of a revised School Travel Plan prior to occupation of the new school and its ongoing review via the ‘Jambusters’ system for 5 years, with monitoring results posted on the school’s website;
- The submission of a Construction Management Plan, providing details of (amongst other matters) times of access to the site (to avoid school peak times), operative parking, wheel washing and delivery vehicle unloading and turning;
- The provision of the parking and drop off spaces shown on the site layout prior to occupation, and their permanent retention thereafter;
- That any lighting of the MUGA shall not be permitted without the written consent of the County Planning Authority;
- The submission of a detailed mitigation strategy for the protection of Great Crested Newts during construction;
- The submission of a scheme of ecological enhancements to supplement those proposed in the Ecological Appraisal;
- The submission of a detailed surface water strategy to be submitted and approved in writing prior to commencement of construction;
- No infiltration of surface water drainage into the ground without the approval of the County Planning Authority in consultation with the Environment Agency;
- No development to commence until a scheme is agreed in writing regarding a preliminary risk assessment, site investigation and verification plan relating to potential contamination;
- That the site may not be occupied until a verification report has been approved detailing any remediation work required;
- If contamination is found during development then construction shall cease until a remediation strategy has been agreed with the County Planning Authority;
- No piling or foundation designs using penetrative methods without the approval of the County Planning Authority in consultation with the Environment Agency;
- The submission of a native species landscape scheme and the requirement for it to be planted in the first planting season following completion of development.

40. I FURTHER RECOMMEND that the following INFORMATIVES be added:

- The registering with Kent County Council of the School Travel Plan through the “Jambusters” website following the link <http://www.jambusterstpms.co.uk>;
- That the applicant ensures that all necessary highway approvals and consents are obtained;

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- The development should take account of the Bat Conservation Trust's 'Bats and Lighting in the UK' guidance;
- To ensure that works to trees are carried out outside of the breeding bird season and if this is not possible that an ecologist examines the site prior to works commencing;
- To ensure that all precautions are taken to avoid discharges and spills into the ground during and after construction.

Case Officer: Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

**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.

- AS/16/1819 Section 73 Application for the temporary modification of condition 26 of planning application AS/12/813 to permit hours of working for the waste transfer station (only) from 07:00 to 17:00 on the following Saturdays; 31 December 2016, 7 January 2017 and 14 January 2017
Waste Reclamation Centre, Brunswick Road, Ashford, TN23 1EL
Decision: Permitted
- CA/16/2435 Section 73 application to vary conditions 1 and 2 of CA/13/1987 to allow a maximum volume of liquid waste of 1000m³ per week and no more than 56 tanker movements per week
Canterbury Wastewater Treatment Works, Sturry Road, Canterbury, Kent, CT2 0AA
Decision: Permitted
- DO/16/229/R5 & 8 Application to discharge conditions 5 (Programme of Building Recording) and 8 (Bat Survey Report) of planning permission DO/16/229
Aylesham Primary School, Attlee Avenue, Aylesham, Kent, CT3 3BS
Decision: Approved
- GR/15/1192 Improvement and Enhancement of existing Waste Transfer Site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall
Unit 4, Apex Business Park, Queens Farm Road, Gravesend, Kent, DA12 3HU
Decision: Permitted
- MA/16/503892/R3 Details of all materials to be used externally
Headcorn Primary School, Kings Road, Headcorn, Ashford, Kent, TN27 9QT
Decision: Approved
- SE/16/3217 Extension of area used for the importation of soils to mix with sand for the production of rootzone and top dressing, involving the storing, mixing and bagging of sand / soil mixes, including erection of steel-framed soil storage and processing building, sand storage bays and associated concreting of surrounding yard.
Sevenoaks Quarry, Bat & Ball Road, Greatness, Sevenoaks
Decision: Approved

SE/16/3398	Installation of a ferric dosing kiosk Edenbridge Wastewater Treatment Works, Skinners Lane, Edenbridge, Kent, TN8 6LW Decision: Permitted
SW/11/1291/R7	Details of ground contamination investigation and assessment pursuant to condition 7 of planning permission SW/11/1291 Land off Barge Way, Kemsley, Sittingbourne, Kent Decision: Approved
SW/16/501484/ R3 & 7	Details of proposed site investigation scheme and piling methods pursuant to conditions 3 & 7 of planning permission SW/16/501484 Ridham Dock Road, Iwade, Sittingbourne, Kent, ME9 8SR Decision: Approved
SW/16/506935	Steam pipeline connecting the Ridham Dock Biomass Facility to the DS Smith Paper Mill. Ridham Dock, Iwade, Sittingbourne, Kent, ME9 8SR Decision: Approved
TM/16/2548	Retrospective application for the retention of 4m ventilation stack Land at Vale Rise, Tonbridge, Kent, TN9 1TB Decision: Permitted

**E2 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/16/548/RVAR	Details of archaeology, construction management plan, materials and external plant pursuant to conditions 3,4,5 & 6 of planning permission AS/16/548 The Wyvern School, Great Chart Bypass, Ashford, Kent, TN23 4ER Decision: Approved
AS/16/1663	Replacement roof to the main school building & the provision of four temporary mobile classrooms to accommodate existing pupils during the period of the roofing works. John Wesley C of E Primary School, Wesley Scholl Road, Cuckoo Lane, Singleton, Ashford Decision: Approved

CA/15/2596 /R3,5 & 14	Application to discharge conditions 3 (external materials), 5 (construction management plan) and 14 (soft landscaping) of planning permission CA/15/2596 Joy Lane Primary School, Joy Lane, Whitstable, Kent, CT5 4LT Decision: Approved
DO/16/229/ R3,6 & 20	Application to discharge condition 3 (external materials), 6 (surface water drainage) and 20 (construction management plan) of DO/16/229 Aylesham Primary School, Attlee Avenue, Aylesham, Kent, CT3 3BS Decision: Approved
MA/6/503892/ R10 & 13	Details of an updated Ecology Method Statement and a detailed sustainable surface water drainage scheme; pursuant to conditions (10) & (13) of planning permission MA/16/503892 Headcorn Primary School, Kings Road, Headcorn, Ashford, Kent, TN27 9QT Decision: Approved
MA/16/507143	Demolition of existing science block and erection of new two story science building, with additional parking. Creation of a new multi-functional plaza on site of demolished building Swadelands School, Ham Lane, Maidstone, Kent, ME17 2LL Decision: Permitted
MA/16/507634	Provision of a modular double classroom block (5 bay modular unit) incorporating toilets and store rooms to alleviate overcrowded classrooms Coxheath Primary School, Stockett Lane, Coxheath, Maidstone, Kent, ME17 4PS Decision: Permitted
SE/16/1480/R12	Details of construction management plan pursuant to condition 12 of planning permission SE/16/1480 Hextable Primary School, Rowhill Road, Hextable, Swanley, Kent, BR8 7RL Decision: Approved
SE/16/1043	Internal alteration and refurbishment of existing Seal CE Primary and the provision of a single storey extension to provide additional teaching and circulation space, car park extension and landscape improvements to enable the school to expand from 1 form of entry to 2 forms of entry Seal C of E Primary School, Zambra Way, Seal, Sevenoaks, Kent, TN15 0DJ Decision: Refused
SW/16/502866	A new single storey extension to Bysing Wood Primary School comprising 8 classrooms, a studio hall, library and group space, staff meeting room, toilets, plant room and associated storage. Bysing Wood Primary School, Lower Road, Faversham, Kent, ME13 7NU Decision: Permitted

TH/15/294/R16 Details of lighting pursuant to condition (16) of planning permission
TH/15/294
Land at St George's C of E Foundation School, Westwood Road,
Broadstairs, Kent, CT10 2LH
Decision: Approved

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (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:-
- None
- (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/SCR/SH/0280/2016 - Request for a Screening and Scoping Opinion to ascertain whether the proposed extension of time and change in working method for the extraction of sand and gravel requires an Environmental Impact Assessment (EIA) and what assessments should be included if an EIA is required.
Denge Quarry, Kerton Road, Lydd, Romney Marsh
- KCC/SE/0318/2016 - Planning renewal of existing modular classroom building
Weald Community Primary School, Long Barn Road, Weald, Sevenoaks, Kent, TN14 6PY
- KCC/SW/0265/2016 - The construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley Sustainable Energy Plant
Kemsley IBA Recycling Facility, Ridham Avenue, Sittingbourne, Kent, ME10 2TD
- KCC/TW/0300/2016 - Proposed new stand alone nursery building with covered walkway, and 8 additional car parking spaces
Oakley School, Pembury Road, Royal Tunbridge Wells, Kent, TN2 4NE

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

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

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None

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