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

The installation of machinery to support the company's renewable wood pellet expansion programme comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, 1 no. 20ft sound attenuated shipping container and 2 x low carbon electrical production units as well as amendments to the permitted acoustic barrier, an additional boundary enclosure to part of the southern boundary, an increase in the quantity of wood waste to be imported for processing at the site to 25,000 tonnes per annum and an increase in the number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 March 2022

Application by Flisher Energy Limited for the installation of machinery to support the company's renewable wood pellet expansion programme comprising Scheuch Ligno Gmbh A-4941 Mehmbach (dust extraction system) and flue, Fuel Stores, Pellet Stores, Hoppers, Stela Dryer, 1 no. 20ft Sound Attenuated Shipping Container and 2 x low carbon electrical production units as well as amendments to the permitted acoustic barrier, an additional boundary enclosure to part of the southern boundary, an increase in the quantity of wood waste to be imported for processing at the site to 25,000 tonnes per annum and an increase in the number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP – DO/21/00761 (KCC/DO/0105/2021)

Recommendation: Permission be GRANTED

Local Member: Mr David Beaney Classification: Unrestricted

Site

1. The application site is located some 3.1 km from the northern edge of the built-up area of Folkestone. It is north of the A20 and east of the A260. The site is 225m from the north-eastern edge of the residential curtilage of Hawkinge, within the District of Dover and wholly within the Kent Downs Area of Outstanding Natural Beauty (AONB), and also the Alkham East Kent Downs Landscape Character Area. The wider area is a mixed landscape of farms, west is Fernfield Farm, to the east of the site is Stombers Farm, to

the north is agricultural land and woodland, close by to the south, and east is Hawkinge Allotments, with residential development to the south of these.

2. The site is approximately 0.3 ha and comprises existing buildings (the former KCC waste transfer station and incinerator building and chimney) and associated surrounding yard (including weighbridge) and parking areas. Two of the three Combined Heat and Power (CHP) units are within the building whilst the third is located outside immediately adjacent to the southern elevation of the building. The site has a direct gated access from Fernfield Lane and is securely fenced around its perimeter. The road frontage has a good tree belt either side of the access which obscures views into the site from the road.

3. HGV's visiting the site use a private road (part of which is a public footpath) which gives direct access to the A260 from Fernfield Lane. The road adjacent to Fernfield Farm runs north-east for a short stretch before turning sharp left and heading south-east to join the main road just before the roundabout. The road is gated and locked when not in use.

4. A public footpath crosses from Fernfield Lane to Stombers Lane just over 100 metres to the north.

5. The application site lies within a groundwater Source Protection Zone 2 (SPZ 2) where the Environment Agency (EA) consider the risk of pollution and suggest prevention measures if appropriate.

Background and Recent Site History

6. Historically the site was a former brickwork served by associated clay pits in the surrounding area. Planning permission for an incinerator on the site of the former brickworks for household refuse disposal was granted on appeal on 16 July 1970. More recent relevant planning applications have been received as follows:

- DO/80/1191 - Modification of refuse incinerator plant for use as a waste transfer station – Deemed permission 12 March 1982 (Reg. 4 Town & Country Planning General Regulations 1976 – This consent was solely for the benefit of the County Council). *This permission allowed for the conversion of part of the incineration plant into waste transfer for household waste whilst retaining the ability to burn waste if the need were to arise in the future.*

- DO/92/1099 – Continued use of KCC Waste Transfer Station by direct operation of the facility transferred to a third-party contractor and proposed householders waste and recycling centre - Permission granted 25th January 1994.

- DO/92/1099R2 – Installation of new fuel tank – granted permission 5 January 2004.

- DO/92/1099R2 – Variation of the hours of operation – permission granted on 13 May 2004.

- DO/92/1099R6 - Installation of enclosed stairwell and crane control cabin - Permission granted 4 May 2006

- DO/94/1172 – Extension to site area to improve vehicle manoeuvring space – Temporary planning permission granted on 13 March 1995 until 31 March 2003.

- DO/94/1172R1 - Continued use of extended manoeuvring area up until 31 October 2022 – Permission granted 13 March 2003 (waste transfer station use).

- DO/18/00034 – Wood recycling to produce biofuel together with ancillary power production – Permission granted 27 July 2018

7. The site is in use as a wood recycling facility run by Flisher Energy Ltd. There are a number of existing buildings on site, with the largest of these being a six-storey equivalent building in the centre of the site that used to house the waste incinerator. The wood waste facility as permitted generated 7 HGVs per day which was significantly less than the previous use as a waste transfer station that generated approximately 300 HGV movements per day. The noise, dust and air quality impacts were assessed and found to be acceptable subject to mitigation measures, including a 4m high acoustic barrier along the north and eastern boundaries.

8. To the south east of the application site, beyond a separate field owned by the applicant, is an area of land owned by Folkestone and Hythe District Council which was granted permission for 40 allotments in August 2009.

9. To the south west of the application boundary and beyond a field owned by the Applicant is a parcel of land which was granted outline planning permission by Dover District Council for 19 dwellings in December 2018. A reserved matters application was submitted in February 2021 to Dover DC and is still under consideration as are a number of schemes submitted pursuant to conditions on the outline consent. An environmental management strategy, bat & reptile reports and a noise mitigation & sound insulation scheme have recently been approved.

Item C1

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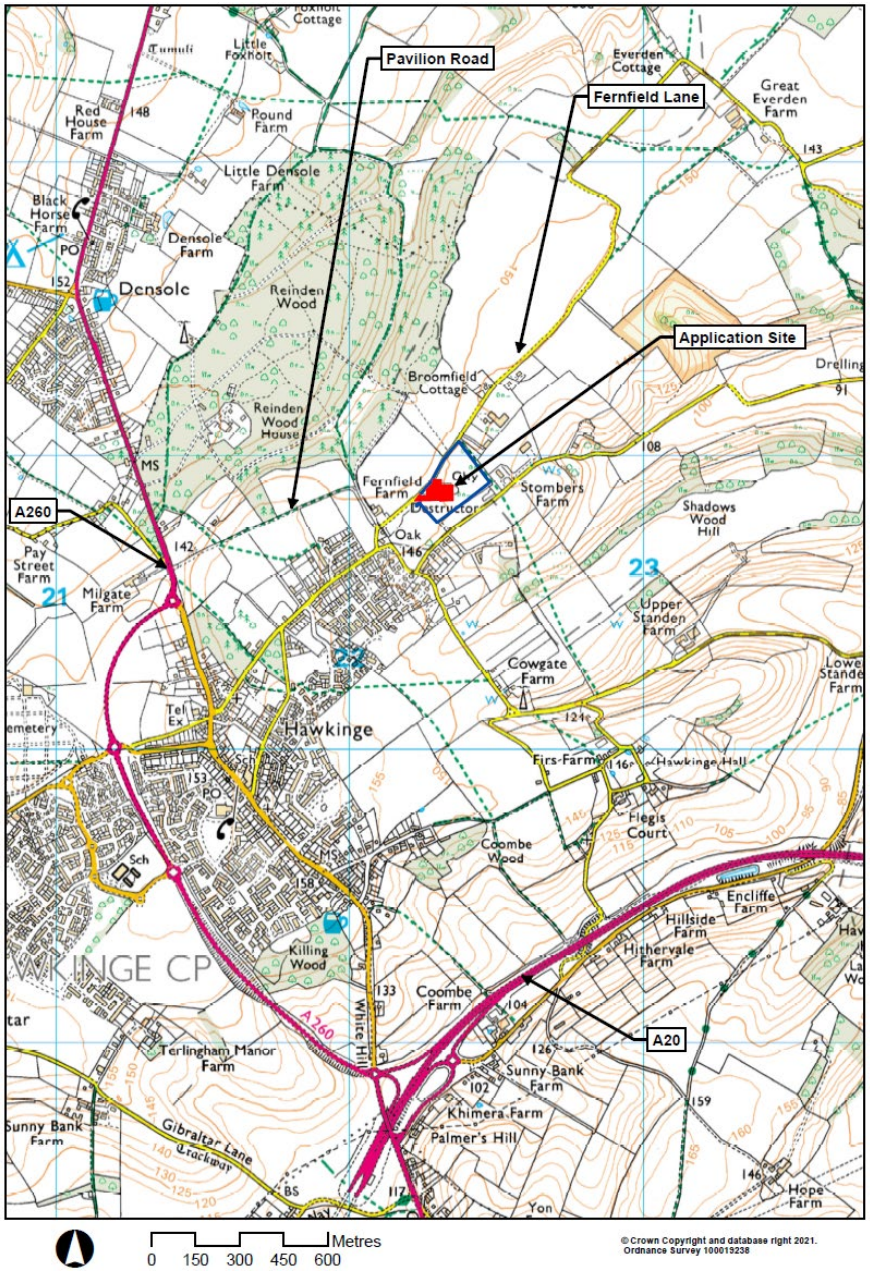
General Location Plan



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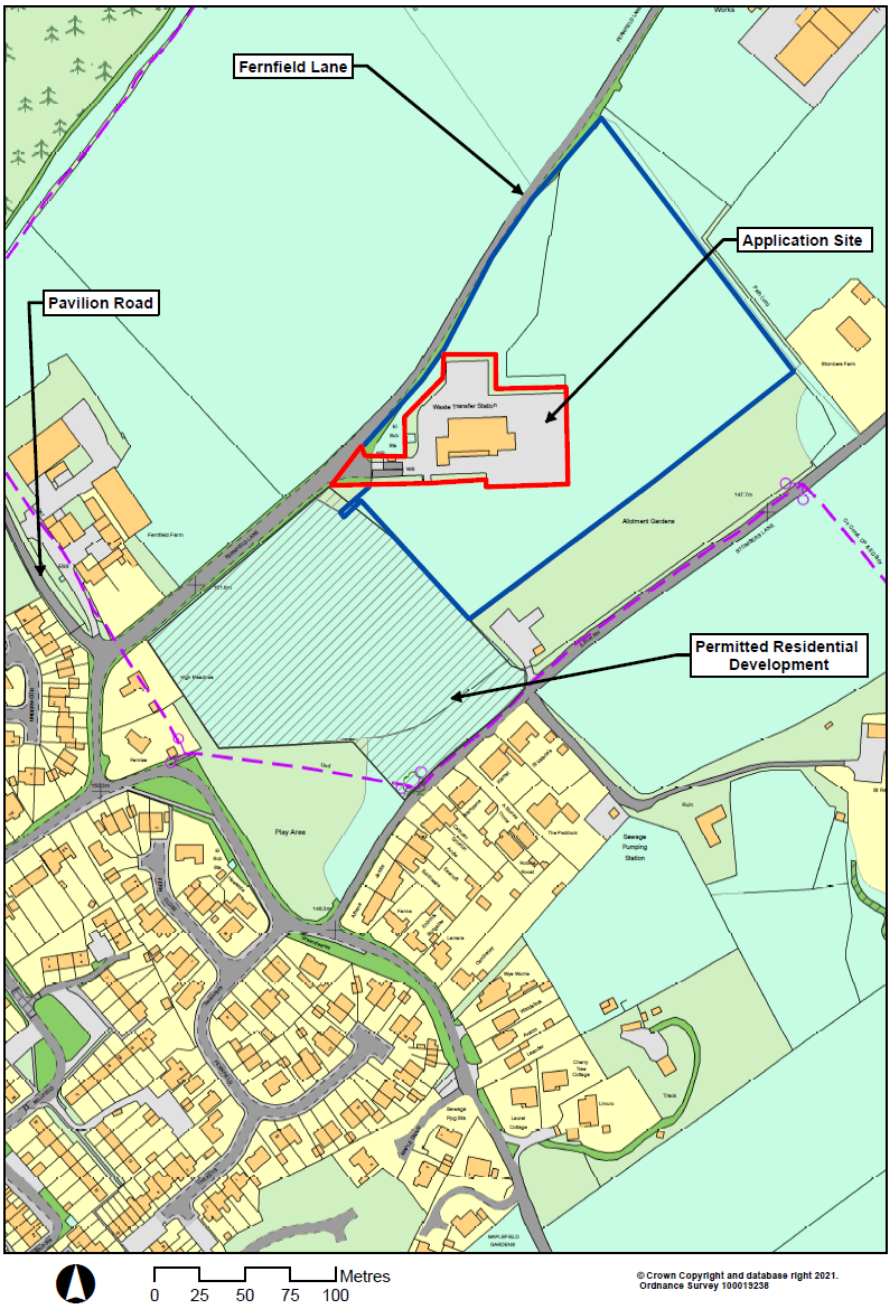
Site Location Plan



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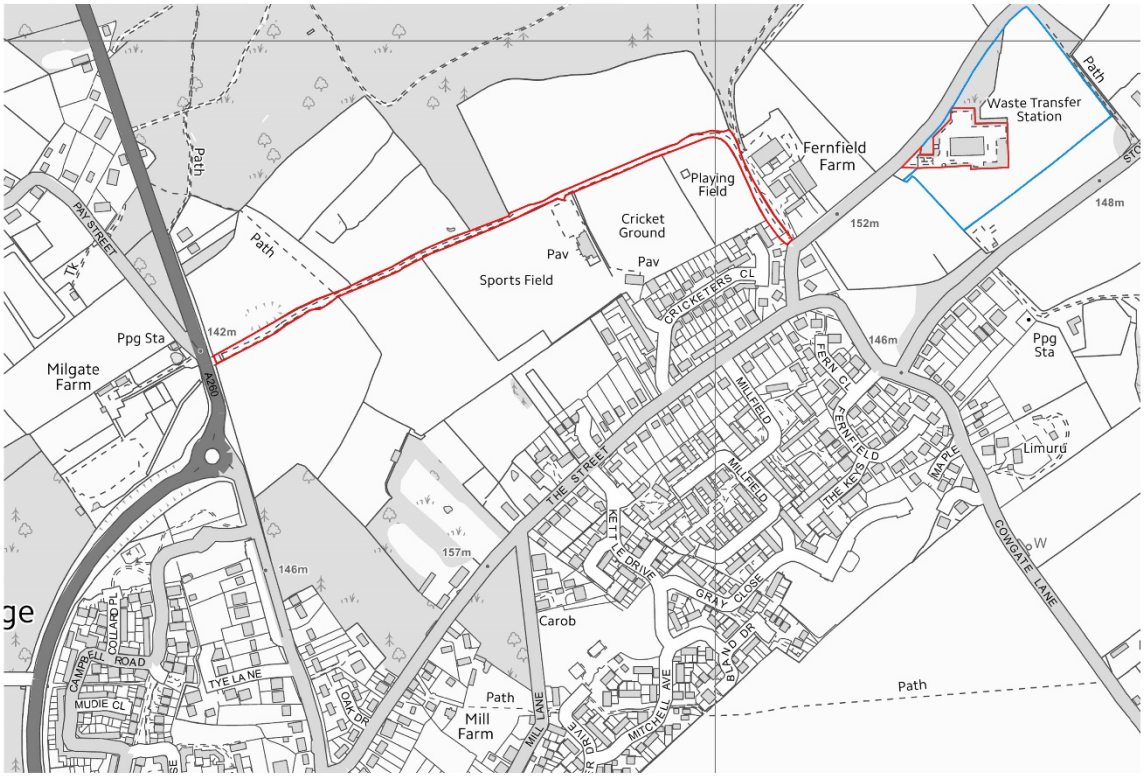
Application Site Plan



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Proposal

10. It was brought to our attention that some development at the site did not comply with the planning permission granted for the site. This was raised with the Applicant and this application seeks retrospective permission for the installation of additional external machinery which supports the wood pellet production and is already in-situ. It comprises the following additional equipment, (annex references as shown on site layout plan):

    - Scheuch Ligno Gmbh A-4941 Mehmbach and flue (dust extraction system) (Annex 6)
    - Fuel Stores (Annexes 9 and 11)
    - Pellet Stores (Annexes 7 and 13)
    - Hoppers (Annexes 8 and 12)
    - Stela Dryer (Annex 1)
    - 1 no. 20ft Sound Attenuated Shipping Container (electrical switchgear) (Annex 5)
    - 2 x low carbon electrical production units (Annex 4)

11. The permitted wood recycling facility allows for the import of 10,000 tonnes per annum of waste wood from forestry operations and 10,000 tonnes per annum of waste wood from construction, demolition, commercial and industrial waste. It is stated that the additional equipment was required to support the company's renewable wood pellet expansion programme, and subsequently there has been an increase in the quantity of wood waste imported for processing at the site. It is therefore also proposed to seek permission to increase the importation by 5,000 tonnes per annum to 25,000 tonnes. As a result of this increase the quantity of processed wood for export would increase by 4,000 tonnes to 20,000 tonnes per annum with a subsequent increase in the number of HGV movements from 14 to 20 HGV movements per day.

12. In addition to the retrospective development, it is proposed to amend the site boundary barrier by proposing an additional boundary enclosure to part of the southern boundary.

13. 24-hour power generation is and always has been a part of the core business to create electricity 24/7 in line with Government targets. Drainage on site is to remain as permitted.

14. The additional structures are sited around the existing building in the centre of the site, mainly to the north of the building. The machinery ranges from between 3m and 15m high, with the majority being below 12m high, and below the 19m height of the existing building.

15. Given the specialist nature of the company's business a detailed description of the business functions has subsequently been provided by the Applicant, it provides a useful summary of operations and is included as an appendix to this report.

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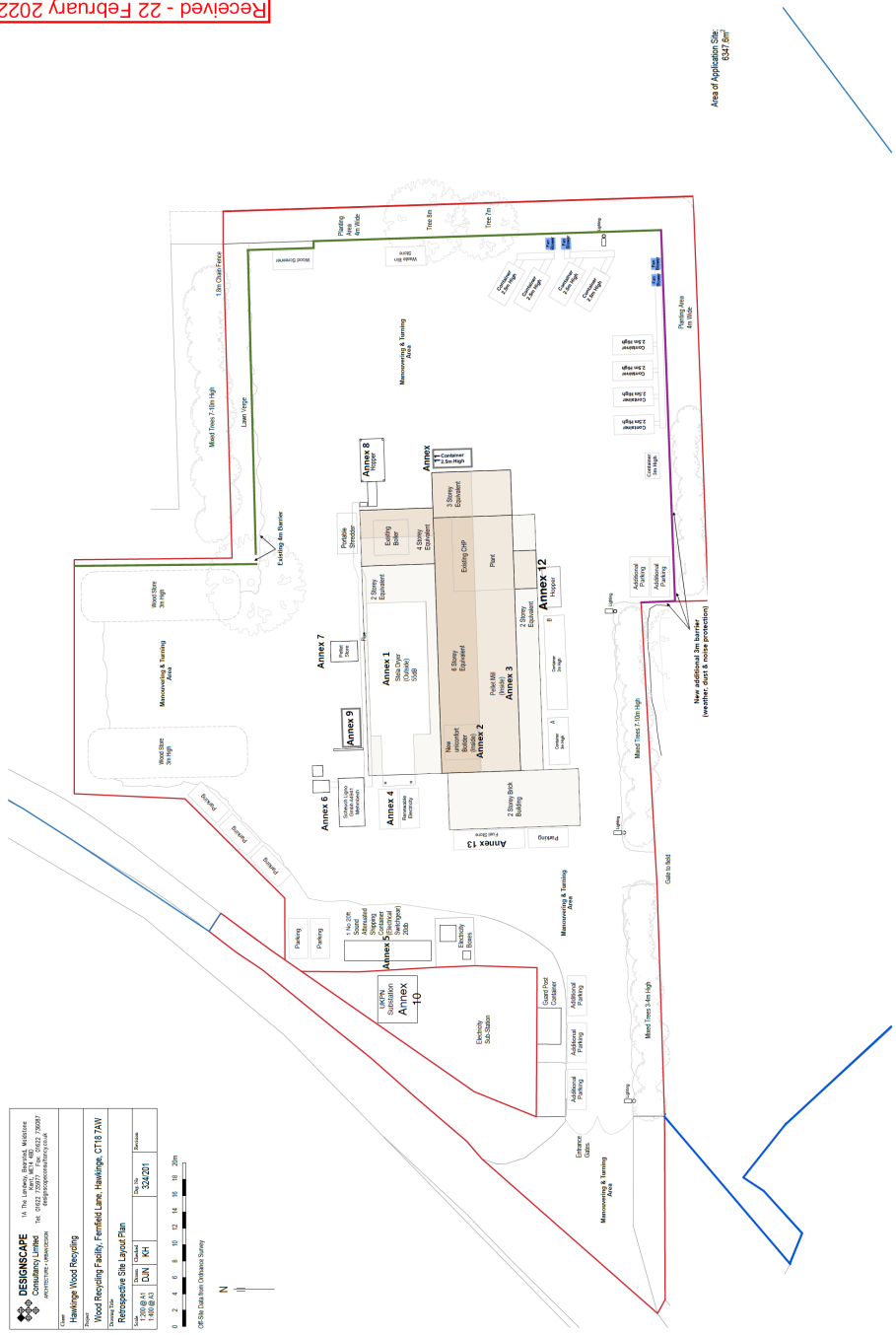
Retrospective Site Layout



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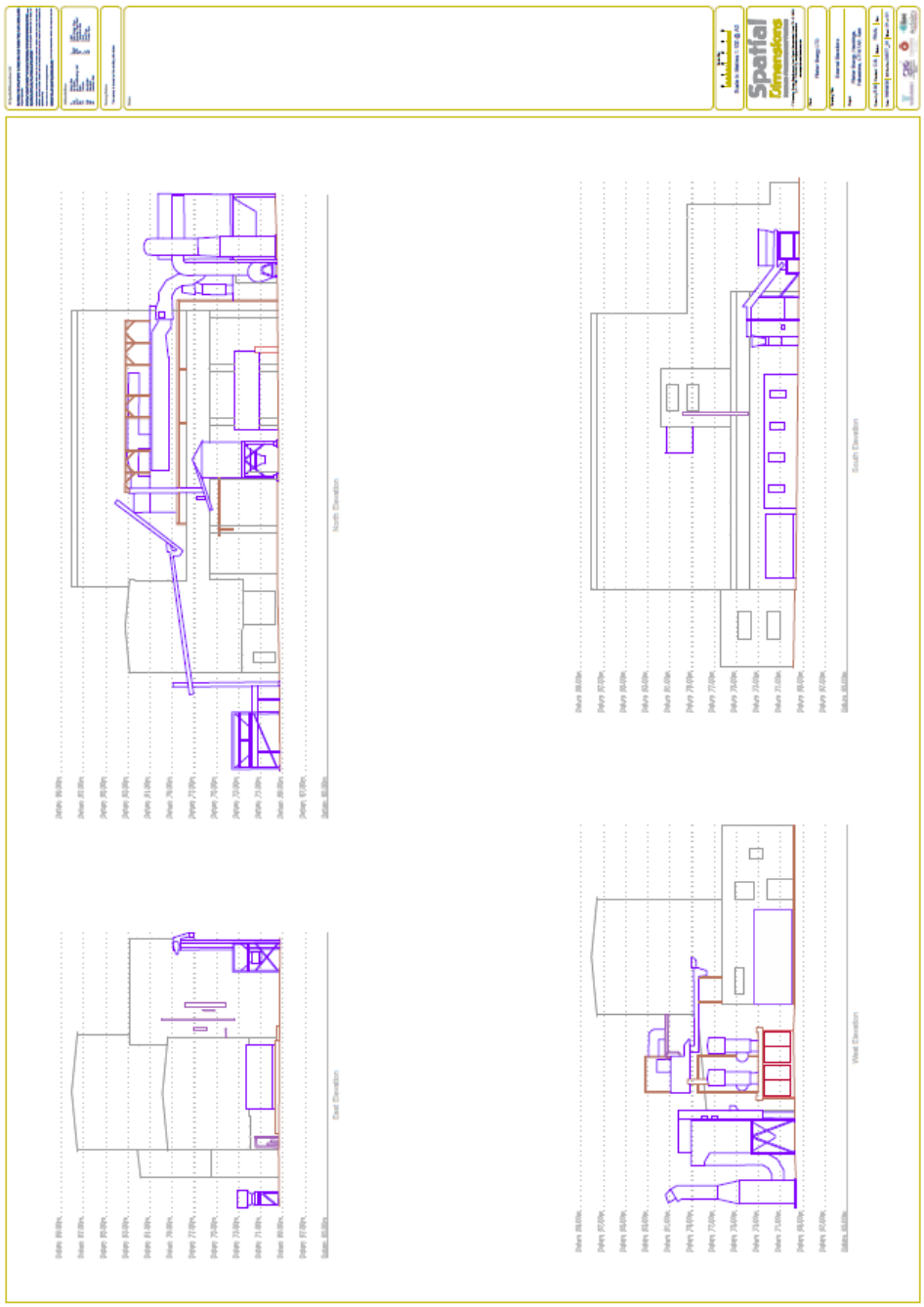
Retrospective Elevations



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Planning Policy

16. **National Planning Policy Framework (NPPF) (July 2021)** sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.

17. The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment) are relevant. The NPPF seeks local planning authorities to approach decisions on proposed developments in a positive and creative way and states decision-makers at every level should seek to approve applications for sustainable development where possible.

18. **National Planning Policy Guidance (NPPG) (July 2019 (as updated))** supports the NPPF including guidance on planning for air quality, climate change, flood risk and coastal change, healthy and safe communities, historic environment, land stability, light pollution, minerals, natural environment, noise, open space, sports and recreational facilities, public rights of way, transport and waste.

19. **National Planning Policy for Waste (NPPW) (October 2014):** The NPPW should be read in conjunction with amongst other matters the NPPF, the national Waste Management Plan and national waste strategy for England - Our Waste, Our Resource (see below). It recognises the need to drive the management of waste up the 'Waste Hierarchy' and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country's waste ambitions through amongst other matters helping to secure the recovery of waste without endangering human health and without harming the environment.

20. **Waste Management Plan for England (WMPE) 2021:** The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero-waste economy as part of the transition towards a sustainable economy. It also promotes the waste hierarchy as a key component of sustainable waste management, the hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and last of all disposal (landfill).

21. **Our Waste, Our Resources: A Strategy for England 2018:** This document sets out how the government wishes to preserve our stock of material resources by minimising waste, promoting resources efficiency and moving toward a circular economy. At the

same time, it is intended to minimise the damage caused to our natural environment by reducing and managing waste safely and carefully and tackling waste crime. It seeks to eliminate avoidable plastic waste over the lifetime of the 25 Year Plan, doubling resource productivity, and eliminating avoidable waste of all kinds by 2050.

22. **A Green Future: Our 25 Year Plan to Improve the Environment**: The Government's environment plan sets out goals for improving the environment, within a generation, and leaving it in a better state than we found it. It details how the government will work with communities and businesses to do this. It sets out what will be done over the next 25 years across a number of fronts:

    - clean air,
    - clean and plentiful water,
    - thriving plants and wildlife,
    - a reduced risk of harm from environmental hazards,
    - using resources from nature more sustainably and efficiently,
    - enhanced beauty, heritage, and engagement with the natural environment,
    - mitigation and adapting to climate change,
    - minimising waste,
    - managing exposure to chemicals,
    - enhancing biosecurity.

23. Other relevant documents include the national Clean Air Strategy (2019) and Noise Policy Statement for England (2010) (NPSE).

Development Plan Policies:

24. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (September 2020):** 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.

25. Policy CSW2 recognises that to deliver sustainable waste management solutions for Kent any proposal should demonstrate how they will help drive waste up the waste hierarchy whenever possible.

26. Policy CSW 6 guides the location of built waste management facilities. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste that assists Kent in continuing to be net self-sufficient. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the waste hierarchy. It seeks that recovery of by-products and

residues is maximised and that energy recovery is also maximised (utilising both heat and power).

27. Sites that have permanent planning permission for waste management or are allocated in the Waste Sites Plan are safeguarded from being developed for non-waste management uses by Policy CSW16. Where other development is proposed at, or within 250m of, safeguarded waste management facilities Local Planning Authorities will consult the Waste Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan).

28. Policy DM1 requires that development proposals are designed to minimise greenhouse gas emissions and other emissions, minimise energy and water consumption and incorporate measures for recycling and renewable energy technology and design in new facilities where possible. It seeks to maximise the re-use or recycling of materials, utilise sustainable drainage systems, protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary, compensate for any predicted loss. Policy DM2 of the KMWLP states that proposals for 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. Particularly relevant is the protection afforded to AONB's where significant weight is given to conserving the landscape and scenic beauty of these areas in which the conservation of wildlife and cultural heritage are important considerations. 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.

29. Policy DM11 requires mineral and 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.

30. **Dover District Council Core Strategy 2010** - Policies DM3 (Commercial Buildings in the rural area), DM12 (Road Hierarchy and Development), DM15 (Protection of the Countryside), DM16 (Landscape Character – including AONB), DM17 (Groundwater Source Protection) also apply.

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Consultations

31. **Dover District Council** - No Objection

Folkestone & Hythe District Council - No Objection subject to the views of consultees and conditions securing additional landscaping, fixing HGV movements at the proposed levels and securing noise levels of the machinery to be operated plus implementation and maintenance of acoustic barriers.

Hawkinge Parish Council – No reply

Alkham Parish Council – No reply

Environment Agency (Kent Area) – No objection subject to a condition safeguarding against infiltration of surface water to the ground (should current arrangements of disposal to sewer ever change) unless appropriate risk assessments are first carried out. The EA is of the view that some additional permits may be required but have confirmed they are happy to work with the operator to establish where the site sits under the Medium Combustion Plant and Specified Generators Regulations and to ensure they are correctly permitted and regulated. This is a matter for the EA as the pollution control authority.

Sustainable Drainage - No objection

Amey - Air Quality – Following receipt of some additional information from the Applicant's planning consultant Amey is now satisfied that the air quality assessment adequately assesses the risk to human health from carbon monoxide (CO), fine particulate matter (PM_{10} and $PM_{2.5}$) and nitrogen oxides (NOx) emissions due to the proposals. Amey comment that the applicant's air quality consultant has screened all the plant (existing and proposed) using the Environment Agency's H1 tool to determine the risk of significant emissions. The tool indicates that the emissions will be insignificant as; (i) long-term process contributions are <1% of the relevant long-term environmental standards; and (ii) short-term process contributions are <10% of the short-term environmental assessment standards, and consequently Amey conclude they do not need to be considered further.

Amey - Noise – No objection. Previous concerns about operational noise at night and the avoidance of sleep disturbance have been satisfactorily addressed by the additional mitigation measures which bring lower noise levels to the night time period and also the daytime period therefore no objection subject to conditions controlling noise emissions from the development particularly at night.

Amey - Landscaping - No objection. (Landscaping proposals for the site required by a condition on the original permission for the site have recently been approved, these took account of Amey's requirement for understorey planting, details of species, sizes, provenance etc and in light of the additional equipment that is already installed on site).

Biodiversity - No Comment, the proposals would not have a significant impact on ecology.

Transportation Planning - No objection subject to conditions for the retention of turning/loading and parking area, use of Pavilion Road to access A260 and no more than 20 HGV movements per day.

Kent Downs AONB Unit - No objection subject to the proposed landscape strategy being secured to ensure additional containment of the site in views from the south and east as well biodiversity enhancement across the site.

Affinity Water Ltd - Developer Services – No reply

Public Health England - No comment

The Coal Authority - No reply

Local Member

28. The local County Member for Dover West, Mr David Beaney was notified of the application on 26 May 2021, no views have been received to date. Susan Carey, County Councillor for neighbouring Elham Valley has been made aware of the application, no views have been received to date.

Publicity

29. The application was publicised by the posting of a site notices and an advertisement in a local newspaper.

Representations

30. In response to the publicity, 19 letters objecting to the application, with a further 1 letter commenting on the application and 1 letters of support have been received.

    The key objections raised can be summarised as follows:

- Fernfield Lane is narrow and has no pavements and has a sharp bend, the increase in lorries is unacceptable in a rural area and near to a school. They will be tempted to use The Street if congestion occurs, they should be made to use Pavilion Road.
- There is already too much traffic from the metal fabricators and agricultural traffic, as well as buses and delivery vehicles accessing people's homes.
- Planning permission for 19 houses is already going to increase traffic massively
- Increased noise and dust will further impact on residential neighbours in the vicinity and enjoyment of their gardens, their health and mental health

- 24-hour working would be very disruptive, especially overnight traffic and will disrupt sleep patterns
- More acoustic barriers should be installed
- The site is in Area of Outstanding Natural Beauty and the original incinerator should not have been allowed in the first place which is unsuitable for industrial development
- The operator has breached their planning permission by installing the equipment, they have also operated the wood chipper away from its approved location, demonstrating their lack of regard for residential amenity and impacts they will have on the future occupants of the 19 new homes that will be built on the adjacent site.
- The noise report submitted with the application is inconsistent

Two of the objectors connected with the residential development on the adjacent site have submitted their own noise reports.

The points of support can be summarised as follows

- We must combat climate change by being environmentally friendly.
- Biomass is probably a short-term measure to this end.
- British industry should be supported.

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Discussion

31. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraphs 24-30 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 any other material planning considerations. The retrospective elements of the planning application should be considered on the basis that the development has not yet been implemented. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

- Need and sustainability
- Noise
- Dust and Air Quality
- Landscape
- Traffic

Need and sustainability

32. The former brickworks site was granted planning permission for a small household waste incinerator activity in 1970. In 1974 as a result of Local Government reorganisation the County Council took over responsibility of the site and operation of the incinerator. I understand that the incinerator was closed in 1982 and the site converted to operate as

a waste transfer station through a deemed planning consent (solely for the benefit of the County Council). As a result of legislative changes in 1990 the operation of the waste facility was transferred from direct operation by the County Council to a private contractor. Planning permission DO/92/1099 granted in January 1994 allowed the continued use of the waste transfer station by a third-party contactor and also established a small householder's waste and recycling centre within the existing site.

32. The site handled trade and domestic waste (including construction and demolition waste) until 2013 when the applicant took over the site, and wood recycling operations began in 2015. Considering the long history of waste activity and the presence of a waste management facility at the site, retrospective planning permission for the wood recycling facility producing a biofuel and ancillary power production was granted in July 2018.

33. The main business functions of the site are described in the planning statement as.

- *Virgin Biomass Woodfuel - Production of high quality, sustainably sourced, virgin, biomass woodfuel sold into the renewable energy markets.*
- *Recycled Timber Woodfuel - Recovery and production of quality Grade A / B recycled woodfuel (raw material is diverted from landfill and turned into a valuable and low carbon energy source). This product is sold into the renewable energy market with a predominant focus on supporting large scale, low carbon electricity production (e.g., Kent based Sandwich Power Station – "KRE").*
- *Renewable Wood Pellets - Production of high quality, sustainably sourced, wood pellets for sale into the renewable energy market (both domestic & non-domestic).*
- *Decentralised, Low Carbon Electricity Production – Flisher Energy operates its own decentralised electricity power production units on its premises, ensuring the company is "Net Zero Carbon".*

34. Flisher Energy use the site to produce quality woodchip for use in local and nationwide biomass boilers, as well as generating renewable heat and electricity from an on-site biomass combined heat and power plant. Material is sourced locally from the forestry sector or from waste companies which handle waste wood.

35. The application states that imported wood pellets play an increasingly important role in the UK's energy mix and the UK is now the largest consumer of fuel-grade wood pellets in the World. Despite this, the UK market can be characterised by the relative absence of UK pellet production facilities. The increase of productivity on the site would contribute towards the UK becoming less reliant on other countries for its pellet production, where shortages and price changes are rapidly transferred to local markets, energy security is compromised and opportunities for employment and skill creation are lost. Based on recycling, the pellets produced provide a volume of renewable wood pellets to the UK green energy markets providing valuable support to helping the UK Net Zero 2050 target.

36. The additional machinery also provides two new power production units, which utilise biodiesel to operate. This is a liquid fuel produced from renewable sources such as used vegetable oil that is cleaner burning without adding carbon emissions into the global ecosystem and further contributes to the UK Net Zero emissions 2050 target. Furthermore, it is argued that the site provides additional sustainability benefits by reducing the amount of waste wood that would otherwise enter landfill by turning it into a sustainable green energy fuel product.

37. Policy CSW1 of the Kent Minerals and Waste Local Plan follows national planning policy and guidance in supporting a presumption in favour of sustainable development and requires that waste development that accords with the development plan should be approved without delay unless material considerations indicate otherwise. Policy CSW2 requires proposals for waste management to demonstrate how they will drive waste to ascend the Waste Hierarchy whenever possible. Policy DM1 requires waste developments to be designed to minimise the impact upon the environment and Kent's communities. It states there is a need to reduce the amount of greenhouse gas emissions and other forms of emissions, minimise energy and waste consumption, reduce waste production and reuse or recycle materials. It recognises sustainable design initiatives can be achieved by a variety of means such as the incorporation of renewable energy, energy management systems, grey water recycling systems, sustainable drainage systems, energy efficient appliances and the use of recycled and recyclable materials.

38. The expansion of the facility would add value to waste products, divert material from landfill driving it up the waste hierarchy, and reduce dependency on wood pellets imported to the UK, thereby further reducing carbon emissions. The additional machinery allows for a more efficient re-use of a waste product, and a more efficient use of the site, whilst also producing sufficient energy to run the facility and supports the Government's commitment to be carbon neutral by 2050 It represents sustainable development in accordance with the policies contained in the KMWLP set out above.

Noise

39. The site has been in a waste related use for several decades. The wood recycling activities have been taking place at the site since 2013, albeit that planning permission was not in place until 2018. The additional equipment and uplift in activities brought to our attention (and now being applied for) have been operational since 2018. It is therefore appropriate to consider the potential impacts above and beyond those for which planning permission was granted and should be considered as new development. It is also noted that residential planning permission for 19 houses has also since been granted by the District Council on a nearby site. Appropriately that housing application and subsequent permission took account of the existing waste development at this site and mitigation measures were built into the design and conditions on the outline planning permission. It is appropriate to consider the additional equipment that is now being applied for at this waste site since the housing development was approved.

40. In general, it is important to ensure that the waste industry does not adversely impact upon the health and amenity of the surrounding environment and community. Policy DM11 of the Kent Minerals and Waste Local Plan supports development if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts. Appropriate suitable mitigation measures should be used to reduce the risk of unacceptable adverse impacts occurring. Previous mitigation measures for the development already permitted included an acoustic barrier to the eastern and some of the northern boundary; and restricting the hours of operation of the wood shredder and its location to the north of the building.

41. This planning application is accompanied by a noise assessment, which takes account of the permitted residential development and also identifies a noise sensitive receptor on Fern Close (further beyond the approved residential development). It should also be noted that as part of this application a wall is proposed to the southern boundary of the site. The applicant states this is not required to make the application acceptable in noise terms but wished to secure the wall to improve dust management and to provide greater protection for the equipment from the freezing winter prevailing winds that had previously caused damage to the equipment. However, it is acknowledged that it would also offer additional noise mitigation.

42. Two independent noise reports were submitted on behalf of objectors in response to the application, (these were reviewed by our noise consultants who had no comments to make). Reference is made in one of these reports to the wood chipper being used in a different location to that permitted. This matter has been raised with the Applicant who explains…." *the location of the chipper to the south of the site was a temporary solution in light of the extraordinary circumstances early on in the coronavirus pandemic. When the pandemic began there was significant uncertainty regarding the supply of wood so in order to secure the continued operation of their business, Flisher Energy stockpiled wood which was stored to the south of the site. This wood was subsequently cleared which resulted in a temporary relocation of the chipper to the south of the site. The chipper was returned to its consented position and will remain there in the future*." A condition restricting the position of the shredder would be repeated and would enable its operation only in the location as assessed in the noise report.

43. Following comments from the County Council's noise advisors (Amey) an updated noise assessment was submitted which proposed further additional mitigation measures. These measures proposed a timber enclosure around the bag filter with a minimum mass of 10 kg/m^2 and the noise barrier to the south of the site (referred to above in paragraph 41) to be increased in height form 2 metres to 3 metres. Amey's previous concerns were about the operational noise at night and the avoidance of sleep disturbance and whether consideration should be given to the hours just prior to the night time period when people may be outdoors.

44. Amey confirm that their concerns have been addressed satisfactorily by the additional mitigation which brings lower noise levels to the night-time period and also the daytime period. As such and having had sight of the other noise reports referred to in paragraph

42 above, they have no objection to the revised proposals, subject to appropriate conditions being imposed to control noise emissions from the development particularly at night.

45. I understand that neither the District Council nor the Environment Agency has a record of any noise complaints since 2018.

Air Quality and Dust

46. The site is subject to a Dust Management Plan which requires that operations are carried out in accordance with this Plan to minimise dust emissions and gives details of training, monitoring and actions to be taken in the event dust is encountered. This application is also accompanied by an air quality assessment which considers the additional plant and equipment installed at the site. Following comments from our air quality advisors an updated assessment has been provided along with additional information regarding permits and flue heights. The report concludes that collective operational impacts of the site emissions to air as a whole are classed as insignificant (using the Environment Agency recommended H1 tool) and that along with the installed dust extraction controls on sealed nature of most on operations, the site will meet clean air targets. The County Council's air quality consultant is satisfied that the assessment of the equipment adequately assesses air quality and dust, and no further assessment is required.

Traffic

47. Policy DM 13 of the KMWLP seeks to minimise road miles in relation to transportation of waste across Kent. It seeks that access arrangements are safe and appropriate for the scale and nature of movement, that the highway network is able to accommodate traffic flows and that traffic impacts on the environment and local community are minimised.

48. The site currently has permission to operate with 7 HGVs per day (14 movements) all of which are required to use Pavilion Road (private road) to access the site, directly to/from the A260 thereby avoiding the need to travel through the village of Hawkinge. This was an access arrangement set up for the previous use as a waste transfer station and household waste site which generated around 300 HGV movements per day. It is proposed that this arrangement would continue as it does currently. The additional equipment for which planning permission is now sought provides for a 5,000 tonne increase in imports of waste (from 20,000 to 25,000 tonnes) and a subsequent increase of 4,000 tonnes of exported product (from 16,000 to 20,000 tonnes). It is therefore proposed to increase the number of vehicles to an additional 3 HGVs per day (6 movements) making a total of 20 HGV movements per day. These movements would continue to be restricted to using Pavilion Road to access the site and can be secured via conditions.

49. I understand some concern has been expressed that HGVs visiting the site have not been using Pavilion Road. The applicant has been asked to respond on this issue and has confirmed that all lorries associated with Flisher Energy are using Pavilion Road and that

they communicate the requirement to do so extremely stringently to all drivers of lorries visiting the site. Furthermore, the applicant comments that it is far easier for deliveries to use Pavilion Road and drivers prefer to use it. There is a small industrial site further along the lane whose associated traffic is not required to use Pavilion Road. The applicant has also stated that a lot of plant hire haulage trucks sit adjacent to Flisher Energy on Fernfield Lane and load/unload their plant, which could easily give the impression they are associated with Flisher Energy, which they are not.

50. Transportation Planning officers acknowledge the proposed increase in HGV movements to a total of 20 per day. They comment that the number of HGV movements is unlikely to have a severe impact on the highway network, subject to the continued use of Pavilion Road for access/egress as currently required. Subject to conditions safeguarding loading/unloading, parking, and turning areas, the use of Pavilion Road and no more than 20 HGV movements per they have no objection to the proposals. As such the small increase in movements is considered acceptable and accords with Policy DM13 of the KMWLP.

Landscape

51. The application site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB) and is within the Alkham East Kent Downs Landscape Character Area. The site was already heavily screened with trees and landscaping which limits its visibility and the additional planting secured through the conditions on the original planning permission assist further to screen the site. The approved landscaping plan for the site was designed to improve biodiversity, create important wildlife foraging corridors, and deliver important visual screening objectives. It includes additional native trees and native woodland understorey species to provide a dense woodland screen (4 metres wide), as well as a seeded soil bund approximately 3.5 metres high to the eastern end of the southern boundary and the eastern boundary.

52. This application is accompanied by a further visual impact assessment. The proposals involve additional external machinery which is considered relatively minor in visual impact terms when considered with the existing buildings and structures on the site. The majority of the equipment is along the northern side of the large existing building and is smaller in term of both height and mass and would be well screened form the consented dwellings approved on the field to the south of the site. However, the landscape assessment recommends further mitigation to screen the equipment from the south west by way of a mix of additional native trees and native hedge planting on the western end of the southern boundary and additional hedge planting on the western boundary adjacent to the site entrance. The details of this planting would be secured via condition.

53. The Kent Downs AONB Unit comment that the proposed amendments are considered to be relatively minor in terms of their impact on the Kent Downs AONB, taking into account the historic and existing nature and activities of the site. Subject to securing the additional landscape mitigation proposed they have no objections to the proposals. KCC Landscape Consultants are satisfied with the proposed landscaping.

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

Conclusion

54. This site already has permanent planning permission for waste management and as such is safeguarded by Policy CSW16 of the Kent Minerals and Waste Local Plan. This application does not seek to make changes to any of the approved equipment from the original permission granted in 2018 but seeks retrospective permission for additional equipment which has been installed and is operational at the site. The applicant states that the machinery is to support the company's wood pellet expansion programme and the introduction of two new low carbon electrical production units. As such this would enable the expansion and continued operation as a wood recycling facility as well as providing sustainable and recycling benefits thereby contributing to the UK Net Zero emissions 2050 target and in accordance with the Kent Minerals and Waste Local Plan.

55. Any potential noise and dust impacts have been assessed by the County Council's consultants as acceptable subject to conditions, and there are no objections to the increase in throughput and associated small increase in traffic movements from KCC's highways advisor. Existing drainage arrangements and flood risk are considered acceptable. The site is considered to be relatively well screened and additional planting will assist further with this to ensure any impacts on the AONB are minimised.

56. I am satisfied that the proposals are in accordance with the Development Plan and therefore recommend planning permission be granted.

Recommendation

I RECOMMEND that PERMISSION BE GRANTED subject to the imposition of conditions covering (amongst other matters) the following:

i. Carrying out the development in accordance with the submitted documents.
ii. Submission of details of the 3-metre-high barrier to the south of the site.
iii. Submission of details of the timber enclosure for the bag filter fan.
iv. No more than 25,000 tonnes of imported waste wood and no more than 20,000 tonnes of exported wood fuel.
v. Noise rating limits from the site measured at sensitive receptors in accordance with BS4142 as below;

	BS4142 Rating level	
Noise Sensitive Receptor	0700-1900 hrs dB	1900-0700 hrs dB
Fernfield Farm	38	33
Fern Close	37	29
Stombers Lane	37	32
Stombers Farm	47	31

and noise output limits from shredder of 112dBA.

vi. Securing the location of the shredder during operation.
vii. Hours of operation restriction on use of shredder and screener (07.00-16.30 Monday-Friday, 08.00-13.00 Saturday and no time on Sundays or Bank Holidays).
viii. Limiting storage location for waste wood awaiting processing.
ix. Safeguarding of parking and turning areas.
x. No additional lighting.
xi. Storage of oils, fuels and lubricants.
xii. No more than 20 HGV movements, to be via Pavilion Road and restriction on hours of operation (08.00-17.00 Monday-Friday, 10.00-12.00 Saturdays and no time on Sundays and Bank Holidays).
xiii. Submission of a detailed landscaping scheme.
xiv. Within 5 years of planting, any trees or shrubs that become diseased or die shall be replaced within the next planting season with species to be agreed by the County Planning Authority.
xv. Maintenance of surface and foul water drainage system.
xvi. No infiltration of surface water into the ground without prior written consent.
xvii. Compliance with the dust management plan.

Case Officer: Mrs Andrea Hopkins	Tel. no: 03000 413394

Background Documents: see section heading

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

Annex

FLISHER ENERGY LTD

PLANNING - SUMMARY

Definitions

Abbreviation/ Acronym/ Term	Definition
Waste Wood	Grade "A" & "B" waste wood, Forestry waste & residue (aka virgin), Arboricultural forestry waste.
Woodfuel	Woodchip or Wood Pellets
CHP	Combined Heat & Power (Generates Heat & Electricity)
HVO	Hydrogenated Vegetable Oil (Sustainable Waste Fuel)
GHG	Green House Gas Emissions

Company Summary

Flisher Energy is a renewable energy hub that specialises in generating sustainable (Low Carbon) wood fuel and renewable electricity to support the global transformation in energy demand and supply, moving away from fossil fuels and towards renewable low carbon energy.

The main business functions are:

1. Processing of waste woods to create a range of sustainably sourced woodfuel products suitable for the renewable energy market (Premium quality, high calorific value low moisture woodchip & wood pellets). All products are sold to domestic, commercial & industrial end users (Please see images in **Fig 1** & **Fig 2**).
2. Renewable electricity generation, produced through:
   - A. One single biomass combined Heat & Power Unit, fuelled using sustainable woodfuel produced on site.
   - B. Two low carbon electrical production units, fuelled using HVO (sustainable waste vegetable oil).

Fig 1 - Sustainable Woodchip

Fig 2 - Sustainable Wood Pellets

Sustainable Benefits of Flisher Energy

Flisher Energy recognises that there needs to be an inclusive approach with companies and countries globally moving in the same direction to meet global decarbonisation. Flisher Energy is focussed on Net Zero customer solutions to decarbonise heat and electricity through its diverse range of products and continues to invest in new technologies, processes and products to support this goal.

This strategic approach mirrors the COP26 number one objective to secure global net zero carbon emissions by mid century.

Benefits include but are not limited to:

Benefit	Summary
Net Zero	Flisher Energy has achieved Net Zero Emissions through the ability to provide all of its heat and electrical requirements through on site generation through sustainable low carbon sources. This is in alignment with COP26 main objective.
Renewable Electricity Generation	Utilising waste fuels for electrical generation provides up to 100% Net GHG emissions savings compared to fossil fuel alternatives. Flisher Energy initially planned to export some of the electrical generation to the National Grid however realised that in doing this it would then only have to re-import fossil fuelled electricity back on site which would not only be financially disadvantageous but counter-intuitive. The sustainable benefit of renewable electricity generation is reducing the requirement from the National Grid's fossil fuelled electricity supply therefore reducing GHG emissions and our carbon footprint reduction. This sustainable benefit is achieved regardless of whether the renewable electricity generated on-site is utilised on-site or exported to the National Grid
Decarbonising UK Heat	Following the Paris climate change agreement in 2016, most countries, including the UK, committed to decarbonising their heating in an effort to reduce collective global carbon footprints. The central plank of this urgent initiative is to reduce our dependence on high carbon emitting technology, in particular, heating that uses gas and oil. Flisher Energy provides an essential service in producing sustainable fuels that allow UK companies to make the transition away from fossil fuelled energy requirements to sustainable low carbon alternatives.

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

Benefit	Summary
Sustainability	Utilising waste wood maximises the life cycle of the timber product by effectively utilising waste streams to produce a beneficial renewable fuel, whilst reducing carbon, increasing energy efficiency / renewable power, preserving natural resources and reducing landfill.
Energy Efficiency	By producing renewable energy (heat & electricity) we help bolster regional and national energy efficiency by reducing overall energy demand and reducing reliance on imports of fossil fuels (oil, gas & coal).
Energy Security	Renewable energy production (heat & electricity) supports regional and national energy security by adding diversity to an overall power generation portfolio. This reduced the reliance on fossil fuels and particularly reliance on other countries for our energy requirements.
Economic Development	Renewable energy production and companies / industry transitioning away from fossil fuel to renewable technologies creates economic development and jobs.
Reduction in Green House Gas (GHG)	Biomass Woodfuel reduce the amount of GHG that give more impact to global warming and climate change. The biomass emissions level is far smaller compared to fossil fuels. The basic difference between biomass and fossil fuels when it comes to amount of carbon emissions is: all the CO2 which has been absorbed by plant for its growth is going back in the atmosphere during its burning for the production of biomass energy. While the CO2 produced from fossil fuels is going to atmosphere where it increases greenhouse effect
Transportation GHG Reduction	Pelletised wood pellets have a much higher energy density when compared to raw biomass. Due to the higher energy density of this product, less overall mass is required for the same energy production. This increased energy density and lower mass reduces the number of vehicles on the road resulting in a vast reduction of carbon and transport green house gas emissions.

ORIGINAL CONSENTED DEVELOPMENT

- Renewable and Sustainable Wood Fuel Production (Chipping, Shredding & Drying of Wood Fuels).
- Sale of Wood Fuel
- 2 Onsite Heat Only Biomass Boilers - Powering Driers
- 1 Onsite Combined Heat & Power (CHP - Heat & Electricity) Biomass Boiler - Powering Driers and Providing Ancillary Power Production.

I can confirm that all three boilers that operate on woodfuel only are part of the Original Consent.

RETROSPECTIVE DEVELOPMENT

- Additional manufacturing process of wood pelleting **added** to already existing consented processes of chipping, shredding and drying of wood fuel.
- All the additional equipment listed in the Retrospective Planning are an essential part of compressing the wood into wood pellets.
- The pellets are produced through the pellet mill which does not require planning permission as it is an internal process in an existing building.
- The internal pellet mill process has been technically assessed for Noise, Dust and Air Quality.
- **Two** new, low carbon electricity production units to supply the power requirements for all the additional equipment required to compress wood into wood pellets.

I can confirm that there is one additional biomass boiler (Heat Only) which operates on woodfuel only and is a process requirement for the compression of wood into wood pellets.

ELECTRICITY GENERATION

The two low carbon renewable electricity production units are operated on imported Waste Vegetable Oil (HVO).

The two units create renewable electricity equivalent to powering 2000 homes.

Flisher Energy is utilising all of this renewable electricity on site to operate all of our equipment (Existing and Retrospective Consents).

We have made a business decision to not export the renewable electricity into the National Grid but to use all of our own electricity on site.

Regardless of the end use, the renewable electricity is still being generated with all the associated sustainable benefits. We are now using our own renewable electricity to offset fossil fuel electricity supply from the National Grid.

Theoretically, we can in the future switch to exporting all our renewable electricity generated by the new low carbon production units to the National Grid but in order to do so, we would have to:

1. Ease wood fuel operations
2. Apply for a grid export connection or balancing agreement
3. Request UKPN upgrades the switchgear to allow export to the grid
4. Satisfy that it is financially viable to do so (it currently is not)
5. Explore waste heat use options from electrical generation to support financially viability

The two additional equipment low carbon production units installed could facilitate export to the grid if all of the above conditions are met.

The low carbon generators are solely being used for wood fuel activities on site which therefore allows the national grid to distribute electricity for 2000 homes elsewhere that would have been allocated to Flisher Energy without them.

ENVIRONMENT AGENCY

We are not in scope for the Specific Generator Regulations and therefore they do not apply.

The Medium Combustion Plant Directive (MCPD) mentioned by the EA would only potentially apply to one boiler from the original consented planning development. Please note that this MCPD was not necessary in the original planning consent and is now only possibly required due to legislation changes since the original consent.

We have engaged consultants to investigate our MCPD requirements as a matter of diligence and can confirm that should we receive confirmation from the EA that MCPD is necessary, we technically have until 2029 to comply as per UK Government Guidance because this is a pre-2018 commissioned installation.

Our consultants will be liaising with the EA to get clarification upon the above and will be managed accordingly regardless of outcome.

Please note this is not a planning requirement.

Regulatory Bodies

Flisher Energy works in close partnership with a number of regulatory bodies to retain its renewable accredited statuses and demonstrate its sustainability - These include:

Regulatory Body	Summary
Biomass Supplier List (BSL)	The BSL was introduced by the UK Government "Department for Business, Energy and Industrial Strategy" (BEIS) in April 2014 to ensure that companies selling woodfuel meet sustainability and legal requirements. Flisher Energy is fully accredited on to the BSL and has passed multiple audits.
Combined Heat & Power Quality Assurance Programme (CHPQA)	The CHPQA is managed on behalf of the UK Government "Department for Business, Energy and Industrial Strategy" (BEIS). The aim of the CHPQA is monitor, assess and improve the quality of UK Combined Heat & Power. Flisher Energy is fully accredited on to the CHPQA demonstrating its support to the environmental, economic and social benefits of CHP. Flisher Energy has passed multiple audits.
Office of Gas & Electricity Markets (OFGEM)	OFGEM are a UK Government Department that regulates the electricity market in the UK and protects consumers by working to deliver a greener, fairer energy system. Flisher Energy is fully accredited on two OFGEM administered schemes and continues to meet all OFGEM requirements and pass all audits (including stringent annual sustainability audits).

CONFIRMATIONS

I can confirm:

1. Two Boilers and One Biomass CHP is Part of the Original Consented Development
2. HVO is an Imported Treated Waste Vegetable Oil Used for Renewable Electricity Production
3. Waste timber products are imported on site where they are then processed through chipping, shredding, drying and pelletising in to our woodfuel products where they are then exported for sale or used in the on site boilers.
4. We are fully aware of the EA requirements for Flisher Energy and have all the correct permits on site to run Flisher Energy's current operations.

Simon Flisher - Managing Director