

Item C1

Section 73 application to vary conditions 3, 21, 25 and 27 of planning permission SH/08/124 to allow revisions to the site layout including an amended office location; amended weighbridge location; cycle parking; additional HGV parking and amendments to the permitted waste types at Otterpool Quarry, Ashford Road, Sellindge, Kent TN25 6DA - FH/25/1739 (KCC/FH/0076/2025)

A report by Head of Planning Applications Group to Planning Applications Committee on 11 February 2026.

Application by Countrystyle Recycling Limited for a Section 73 application to vary conditions 3, 21, 25 and 27 of planning permission SH/08/124 to allow revisions to the site layout including an amended office location; amended weighbridge location; cycle parking; additional HGV parking and amendments to the permitted waste types at Otterpool Quarry, Ashford Road, Sellindge, Kent TN25 6DA.

Recommendation: Permission be GRANTED subject to conditions.

Local Member: Mr Christopher Hespe

Classification: Unrestricted

Site

1. The application site sits adjacent to the A20 within a mixed commercial–rural corridor featuring roadside services and transport uses, with farmland and open countryside forming the wider environmental setting. The closest receptor, the Airport Café, lies 30m to the north of the site boundary. The closest residential properties to the site are the Otterpool Manor (to the west) and Upper Otterpool (to the south) at 250m distant from the site. Both Otterpool Manor and Upper Otterpool are designated as Grade II Listed Buildings. Other scattered properties sit further along the A20.
2. The site is approximately midway between the villages of Sellindge to the north and Lympne to the south. The site is bounded by the Otterpool Quarry Site of Special Scientific Interest (SSSI) immediately to the east and south. The Kent Downs National Landscape is some 2km to the north, 1.7km to the east and 1.2km to the south of the site. The site looks north towards the M20, the High Speed Railway line (Channel Tunnel Rail Link), Westenhanger Castle (a Scheduled Ancient Monument) some 1km to the northeast, the former Folkestone Racecourse, the Junction Motorway 11 services and the A20.
3. The Otterpool Quarry site is located at the centre of a proposed new town development, known as the Otterpool Park Development, which is allocated in the Folkestone Local Plan as a new garden settlement (Policies SS6-SS9 of the Folkestone and Hythe District Council Core Strategy Review 2022). An outline planning application for the development of the new garden settlement comprising up to 8500 homes was considered by the District Council in April 2023, and a resolution to grant outline planning permission was agreed on 4 April 2023, subject to the completion of a legal agreement to secure highway improvements and community

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infrastructure. Negotiations between the various parties to the legal agreement are ongoing and it has yet to be completed and as such no planning permission has been granted.

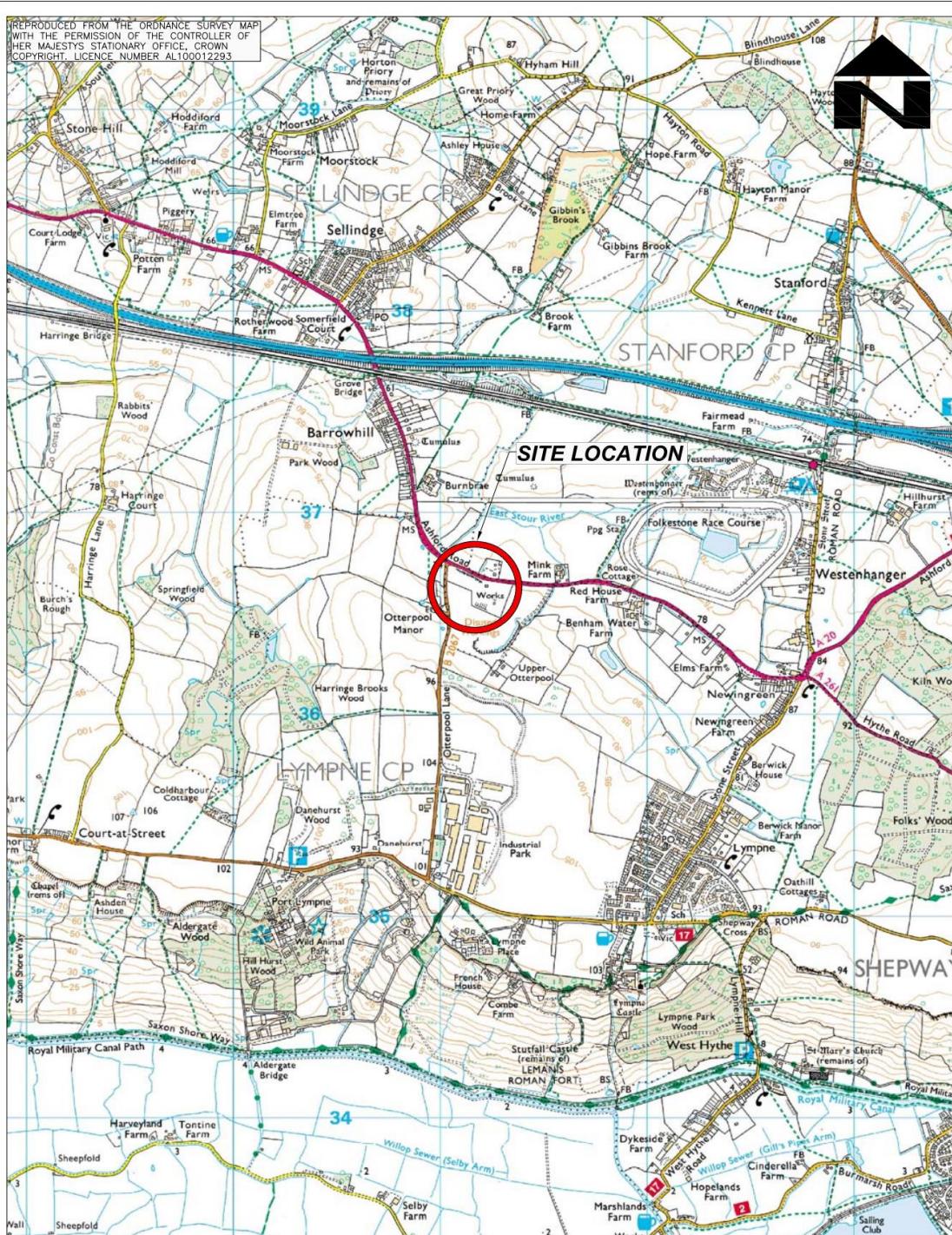
Recent Site History

4. Prior to its current use, the site was a former ragstone quarry known as Otterpool Quarry and the site remained occupied by a Ready Mix Concrete and Asphalt Plant following the completion of mineral extraction, which were subject to separate permissions by the former Shepway District Council. These facilities have since been removed.
5. Most recently the planning history for the site is as follows:
 - SH/08/124 - Construction of a material recycling facility, anaerobic digestion plant and associated office and parking facilities.
 - KCC/SH/0095/2015 - Section 73 application to vary condition 10 (badger mitigation measures) of planning permission SH/08/124.
6. Planning permission SH/08/124 (granted in March 2011) permitted the construction and operation of a Materials Recycling Facility (MRF), an Anaerobic Digestion (AD) plant, finished product building, and associated office, parking and access infrastructure. A copy of this permission is included in Appendix A. This planning permission set out a series of limits on waste types, annual waste throughputs (75,000 tonnes per annum (tpa) for the MRF and 20,000 tpa for the AD plant), limits on traffic movements of 168 HGV movements per day, and limits on operational hours with no waste deliveries on Sundays or on bank and public holidays. The permission includes comprehensive environmental controls, covering noise, dust, odour, lighting, and drainage. The planning permission has been implemented and construction of the MRF is near completion, it is understood at this time the AD plant is not going to be constructed but the permission is there should the operator choose to use it. The site is recognised as a safeguarded waste management facility within the Kent Minerals and Waste Local Plan.
7. Planning permission KCC/SH/0095/2015 granted in January 2016 approved amendments to the approved badger mitigation measures. Following detailed on site drainage works and implementation of the landscape scheme it was required for a number of additional badger mitigation measures to be implemented alongside the original mitigation measures.

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Site Location Plan



Received - 18 Sep 2009
Planning Applications Group



Revision 0
OP-1_409-1376-00002_0_PL 402JD

Site	OTTERPOOL QUARRY	
Project	PLANNING APPLICATION	
Date	DECEMBER 08	Scale 1:25,000
Drawing	Site Location Plan	
Dwg No.	OP/1	

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Proposed Site Layout



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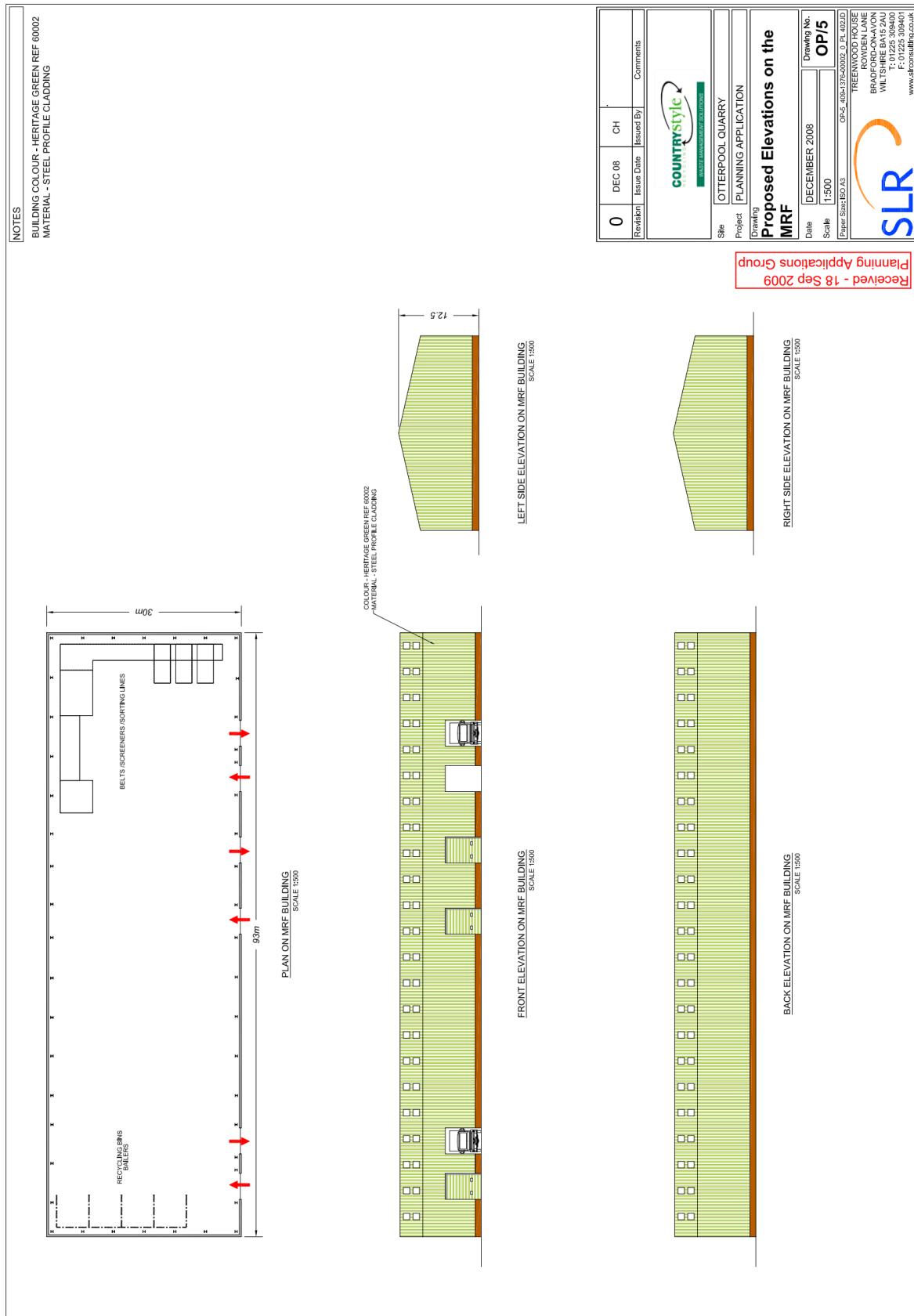
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Proposed Water Tank

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Approved Materials Recycling Facility – SH/08/124



Section 73 application to vary conditions 3, 21, 25 and 27 of planning permission SH/08/124 at Otterpool Quarry, Ashford Road, Sellindge, Kent TN25 6DA - FH/25/1739 (KCC/FH/0076/2025)**Proposal**

8. The application is submitted on behalf of Countrystyle Recycling Limited and seeks to vary conditions 3, 21, 25 and 27 of SH/08/124 which relate to:
 - Condition 3 – the approved plans;
 - Condition 21 – the approved odour management measures;
 - Condition 25 – the approved building uses; and
 - Condition 27 – the approved waste types.
9. Planning permission SH/08/124 has been implemented. Construction is underway and the applicant is seeking a number of amendments to improve operational efficiency and to align the planning consent with the site's recently updated Environmental Permit, approved and regulated by the Environment Agency.
10. The proposed changes include revisions to the permitted site layout, specific adjustments to the locations of the office building, weighbridge and cycle parking, along with the introduction of an additional 5 HGV parking spaces to improve internal circulation and avoid queuing on and off site, and a new fire safety water tank. No changes are proposed to the site boundary, access arrangements, or the maximum number of HGV movements, which remains limited to 168 per day. All previously approved details including drainage, landscaping and contamination investigations remain unchanged.
11. The key element of the application is the revision to the permitted waste streams. The applicant now seeks to include an element of black bag (household) waste imports to the MRF, in addition to the previously permitted commercial and industrial waste, mixed recycling and green waste. This change reflects the recently updated Environmental Permit issued by the Environment Agency. The total MRF throughput would remain capped at 75,000 tonnes per annum (tpa), which means that there would be no increase in waste volumes or vehicle movements.
12. The application includes a number of supporting assessments including a Transport Statement, an updated Noise Assessment and an Odour Management Plan which seek to demonstrate that the proposed changes would not give rise to unacceptable impacts on the local highway network, nearby receptors or the future Otterpool Park Development. Existing environmental controls relating to noise, dust, odour, traffic, hours of operation and building design continue to apply, and the facility would operate in accordance with approved mitigation measures. The revisions are intended to improve site efficiency, ensure regulatory alignment with the Environmental Permit and maintain compliance with national and local planning policies, while safeguarding the amenity of current and future neighbours.

Planning Policy

13. The most relevant national planning policy and guidance, and development plan policies, to the determination of this application are summarised below:
14. **National Planning Policies** – the National Planning Policy Framework (updated 7 February 2025) (NPPF) and National Planning Policy for Waste (2014) are material planning considerations, along with the consultation draft of the NPPF, published in

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December 2025 which shall be afforded limited weight as currently within the first stage of the consultation period. As with the current NPPF, the emerging Framework does not have specific policies on waste development.

15. **Kent Minerals and Waste Local Plan 2024-39 (Adopted March 2025)** - Policies: CSW1 (Sustainable Development); CSW2 (Waste Hierarchy); CSW4 (Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements); CSW16 (Safeguarding of Existing Waste Management Facilities); DM1 (Sustainable Design); DM3 (Ecological Impact Assessment); DM 8 (Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities); DM10 (Water Environment); DM11 (Health and Amenity); DM12 (Cumulative Impact); DM13 (Transportation of Minerals and Waste); and DM16 (Information Required in Support of an Application).
16. **Folkestone & Hythe Places and Policies Local Plan (2020)** – Policies: T2 (Parking Standards); T4 (Parking for HGVs); NE2 (Biodiversity); NE3 (Protecting the District's Landscapes and Countryside); NE5 (Light Pollution and External Illumination); CC3 (Sustainable Drainage Systems).
17. **Folkestone & Hythe Core Strategy Review 2022** – Policies: SS1 (District Spatial Strategy); SS6 (New Garden Settlement - Development Requirements); and CSD5 (Water and Coastal Environmental Management).

Consultations

18. **Folkestone & Hythe District Council (FHDC)** - raises no objection but initially requested further information regarding the required buffer zone around the safeguarded waste site in the context of the future Otterpool Park Development, to which I responded as follows:

Kent Minerals and Waste Local Plan (KMWLP) Policies CSW16 and DM 8 recognise that existing waste management sites should be protected and it is important these sites are not lost, especially in light of the current and projected house building within the District. I recognise that the Otterpool Park development is an allocated site within the Local Plan, however, I am also conscious that a waste management consent has existed on the Otterpool Quarry site prior to the Local Plan allocation and was therefore considered in the local plan work to allocate the site and in preparing the current planning application [the Otterpool Park development currently before the District Council]. Whilst details of the Otterpool Park development are not yet consented, it is important to find a way for neighbouring land uses to satisfactorily coexist together. Positively, there are numerous examples across the County where it has been demonstrated that it is possible for waste operations to successfully coexist alongside residential properties, not least at the current waste operation at Ross Way, Folkestone. Whilst there is a resolution to permit the Otterpool Park development, there is currently no planning permission in place, nor are there finalised plans in place for the development. I also understand that further changes are proposed to the Otterpool Park application, which will be submitted and considered by the District Council later this year. Without detailed Otterpool Park plans in place, it is not possible to definitively say what the buffer would need to be, so would advise at this time that the 250m baseline as set out by KMWLP Policies CSW16 and DM8 is the starting point. This buffer would be the same with or without the current waste

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application. Only when detailed plans are prepared, will we be able to assess the developments together. As the application before the County Council is likely to be determined first, in my view, the onus is upon the District Council to have regard to the waste management site and any approved development at Otterpool Quarry, when considering subsequent final residential plans.

In response FHDC responded as follows:

In respect of odours, we accept the information provided and assurances that control measures are in place to manage odours, including the controls under the EA permit.

We note your comments regarding the position of this planning application and the current outline application under consideration by FHDC for the wider garden settlement. Whilst the waste application may be determined prior to the garden settlement application, it is a strategic site allocated in the adopted development plan (Core Strategy policies SS6-SS9) for such purposes and as such weight must be given to the allocation policies. These policies make provision for both the possible removal or retention of the quarry waste site for its approved purposes, but not for the proposed use, and as such any amendment that may require more restrictive measures around the waste site needs to be considered by KCC against these policies. Having said this, the current new settlement application does include alternative plans in the event that the quarry facility is retained. Having reviewed these further, they demonstrate a 250m buffer between the quarry and the proposed development areas. If KCC conclude that the proposal to accept household waste would not require this distance to be extended, then this would address our concerns raised.

19. **Sellindge Parish Council** – submitted the following comments:

What the Application is For

Variation of 2011 consent at Otterpool Quarry, Sellindge. Addition of 25,000 tonnes/year of household 'black sack' waste (one-third of throughput). Total throughput remains 75,000 tpa, but nature of waste changes significantly. Layout changes: new office, relocated weighbridge, cycle parking, extra HGV bays, and 'sheep dip ramp'. Applicant claims these are 'minor' revisions, but impacts are major.

HGV Movements

Capped at 168 HGV movements/day (84 in, 84 out). Equals ~1 movement every 4–5 minutes during weekday operating hours (07:00–18:00). Saturday operations (07:00–13:00): up to 84 movements (42 in, 42 out). Refuse trucks tend to arrive in concentrated morning peaks, unlike C&I; waste vehicles. Traffic will intensify further once Otterpool Park (8,500 homes) is built.

Key Community Concerns

Addition of household waste increases odour, vermin, and bioaerosol risks. Traffic safety risks: peak-time clustering of refuse trucks and past accident history near site. Noise already exceeds WHO 55 dB guideline; any increase is harmful. Odour mitigation relies on outdated 2007/2009 assessments and reactive complaint systems. Proximity of sensitive receptors (Airport Café, new Otterpool homes) not properly assessed. Cumulative impact with Otterpool Park (8,500 homes) largely ignored. Overall Message This is not a minor variation. It introduces odorous black sack waste, maintains high HGV intensity (up to 168 truck movements/day, as often as one every

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4–5 minutes), and ignores the massive new residential population at Otterpool Park. The risks to local amenity, health, and safety are significant.

In response the applicant provided the following further comments:

Sellindge Parish Council note, in their response, that the inclusion of 25,000 tonnes per annum (tpa) represents one third of the already permitted throughput for the site. In respect of permitted vehicle movements, the existing planning permission caps these at 168 daily movements equating to 84in and 84out.

The planning application before KCC for their determination does not seek to increase the current permitted throughput, the traffic levels, nor the operating hours already controlled by planning conditions. Sellindge Parish Council comment that refuse trucks tend to arrive in concentrated morning peaks, however it is the Applicants view that this comment is speculative. Owing to the site's operational opening constraints, it is acknowledged that there would be a peak in vehicle movements departing the site at 07:00 however, this would not apply to return movements. Based on the Operators experience in operating a refuse collection service for the London Borough of Bexley, it is essential that operational planning avoids vehicle queuing at site, as this is an inefficient method of operation. Routeing is supported by AI-based planning tools designed to minimise congestion and maximise productivity. Consequently, the Operator would not anticipate any scenario in which refuse vehicles are required to queue in order to bring material to the site. Comments on intensification of traffic once Otterpool Park (OP) is built is also noted. KCC Highways will be aware of the proposals for OP and traffic levels assessed as part of the wider highway safety and capacity levels. KCC Highways have been consulted on this planning application and conclude that the application 'will not have a material impact on the local highway network' therefore no objection is raised.

In response the Parish Council provided the following additional comments:

Sellindge Parish Council continues to object to the above Section 73 application. We recognise the existence of waste planning permission at this site but we still believe that the proposed variations would result in material changes to the nature of the permitted operations, with consequential impacts that have not been adequately assessed.

Material Change in Operational Character

The application seeks to introduce "25,000 tonnes per annum of black bag / household waste", which represents approximately one third of the total permitted throughput. While the caps remain numerically unchanged, "planning impact is not determined solely by tonnage". Black bag waste differs materially from other waste streams in terms of odour generation, bioaerosols, pest attraction, dwell times, and fire risk.

Odour Impact and Over-Reliance on Environmental Permitting

The applicant accepts that the proposed changes will result in an increase in odour, describing it as "minor", yet no updated odour modelling has been submitted. References in the submission to nearby receptors being "desensitised", an assumption that is not supported by evidence and fails to reflect the increasing recreational and residential sensitivity of the area.

Highway Safety and Risk of HGV Queuing on the A20

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Sellindge Parish Council remains extremely concerned about the risk of HGV queuing and highway safety on the A20.

The site layout drawing confirms that only "nine HGV parking spaces" are provided within the operational area. The agent acknowledges a morning peak in vehicle movements, stating - "It is acknowledged that there would be a peak in vehicle movements departing the site at 07:00". Despite this, no enforceable HGV queue management or overflow strategy has been proposed. Any queuing on the A20 would present a serious safety risk due to traffic speeds and the road's strategic function.

Failure to Properly Assess Cumulative Impacts with Otterpool Park

When permission SH/08/124 was originally granted, Otterpool Park had not been proposed. The agent now relies on historic highway and amenity assessments, stating that -"KCC Highways have been consulted on this planning application and conclude that the application 'will not have a material impact on the local highway network'". Sellindge Parish Council considers it unsound to assess this application in isolation, given the transformation of the A20 corridor into a primary residential route serving a new garden settlement.

Fire Suppression Infrastructure and Environmental Risk

The proposal replaces three previously approved tanks with a single "500m³ fire suppression tank", described as- "more efficient water discharge as the site's fire suppression system". Sellindge Parish Council recognise the importance of fire safety, but we continue to have concerns regarding potential contaminated firewater run-off, failure scenarios, and visual impact. No site-specific Fire Prevention Plan has been submitted alongside the application, limiting meaningful public and planning scrutiny.

Ecology

The updated badger walkover survey confirms that -"Sett 1 continues to be an active main sett, and confirmed in current use". The report also notes access limitations to parts of the site due to dense vegetation. Sellindge Parish Council considers that incremental operational changes risk eroding ecological buffers over time. Sellindge Parish Council therefore requests that the application be "refused", or alternatively deferred pending the submission of:

- Robust odour assessment specific to black bag waste
- Cumulative traffic and amenity assessment incorporating Otterpool Park
- Enforceable HGV queue management measures
- Greater transparency on fire prevention and environmental safeguards

20. Lympne Parish Council – submitted the following comments:**Conditions 3 and 25 – Site Plan and Use of Buildings**

The Parish Council raises no objection to the proposed changes under Conditions 3 and 25.

Condition 27 – Waste Types and Vehicle Movements

The Parish Council understands that the variation seeks to permit the introduction of black bag waste in addition to the waste types approved in the original permission. The original application specifies maximum quantities of waste held on site at any one time.

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- *The Council requests clarification on whether the proposed variation accounts for the inclusion of black bag waste within these permitted limits.*
- *While Condition 27 does not directly concern vehicle movements, the introduction of different waste types inevitably affects transport operations. The original permission allows 84 vehicle movements (combined in/out) per day, and it is noted that this figure remains unchanged. The Council also notes that nine HGV parking spaces are proposed within the site layout. Concern is raised about how excess vehicle arrivals will be managed should these spaces be occupied.*
- *What mitigation is proposed if additional vehicles arrive at the site?*
- *Where will such vehicles wait prior to entry? There is a particular concern that vehicles could resort to waiting or parking on the A20, which poses a serious safety risk to other road users given the speed and character of traffic on this section of road.*

Condition 21 – Odour Control

Condition 21 addresses odour management. The supporting documentation indicates a minor increase in odour as a result of this variation and suggests that nearby receptors are 'desensitised' to odour due to existing agricultural activity and the nearby café.

The Parish Council wishes to make the following points:

- *The assessment does not appear to consider the potential impact on visitors to the café or the wider area, who may be discouraged from visiting if odours increase.*
- *The report references the future development of Otterpool Garden Town, suggesting that screening and open space will mitigate odour and visual impact. However, it fails to recognise that the proposed country park and recreation areas will attract visitors seeking a clean and healthy environment. Increased odour from the site would be inconsistent with the health, wellbeing and sustainability objectives of the Otterpool Garden Town development.*

Additional Concerns – Vehicle Routes and Future Impact

The Parish Council reiterates concerns about HGV numbers and the impact on the A20.

When the original permission was granted, the Otterpool Garden Town development had not yet been proposed. At that time, this stretch of the A20 passed relatively few dwellings. Once Otterpool Garden Town is complete, however, the A20 will effectively form the main route through a residential area. The potential for up to 168 HGV movements per day on this route will have a significant impact on safety, noise, air quality, and residential amenity. The cumulative effect of this and other local developments should therefore be carefully assessed

In summary, the Council seeks clarification and reassurance on:

- *The inclusion and management of black bag waste;*
- *Mitigation for excess vehicle arrivals and potential queuing on the A20;*
- *The cumulative odour and traffic impact on both existing and future residents and visitors.*

In response to these comments the applicant provided the following further information:

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Table 1 – Summary of comments

Summary of Parish Council Comments	Response/Comments
<ul style="list-style-type: none"> The Council requests clarification on whether the proposed variation 	The inclusion of 25,000 black bag waste per annum. This figure represents a third of the
<p>accounts for the inclusion of black bag waste within these permitted limits.</p> <ul style="list-style-type: none"> While Condition 27 does not directly concern vehicle movements, the introduction of different waste types inevitably affects transport operations. The original permission allows 84 vehicle movements (combined in/out) per day, and it is noted that this figure remains unchanged. 	<p>already permitted throughput for the site, which remains unchanged and controlled by way of the already imposed planning condition.</p> <p>The permitted levels of traffic generated for the site remains controlled by planning condition. There is no request to increase traffic as a result of this planning application. KC Highways have been consulted on this proposal and do not raise an objection, indicating that there will be no material impact on the local highway network.</p>
<p>The Council also notes that nine HGV parking spaces are proposed within the site layout. Concern is raised about how excess vehicle arrivals will be managed should these spaces be occupied.</p> <ul style="list-style-type: none"> What mitigation is proposed if additional vehicles arrive at the site? Where will such vehicles wait prior to entry? <p>There is a particular concern that vehicles could resort to waiting or parking on the A20, which poses a serious safety risk to other road users given the speed and character of traffic on this section of road.</p>	<p>The access arrangements for the site have been designed to ensure vehicles visiting the site do not queue to gain access into the site. This was considered at the time of the original planning application and subsequently, the weighbridge facility is been designed to be set back from the site bell mouth by some 50m which was found to be sufficient space for vehicles to wait at the site without the need to queue.</p> <p>In addition, the Applicant proposes a Site Users Guide to be issued to all drivers accessing the site, which will include site opening and closing times.</p> <p>KCC Highways were consulted at the time of the original planning application and again as part of the latest planning application and have raised no objection.</p>
<p>Condition 21 addresses odour management. The supporting documentation indicates a minor increase in odour as a result of this variation and suggests that nearby receptors are 'desensitised' to odour due to existing agricultural activity and the nearby café. The Parish Council wishes to make the following points:</p> <ul style="list-style-type: none"> The assessment does not appear to consider the potential impact on visitors to the café or the wider area, who may be discouraged from visiting if odours increase. The report references the future development of Otterpool Garden Town, suggesting that screening and open space will mitigate odour and visual impact. <p>However, it fails to recognise that the proposed country park and recreation areas</p>	<p>Condition 21 of planning permission SH/08/124 requires mitigation measures set out in the original Air Quality Assessment to be adhered to, to minimize odour nuisance on local amenity.</p> <p>As part of the planning application, which seeks to include a small amount of black waste to be handled at the site, the justification for this is to align the planning permission with the bespoke Environmental Permit issued by the Environment Agency (EA).</p> <p>A key role of the EA is to protect and manage the environment by regulating such matters. The Permit includes an approved odour management plan for the site (dated May 2024), which enables the site to be regulated, controlled and monitored for compliance to ensure no impacts arising from on-site operations.</p>

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Summary of Parish Council Comments	Response/Comments
<p>will attract visitors seeking a clean and healthy environment. Increased odour from the site would be inconsistent with the health, wellbeing and sustainability objectives of the Otterpool Garden Town development.</p>	
<p>The Parish Council reiterates concerns about HGV numbers and the impact on the A20.</p> <p>When the original permission was granted, the Otterpool Garden Town development had not yet been proposed. At that time, this stretch of the A20 passed relatively few dwellings. Once Otterpool Garden Town is complete, however, the A20 will effectively form the main route through a residential area.</p> <p>The potential for up to 168 HGV movements per day on this route will have a significant impact on safety, noise, air quality, and residential amenity. The cumulative effect of this and other local developments should therefore be carefully assessed.</p>	<p>KCC Highways have been consulted on the planning application and have raised no objection on highway grounds.</p> <p>Highway safety, noise and air quality have been assessed to ensure no impact on nearby residential amenity.</p> <p>The planning permission imposes a noise restriction (condition 23), with the EA issued Permit for the site requiring noise emissions from activities to be free from noise at levels likely to cause pollution.</p>
<p>Lympne Parish Council respectfully requests that these comments are taken into consideration before any decision is made on this variation. In particular, the Council seeks clarification and reassurance on:</p> <ul style="list-style-type: none"> • The inclusion and management of black bag waste; • Mitigation for excess vehicle arrivals and potential queuing on the A20; • The cumulative odour and traffic impact on both existing and future residents and visitors. 	<p>See comments above.</p>

When these details were provided to Lympne Parish Council a date was set out by which they should respond, otherwise it would be assumed that this additional detail has resolved their concerns. No further comments have been received as such it is considered that the Parish Council have no objections to the application.

21. **Stanford Parish Council** – no comments received.
22. **KCC Highways and Transportation** – raises no objection and makes the following comments:

The proposal seeks to make amendments to the approved application, which include: revised office location, revised weighbridge location, revised cycle store and additional HGV parking.

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Condition 24 restricts the hours of deliveries between 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays.

Condition 28 restricts the total number of vehicle movements to 168 two-way movements.

The submitted details confirm that no changes are to take place to these arrangements as a result of the current S73 application.

It is noted that the application seeks to align the waste streams with the Environmental Permit which remains unchanged at 75,000 tonnes per annum I am minded to accept that the proposed S73 application to vary conditions 3, 21, 25 and 27 will not have a material impact on the local highway network. Therefore, I am minded to accept that the above conditions are varied.

23. **KCC Flood and Water Management (as Lead Local Flood Authority)** – raises no objection and state that:

it is noted that none of the referenced conditions pertain to surface water. Furthermore, the submission confirms that 'approved details will continue to be adhered to,' indicating that the previously approved Surface and Foul Drainage Scheme remains in effect.

24. **KCC Public Rights of Way (East Kent PROW Team)** – no comments to make on the application.

25. **National Planning Casework Unit** – no comments received.

26. **Folkestone & Hythe District Council Environmental Health Officer** – no comments received.

27. **Environment Agency (Kent Area)** – no objection but provides the following comments:

The revised locations of infrastructure and the additional HGV parking do not require comment from us as they are not in a Flood Zone.

The change to the types of waste to be imported is more of a permitting issue and seems to have already been permitted as stated in the submitted Environmental Statement Addendum by SLR. The minor revision from the currently approved commercial and industrial (C&I) waste stream to include a small amount of household waste to be handled in the MRF seeks to align the planning permission with the EA Environmental Permit for the site and will provide a contingency for Local Authority waste disposal.

28. **Kent County Council Ecological Advice Service** – raises no objection and makes the following comments:

A badger survey has been submitted and it has confirmed that there continues to be a main sett within the SE corner of the site and evidence of a sett on the southern boundary which at the time of the survey was considered unoccupied.

We advise that an insufficient survey has been submitted to demonstrate that the second sett is unoccupied as there would be a need for a camera survey to have been carried out. However we accept that updated surveys are not required.

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We have reviewed the proposed layout and it appears that landscaping is proposed within the areas adjacent to the setts (both active and considered disused). Satellite imagery (dated September 2025) suggests that the majority of the site, bar the wooded boundary, is bare ground.

We therefore assume that only landscaping works would be implemented within that area, there would be no piling or trenches within 30m of the known setts for the proposed buildings.

We advise that the landscaping works must be carried out under supervision of an ecologist. Based on this assumption we are satisfied that no further badger surveys are required.

We recommend that a detailed landscaping plan is submitted as a condition if planning permission is granted. We recommend that the landscaping is designed to benefit foraging badgers.

29. **Natural England** – no comments to make on the application.
30. **Kent Downs National Landscape** – no comments to make on the application but reminds the County Planning Authority of their obligations under the new statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes. The Kent Downs National Landscape team recommends that to help fulfil the new statutory duty, the County Planning Authority should ensure that the decision is consistent with relevant national and local planning policy and takes into account the aims, objectives and principles set out in the Kent Downs AONB Management Plan and its associated guidance documents.

Local Members

31. The local County Member for Elham Valley – Christopher Hespe, and adjoining Member for Hythe West - Peter Osborne were notified of the application on 16 September 2025. No comments have been received.

Publicity

32. The application was publicised by the posting of a site notice, and an advertisement in a local newspaper (Folkestone & Hythe Express, 25 September 2025).

Representations

33. One letter of representation has been received which set out the following:

Work to implement the Material Waste Recycling Facility (MRF) started in February this year (2025). I note now that a large (size of a house), silver, cylindrical tank has appeared next to the completed MRF, close to the A20. This is not on any published plans. The development's impact on the landscape was an important consideration when determining the application. Has the addition of the tank been approved?

When the current application was originally submitted 3 x proposed water tanks were shown on the submitted plans. These tanks are a requirement of the Environmental

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Permitting regime which requires that an EA approved site-specific Fire Prevention Plan (FPP) be in place to minimise and extinguish fire in a possible fire event. The applicant has since decided to replace the 3 tanks with 1 large tank holding the same overall capacity (500m³). The use of the tank provides a more efficient water discharge for the site's fire suppression system in accordance with the EA approved plan. The revised site plan showing the single tank can be seen on the plans on page C1.4 and for the revised tank on page C.1.5. I will comment further on the proposed water tank in the discussion below.

Discussion

34. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are 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, the National Planning Policy Framework, National Planning Policy for Waste and other Government Policy and any other material planning considerations. In considering this proposal the planning policies outlined in paragraphs 13-17 above are particularly relevant.
35. The proposed development is seeking to vary conditions 3, 21, 25 and 27 of SH/08/124, a consented waste management development, in order to make changes to the approved site layout, including adjustments to the locations of the office, weighbridge and cycle parking, additional HGV parking to improve internal circulation and avoid queuing on the A20. No changes are proposed to the site boundary, access arrangements, or the maximum number of HGV movements, which remains restricted to 168 per day. All previously approved details including, amongst others, drainage, landscaping and contamination investigations remain unchanged.
36. The key element of the application is the proposed revision to the permitted waste streams to now include an element of household (black bag) waste importation to the Materials Recycling Facility (MRF), to complement the already approved commercial and industrial waste, mixed recycling and green waste imports. The total MRF throughput would remain capped at 75,000 tonnes per annum (tpa) as required by condition 33 of SH/08/124, as such there would be no increase in waste volumes over what is already permitted.
37. The application is being reported to the Planning Applications Committee as result of the objection from Sellindge Parish Council, no other objections have been received.
38. KMWLP Policies CSW1 and the National Planning Policy Framework (NPPF) reflect sustainable development objectives and provide for applications for waste development that accord with the development plan to be approved without delay, unless material considerations indicate otherwise.
39. The original application (SH/08/124) fell within the description of paragraph 11(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (Installations for the Disposal of Waste) and was deemed to be EIA development as it was considered that the application would be likely to have significant effects on the environment because of its nature, size and location. The application was accompanied by an Environmental Statement (ES). The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are clear that

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if a Section 73 application is submitted that seeks to vary an application that was originally considered EIA development, then an ES must also accompany the new application. The ES Addendum received with the application has been assessed and considered appropriate to enable the Planning Authority to determine the application.

40. The key material planning considerations in this case include:

- Principle & Need, including consideration of the strategic settlement, Otterpool Park;
- Transportation Matters;
- Amenity incorporating Heritage Matters;
- Landscape and Visual Impact incorporating Design and Siting Considerations; and
- Existing controls.

Principle & Need

41. Paragraphs 7-14 of the NPPF (2025) sets out national policy on achieving sustainable development, including the three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways. The presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 85 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

42. The NPPF requires planning decisions to ensure new development can integrate with existing business. Where there are significant adverse effects the applicant should be required to provide suitable mitigation as part of the development and before the development is completed. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes, as in this case where an Environmental Permit would be monitored and enforced by the Environment Agency). Planning decisions should assume that these regimes will operate effectively, and Members should note that the applicant has secured a new Environmental Permit to take into account the changes proposed in this application.

43. Policy CSW1 of the adopted KMWLP sets out that when considering waste development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

44. Policy CSW2 of the adopted KMWLP requires developments to help drive waste to ascend the Waste Hierarchy whenever possible to aid the delivery of sustainable waste management solutions for Kent. Policy CSW2 also requires proposals for waste management to demonstrate how the proposed capacity will ensure that waste to be managed at the facility will be managed at the highest level of the waste hierarchy as practicable.

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45. The application of the Waste Hierarchy is a legal requirement under the Waste (England and Wales) Regulations 2011. It seeks to ensure that waste is managed sustainably and ranks waste management options according to what is best for the environment. In the UK, the waste hierarchy prioritises waste management options as follows:

- a) Prevention: Avoid creating waste in the first place.
- b) Preparation for re-use: Reuse products and packaging.
- c) Recycling: Recycle materials.
- d) Other Recovery: Use waste for energy recovery.
- e) Disposal: Landfill as last resort.

46. The premise of the operation is to help drive waste up the waste hierarchy.

47. Housing growth across Kent is increasing demand for facilities to provide waste disposal capacity, including additional black bag waste capacity, with many existing facilities now needing replacement or expansion. The need for a new waste transfer site to address the critical lack of capacity within the Folkestone and Hythe District was identified in the evidence base for the KCC 3 Developer Contribution Guide – Appendix 18 Waste Disposal and Recycling. This planning application to allow a proportion of the existing permitted capacity to be made available for black bag waste could go some way towards meeting the planned growth in the Folkestone and Hythe district including for the proposed Otterpool Park Development should it be built out.

Otterpool Park Development

48. Before discussing the main issues of this proposal, it is important to outline the current situation regarding the land surrounding the application site. The site is located at the centre of a proposed new town development, known as the Otterpool Park Development, which is allocated in the local plan for a new garden settlement (Policies SS6-SS9 of the Folkestone and Hythe District Council Core Strategy Review 2022). An outline planning application for the development of the new garden settlement was considered by the District Council in April 2023, and a resolution to grant outline planning permission was agreed on 4 April 2023, subject to the completion of a legal agreement to secure highway improvements and community infrastructure, among other matters, and the final decision being notified to the Secretary of State. Negotiations between the various parties to the legal agreement are ongoing and it has yet to be completed.

49. The Otterpool Park development proposal comprises 8,500 homes; up to 29,000 m² of retail and related uses; up to 87,500 m² of employment floor space, including commercial business hubs, a commercial business park, and a light industrial park; up to 67,000 m² of education and community facilities; up to 8,500 m² of hotel floor space; and 8,500 m² of leisure floor space. The build-out of the Otterpool development would take place in phases over an estimated period of 30 years, with details pursuant to the outline consent required for each phase. The existence of an extant planning permission for the permitted waste facility at Otterpool Quarry is recognised in the Folkestone & Hythe Core Strategy, and the outline application includes two alternative parameter plans, one incorporating retention of the waste facility and one without it.

50. Notwithstanding this, I note the District Council's concerns regarding the potential impact of KMWLP Policies CSW16 and DM8 and the buffer zone required between the

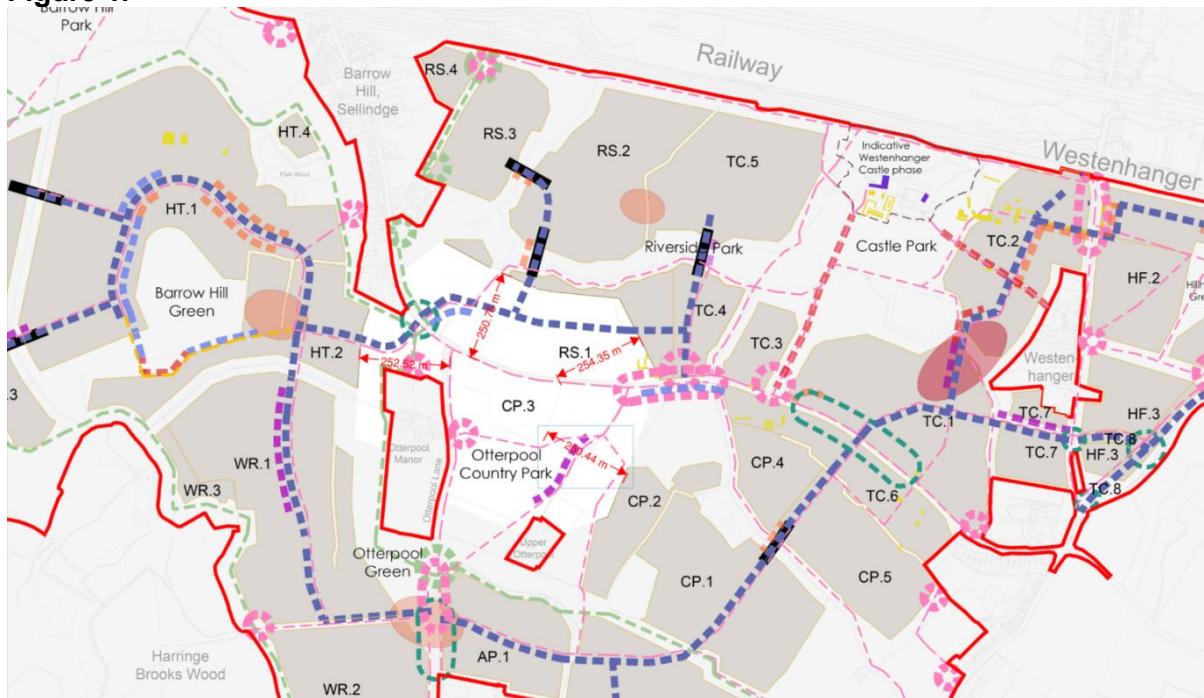
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Otterpool Quarry site and the proposed development areas. I also note that FHDC have concluded that if the Waste Planning Authority is satisfied that the proposal to accept household waste would not require the 250m buffer zone to be extended, then this would address their concerns. I further note Sellindge Parish Council's comment regarding a lack of consideration in the application of the cumulative impacts with the Otterpool Park development.

51. In respect of these considerations, I am mindful that whilst, there is a resolution to permit the Otterpool Park development, there is currently no planning permission in place, nor are there finalised plans in place for the development. I also note that further changes are proposed to the Otterpool Park application, which will be submitted and considered by the District Council later this year. Without detailed Otterpool Park plans in place, it is not possible to definitively say what the buffer width would need to be, so I would advise that the 250m baseline as set out by KMWLP Policies CSW16 and DM8 is the appropriate buffer at this time. This distance has been accepted by the Planning Inspectorate when examining the KMWLP safeguarding policies as an appropriate tool and distance to consider impacts from potential competing land uses. In the future and once detailed information is available for the Otterpool Park development, it may be possible to reduce the buffer.
52. Crucially though, the 250m buffer zone would be the same with or without the current planning application to amend the waste types that is before Members. Only when detailed plans are prepared for the Otterpool Park development will it be possible to assess the developments together. As the application before the County Council is likely to be determined first, in my view, the onus is upon the District Council to have regard to the waste management site and any approved development at Otterpool Quarry, when considering subsequent final residential plans. This is provided for in the parameter plans that form part of the current Otterpool Park application.
53. Figure 1 below highlights the former Otterpool Quarry site (CP3) and shows the 250m buffer zone in all directions. Members will note that the 250m buffer zone extends from the boundary of the former Otterpool Quarry, not the site boundary approved by SH/08/124, as such the buffer zones towards proposed residential areas to the northwest and west would be well in excess of 250m. Sites to the south west would also have existing woodland located in between.

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Figure 1.



54. Kent Minerals and Waste Local Plan (KMWLP) Policies CSW16 and DM 8 recognise that existing waste management sites should be protected and it is important these sites are not sterilised or lost, especially in light of the current and projected house building within the District. It is recognised that the Otterpool Park development is an allocated site within the Local Plan, however, I am also conscious that a waste management consent has existed on the Otterpool Quarry site prior to the Local Plan allocation and was therefore considered in the District Council's local plan work to allocate the site and in preparing the current planning application. Whilst details of the Otterpool Park development are not yet consented, it is important to find a way for neighbouring land uses to satisfactorily coexist together. Positively, there are numerous examples across the County where it has been demonstrated that it is possible for waste operations to successfully coexist alongside residential properties, not least at the current waste operation at Ross Way, Folkestone.

55. Condition 33 of the approved planning permission SH/08/124 limits the import of waste to site to 75,000tpa. It is considered that the site layout demonstrates that the site is of adequate size and arrangement to accommodate the facility proposed and enable safe and efficient access, turning and egress of vehicles. I am also mindful that in the event that this application is refused, the approved Anaerobic Digestion (AD) plant could still be constructed which in itself is permitted to import an additional 20,000tpa of waste, albeit within the same overall limit on daily HGV movements. Indeed it is noted that SH/08/124 was approved on the basis that a total of 95,000tpa of waste could be imported to the site.

56. I understand that it is not anticipated that the AD plant will be brought forward so the overall envelope of waste imports is likely to be the approved 75,000tpa for the MRF activity. However, a 95,000tpa waste management activity, along with the respective transport and amenity impacts was considered acceptable in planning terms. Notwithstanding the proposed strategic site, this is the consented fallback position for

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the waste management activity on the site. There is policy support for the provision of sustainable waste management facilities and the need for an additional waste transfer facility to accommodate growth within Folkestone and Hythe district has long been identified. Continued growth within the district, and with the 8,500 additional houses proposed for the adjacent new garden settlement that need will be even greater. I am content that subject to the consideration of the development against other relevant Development Plan policies and material considerations, including those set out below, the changes proposed for the MRF facility would receive in principle support. The proposed development is considered to be in line with national and local planning policy and is in terms of principle, need and sustainability considered to be acceptable.

57. Given that there is no requirement in KMWLP policy or national planning policy to demonstrate need for additional capacity, and KMWLP policy is enabling of new capacity, I consider that the proposal would be in accordance with KMWLP Policies CSW2 and CSW4. I therefore give this significant weight. Should Members approve the application I recommend that, save for conditions being varied, all the existing controls of SH/08/124 be reimposed, however, it is still necessary to assess the application in terms of transportation, amenity matters (incorporating heritage), landscape and visual impact (incorporating design and siting considerations) and the existing controls in place.

Transportation Matters

58. The NPPF and National Planning Practice Guide (NPPG) collectively emphasise the importance of ensuring that developments are appropriately located and designed to support sustainable transport modes, minimise traffic impacts, and maintain highway safety. In particular, paragraph 116 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact (on highway safety) or the residual cumulative impacts on the road network would be severe.
59. In addition to national guidance, the KMWLP, including policies CSW6 and DM13, promote sustainable transport solutions for waste development, encouraging the use of routes that minimise environmental and community impacts, and requiring proposals to demonstrate safe and suitable access arrangements, for the sustainable transport of minerals and waste. Folkestone & Hythe Places and Policies Local Plan and Folkestone & Hythe Core Strategy Review policies also support infrastructure that aligns with strategic growth while safeguarding transport networks from undue pressure, particularly in rural and edge-of-settlement locations. This includes detailed development management criteria, including the need for transport assessments and mitigation measures where development may impact highway capacity or safety. Collectively, these policies require that waste related proposals are well integrated with the existing transport infrastructure, do not compromise highway safety, and contribute positively to the district's spatial and environmental objectives.
60. I acknowledge that Sellindge Parish Council are concerned about the risk of HGV queuing and highway safety onto the A20 and that the site layout drawing confirms that only "9 HGV parking spaces" are provided within the operational area. I can confirm that the development actually proposes 14 spaces in total, an increase of 5 over that which was originally approved, see the site plan on page C1.4. The application proposes no change over the already approved vehicle numbers and the existing condition controlling vehicles numbers would not change.

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61. KMWLP Policy DM13 requires proposals for waste development to demonstrate that emissions associated with road transport are minimised, and where road transport is required that: (1) they demonstrate that access arrangements are safe and appropriate and traffic is not detrimental to road safety; (2) that the highway network can accommodate traffic flows, that traffic doesn't have an adverse effect on the environment or community; and (3) emission reduction measures are taken including scheduling movements to avoid peak hours. The site is not in, or in close proximity to, an Air Quality Management Area (AQMA).
62. Kent County Council Highways & Transportation were consulted on the application and do not object or raise concerns about vehicle movements or highways safety. This also complies with Policies T2 and T4 of the Folkestone & Hythe Places and Policies Local Plan.
63. Given there would be no increase in vehicle movements from the consented development and KCC Highways & Transportation have no objection to the proposed development. I consider that the proposed access arrangements are safe and appropriate, and that the highway network is able to accommodate these traffic flows. Moreover I am also mindful that the proposal increases the number of HGV parking spaces on site by 5, further reducing the risks of vehicles impacting the public highway. Members should also note that the overall numbers of HGV movements has already been considered and approved by SH/08/124 and the existing condition 28 restricting movements to 168 (84in/84out) would not change.
64. Therefore, I consider that the proposed development would be in accordance with KMWLP Policy DM13 and consistent with the locational criteria of KMWLP Policy CSM8 and Policy CSW6 and KMWLP Policy DM11 in terms of unacceptable adverse impacts on road safety or congestion from traffic. It would also be consistent with National Planning Policy for Waste (NPPW) and the locational criterion (f) regarding suitability of the road network and policies T2 and T4 of the Folkestone & Hythe Places and Policies Local Plan.

Amenity incorporating Heritage Matters

65. National planning policy, as set out in the NPPF and NPPW, requires that the effects of pollution—including air quality, dust, and odour—on health, the natural environment, and local amenity are considered in planning decisions. The NPPF emphasises that the focus of planning policies and decisions should be on whether a proposed development is an acceptable use of land, rather than the control of emissions or processes where these are subject to separate pollution control regimes. Planning decisions should assume that these regimes will operate effectively. The NPPW reinforces this approach, highlighting the importance of locating and designing waste facilities to minimise emissions and impacts on sensitive receptors. It also recognises the role of the environmental permitting regime (regulated and monitored by the Environment Agency) which operates alongside planning to regulate emissions and ensure operational compliance.
66. Local planning policy supports the protection of public health and amenity from air pollution, dust, and odour. The KMWLP requires waste proposals to demonstrate effective control of emissions to air and to avoid unacceptable impacts on nearby uses. KMWLP Policy DM11 provides for waste development where it is demonstrated that there are unlikely to be unacceptable adverse impacts from odour emissions to air and

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from noise and vibration. The FHDC Core Strategy promotes development that maintains high environmental standards, while the FHDC Local Plan includes policies requiring that proposals do not result in adverse effects on the amenity of occupiers or the surrounding area.

67. The application is supported by the site's updated Odour Management Plan (OMP) approved by the Environment Agency under the revised Environmental Permit and this details the proposed inclusion of black bag waste imports. The OMP recognises that activities at the MRF may result in the release of fugitive odour emissions, which have the potential to diminish amenity in the local area and as such sets out the measures to control activities at the facility in order to prevent or mitigate potential odours. The OMP provides a proactive approach to the effective management of odour during site operations. The OMP sets out the potential sources of odour at the facility, the measures in place to control odour generation and monitor releases, and the management and monitoring actions that will be undertaken. The determination of receptor sensitivity and odour emission magnitude has been determined with reference to the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Odour for Planning.
68. The submitted OMP sets out a series of odour mitigation measures which would be employed at the site, these are summarised as follows:

Site Design and Containment

- *The MRF is fully enclosed, providing primary odour containment*
- *Fast-acting roller shutter doors, preventing through-draughts; kept closed except for vehicle movements*
- *Impervious flooring and sealed drainage system across the building*
- *Passive ventilation via louvres considered sufficient due to short waste retention times*

Waste Storage & Management

- *All waste stored inside the enclosed MRF building*
- *Segregated, clearly labelled bays and enclosed containers for different waste streams (general waste, food waste, green waste, clinical waste, sharps etc)*
- *Maximum retention times to avoid decomposition:*
 - *General waste: ≤ 5 days (typically 2–3 days)*
- *FIFO (First-In First-Out) system to prevent long-term accumulation*
- *Maximum on-site storage limits enforced: up to 1,500 tonnes total; food and clinical waste capped at 50 tonnes each*

Operational Controls

- *Visual inspection of all loads upon arrival and during tipping; non-compliant or abnormal loads rejected or isolated*
- *Highly odorous loads prioritised for rapid tipping to reduce exposure*
- *Sheeted or sealed vehicles*
- *Good housekeeping regime, including:*

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- *Daily sweeping*
- *Weekly wash-downs*
- *Immediate spill clean-up (and logging of incident)*
- *Regular litter-picking*
- *Odour masking sprays installed within the MRF building*
- *Backup machinery available to prevent operational delays that could lead to prolonged waste storage*

Monitoring & Inspections

- *Routine boundary sniff testing following the Environment Agency guidance within 'Odour Management: comply with your environmental permit' published 3 December 2025. Increased frequency if issues arise.*
- *Regular checks on:*
 - *Door operation*
 - *Waste volumes vs permitted maximum*
 - *Condition of containers and bays*
- *Meteorological data (wind direction/speed, temperature) logged when complaints arise or during investigations*
- *Comprehensive daily and weekly records, including operational issues, inspections, odour detections, and remedial actions.*

Contingency Measures

- *Procedures in place for abnormal events, including:*
 - *Power failure → doors closed manually, operations suspended, deliveries diverted*
 - *Door damage → rapid contractor response*
 - *Flooding → rapid waste removal, potential cessation of operations*
 - *Staff shortages → stop receiving waste*
 - *Extreme weather → snow clearance, waste diversion*
- *Upon odour detection at the perimeter:*
 - *Immediate investigation to identify source*
 - *Implementation of corrective actions*
 - *Follow-up monitoring until odour ceases-up monitoring until odour ceases*

Complaint Handling & Community Engagement

- *Dedicated public contact number available*
- *Complaints logged using formal Odour Complaint Form and investigated promptly*
- *Feedback provided to complainant and EA updated as required*
- *Continued engagement with local community, including updates if odour issues are anticipated.*

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69. Whilst I note the odour concerns raised by Sellindge Parish Council, it is not considered that the introduction of black bag waste as a proportion of the overall approved throughputs, would result in materially different impacts to the currently approved waste types. The waste is proposed to be deposited within an enclosed building, only when the doors are shut and there would be no external storage of waste permitted. I am also aware that the applicant has varied its Environmental Permit with the Environment Agency to account for this change and would have to comply with the Odour Management Plan (including the controls set out above) approved by that Permit, and as such I am satisfied that there would not be overriding concerns in odour terms to warrant refusal of the planning application. Furthermore, there would be no overnight operations, or operations after 1pm on Saturdays, and at any time on Sundays or Bank and Public Holidays and as such odour impacts would be negligible at these times.

70. I am also mindful that the base permission SH/08/124 permitted an Anaerobic Digestion (AD) Plant, and whilst I understand that this is not proposed to be brought forward at this time, the applicant is within their rights to complete this development. Whilst there would not be a detrimental amenity impact as a result of the AD plant becoming operational, I am mindful that these plants can generate a low level of continual odour, and the AD plant can operate 24 hours a day (the controls over deliveries of waste for the AD plant are the same as the MRF though), as such, and when looked at in combination with the proposal to allows imports of up to 25,000tpa of black bag waste, I do not consider that there would be any overriding odour concerns should the MRF operate in accordance with the mitigation measures set out in the OMP and Environmental Permit.

71. I note that the EA had no objection to the proposed changes in waste throughputs to the site and no comments have been received from the FHDC Environmental Health Officer and as such, and based on the proposed odour mitigation measures set out above, there are no compelling reasons to raise an objection to the proposed development on the grounds of odour. In order to ensure the development is in accordance with KMWLP Policy CSW4 and Policy DM11 I recommend that the existing conditions in relation to the site operating in accordance with the approved odour mitigation measures be updated to include the new Odour Management Plan. It would also be consistent with National Planning Policy for Waste (NPPW) locational criterion (h) in that potential adverse odour emissions can be controlled through use of appropriate and well-maintained equipment. I consider that the proposed development would not generate unacceptable adverse impacts from odour as a result of the proposed importation of black-bag waste and so would be in accordance with KMWLP Policy DM11.

72. Paragraph 207 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 210 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Policy DM5 of the Kent MWLP states that proposed developments should result in no unacceptable adverse impact on Kent's historic environment. Whilst I note that there are two Grade II Listed Buildings, within 250m of the site, I am also aware that the impact on these was

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considered at the time of the original application. There would be no significant changes to the amount of built development on site as a result of this application, and as such, I do not consider there to be any further impact on these buildings to that which has already been considered.

73. No objections have been received from consultees, on heritage grounds and I am satisfied that this application would not have an overriding negative impact on any heritage assets, and it would accord with the NPPF and KMWLP in relation to conservation and heritage assets.
74. Members should note that all other matters relating to amenity in terms of noise and dust were considered at the time of the original application and it is not considered that there will be any discernible change as result of this planning application now, the only further consideration is with regards the introduction of a proportion of black bag waste imports, totalling 25,000tpa of the overall 75,000tpa (the overall limit of 75,000 tpa which would not change as a result of this application).

Landscape and Visual Impact incorporating Design and Siting Considerations

75. Policy DM1 of the KMWLP states that proposals for waste development will be required to demonstrate that they have been designed in accordance with best practice to protect and enhance the character and quality of the site's setting or mitigate and if necessary compensate for any predicted loss. Policy DM2 of the KMWLP states that proposed developments will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function of sites of international, national and local importance.
76. Whilst the site is not located within the Kent Downs National Landscape it does range between 2km to 1.2km from its boundaries. The NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty of National Landscapes and states the scale and extent of development within these areas should be limited (also applicable to the setting of such landscapes). It states permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
 - a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
77. It should also be noted that Section 245 of the Levelling-up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Landscapes in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty. The Department for the Environment, Food and Rural Affairs (DEFRA) published new guidelines in December 2024 - "Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes", which requires the relevant authority to take active steps to explore appropriate, reasonable and proportionate measures which further the statutory purposes of protected

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landscapes. There are only very minor changes to the permitted built developments on site, and full consideration of landscape impacts were made at the time of the original application, and considered to be acceptable. I am satisfied that the proposed changes on site would not constitute any discernible change of impact upon the National Landscape over what has already been considered acceptable in planning terms.

78. In addition to the change in waste type to incorporate a household waste stream that can be managed at the site, the proposed development proposes a number of relatively minor changes to the approved layout and these include the following:

Relocation of the:

- Approved office building to move further south from the northern boundary to be adjacent to the MRF building.
- Weighbridge to move further south away from the site entrance.
- Cycle store to be located between the western site boundary and the office building.
- Additional 5 HGV parking spaces.
- New water tank immediately adjacent to the northern façade of the MRF.

79. I am satisfied that the proposed design and layout changes and the changes in waste type would have negligible implications in landscape terms. The overall site layout, building forms, and massing remain largely unchanged, the existing structures would not be of a different scale, height or external appearance that might affect landscape views, and there would be no extension of the site boundaries or encroachment into new landscape areas. The location of the approved existing buildings (MRF, AD plant and Finished Product Building) would remain the same as was previously assessed at the time of the original application. In addition the proposed changes including additional HGV parking spaces, the weighbridge to be moved further south into a more central site location and away from the site entrance, would further reduce the potential for vehicles backing up towards the site when entering the facility; and the office building would move further south to be adjacent to the MRF and thus concentrating the built development in this area into a more cohesive unit; all of which are considered measures that would represent an amelioration of the existing permission.

80. The applicant has also provided revised information pertaining to the originally proposed (x3) water tanks. These tanks are a requirement of the Environmental Permitting regime which requires that an EA approved site-specific Fire Prevention Plan (FPP) be in place to minimise and extinguish fire in a possible fire event. Three water tanks were originally proposed and the applicant has since decided to replace the 3 tanks with 1 large tank holding the same overall capacity (500m³). The use of the tank provides a more efficient water discharge for the site's fire suppression system in accordance with the EA approved plan. The tank can be seen on the site plan on page C1.4, the tank has been installed and the applicant is now seeking retrospective approval for it as part of this application. The tank, whilst large in size, sits adjacent to the northern façade of the MRF, it does not extend beyond either the sides of MRF building or above the roofline. It is currently finished in galvanised steel and I would recommend that a condition be included that requires the tank to receive the same colour treatment (green) as the MRF building. This would ensure that the potential impacts in landscape terms of the tank to be negligible and it would be virtually indistinguishable when considered within the context of the building and the existing

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boundary landscaping. Should Members be minded to approve the application, I recommend a condition be included that requires the tank to receive the same external colour treatment as the MRF building.

81. The KCC Ecological Advice Service (EAS) were consulted on the application and have acknowledged that some minor landscaping works are proposed within the areas adjacent to known badger setts (both active and considered disused) in the southwest corner of the site. Badger Satellite imagery (dated September 2025) suggests that the majority of the site, bar the wooded boundary, is bare ground. Additional badger mitigation measures were approved under planning permission KCC/SH/0095/2015. The landscaping works would be implemented only within that area and there would be no piling or trenches, associated with the approved buildings, within 30m of the known setts. KCC EAS have advised that landscaping works must be carried out under supervision of an ecologist and on this basis are satisfied that no further badger surveys are required. They further recommend that a landscaping plan is submitted as a condition if planning permission is granted this must be designed to benefit foraging badgers. I recommend that Members approve this additional condition.
82. The development must also be considered in the context of the Otterpool Park Local Plan allocation, which benefits from a resolution to grant outline planning permission by Folkestone & Hythe District Council. While it cannot be guaranteed that Otterpool Park will come forward, the planning status and associated infrastructure proposals suggest it is reasonable to assume its delivery. This would result in major redevelopment of land surrounding the site and with this in mind, the proposed development would also be considered acceptable.
83. I am satisfied as a result of the site layout changes proposed, that the landscape and visual impacts, taking into account the existing approved landscaping and the enhanced landscape scheme and colour treatment of the water tank that the impact of the development would be acceptable. The proposal would meet the duty to further the statutory purposes of the National Landscape by mitigating impacts to an appropriate level that protects its setting.
84. Therefore, based on the above assessment of the proposals and noting no objections were received on landscaping grounds, I am satisfied that the proposed development would not give rise to an unacceptable effect on any landscape related planning designations and the proposed changes to the site layout are also considered acceptable. Overall, there is no reason why the landscape and visual effects arising from the proposed development should be regarded as unacceptable. No objections have been received from technical consultees and on this basis, I would not raise any objections on landscape and visual amenity grounds subject to the conditions discussed above. I am satisfied therefore that the proposed development would be acceptable in landscape and visual impact terms and accords with the NPPF, Kent Minerals and Waste Local Plan and as such, I am satisfied that the development accords with relevant development plan policies relating to landscape and visual considerations.

Existing Controls

85. All other matters relating to planning considerations outside those discussed above would remain in force and controlled by the existing conditions on SH/08/124. These

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conditions would be reimposed in full should permission be granted for this application. These include, but are not limited to:

- Fencing and lighting;
- Surface water drainage;
- Contamination;
- Air Quality;
- Noise;
- Operating hours;
- Daily HGV movements;
- All vehicles to be sheeted;
- No waste to be tipped into the reception building until such time that the doors are closed; and
- Waste throughput levels.

86. None of these matters previously approved by SH/08/124 would change as a result of this planning application and given these matters were previously assessed and considered by Members at the time of the original application, I am satisfied that there is no requirement for further consideration of them now.

Conclusion

87. The application seeks to vary conditions 3, 21, 25 and 27 of planning permission SH/08/124 to allow throughputs of up to 25,000tpa of black bag waste, within the existing consented threshold of 75,000tpa. Alongside a series of minor amendments to the approved site layout, including a new water tank, adjustments to the locations of the office, weighbridge and cycle parking and 5 additional HGV parking spaces.

88. The site is a permitted waste management facility under SH/08/124 and the MRF building has largely been constructed, although it is not yet operational. There is no requirement in KMWLP policy or national planning policy to demonstrate need for additional capacity, in this case for additional black bag waste, and it is noted that KMWLP policy is enabling of new capacity. I consider that the proposal would be in accordance with KMWLP Policies CSW2 and CSW4, through contributing to and maintaining provision of capacity and for moving waste management up the waste hierarchy. Should Members approve the application I recommend that, save for conditions being varied and suggested new conditions as aforementioned, that all the existing controls of SH/08/124 be reimposed, as set out below.

89. No objections were received from Kent County Council Highways & Transportation on highway safety grounds or on impacts to the road network. Therefore I consider that the highway network is able to continue to accommodate the approved traffic flows and access is safe and appropriate to the scale of movements. It is also noted that the existing planning controls over the number of HGV movements would continue i.e. 168 (84in/84out) HGV movements in any one day.

90. The proposed development would introduce a new waste stream (black bag waste) to the permitted MRF, which has the potential to generate additional odour. The applicant has provided an updated Odour Management Plan, which has also been approved by the EA for the operator's updated Environmental Permit, this contains a significant number of odour mitigation measures as set out above. I note that the EA

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had no objection to the proposed changes and no comments have been received from the FHDC Environmental Health Officer.

91. Odour emissions would be controlled adequately through the implementation of the approved Odour Management Plan and I consider that the proposed development would not generate unacceptable adverse impacts from odour as a result of the proposed importation of black bag waste and so would be in accordance with KMWLP Policy DM11. Members will recognise that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes, as in this case where an Environmental Permit would be monitored and enforced by the Environment Agency). As such, and based on the proposed odour mitigation measures set out above, there are no compelling reasons to raise an objection to the proposed development on the grounds of odour.
92. There are very minor changes to the permitted built development on site, and full consideration of landscape impacts were made at the time of the original application, and considered to be acceptable. I am satisfied that the proposed changes on site would not constitute any discernible change of impact upon the National Landscape. Indeed I am satisfied that the proposed layout changes would represent an improvement in landscaping terms particularly by the relocation of the approved office building close to the MRF building thus concentrating the built development into a more cohesive unit. I note the introduction of the additional water tank to the northern boundary of the MRF building would be an additional structure however, providing the tank is finished in the same colour treatment as the adjacent MRF, I do not consider it would generate any additional impact in landscaping terms. I am satisfied as a result of the site layout changes proposed, that the landscape and visual impacts, taking into account the existing landscaping, the proposed additional landscape scheme, and colour treatment of the water tank, would be acceptable.
93. Overall, there is no reason why the landscape and visual effects arising from the proposed development should be regarded as unacceptable and I do not consider there would be any impact on listed buildings, over and above what has already been considered acceptable in planning terms. No objections have been received from technical consultees and on this basis, I would not raise any objections on landscape and visual amenity grounds subject to the conditions discussed above. I am satisfied therefore that the proposed development would be acceptable in landscape visual impact terms, and in matters of a heritage, and accords with the NPPF, Kent Minerals and Waste Local Plan.
94. Whilst, there is a resolution to permit the Otterpool Park development, there is currently no planning permission in place, nor are there finalised plans in place for the development. Without detailed plans in place, it is not possible to definitively say what the buffer would need to be between the proposed development and Otterpool Park, so I am satisfied that the 250m baseline as set out by KMWLP Policies CSW16 and DM8 is the appropriate buffer at this time. This distance has been accepted by the Planning Inspectorate when examining the KMWLP safeguarding policies as an appropriate tool and distance to consider impacts from potential competing land uses. Importantly though, the 250m buffer zone would be the same with or without the current planning application to amend the waste types that is before Members. Only when detailed plans are prepared for the Otterpool Park development will it be possible to assess the developments together. As the application before the County

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Council is likely to be determined first, in my view, the onus is upon the District Council to have regard to the waste management site and any approved development at Otterpool Quarry, when considering subsequent final residential plans.

95. Members will also have noted that the 250m buffer zone extends from the boundary of the former Otterpool Quarry, not the site boundary approved by SH/08/124, as such the buffer zones towards proposed residential areas to the northwest and west would be well in excess of 250m. Sites to the south west would also have existing woodland located in between. As such I am satisfied that there are no compelling reasons to refuse the application on the grounds of impacts on the future Otterpool Park development.
96. Having considered the evidence submitted with the application and additional information provided by the applicant during my consideration of the application, and the recommendations of the technical consultees, I am satisfied that the application would represent sustainable development and could be controlled by the imposition of conditions, such that it would not have unacceptable or significant impacts on the local land uses.
97. I am satisfied that, subject to the conditions included in my recommendation below, the application accords with the development plan and there are no material planning considerations that indicate the application should be refused. I therefore recommend planning permission be granted and the relevant conditions of SH/08/124 be varied.

Recommendation

98. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the reimposition of the existing conditions from permission reference SH/08/124, amended as appropriate (see full SH/08/124 decision notice below at Appendix 1), and changes to conditions 3, 21, 25 & 27 as set out below and the inclusion of the two additional conditions to address landscaping and the water tank:

Amended Conditions

3. The development to which this permission relates, shall be carried out and completed in all respects strictly in accordance with the submitted documents and site layout drawing OP12 Rev. C dated September 2024 and LPCB Approved Sprinkler Tank 500m³ drawings (Sheets 1-4), together with any subsequent amendments which may be approved by the Waste Planning Authority.
21. Odour management shall be carried out in accordance with the mitigation measures specified in section 5.4, pages 23 and 24, of the Air Quality Assessment dated December 2007 and the Odour Management Plan (Version 3) dated May 2024, and operate in accordance with a negative air pressure system to prevent any fugitive emissions from any of the buildings proposed to be erected on site.
25. The buildings hereby permitted shall not be used for any purpose other than specified in the application documents set out in Schedule 1 and within the Planning Application Statement (Revision: Final_v2) dated 12 May 2025, nor shall the building(s) be altered to accommodate any other use, together with any

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subsequent amendment which may be approved by the Waste Planning Authority.

27. No more than a total of:

32,000 tonnes per annum of Commercial & Industrial Waste;
25,000 tonnes per annum of Domestic Black Bag Waste;
11,500 tonnes per annum of Dry Mixed Recycling; and
6,500 tonnes per annum of Green Waste.

shall be imported to and processed at the MRF site in any calendar year. Records detailing the quantities and nature of waste types imported to the site shall be maintained for the life of the facilities hereby permitted and shall be made available for inspection at any reasonable time following a request from the Waste Planning Authority. The 20,000 tonnes per annum of compostable waste permitted to be imported under condition 32 shall only be processed via the Anaerobic Digestion Plant.

New Conditions

- Submission and approval in writing of a landscaping scheme to include measures designed to benefit foraging badgers.
- Water tank to be finished in the same green colour treatment as the MRF.

Case Officer: Adam Tomaszewski	Tel. no: 03000 410434
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Background Documents: see section heading

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Appendix A – Planning Permission SH/08/124



Countrystyle Recycling Ltd
c/o SLR Consulting Ltd
Treenwood House
Rowden Lane
Bradford on Avon
Wiltshire
BA15 2AU

Planning Applications Group
First Floor, Invicta House
County Hall
Maidstone
Kent ME14 1XX
Fax: (01622) 221072
Tel: 08458 247303
Website: www.kent.gov.uk/planning
Direct Dial/Ext: (01622) 221059
Texbox: 08458 247905 (hearing impaired)
Ask for:
Your ref:
Our ref: PAG/AW/SH/08/124
Date: 28 March 2011

Notification of Grant of Permission to Develop Land

TOWN AND COUNTRY PLANNING ACTS

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

Dear Sir/Madam

APPLICATION NO: SH/08/124 - CONSTRUCTION AND OPERATION OF A MATERIALS RECYCLING FACILITY, ANAEROBIC DIGESTION PLANT AND ASSOCIATED OFFICE AND PARKING FACILITIES AT OTTERPOOL QUARRY, ASHFORD ROAD, SELLINGE, ASHFORD, KENT.

The above mentioned proposal dated 27 December 2007 and accompanying submitted drawings, for the formal observations of the County Council as County Planning Authority, as amplified and amended by the details referred to in the attached schedule, has now received consideration.

I hereby inform you that the County Planning Authority under the Town and Country Planning Acts, having taken environmental information submitted in support of the proposal into consideration, on 15 March 2011, has **GRANTED PERMISSION** for development of the above proposal, as amplified and amended, SUBJECT TO THE CONDITIONS SPECIFIED hereunder:-

- (1) Notwithstanding the provisions of part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, or structures and erections shall be located on site without the prior approval in writing of their siting, design and external appearance by the Waste Planning Authority;

Reason: *To protect the visual amenities of the area and minimise impact to accord with the objectives of Kent Waste Local Plan Policy W25.*



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(2) The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission. Written notification of the date of commencement shall be provided to the Waste Planning Authority within 7 days of such commencement;

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

(3) The development to which this permission relates, shall be carried out and completed in all respects strictly in accordance with the submitted documents and site layout drawing OP/4, together with any subsequent amendments which may be approved by the Waste Planning Authority;

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan Policies W18, W19, W20, W21, W22, W25, W25A, W27, W31 and W32.

(4) The buildings hereby permitted shall be erected in accordance with drawing numbers OP/5 (Materials Recycling Facility), OP/6 (Anaerobic Digestion Plant), OP/8 (Finished Product Building) and OP/9 (single storey office building) and shall be Heritage Green in colour, as identified on the drawings, together with any subsequent amendments which may be approved by the Waste Planning Authority;

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan Policies W18, W19, W20, W21, W22, W25, W25A, W27, W31 and W32.

(5) With the exception of works associated with conditions (14), (15), (16) and (17), prior to the commencement of the development hereby permitted, access improvements, including signage, shall be completed in accordance with drawing number HD1;

Reason: In the interests of highway safety and capacity and safeguarding the local environment and to accord with the aims of Kent Waste Local Plan Policy W22.

(6) Prior to the commencement of the development hereby permitted a Site Users Guide shall be issued to all drivers advising them to access the site from the east to turn right out of the site;

Reason: In the interests of highway safety and capacity and safeguarding the local environment and to accord with the aims of Kent Waste Local Plan Policy W22.

(7) Prior to the commencement of the development hereby permitted, details of the weighbridge(s) and weighbridge office facilities shall be submitted to the Waste Planning Authority for approval and implemented as approved;

Reason: For the avoidance of doubt and to maintain planning control over the site.

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(8) Prior to the commencement of the development hereby permitted, fencing and gate details shall be submitted to the Waste Planning Authority for approval and implemented as approved;

Reason: For the avoidance of doubt and to maintain planning control over the site.

(9) Prior to the commencement of the development hereby permitted, details of external lighting shall be submitted to the Waste Planning Authority for approval and implemented as approved;

Reason: In the interests of visual amenity, for the avoidance of doubt and to maintain planning control over the site and pursuant to Policy W25 of the Kent Waste Local Plan.

(10) Prior to any construction activities commencing on site the badger mitigation measures, at both the construction stage and post construction, shall be carried out in accordance with those recommendations set out in the Martin Newcombe report (dated 6 March 2010) and SLR's letter dated 10 November 2010 which, amongst other matters, limits construction activities to outside the period of January and June (inclusive) in order to avoid the period in which badgers rear their young;

Reason: In the interests of nature conservation and in accordance with the principles set in Planning Policy Statement 9 and pursuant to South East Plan Policy NRM5, Policy W21 of the Kent Waste Local Plan and Policy CO11 of the Shepway District Local Plan.

(11) Prior to the commencement of the development hereby permitted a strategy for electricity generation and use on the site shall be submitted to the Waste Planning Authority and implemented as approved;

Reason: In order to control development and in accordance with the principles of Planning Policy Statement 22 and Policy NRM11, MRM13, NRM14, NRM15 and NRM16 of the South East Plan.

(12) No development shall commence until a surface water drainage scheme has been submitted to and agreed in writing with the Waste Planning Authority. The scheme shall ensure that the surface water run-off from the site is limited to 5 litres per second to either a maintained sealed drainage system or to a watercourse that discharges unimpeded to the East Stour.

Reason: To reduce the risk of flooding off site from surface water run-off in accordance with the principles of PPS25 and pursuant to Policy W20 of the Kent Waste Local Plan.

(13) If, during the construction phase of the site the groundwater conditions are found to differ to those identified in section 4.0 of the Groundwater Addendum Report (ref. 409.01376.00002, dated October 2010), then construction shall cease and the Waste Planning Authority contacted immediately. Only following written approval from the local planning authority can works recommence.

Reason: To prevent the risk of pollution to groundwater in accordance with the principles of PPS23 and pursuant to Policy W19 of the Kent Waste Local Plan.

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(14) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Waste Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Waste Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Waste Planning Authority. The scheme shall be implemented as approved.

Reason: *Sensitive controlled water receptors are present and there is a risk of pollution from the past use of the site in accordance with the principles of PPS23.*

(15) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Waste Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Waste Planning Authority.

Reason: *Sensitive controlled water receptors are present and there is a risk of pollution from the past use of the site in accordance with the principles of PPS23.*

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(16) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Waste Planning Authority.

Reason: *Sensitive controlled water receptors are present and there is a risk of pollution from the past use of the site in accordance with the principles of PPS23.*

(17) 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 Waste Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Waste Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: *Sensitive controlled water receptors are present and there is a risk of pollution from the past use of the site in accordance with the principles of PPS23.*

(18) Prior to the commencement of the development hereby permitted a Code of Construction Practice incorporating site investigation, site preparation and details of mitigation and management for construction activities shall be submitted to and approved in writing by the Waste Planning Authority. The Code shall include amongst other matters:-

- a) methods of construction
- b) hours of construction working
- c) working practices
- d) timing of works
- e) means of access for construction
- f) traffic management plan
- g) waste management
- h) contamination management (including location and management of soil and spoil stockpiles)
- i) temporary lighting associated with construction activities

Site preparation and construction work shall be carried out at all times in accordance with the approved Code of Construction Practice.

Reason: *To safeguard the local environment and pursuant to policies W18, W19, W20, W21, W22, W25, W25A, W27, W31 and W32 of the Kent Waste Local Plan.*

(19) Operations shall be carried out strictly in accordance with Section 6.0 of SLR's Site Specific Risk Appraisal of Potential Bioaerosol Releases (ref: 403.1376.00007) dated June 2010 together with any subsequent amendments which may be approved by the Waste Planning Authority;

Reason: *In the interest of local amenity and pursuant to Policy W18 of the Kent Waste Local Plan.*

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(20) Dust management shall be carried out in accordance with the mitigation measures specified in section 5.4, page 21, of the Air Quality Assessment dated December 2007;

Reason: In order to minimise dust nuisance and in the interest of local amenity and pursuant to Policy NRM9 of the South East Plan and Policy W18 of the Kent Waste Local Plan.

(21) Odour management shall be carried out in accordance with the mitigation measures specified in section 5.4, pages 23 and 24, of the Air Quality Assessment dated December 2007 and including the operation of a negative air pressure system to prevent any fugitive emissions from any of the buildings proposed to be erected on site;

Reason: In order to minimise odour nuisance and in the interests of amenity and pursuant to Policy NRM9 of the South East Plan and Policy W18 of the Kent Waste Local Plan.

(22) All organic waste material to be processed within the Anaerobic Digestion Plant Building and all waste transferred within the site to the Finished Product Building, shall be transferred in sealed containers only;

Reason: In order to minimise odour nuisance and in the interest of local amenity and pursuant to Policy NRM9 of the South East Plan and Policy W18 of the Kent Waste Local Plan.

(23) Noise from operations on the site, including both fixed plant and mobile machinery, shall not exceed the existing background noise levels when measured at the nearest sensitive receptors; measures shall include designing the buildings on site to achieve an attenuation of at least 35dB, the insulation of fixed plant, the silencing of vehicles and mobile machinery and the provision of acoustic screening as may be necessary to ensure that this noise level is not exceeded;

Reason: To minimise the adverse impact of noise generated by the operations on the local community and pursuant to Policy NRM9 of the South East Plan and Policy W18 of the Kent Waste Local Plan.

(24) Waste deliveries and transportation of materials off site shall only take place between the following times:

0700 and 1800 hours Monday to Friday, and
0700 and 1300 on Saturdays

No waste deliveries or off site transportation of waste shall take place on Saturday afternoons, Sundays or Bank and Public Holidays;

No operations other than the processing of compostable material within the Anaerobic Digestion System shall take place outside these hours with the exception of essential plant maintenance which may only take place up to 2300 hours between Monday and Saturdays only;

Reason: To ensure minimum disturbance and avoidance of nuisance to the locality.

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(25) The buildings hereby permitted shall not be used for any purpose other than specified in the application documents nor shall the building(s) be altered to accommodate any other use, together with any subsequent amendments which may be approved by the Waste Planning Authority;

Reason: In order to maintain planning control at the site.

(26) The site access, internal road and those parts of the site or building to be used for vehicle manoeuvring, shall be maintained and kept free at all times from mud or other debris;

Reason: In the interests of highway safety.

(27) Only waste material specified in the planning application and included within the supporting statement shall be brought to the site;

Reason: In accordance with the details submitted. Waste materials outside these categories raises environmental and water pollution issues needing to be considered afresh, and pursuant to Kent Waste Local Plan Policies W7, W9, W10 and W19.

(28) No more than a combined total of 168 vehicle movements (84 in/84 out) associated with the operations hereby permitted shall enter or leave the site in any one day;

Reason: In the interests of highway safety and capacity and safeguarding the local environment and to accord with the aims of Kent Waste Local Plan Policy W22.

(29) All AD waste shall be delivered in sealed containers;

Reason: In the interests of highway safety and safeguarding the local environment and to accord with the objectives of Kent Waste Local Plan Policies W18, W19, W20, W21, W22, W25, W25A, W27, W31 and W32.

(30) All loaded, open backed vehicles entering or leaving the site shall be sheeted;

Reason: In the interests of highway safety and safeguarding the local environment and to accord with the objectives of Kent Waste Local Plan Policies W18, W19, W20, W21, W22, W25, W25A, W27, W31 and W32.

(31) No waste shall be tipped into the waste reception hall until such times as the roller shutter doors are closed;

Reason: In order to minimise odour nuisance and in the interests of amenity and pursuant to Policy NRM9 of the South East Plan and Policy W18 of the Kent Waste Local Plan.

(32) The maximum throughput of compostable waste processed through the Anaerobic Digestions Plant shall not exceed 20,000 tonnes per annum;

Reason: For the avoidance of doubt and to maintain planning control over the site.

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(33) The maximum throughput of waste processed within the Materials Recycling Building shall not exceed 75,000 tonnes per annum;

Reason: *For the avoidance of doubt and to maintain planning control over the site.*

(34) Prior to the commencement of the development hereby permitted, details of a landscaping scheme, including hard surfaced landscaping, based on the principles set out in drawing number OP/11 'Proposed Landscape Layout', shall be submitted to the Waste Planning Authority for approval. Details shall include, amongst others, the following:

- the existing trees, shrubs and hedges to be retained and the measures to be taken to provide for the protection thereof during the works hereby permitted;
- all trees, shrubs and hedges proposed to be removed;
- the provision of new trees, shrubs, hedges and grassed areas, together with the details of the species and method of planting to be adopted;
- details of ground preparation bunds of the bunds to be planted and the ongoing maintenance proposed;
- additional planting details for the western boundary (as agreed in SLR email dated 2 March 2011);
- proposed native tree and shrub planting, including foraging areas for badgers;
- replacement planting, on the eastern boundary, in the event that any trees are lost;
- a programme of maintenance for a period of not less than 5 years

and upon approval such scheme shall be implemented as approved by the Waste Planning Authority within the first planting season following the completion of the development hereby permitted;

Reason: *In the interests of visual amenity and nature conservation and in accordance with the principles set in Planning Policy Statement 9 and pursuant to South East Plan Policy NRM5 and W21 of the Kent Waste Local Plan*

(35) Any casualties or failures of landscaping which occur for whatever reason, including vandalism, shall be replaced within the first available planting season and thereafter maintained.

Reason: *In the interests of visual amenity and pursuant to Policy W25 of the Kent Waste Local Plan and Policy CO1 of the Shepway District Local Plan.*

(36) Precautions shall be taken to prevent tipping by unauthorised persons including prompt repairs to the perimeter fencing and gates; any unauthorised material tipped on the site shall be removed to an authorised site within 24 hours of such tipping having taken place;

Reason: *To protect visual and other local amenities.*

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(37) The terms of this planning permission and any schemes or details approved pursuant thereto shall be displayed at the office on the site, and shall be made known to any person(s) given responsibility for the management or control of operations.

Reason: To enable easy reference to the requirements of the permission.

Town and Country Planning (Development Management Procedure) (England) Order 2010

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant Development Plan policies, including the following, and those referred to under the specific conditions above:-

South East Plan 2009 Policies: CC1, CC2, CC3, CC4, NRM1, NRM2, NRM5, NRM9, NRM10, NRM11, NRM13, NRM14, NRM15, NRM16, W1, W2, W3, W4, W5, W6, W7, W12, W16 and W17
Kent Waste Local Plan Policies: W3, W6, "W9, W10, W18, W19, W21, W22, W25, W25A and W31

Shepway District Local Plan Policies: E2, BE1, CO1, CO9, CO11, TR11, U4, U10 and U10a

The summary of reasons for granting approval are as follows:-

- (1). The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

In addition please be advised of the following informative(s):

1. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to formally submit further details to the County Planning Authority for approval may be required to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is your responsibility to ensure that such details are submitted. **Failure to do so may mean that any development carried out is unlawful** and which may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time.
2. Please be advised of the Planning Applications Committee's request that the finished floor levels of the proposed buildings be as low as possible in order to reduce the visual impact of the development.

Dated this Twenty eighth day of March 2011

(Signed).....
Head of Planning Applications Group

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Schedule

Letter/Email Correspondence	Document	Drawing Number	Title
SLR letter dated 21 December 2007	Planning Design and Access Statement dated December 2007	Including drawing numbers: OP/4 OP/5 OP/6 OP/8 OP/9	Proposed Site Layout Proposed Elevations on the MRF Proposed Elevations on the AD Plant Proposed Elevations on the Finished Product Building Proposed Office Elevations
SLR letter dated 14 March 2008		OP/10	Habitat Plan and Proposed Site Layout
	SLR Document entitled 'Preliminary Contamination Assessment and generic Risk Assessment' dated April 2008		
SLR letter dated 18 march 2008 to Kent Highway Services received on 6 May 2008		OP/10 Drawing 2	Habitat Plan and Proposed Site Layout Proposed Access Improvements
SLR letter dated 2 May 2008			
SLR letter dated 1 May 2008			
	SLR Document entitled 'Planning Application for Recycling Facility' dated May 2008	OP/11 OP/12 001 OP/4 OP/10	Proposed Landscape Layout Proposed Site Drainage Arrangement Proposed Site Sections Proposed Site Layout Habitat Plan and Proposed Site Layout
SLR letter dated 18 March 2008	Transport Assessment Appendices 1-4		
SLR letter dated 23 December 2008	Contamination Assessment dated October 2008		

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		Drawing HD1	Proposed Design	Access Detail
SLR letter dated 19 September 2009	With accompanying Environmental Statement and Plans			
	Additional Visual Appraisal dated November 2009			
Email from SLR to the EA dated 28 January 2010		OP/13		
SLR letter dated 11 May 2010		OP/13		
	SLR Document entitled 'Atmospheric Dispersion Modelling Report' dated June 2010			
	SLR Document entitled 'Site Specific Risk Appraisal of Potential Bioaerosol Releases' dated June 2010			
Email from SLR dated 11 August 2010	Table 1 entitled 'Combined Ground Water Monitoring Results for Otterpool Quarry'	WL01 OP/13	Graph of Water Levels from BH2 and BH3 Proposed FW Storage tank Levels for EA Approval	
Email from SLR dated 7 October 2010	SLR Document entitled 'Groundwater Addendum Report' dated October 2010			
	Badger report dated 6 March 2010 by Martin Newcombe			
SLR letter dated 10 November 2010	(Badger Mitigation)			

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	Otterpool Case of Need Assessment dated January 2011 and received on 4 January 2011		
	SLR Document entitled 'Addendum - Noise Assessment' received 9 February 2011		