

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

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

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

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

Recommendation: Permission subject to conditions.

Local Member: Susan Carey

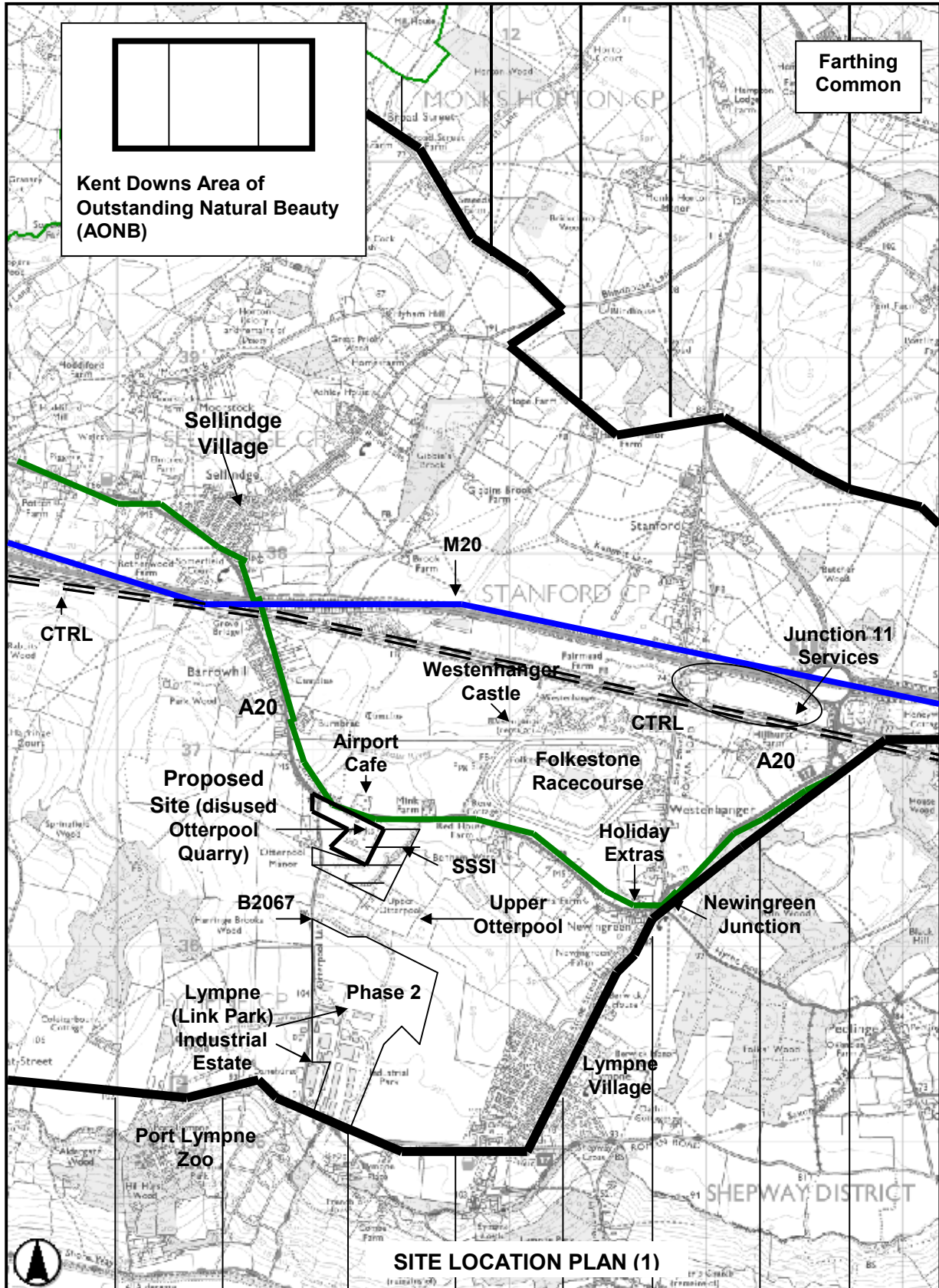
Classification: Unrestricted

Site Location and Background

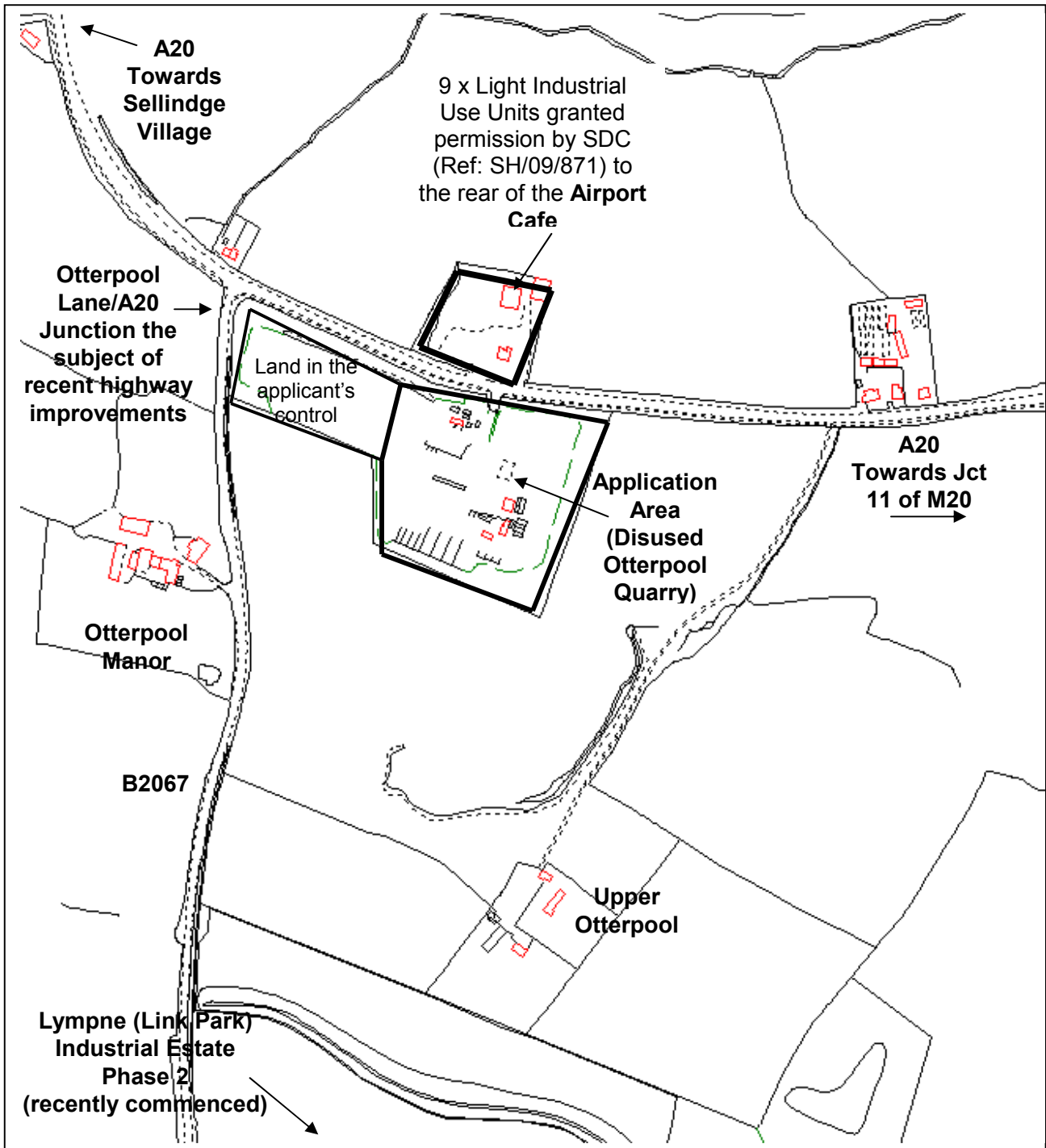
1. A planning application has been submitted by Countrystyle Recycling Limited for the construction and operation of a Materials Recycling Facility, Anaerobic Digestion Plant and associated office and parking facilities at the site of the old Otterpool Quarry which lies adjacent to the southern side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

¹ As identified on Site Location Plan 2

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Scale: 1: 5000

SITE LOCATION PLAN (2)

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

Current Proposal

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

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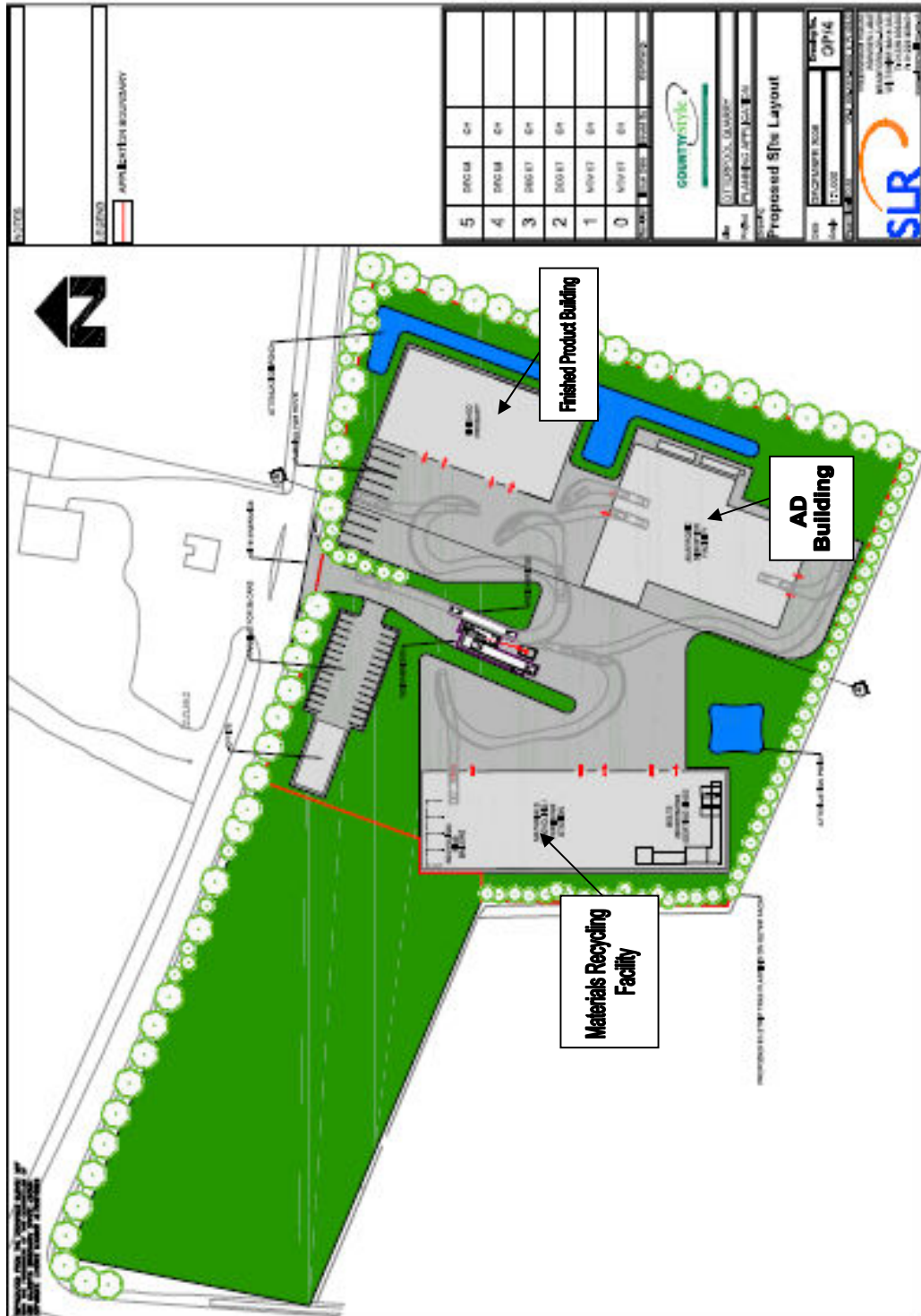


Figure 1
Proposed Site Layout

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

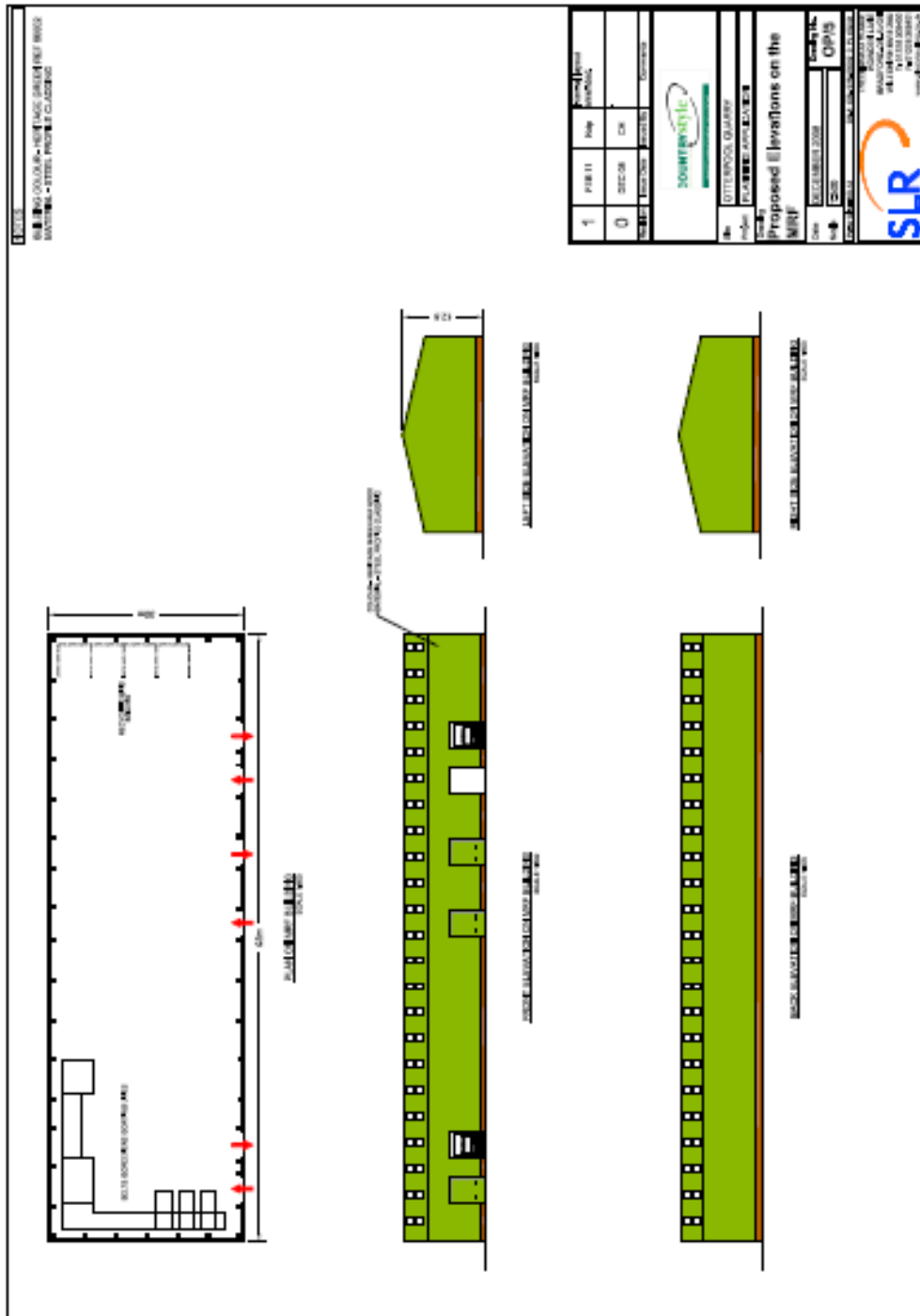
Materials Recycling Facility (MRF)

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

Process

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

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

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Anaerobic Digestion (AD) Plant

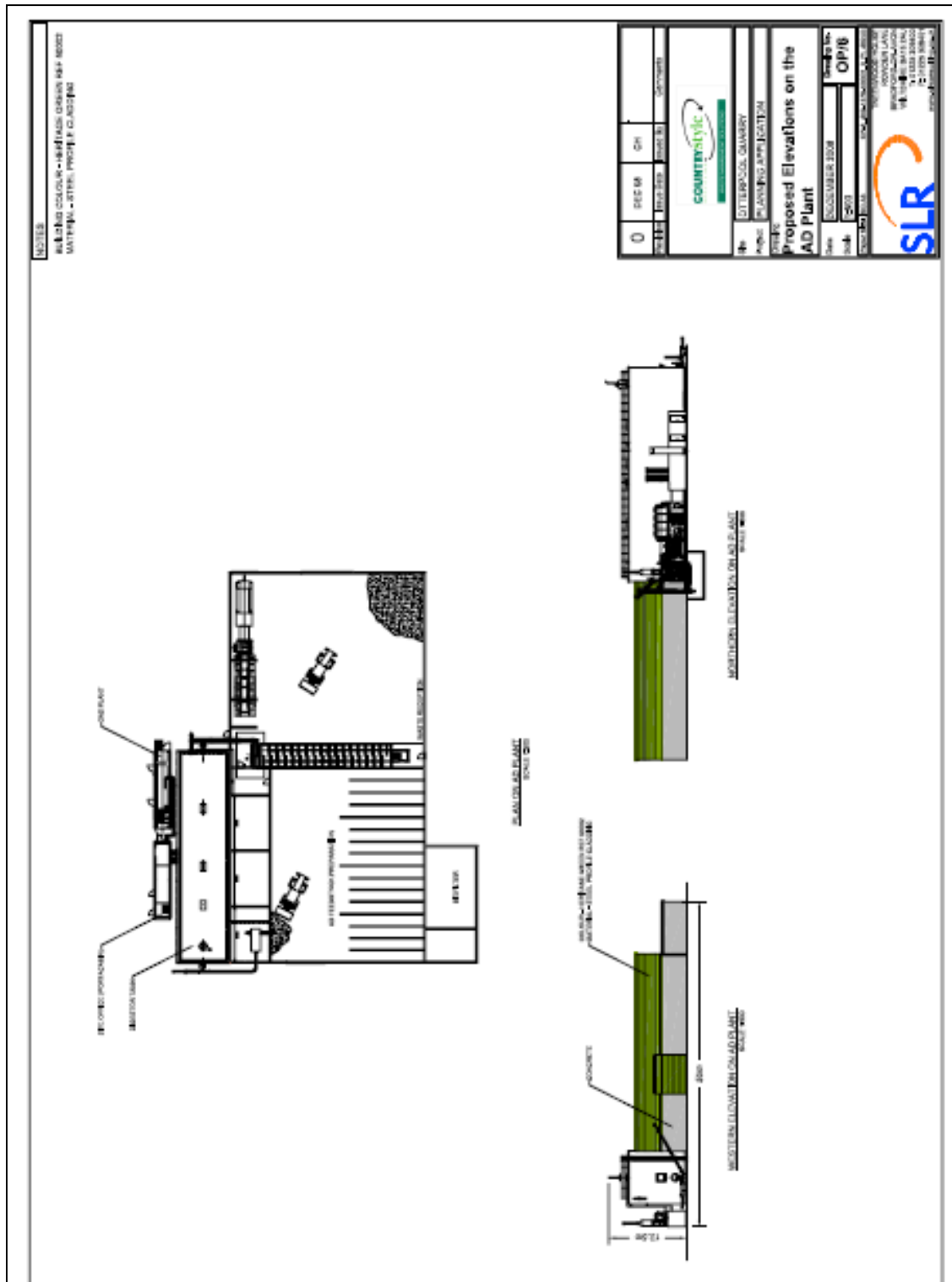
13. The proposed AD plant would accept kitchen and garden waste. The dedicated building would consist of a waste reception hall and feedstock preparation area which would be contained within an enclosed building some 60m by 47m and at 12.5m in height. A single digestion tank and gas utilisation plant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

Process

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

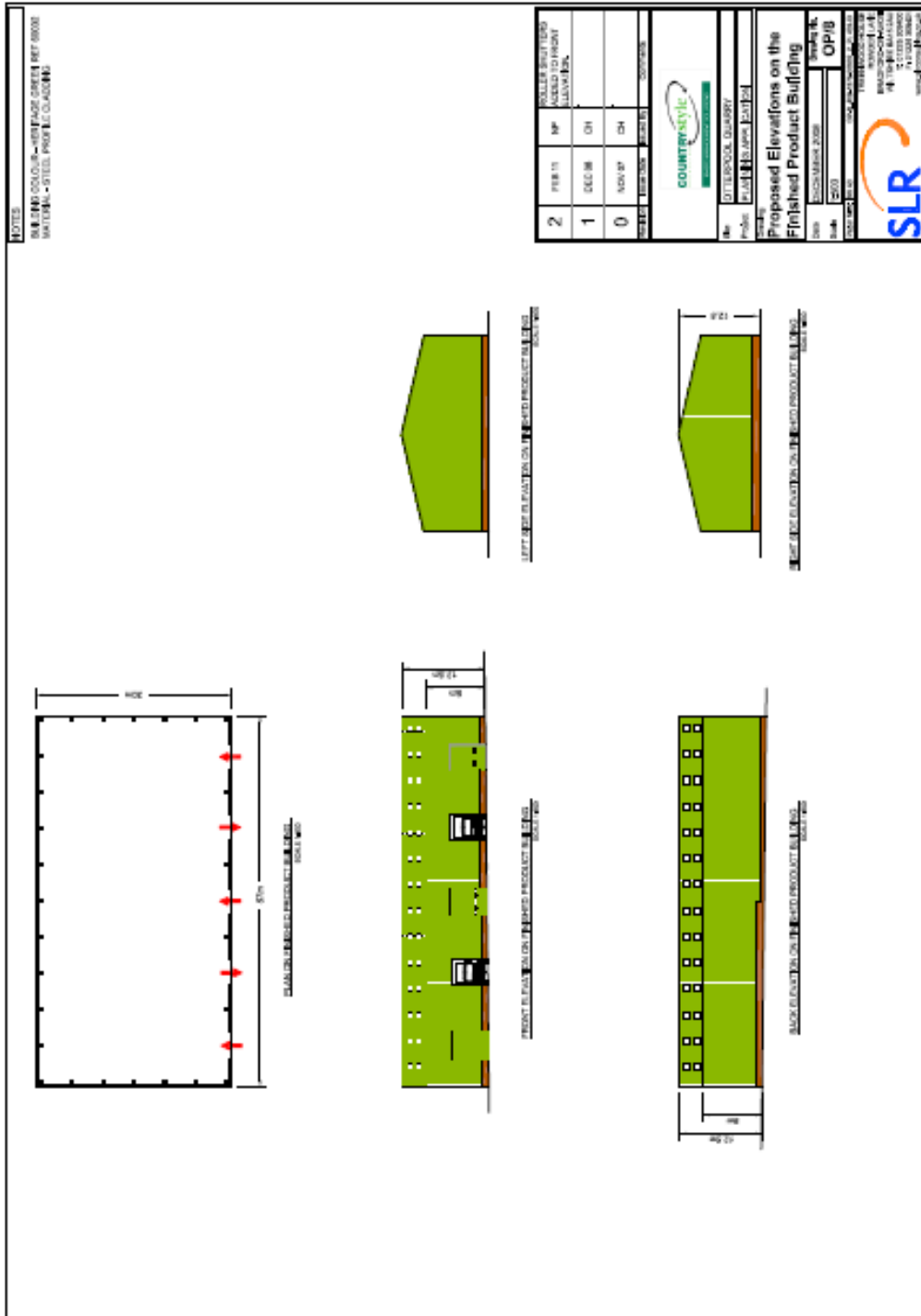
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(Figure 3)
 Proposed Elevations/Layout – AD Plant (showing the highest point at 12.5m high)



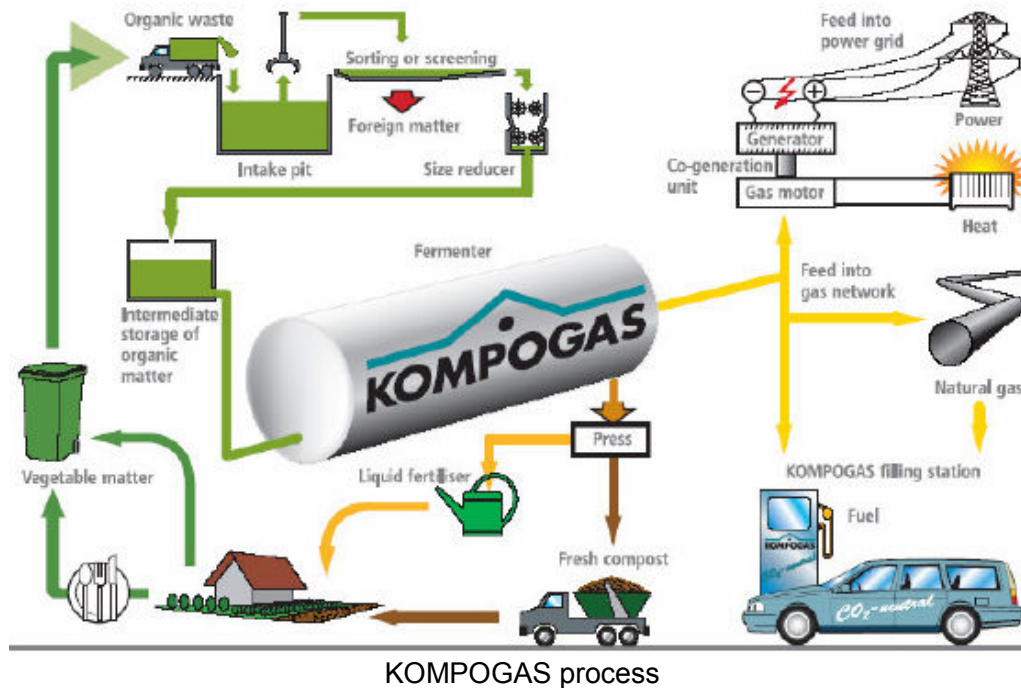
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(Figure 4)
Proposed Elevations - Finished Product Building (12.5m high)



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(Figure 5)



Proposed Hours of Operation

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

HGV Movements & Access Arrangements

18. The applicant estimates there would be an average of 152 daily vehicle movements to and from the site with a maximum of 168 during times of peak demand, equating to around 16 movements per hour.

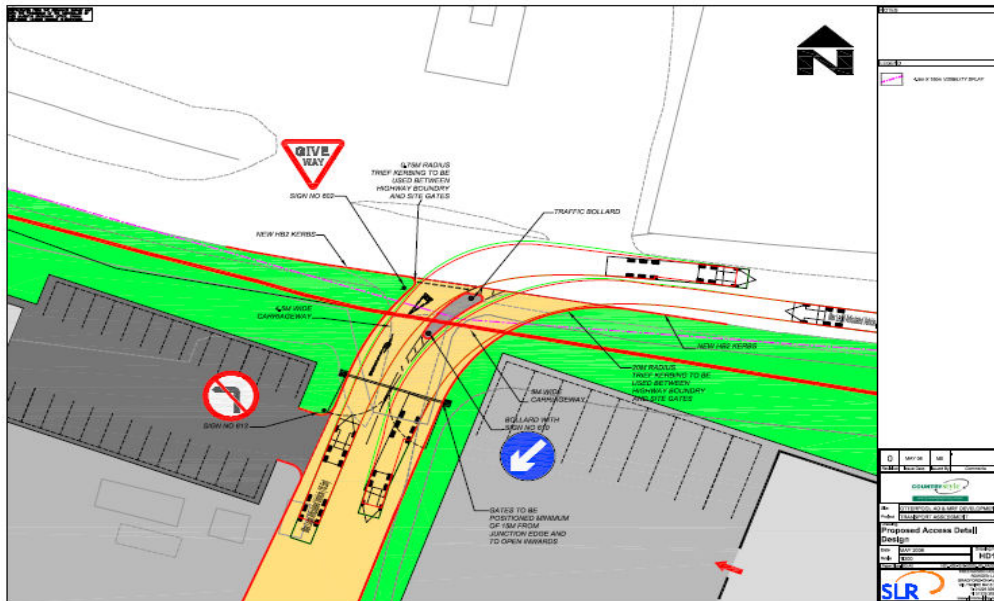
19. Of the 152 movements proposed the applicant anticipates that 128 of those would be attributed to the MRF and 24 with the AD plant operations. In order to discourage vehicles travelling along the A20 through Sellindge Village vehicles would be encouraged to use what the applicant considers to be the most direct route from the application site via the A20 towards Junction 11 of the M20. In order to facilitate this, the applicant proposes to upgrade the existing access (Figure 6) with the intention of encouraging vehicles exiting the site to turn right. Having considered the need to avoid vehicles queuing along the A20 to access the site, the applicant proposes to install separate weighbridge facilities for both

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

(Figure 6)



**Drawing No.HD1
Proposed Access Design Detail**

Planning Policy Context

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

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

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

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

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

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

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

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

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

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

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

Adaptation to risks and opportunities will be achieved through:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37. Shepway District Local Plan: March 2006

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

C. Link Park, Lympne

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

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

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

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

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

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

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

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

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

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

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

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resources or lead to an unacceptable risk of pollution.

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

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

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

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

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

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

40. **Consultations**

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

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grounds:

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

Shepway District Council Core Strategy – latest position

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

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

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

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

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

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

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

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

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

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tonnes imported for the Materials Recycling Facility (MRF).

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

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

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

Southern Water: No objection is raised.

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

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

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

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

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

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

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

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

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

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

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

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

The application

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

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

Local Member

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

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

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

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Publicity

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

Representations

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

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

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

Other issues raised by local residents

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

Tort of nuisance

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

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Proposed Lorry Park

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

AD Plant at Arundel, West Sussex

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

Lympne Industrial Estate Development Brief

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

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Discussion

51. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
52. Prior to the publication of PPS10 and Waste Strategy 2007, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.
53. The new advice in PPS10 moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO.
54. Until such time as the **Kent Waste Development Framework** (WDF) reaches a more advanced stage, applications will be considered against relevant saved Kent Waste Local Plan Policies and other development plan policies. This is fully consistent with the approach Local Planning Authorities are advised to adopt as set out in PPS10.
55. There is support in principle for the establishment of alternative waste management facilities including waste transfer/ waste recycling exists at both the national and local level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill.
56. Policies W3, W6 W7 and W9 of the Kent Waste Local Plan identify the locational criteria against which individual proposals will be considered, whilst policies W16 to W22 and W25 set out the operational criteria.

Prematurity in light of emerging SDC LDF Core Strategy

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

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

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

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

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

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

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

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

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

Need

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

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

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

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

Locational Policy Considerations

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

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

Alternative Sites Assessment

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

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

Contamination and Groundwater Pollution Issues

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

The SDRA have specific concerns over the following:

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

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

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

Contamination

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

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

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

Groundwater Pollution Issues

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

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

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

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

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

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

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

Bio-aerosols/Air Quality

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

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

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

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

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

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

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

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Highways Impact

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

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

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

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

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

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

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

Newingreen Junction/Developer Contributions

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

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

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

Possible conflict/highway safety issue

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

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Visual Impact

Kent Downs AONB

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

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Services in order to implement the junction improvements to Otterpool Lane/A20, which as referred to in paragraph 101. above, formed part of the s106 Legal Agreement relating to the Link Park Industrial Estate.

111. Whilst the proposed site layout and building design including heights, materials to be used, colour and finish is considered in the visual appraisal to have already provided some degree of mitigation against the potential visual impact of the development, additional mitigation planting is also proposed. This would take the form of some strengthening or additional planting by way of mitigation along with some native tree and shrub planting to the west of the site (see Drawing No OP/11 Rev A Proposed Landscape Layout below).



Drawing No OP/11 Proposed Landscape Layout

112. In the applicants opinion, from the Kent Downs AONB the site may only be visible from the north between intervening vegetation but only in so far as this would be a view of the top of the proposed development which would be seen within the context of Folkestone Racecourse and the M20 that sit in the foreground. They conclude therefore that whilst the AONB is a sensitive visual receptor, due to what they consider to be the low predicted magnitude of change, there are not judged to be significant visual effects on the AONB as a result of the development. The assessment does however identify the potential for significant adverse visual effects for a limited area of just under 0.5km immediately surrounding the site. Nonetheless it is felt that any significant adverse effects would only

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

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

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

Biodiversity

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

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

Renewable Energy

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

Other Impacts

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

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Dust

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

Odour

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

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

Noise

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

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

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

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

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

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

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

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

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

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

Heritage & Conservation

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

Conclusion

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

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

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

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

145. The site has ready access onto the M20 junction 11 via the main A20 and the application provides within it new access arrangements to encourage vehicles leaving the site to turn right onto the A20. Site layout arrangements allow for sufficient capacity in order to avoid the need for vehicles to queue on the main to road to enter the site. The Divisional Transport Manager has been consulted on the suitability of this route for the capacity of HGV traffic proposed and is of the opinion that no highway objection could be sustained.
146. Whilst I note the objections raised in respect of the site location, traffic, access and amenity issues, I am satisfied having regard to comments made by consultees that should permission be granted, provided appropriate conditions are imposed the proposed facility would not cause any adverse impact. I am satisfied that the proposed use of the site would be acceptable and that provided appropriate conditions are imposed to control any potential adverse impacts there are no overriding issues that would reasonably warrant this application to be refused. Accordingly I recommend that planning permission be granted subject to conditions.

Recommendation

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

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

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Appendix 1

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



Angela Watts
Senior Planning Officer
Planning Applications Group
First Floor Invicta House
County Hall
Maidstone
Kent ME14 1XX

Dear Ms Watts

PROPOSALS FOR THE FORMER OTTERPOOL QUARRY, ASHFORD ROAD

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

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

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

Impact on residential amenity

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

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

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

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

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

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

Impact on Infrastructure

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

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

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

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

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

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

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

Impact on Landscape and Setting

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

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

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

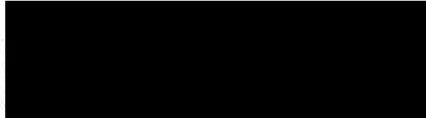
In conclusion, Shepway District Council is of the opinion that its original reasons for objection remain highly relevant and are amplified by the recent emergence of additional evidence regarding the capacity limitations of existing local infrastructure. Moreover, this council considers that the proposals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

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

Yours sincerely



Christopher Lewis
Head of Planning Services.

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Appendix 2

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

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

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

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

SHEPWAY DC: Cllr Mrs J Hollingsbee,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Appendix 3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(38) Mr Cronin said that although the anaerobic digestion technology was new to the UK, there were dozens of such plants in Europe. The only one associated with SLR was in the Western Hebrides. If representatives of the local residents wished to reassure themselves about the technology, it would be more convenient for the applicants to ask “Kompogas” if they could bring a small delegation to inspect one of their European sites.

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

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

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Appendix 4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(38) Mr Cronin said that although the anaerobic digestion technology was new to the UK, there were dozens of such plants in Europe. The only one associated with SLR was in the Western Hebrides. If representatives of the local residents wished to reassure themselves about the technology, it would more convenient for the applicants to ask “Kompogas” if they could bring a small delegation to inspect one of their European sites.

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

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