

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 other documents as might be additionally indicated.

Item C1

Application by Aylesford Metals Company for a metals recycling facility (MetRF) at New Hythe Lane, Aylesford, Kent – TM/11/2635

A report by Head of Planning Applications Group to Planning Applications Committee on 17 January 2012.

Application by Aylesford Metals Company for a metals recycling facility (MetRF) at New Hythe Lane, Aylesford, Kent.

Recommendation: Permission be granted subject to Section 106 Agreement and conditions.

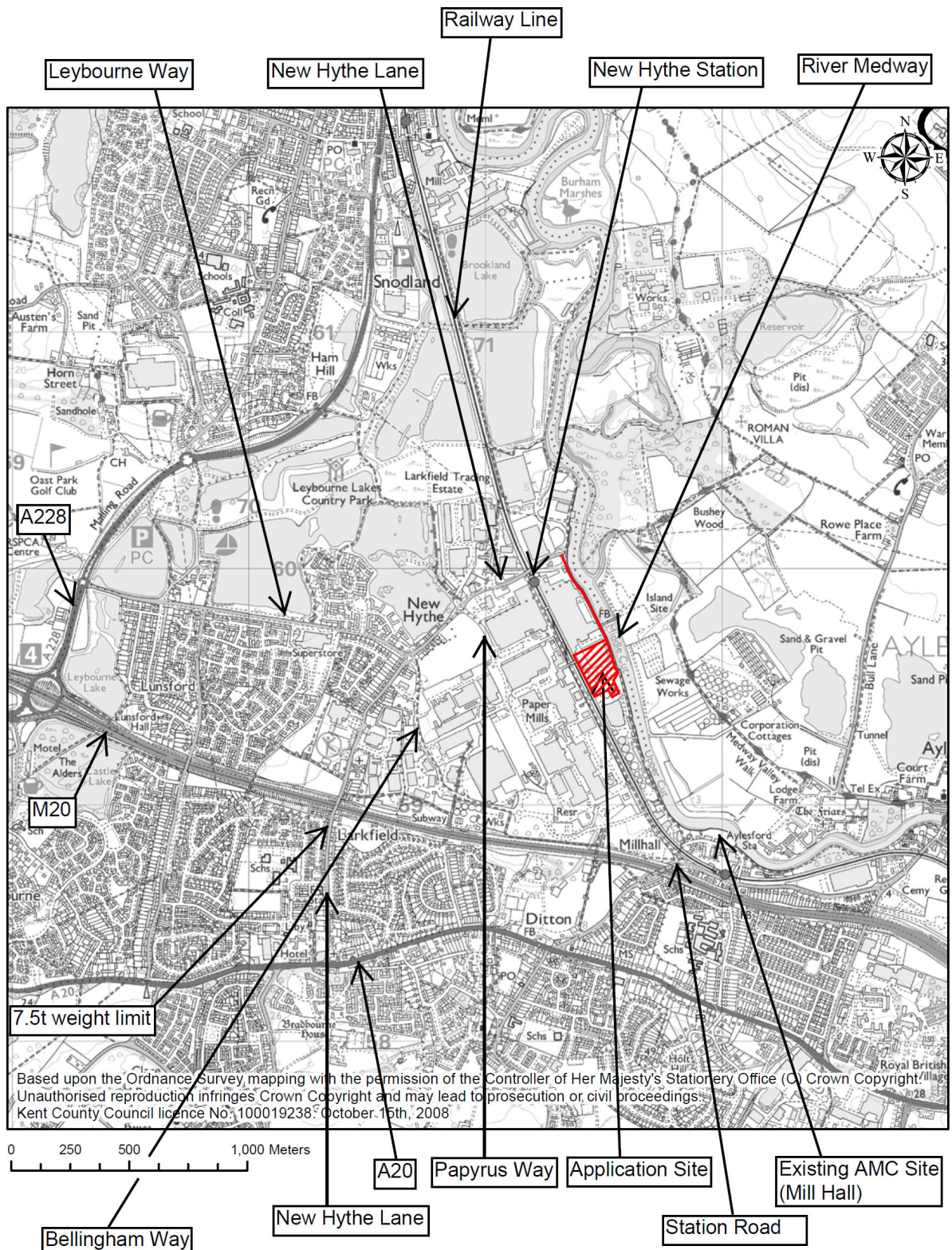
Local Member: Mr P Homewood

Unrestricted

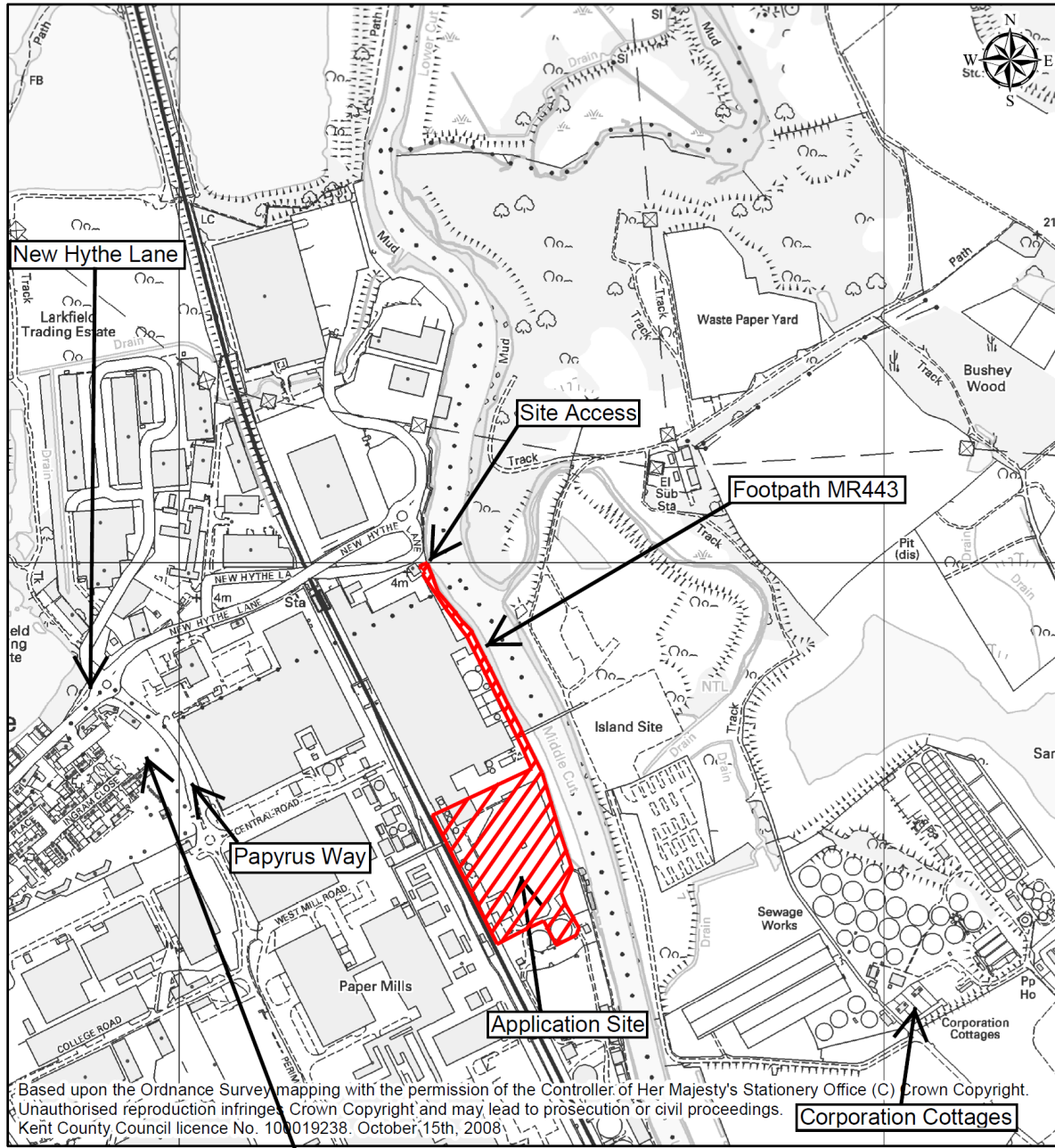
Site description

1. The application site occupies 2.98 hectares (ha) of land in the southern part of the former SCA Containerboard (paper mill) site at New Hythe, Aylesford. The site lies immediately to the west of the River Medway and east of the Maidstone to Rochester railway line. To the south of the application site lies a water treatment tank and associated structures and an area of vegetation and grassland. To the north lies the rest of the former paper mill. Access to the application site is via New Hythe Lane and an internal access road through the northern part of the former paper mill adjacent to the River Medway. The internal access road forms part of the application site. To the west of the railway line lies an area of industrial development which includes the Aylesford Newsprint (paper mill) and New Hythe Business Park. To the east of the River Medway lies a large area of brownfield land formerly used by SCA on part of which a solar farm has recently been developed. Aylesford Waste Water Treatment Works (WWTW) lies slightly further east. The majority of buildings associated with the former paper mill have been demolished and the site has been levelled, although it still contains a building, water treatment tank, water storage tanks and lighting columns. The application site is largely hard-surfaced but also contains small areas of vegetation along its southern and western perimeters.
2. The application site is located within an established industrial area which is safeguarded for employment use in both the Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007) and Development Land Allocations Development Plan Document (2008). The site is not identified for any specific use in the Kent Waste Local Plan (1998) although an area to the north of New Hythe Lane (adjacent to the River Medway), which has more recently been developed for employment use, is identified as suitable in principle for proposals to prepare category A waste for re-use and waste separation and transfer.

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Sherwood Avenue
(recent housing
development)

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3. The application site is not directly affected by any international, national or local designations although the Holborough to Burham Marshes Site of Special Scientific Interest (SSSI) is located approximately 0.6 kilometres (km) to the north of the main / operational part of the site and the Aylesford Pit SSSI about 1.4km to the east. A Scheduled Ancient Monument (SAM) associated with a Roman Villa at Rowe Place Farm, Eccles, lies approximately 1km to the northeast. There are no listed buildings near the site.
4. There are no public rights of way directly affected by the proposed development although Footpath MR443 follows the west bank of the River Medway immediately to the east of the application site. The footpath, which is at a lower level than the application site, is separated from it by an existing flood defence wall and fence. Footpath MR465 lies to the east of the River Medway and Footpath MR92 lies to the west of the railway line.
5. The nearest residential properties are at Sherwood Avenue and Papyrus Way, New Hythe approximately 400 metres (m) to the west of the application site and Corporation Cottages approximately 480m to the east near Aylesford WWTW (to the east of the River Medway). There are also a number of residential properties either side of New Hythe Lane between its junctions with Papyrus Way and Leybourne Way. An existing Traffic Regulation Order (weight restriction) on the southern part of New Hythe Lane, Larkfield (near the M20) prevents Heavy Goods Vehicles¹ (HGVs) travelling to and from the A20 London Road using that route such that all HGVs associated with the proposed development would have to use New Hythe Lane and Leybourne Way to access the A228, M20 and M2 (and beyond). Although access is possible on a private road (Mill Hall Road) through the Aylesford Newsprint site to Station Road, Aylesford, this does not form part of the public highway and cannot therefore be relied upon to provide access to and from the application site. Drawings illustrating the location of the application site and the key features referred to above are included on pages C1.2 and C1.3.

Background

6. The applicant (Aylesford Metals Company) is an established metals recycling company that currently operates from a site at Mill Hall, Mill Hall Business Estate, Aylesford under a number of extant planning permissions and a waste management licence. It currently collects and processes a range of ferrous (steel) and non-ferrous scrap metal waste (aluminium, brass, copper and other non-ferrous alloys) including production metal waste such as cuttings, filings, turnings, punchings and unsorted metals, vehicles, electronic equipment, scrap machinery and plant, waste electrical and electronic equipment (WEEE) and office furniture. Metal processing and machinery and plant currently used at the Mill Hall site include baling machines, cutting machines, sorting machines and magnet separation machines. The facility is subject to a Waste Management Licence which (amongst other things) restricts the amount of waste that can be accepted to no more than 38,636 tonnes per year (1 April to 31 March) and only allows operations between 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays with no operations on Sundays, Bank and Public Holidays. The relevant planning permissions are MK/4/70/382 (allowed on

¹ A Gross Vehicle Weight of more than 7.5 tonnes.

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appeal on 1 April 1971), TM/87/1505 Part B (granted on 8 January 1988) and TM/87/1505 Part A (allowed partially on appeal on 14 February 1989). The permissions are all permanent. The site is also subject to an Enforcement Notice issued by Kent County Council (KCC) that was confirmed in 1972. Tonbridge and Malling Borough Council is currently considering an application (TM/10/1544) to renew an earlier unimplemented permission (TM/01/2013 dated 24 June 2005) for the redevelopment of the Mill Hall site for 20 houses and 30 apartments.

7. Complaints from residents living adjacent to the Mill Hall site alleging breaches of conditions relating to working hours, vehicle movements and stockpile heights resulted in the site being reported to each of KCC's Regulation Committee since 27 January 2009. The most recent report (7 September 2011) stated that the operator intended to house storage bins and park vehicles elsewhere overnight (subject to planning permission being granted by Maidstone Borough Council), was making efforts to reduce stockpile heights and was committed to relocating to another site in the area (i.e. part of the former SCA Containerboard Site) and redeveloping the Mill Hall site for housing. Notwithstanding this, the Regulation Committee accepted the recommendation of the Head of Planning Applications that legal action be taken to secure compliance should this become necessary. At this time no formal action has been taken.
8. The possibility of the former SCA Containerboard Site being redevelopment as an energy and recycling centre by Biossence Limited was first discussed with KCC planning policy officers in July 2010. Proposals for an integrated waste management plant with an estimated capacity of 200,000 tonnes per annum (tpa), including an energy from waste facility and front end recycling, were subsequently put forward by Biossence Aylesford Limited for consideration as part of the Kent Minerals and Waste Development Framework (MWDF) in October 2010. This proposal was included in the Kent MWDF Waste Sites Development Plan Document (DPD) Options Consultation published in May 2011 (Site 61: SCA Packaging, New Hythe Aylesford). Officers of KCC's Planning Applications Group first met Biossence to discuss a potential planning application for the site in October 2010. Biossence subsequently issued a press release in March 2011 which stated that it intended to submit a planning application for an energy and recycling centre at the site comprising a gasification plant, a recycling facility and a metal recovery facility. It also undertook a public consultation exercise which included public exhibitions at Larkfield Village Hall on 25 March 2011 and Cobdown Sports and Social Club on 26 March 2011.
9. Although it is understood that preparation of a planning application to include all of the above elements commenced soon thereafter, KCC was asked by Aylesford Metals Company to issue a screening opinion as to whether the development of a metals recycling facility at the site would require an Environmental Impact Assessment (EIA) in July 2011. KCC subsequently issued a screening opinion on 20 July 2011 which stated that EIA was not required for the proposed development as it would be unlikely to have significant effects on the environment by virtue of its nature, size or location. A press release by Aylesford Metal Company on 1 September 2011 stated that it intended to submit a separate application for the relocation of its existing metals recycling facility and that this would form the first phase of the Aylesford Energy and Recycling Centre. The press release also stated that the other two elements would be subject to further consultation prior to the submission of a planning application and that a further exhibition would be held in the coming months.

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The Proposal

10. The application proposes the development of a metals recycling facility (MetRF) capable of handling up to 100,000 tonnes per annum (tpa) of commercial and industrial waste comprising ferrous scrap metals, non-ferrous scrap metals and unsorted metals (including production metals waste such as cuttings, filings, turnings and punchings), end of life vehicles (ELVs), scrap machinery and plant, waste electrical and electronic equipment (WEEE), woodchip material and office furniture. The proposed MetRF would provide for the relocation of the applicant's existing facility at Mill Hall.
11. The application proposes the following buildings:-
- Shed 1: 750 metres square (m²) storage / processing shed in the north of the site (warehouse style, steel frame construction, coated / corrosion resistant steel panelled roof and walls in keeping with surrounding industrial buildings, fully enclosed with one large opening suitable for commercial vehicle access);
 - Shed 2: 40m² ELV de-pollution facility (a lean-to building adjoining and similar in construction and appearance to shed 1, open to the south side, containing equipment such as rig supports, fluid pump and pipeline system, compressed air supply and air powered tools to safely decommission and depollute ELVs);
 - Shed 3: 154m² storage / processing building containing a baler and hopper (similar in construction and appearance to shed 1 and fully enclosed with one large opening suitable for commercial vehicle access);
 - Shed 4: 2400m² storage / processing building in the south of the site (similar in construction and appearance to shed 1 and fully enclosed with one large opening suitable for commercial vehicle access);
 - Workshop: retention of existing building in the northwest corner of the site;
 - Six portacabins for use as a site office and welfare facilities (two on top of the existing building / workshop and four located adjacent to the weighbridges in a group of four); and
 - Two weighbridges.
12. The site would be divided into areas for reception, ferrous storage, non-ferrous storage, ferrous processing and non-ferrous processing. The maximum height of stockpiles would be 5 metres (m). An area in the north eastern part of the site would be used for shearing, baling and storing various scrap and would be partially contained by a 5m high concrete wall. Various storage bays would also be constructed with concrete panels for storing processed and unprocessed ferrous and oversize non-ferrous metals. The MetRF would also include nine tanks of appropriate specification for intended use, including eight dedicated hazardous waste storage containers / tanks associated with the ELV facility and one gas oil tank for site plant. An area in the south east corner of the site would be used for storing empty skips / containers. Processing of woodchip to remove metal elements would be undertaken within shed 1 and processing of WEEE within shed 4. Although the existing surface water drainage infrastructure would be retained, the surface of the northern part of the site would be upgraded and additional surface water drainage infrastructure would be added to reduce the potential for on-site flooding and improve the quality of surface water discharged to the River Medway. Ten visitor parking spaces would be provided to the north of the site and ten staff parking spaces to the south. The applicant states

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that appropriate facilities for motorcycles and bicycles would be provided. The site would be gated and be fully enclosed by a 3m high metal security fence and a closed circuit television (CCTV) system would be operated. The site layout and elevations of the proposed buildings are illustrated on the drawings included at Appendices 1 and 2 (pages C1.35 and C1.36).

13. The applicant states that waste would be sourced from Kent and the immediate surrounding area and that metal from the MetRF would be transported to recycling / processing facilities and final disposal sites in the UK and Europe.
14. The applicant states that various equipment would be used to assist in the manual and mechanical sorting and processing of metal wastes and woodchip material (e.g. wheeled Fuchs 360 degree material re-handlers, Lefort pre-compression shear, standard oxy / propane cutting equipment, portable container inverters², balers, shears and cable strippers).
15. All metal waste brought to the site would be weighed, inspected and paid for at the weighbridge where customer details would be recorded. Small non-ferrous loads would be unloaded in the non-ferrous building in accordance with the Scrap Metal Dealers Act and Environment Agency requirements. All loads would be unloaded in the appropriate unprocessed waste storage area (or directly removed from the site for processing) and waste processed in the appropriate processing area / building prior to its removal from the site or storage in the appropriate processed waste stockpile or storage bay / container. All hazardous waste associated with the ELV operations and WEEE would be segregated from the general metals waste and stored within the dedicated hazardous waste storage containers / tanks. Scrap vehicles brought to the site for disposal would be logged at the weighbridge before proceeding to the ELV de-pollution facility. After de-pollution, vehicles would be baled by the Lefort shear and transported from the site to a fragmentiser for further processing. Other grades of ferrous metal would be taken from the appropriate storage area, processed by the Lefort shear or appropriate baler into furnace feed appropriate for commercial markets at that time. Processed material would be transported directly off site or stored in the area next to the container inverters to be loaded into shipping containers. Woodchip material loads would be recorded at the weighbridge before being discharged into shed 1 for processing to remove metal elements. Metals would be transported from the site for further processing and woodchip transported for disposal / recovery in an appropriate facility.
16. The applicant states that dust would be controlled by dampening down surfaces with water to prevent dust generation and that waste movements could be suspended if very high winds develop. It also states that construction activities would mainly take place between 0700 and 1700 hours Monday to Saturday, although some may take place at other times. The applicant initially proposed that the working hours for the facility (i.e. for the reception of incoming waste, the onward transfer of waste and the operation of all vehicles, plant, machinery and equipment on site) would be from 0600 to 1800 hours Monday to Friday and from 0600 to 1300 hours on Saturdays (with no working on Sundays, Bank or Public Holidays). However, in response to concerns about operating hours, it has recently stated that it would be willing to accept that operations commence at 0700 hours, provided vehicles are permitted to enter and

² Equipment designed to lift containers from lorries, invert them for loading and then place them back on lorries.

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leave the site from 0600 hours. It states that 20 staff would be based on site during these hours. The applicant proposes that the existing 15m high lighting columns with 360 degree luminaries would be retained for the MetRF and that this would be similar to that used on the adjoining paper mill complex.

17. The applicant envisages that 10,000tpa of the overall 100,000tpa proposed would be delivered directly to the site from the gasification and materials recycling facilities described in paragraph 8 above, resulting in 90,000tpa being delivered to the site by road. Based on a five and half day working week, a combination of 2t and 16t payloads and making no allowance for backhauling, it estimates that the MetRF would generate 86 operational vehicles (172 vehicle movements) per day. Of these, 36 vehicles (72 movements) would be HGVs and 50 (100 movements) would be Light Goods Vehicles³ (LGVs) and Medium Goods Vehicles⁴ (MGVs) such as “Transit style” caged vehicles. It also estimates that there would be up to 20 staff / visitor vehicles (40 vehicle movements) per day such that the total number of vehicles (i.e. lorries, vans and cars) using the application site would be 106 (212 movements) per day.
18. The application is supported by a planning statement, design and access statement, landscape and visual impact assessment, transport assessment, noise assessment, air quality assessment, flood risk assessment (level 2 and 3), Phase 1 habitat survey, desk based archaeological study and ground conditions assessment.
19. The transport assessment submitted with the application includes a comparison between those vehicle movements associated with the former use of the site as a paper mill and those likely to be associated with the proposed MetRF. The previous use is stated to have given rise to 83 operational HGVs (166 movements) and 97 staff vehicles (194 movements) per day giving rise to a total number of vehicles using the former SCA Containerboard Site of 180 vehicles (360 movements) per day. The transport assessment also considers the potential impact of vehicles likely to be associated with emerging proposals for the gasification and materials recycling facilities. It states that there would be 23 HGVs (46 movements) associated with the materials recycling facility (MRF) and 15 HGVs (30 movements) associated with the gasification facility, as well as a combined number of 35 staff vehicles (70 movements) associated with the MRF and gasification facility. Based on the above figures, the transport assessment states that there would be a total of 124 HGVs (248 movements) and 55 staff vehicles (110 movements) associated with the MetRF, MRF and gasification facility, giving rise to a combined total of 179 HGVs, vans and cars (358 movements). On this basis, the transport assessment concludes that the three combined “new” uses would give rise to 2 fewer overall vehicle movements but 82 more HGV movements than the previous use (albeit that for the purposes of the exercise 100 LGV / MGW movements are classified as HGVs).
20. The applicant proposes that all metals recycling operations at Mill Hall would permanently cease within 6 months of the commencement of any new operation at New Hythe Lane if planning permission is granted for the new MetRF. It includes a draft Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) which it states is designed to secure this. It has also submitted additional noise assessment information in response to initial comments from KCC’s

³ A Gross Vehicle Weight of less than 3.5 tonnes.

⁴ A Gross Vehicle Weight of between 3.5 tonnes and 7.5 tonnes.

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Noise Consultant. This includes proposals for the inclusion of cladding material for sheds to meet a 34dB criteria and a 3m high noise barrier on the east and south east site boundaries. It has also stated that non-tonal reversing alarms (e.g. variable level broadband white-noise directional signals) will be used where possible to minimise the use of tonal alarms.

Planning Policy Context

21. **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development), PPS4 (Planning for Sustainable Economic Growth), PPS5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning for Sustainable Waste Management), PPG13 (Transport), PPS23 (Planning and Pollution Control), PPG24 (Planning and Noise), PPS25 (Development and Flood Risk) and Waste Strategy for England 2007.

The draft National Planning Policy Framework (July 2011) is a material planning consideration. The draft does not contain specific waste policies since national waste planning policy is to be published alongside the National Waste Management Plan for England. Pending this, PPS10 is to remain in place. The other matters addressed in the draft Framework primarily carry forward existing national planning policies.

22. **South East Plan** – These include CC1 (Sustainable Development), RE3 (Employment and Land Provision), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM4 (Sustainable Flood Risk Management), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM10 (Noise), W3 (Regional Self-sufficiency), W4 (Sub-regional Self-sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting Targets), W7 (Waste Management Capacity Requirements), W10 (Regionally Significant Facilities), W15 (Hazardous and Other Specialist Waste Facilities), W16 (Waste Transport Infrastructure), W17 (Location of Waste Management Facilities), C4 (Landscape and Countryside Management), C6 (Countryside Access and Rights of Way Management) and BE6 (Management of the Historic Environment).
23. **Kent Waste Local Plan (1998)** – These include Policies W3 (Locational Criteria), W6 (Need), W9 (Waste Separation and Transfer), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Unstable Land, Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W25A (Reuse or Adapt Existing Buildings), W27 (Public Rights of Way), W31 (Visual Impact and Landscaping), W32 (Operation and Aftercare).
24. **Tonbridge and Malling Borough Council Local Development Framework (LDF) Core Strategy** – These include Policies CP1 (Sustainable Development), CP2 (Sustainable Transport), CP8 (Sites of Special Scientific Interest), CP10 (Flood Protection), CP11 (Urban Areas), CP21 (Employment Areas), CP24 (Quality of Life) and CP25 (Mitigation of Development Impacts).
25. **Tonbridge and Malling Borough Council LDF Development Land Allocations Development Plan Document (DPD)** – Policy E1(d) New Hythe Area, Larkfield – Employment Areas Suitable for B1 (Business), B2 (General Industrial) and B8 (Warehousing / Distribution) Use.

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26. **Tonbridge and Malling Borough Council LDF Managing Development and the Environment DPD** – These include Policies CC1 (Sustainable Design), CC2 (Waste Minimisation), CC3 (Sustainable Drainage), NE1 (Local Sites of Wildlife Geological and Geomorphological Interest), NE2 (Protected Species), NE3 (Impact of Development on Local Biodiversity), NE4 (Trees, Hedgerows and Woodland), SQ1 (Landscape and Townscape Protection and Enhancement), SQ4 (Air Quality), SQ5 (Water Supply and Quality) and SQ8 (Road Safety, Transport and Parking).
27. **Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – Draft Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW3 (Strategy for Waste Management Capacity), CSW5 (Non Strategic Waste Sites), CSW6 (Location of Non Strategic Waste Sites), CSW7 (Approach to Waste Management for MSW and C&I Waste), CSW16 (Other Forms of Waste Development), DM1 (Sustainable Design), DM2 (Sites of International, National and Local Importance), DM3 (Archaeological Features), DM7 (The Water Environment), DM8 (Health and Amenity), DM9 (Cumulative Impact), DM10 (Transportation of Minerals and Waste), DM11 (Public Rights of Way) and DM14 (Planning Obligations). This document has not yet reached Submission stage such that the draft Plan and its policies carry little weight as material planning considerations.
28. **Kent Minerals and Waste Development Framework: Waste Sites Development Plan Document Options Consultation (May 2011)** – These include sites proposed by operators and landowners for inclusion in the Kent MWDF Sites Development Plan Documents (DPDs). At this stage, KCC has made no decision on any promoted sites and these documents carry no weight for development management purposes. However, as set out in paragraph 8 above it should be noted that the entire SCA Containerboard Site is being promoted by Biossence for an energy and recycling centre (including a metals recycling facility).

Consultations

29. **Tonbridge and Malling Borough Council** – Objects to the proposal unless the following issues are satisfactorily addressed:-
1. It is recommended that the Woodchip Processing Facility should be fitted with a roller shutter door and this should be required to be closed before any machinery therein is operated. All vehicles operating at the site should be fitted with broadband reversing alarms to minimise the disturbance to Noise Sensitive Receptors.
 2. The hours of operation should be revised to 0800-1800 Monday-Friday, 0800-1300 Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
 3. The County Council should be fully satisfied that there has been adequate testing to ensure that there are no viable alternative means of transport by rail or river, so as to reduce the vehicular traffic on the local road network.
 4. Access to the site should be made via A228, Leybourne Way and New Hythe Lane north of the junction of Leybourne Way only and use of local residential roads should be actively discouraged.

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5. Any new use on the site should not cause further deterioration to the existing air quality in the vicinity which is perceived to be poor.
 6. Lighting on the site should be appropriate for the use so as to ensure that the local light impacts are not increased and should as far as practical be reduced.
 7. Appropriate measures should be imposed to ensure that there is no environmental impact or pollution from oil and other liquids liberated by the uses on the site.
 8. Appropriate measures should be imposed to ensure that there is no environmental impact from the noise from metal recycling, car breaking on the site. These measures should include management of noise from emptying and loading skips and other vehicles on site.
 9. The formation of the roundabout at the junction of Leybourne Way and New Hythe Lane should be assessed as it is perceived that the current form gives rise to risk to traffic and it may be necessary to reduce its height and to improve visibility.
 10. The applicant should be advised that if the proposal goes ahead, they will need to register with TMBC Environmental Health & Housing Services under the provisions of the Scrap Metal Dealers Act 1964.
 11. If the proposal goes ahead it will be necessary for the applicant to register an exemption with the Environment Agency. You are referred to the Environment Agency for further advice/information on this particular matter.
30. **Ditton Parish Council** – No objection but does have concerns about increased traffic. Particularly the effect on New Hythe Lane and the additional pollution that may be caused. Would welcome more use of the river and rail for the transport of materials to the site.
31. **East Malling and Larkfield Parish Council** – Object for the following reasons:-
- The application is premature pending the approval of the Kent MWDF (the application site appears for the first time for waste recycling and is referred to as Site 61);
 - Proposals for the entire former SCA Containerboard Site should be developed together (as previously proposed by Biossence) such that all elements can be considered at the same time (e.g. issues relating to the western part of the site nearest to New Hythe Station and the archaeological interest associated with New Hythe Village and St John's Chapel);
 - Although the former industrial use and employment allocations are accepted, the proposed recycling of metals (including hazardous wastes) is different in character such that the pollution impacts (e.g. air quality) need careful consideration to ensure that there are no harmful effects;
 - Adverse impacts on residential amenity from noise, vibration and fumes associated with vehicles using the local road network (especially New Hythe Lane and Leybourne Way), particularly as more houses have recently been built in the area;
 - The section of New Hythe Lane between the site and the Bellingham Way / Leybourne Way roundabout is restricted with parked cars either side outside terraced properties;
 - Rail and river transport should be considered to reduce HGV movements;
 - Concerns about flood risk generally and specifically related to hazardous wastes

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(exacerbated by global warming combined with possible storm tides).

In the event that KCC is minded to permit the proposals, it requests that conditions be imposed to ensure: appropriate hours of operation; new buildings are coloured to blend with the surrounding industrial complex when viewed from nearby or from a distance; material stockpile heights are restricted to minimise visual impact; car parking is provided for staff and visitors; lighting is not intrusive; no interference with Footpath MR443 (along the River Medway); surface water is not discharged to the River Medway unless properly treated; and the appearance of the site is improved and a landscaping scheme submitted. It also requests that there should be an undertaking which ensures that New Hythe Lane south of Bellingham Way is not used by lorries and that the planning rights to the existing Mill Hall site are extinguished, the site redeveloped for residential use and its “lost” riverside path restored.

Following consideration of the proposals by Tonbridge and Malling Borough Council's Area 3 Planning Committee on 3 October 2011, the Parish Council has also endorsed points 2, 4 and 9 in paragraph 29 above. It has also referred to the response from the North Larkfield Group for the Protection of the Environment (NLGPE) referred to in paragraph 45 below and stated that it agrees with its concerns about the restricted width of New Hythe Lane and parked cars to the north of its junction with Leybourne Way and supports the investigation of a link road between Papyrus Way and Bellingham Way (which would avoid this section of New Hythe Lane) and the use of rail and river to transport waste materials. It has also suggested that consideration be given to a KCC Members' Site Visit before the application is determined because of the likely impacts.

32. **Leybourne Parish Council** – Object due to the unacceptable impact of increased lorry traffic and the resulting congestion on Leybourne Way, Castle Way, A228 and M20 junction 4.
33. **Environment Agency** – States that the proposed development will only be acceptable if the following conditions are included on any planning permission:-
 1. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
Reason: To ensure any additional contamination risks to the environment, from the historic industrial use of the site or adjacent areas, are managed appropriately in line with PPS 23: Planning and Pollution Control.
 2. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To prevent contamination of the underlying principal aquifer within Source Protection Zone 2 by penetration of the site hard surfacing and made ground.

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3. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. *Reason: To ensure adequate and appropriate management and disposal of surface water.*

It has also included a number of detailed informatives relating to flood risk (it is indicated that it is satisfied with the flood risk assessment provided with the planning application), works near rivers, land contamination, environmental permitting, drainage and storage of fuels / chemicals.

34. **KCC Highways and Transportation** – No objection subject to the following conditions:-

- Appropriate measures being employed to prevent mud or similar substances on the public highway;
- The vehicle parking areas identified on the layout drawing being provided, surfaced and drained prior to the occupation of the facility and maintained thereafter so as not to preclude vehicle parking; and
- The vehicle loading, off-loading and turning areas identified on the layout drawing being paved, drained and maintained thereafter for these uses.

Has advised that the proposal is not likely to be detrimental to highway safety or capacity and that the information supplied by the applicant in respect of transportation issues indicates that the proposal would not lead to an intensification of traffic movements over and above those generated by the extant use of the site. However, has also advised that alternative methods of transporting materials to and from the site should be investigated with a view to reducing operational traffic on the highway network and that any air quality issues should be addressed.

Has further advised that the transport assessment (which considers the potential combined impact of the redevelopment of the whole site for a gasification facility, MRF and MetRF) indicates that there would be an increase in LGV/MGV movements but that these would be routed along New Hythe Lane and Leybourne Way. Has suggested that any future proposals should include a link capacity assessment of these roads in order to address concerns regarding traffic (exacerbated by recent new residential development near New Hythe Lane) and that consideration should be given to the provision of on street parking bays between the New Hythe Lane/Bellingham Lane/Leybourne Way roundabout and the public house subject to land availability and consultation with the local residents.

35. **Highways Agency** – No objection.
36. **Southern Water** – Requests that if permission is granted, a condition should be imposed to ensure that no development takes place until a foul and surface water sewerage disposal scheme has been submitted to and approved in writing by the County Council. It has also advised the applicant to contact it to discuss drainage arrangements.

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37. **Natural England** – Advises that although the development does not directly impact on any sites designated for their habitat or wildlife interest, the Holborough Marshes SSSI could be adversely affected by polluted surface water run-off from the site into the River Medway unless appropriately managed. It welcomes the applicant's commitment to implement a surface water management plan to prevent indirect impacts of this type and is content for the Environment Agency to consider the adequacy of any such measures. It also welcomes the applicant's intention to carry out scrub clearance outside the bird nesting season or to implement appropriate additional measures if this is not possible.
38. **KCC Biodiversity Projects Officer** – Has reviewed the ecological survey submitted with the application and is satisfied with the information provided. Advises that PPS9 seeks to enhance and restore biodiversity, as well as avoid, mitigate or compensate for harm and recommends that these aims could be met by the enhancement of those areas of rough ground adjacent to the large water storage tanks which would not be directly impacted by the proposed development. Further recommends that these enhancements be submitted to and approved in writing by KCC as a condition of any permission granted.
39. **KCC Public Rights of Way** – Advises that Footpath MR443 runs along the eastern boundary of the site and should not be affected by the proposals.
40. **KCC Archaeology and Heritage** – No objection subject to the imposition of the following condition:-
- AR1: No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.
Reason: To ensure that features of archaeological interest are properly examined and recorded.

Advises that the site lies within the valley of the River Medway which has been favourable for prehistoric, Roman and later activity and that although the application site itself contains no recorded archaeological sites there are numerous sites in the area. States that although the archaeological desk based assessment included with the application is brief, it highlights the later archaeological potential, especially the potential for remains associated with the 14th century chapel and graveyard (*to the north of the site*). Advises that although the assessment includes a considerable amount of data from the geotechnical work, there does not seem to have been any archaeological analysis or assessment of this data. The geotechnical work highlights the presence of Alluvium and River Terrace Gravels, both of which have potential to contain early prehistoric and/or palaeoenvironmental remains. River Terrace Gravels have particular potential for rare and important palaeolithic remains and, according to the geotechnical data, these deposits are lying underneath the Alluvium but sometimes only 2m below the present ground surface. As a result of this, together with the potential for medieval remains associated with the chapel, recommends that the programme of archaeological work include an archaeological impact assessment informed by a specialist palaeoenvironmental assessment and specialist geo-archaeological and palaeolithic assessment.

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41. **KCC Landscape Consultant (Jacobs)** – Confirms that the methodologies used for the baseline study and detailed landscape and visual assessment are based on the latest guidance and cover all relevant issues thoroughly. Agrees with the conclusions of these reports in that the proposals would have a neutral to slight adverse significance of effect in the landscape / townscape and views during construction and operation, given the wider existing industrial setting and that the development would take place on a former industrial site with features such as 15m high lighting columns. Accepts that opportunities for planting mitigation are limited given the industrial nature of the site and the proposals and agrees with the mitigation that is proposed (i.e. to integrate the built structures with those of the nearby paper mill complex in terms of proposed building materials, design and colour scheme) provided details are submitted to and approved in writing by the County Council.
42. **KCC Noise, Dust and Air Quality Consultant (Jacobs)** – Air Quality and Dust: Advises that it is satisfied that the changes in traffic on the local road network as a result of the proposed MetRF would have a negligible impact on residential properties and that the impact of the proposals would not result in any exceedences of the Air Quality Objectives where none existed previously. Advises that implementation of the proposed measures to control the release of dust during the construction and operational phases would eliminate dust emissions to a minimum level without causing any nuisance to nearby residential properties.

Noise: Following the receipt of additional noise assessment information and further discussions with the applicant and agent, advises that it is satisfied that noise from the proposed development would be acceptable as the requirements of the following noise condition could be met:-

"The rating noise level emanating from the facility at nearby residential premises when assessed in accordance with BS 4142 shall not exceed the existing background noise level."

Advises that this is subject to:-

- the inclusion of cladding material for sheds to meet a 34dB criteria;
- a 3m high noise barrier on the east and south east site boundaries;
- the removal of the container inverter from the proposed development;
- the shed door containing the wood chipper remaining closed during its operation; and
- the wood chipper not operating on Saturdays.

Also advises the use of non-tonal reversing alarms (e.g. variable level broadband white-noise directional signals) where possible to minimise the use of tonal alarms.

43. No responses have been received from Aylesford Parish Council, Network Rail, South East Water, Kent Fire and Rescue and Kent Wildlife Trust.

Representations

44. The application has been publicised both by site notices and newspaper advertisement. All residential and other properties within 250 metres of the site and

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those properties either side of New Hythe Lane between its junction with Leybourne Way and the site entrance and were notified (sixty-nine in number). Fourteen responses have been received.

45. Eleven letters of objection have been received, including one from the North Larkfield Group for the Protection of the Environment (NLGPE). The objections (which largely refer to the impact of vehicles using the site rather than operations on the site itself) relate to:-

- Proximity to residential development (including significant recent and proposed new development);
- Traffic impact on local roads (e.g. New Hythe Lane and Leybourne Way, including on a “bottle neck” where residents park on New Hythe Lane just to the north of its junction with Leybourne Way);
- Pedestrian and highway safety;
- Damage to parked cars and street drainage;
- Pollution impacts (including adverse impact on air quality and from hazardous waste materials being transported through the area);
- Noise and vibration impact;
- Impact on recreational area;
- Hours of use; and
- Premature (pending adoption of the Kent Minerals and Waste Development Framework).

It has also been suggested that if permission is granted, this should include restrictions to protect local wildlife and local residents. Concerns have also been expressed about the emerging proposals for the rest of the SCA Containerboard Site (including the gasification facility). NLGPE has (amongst other things) additionally stated that the site has an excellent railhead and ideal wharfage access to the River Medway (and is accessible by commercial craft) and that the transportation of waste materials via these should be required if planning permission is granted. It has also suggested that a new road access should be constructed under the railway line to link with Bellingham Way.

46. A further letter of objection has been received from CPRE Protect Kent. It states that whilst it has no objection in principle to the relocation the MetRF to the proposed location, it does object to the current proposals for access and transportation of waste materials. It states that:-

- the site has 300m of good quality wharfage and a railhead but is poorly connected to the road network via New Hythe Lane;
- dealing with piecemeal applications as they arise makes it difficult for KCC and consultees to evaluate the cumulative impacts (e.g. noise, traffic and air quality) that the multiple applications on the site would ultimately cause to residential amenity;
- 0600 hours is too early to start operating (0800 hours is suggested);
- air quality in the area is already poor (with air quality management areas – AQMAs declared along the M20 in the vicinity of the site) and KCC should assess the holistic effects of the various site proposals on the AQMAs;
- rail, river and alternative road access should be provided (as suggested by

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- NLGPE); and
 - if rail and river transport is not required, the opportunity may be “sterilised” forever.
47. One respondent has simply stated that the Council should insist on a certain percentage of materials being imported by rail or river and that any additional road traffic should be minimised due to the amount of recent residential development in the area.
48. One respondent has supported the proposals on the basis that the application site is far more appropriate than the existing site at Mill Hall. The reasons given for this are that the Mill Hall site is restricted and that there are problems with lorries queuing to access the yard and when the railway gates are closed leading to a traffic hazard and pollution issues.

Local Members

49. County Council Member Mr P Homewood was notified on 9 September 2011. Mrs T Dean and Mrs S Hohler were also notified as the main vehicle access to the site (Leybourne Way) passes through their electoral divisions.

Discussion

50. 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 planning considerations indicate otherwise. In the context of this application, the development plan policies set out in paragraphs 22 to 26 are of greatest relevance. Material planning considerations include the national and local policies set out in paragraphs 21 and 27. It should be noted that the South East Plan (SE Plan) remains part of the development plan although the Government’s intention to abolish regional spatial strategies is a material planning consideration and the weight given to it is a matter for the decision maker. The draft National Planning Policy Framework (NPPF) is also a material planning consideration. However, given the nature of the proposals it is of limited relevance in this case as PPS10 is to remain in place until any new waste policies are published alongside the new National Waste Management Plan for England.
51. The main issues to be considered in this case relate to:-
- Need;
 - Location;
 - Transport (e.g. highway safety and capacity, traffic impact and mode of transport);
 - Pollution and amenity (e.g. water quality, noise, vibration, dust and air quality);
 - Landscape and visual impact;
 - Archaeology;
 - Biodiversity; and
 - Public rights of way.

A number of other issues have also been raised which will also need to be addressed. These include cumulative impact, alternatives, relocation of existing site / cessation of

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metals recycling at the Mill Hall facility, economic development, prematurity and the relationship with other regulatory regimes.

Need

52. PPS10 states that the overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible. It also states that planning authorities should help deliver sustainable development through driving waste management up the waste hierarchy and looking to disposal as the last option. Policy W3 of the South East Plan aims to achieve net regional self-sufficiency and requires waste planning authorities (WPAs) and waste management companies to provide for capacity equivalent to the waste forecast to require management within its boundaries. Policy W4 requires WPAs to plan for sub-regional net self-sufficiency through provision for waste management capacity equivalent to the amount of waste arising and requiring management within their boundaries. Policy W6 sets targets for recycling and composting in the region and Policy W7 for each WPA (or combination thereof). Policy W10 encourages the provision of new or expanded regional and pan-regional scale recovery and processing facilities supported by a sub-regional network of bulking and sorting facilities and states that sub-regional facilities are required for end of life vehicles and electrical and electronic equipment. Policy W6 of the Kent Waste Local Plan (WLP) states that need will be a material consideration in the decision where a planning application is submitted for waste management development 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.
53. Draft Policy CSW16 of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) states that forms of waste development not covered by specific policies in the Core Strategy will be granted planning permission subject to there being a proven need for the facility and it would not cause unacceptable harm to the environment or communities. Paragraph 6.6.23 of the draft Plan states that *“Kent has many sites that handle end of life vehicles (ELV), and although there appears to be no shortage of capacity there may be economic pressures within the industry for larger sites that can provide a range of equipment and greater scope for recycling. Future needs for these facilities may be capable of being established on suitable industrial sites.”* Paragraph 6.6.22 says much the same in respect of sites for the treatment and transfer of waste electronic and electrical equipment (WEEE).
54. The application proposes that the new facility would replace the existing one at Mill Hall, Aylesford and is accompanied by a draft unilateral undertaking which would secure the cessation of the existing waste management operations if planning permission were granted. Given the restriction on the amount of waste that can be accepted at the existing facility (i.e. 38,636 tonnes per year - tpa), the proposed facility would provide an additional 61,364 tpa capacity. Of this, the applicant estimates that 10,000tpa would be sourced from the proposed MRF and gasification facility.
55. Whilst there would appear to be no specific need for additional waste management capacity for ELV and WEEE in Kent at this time (see paragraph 53 above), the provision of new capacity would accord with the objectives of various national and regional waste policies. The proposed development of a new purpose built MetRF

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would enable existing waste streams to be dealt with more efficiently and be likely to improve recycling rates. It would also offer the opportunity for the applicant to deal with a growing WEEE waste stream or to take up any capacity that could arise if other older sites were to close. Whilst there is no guarantee that the estimated 10,000tpa of waste materials would be sourced from the proposed MRF and gasification facility (since applications for these have yet to be made or determined), these would offer new waste streams for the proposed MetRF which could be obtained from adjoining sites (if permitted). Significantly, the proposed development offers the opportunity for the applicant to relocate his existing business from Mill Hall and, subject to the cessation of those operations, overcome the problems associated with that site (see paragraph 7 above). I consider that this can be regarded favourably in terms of any need argument in this case.

Location

56. Paragraph 24 of PPS10 states that waste management facilities proposed on sites not allocated for such use should be considered favourably when they are consistent with the policies set out in PPS10 and a range of criteria. These criteria include the physical and environmental constraints on development (including existing and proposed neighbouring land uses), the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (seeking modes other than road transport where practicable and beneficial) and giving priority to the re-use of previously developed land. Policy W17 of the South East Plan states that sites for waste management development should be assessed against the following criteria:
- Good accessibility from existing urban areas or major new or planned development;
 - Good transport connections including, where possible rail and water;
 - Compatible land uses such as previous or existing industrial land use; and
 - Be capable of meeting a range of locally based environmental and amenity criteria.
57. Policy W3 of the Kent Waste Local Plan states that proposals which only involve waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they 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 are located within or adjacent to an existing waste management operation or within an area of established or proposed general industrial use. Policy W9 states (amongst other things) that proposals for waste separation and transfer will be considered against whether they:
- would minimise impacts on the local and natural environments;
 - have or could secure ready access to the main road network, or have a rail or water link provided that there is acceptable access to an appropriate road network; and
 - are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial type area (e.g. those with a significant proportion of B2 to B8 type uses).
58. Policy E1(d) of the Tonbridge and Malling Borough Council (T&MBC) Local

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Development Framework (LDF) Development Land Allocations (DLA) Development Plan Document (DPD) safeguards the site and other land in the New Hythe area for employment purposes suitable for B1 (Business), B2 (General Industrial) and B8 (Warehousing / Distribution) Use.

59. The proposed development of a MetRF on the application site is acceptable in principle and would accord with the above planning policies subject to meeting the various planning and environmental criteria referred to. These will be addressed with other detailed policies relating to these matters in the following sections.

Transport (e.g. highway safety and capacity, traffic impact and mode of transport)

60. PPS10 states that the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery and the use of modes other than road transport where practicable and beneficial are important considerations in determining applications for waste management development. It also states that the suitability of the road network and the extent to which access would require reliance on local roads should be considered. Policy W16 of the South East Plan states that policies should aim to reduce the transport and associated impacts of waste movements and the use of rail and waterborne transport should be encouraged wherever possible. Policy W17 states that new sites should be assessed against characteristics including good accessibility from existing urban areas and good transport connections (including where possible rail or water).
61. Policies W3, W9 and W22 of the Kent Waste Local Plan require good access to an appropriate road network, whilst Policy W22 also requires that proposals should not materially adversely affect the safety or capacity of the road network or the local environment and should ensure that any necessary off-site highway improvements are completed at the developers expense. Policy W3 also expresses a preference for the potential for a rail or water transport link.
62. Policy CP2 of the T&MBC LDF Core Strategy (CS) states that development that is likely to generate a significant number of trips should be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated and provide for any necessary enhancement to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area. Policy E1 of the T&MBC LDF DLA DPD states that any new development or redevelopment (including change of use) within employment areas must not result in unacceptable impact on residential amenity by virtue of noise, dust, smell, vibration or other emissions, or the nature and scale of traffic generation. Policy SQ8 of the T&MBC LDF Managing Development and the Environment (MD&E) DPD states (amongst other things) that proposals should demonstrate that any necessary transport infrastructure is in place or is certain to be provided and development will only be permitted where it would not significantly harm highway safety and where traffic generated can be adequately served by the highway network.
63. East Malling and Larkfield Parish Council, Leybourne Parish Council and the majority of those local residents or interest groups who have responded (including the North Larkfield Group for the Protection of the Environment (NLGPE) and CPRE Protect

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Kent) have objected to the proposals for highways and transport related reasons. These primarily relate to the perceived inadequacy of New Hythe Lane, Leybourne Way and related junctions for HGV and other traffic associated with the proposed development (including a “bottle neck” where residents park on New Hythe Lane just to the north of its junction with Leybourne Way and congestion more generally) and the various impacts of such traffic on occupiers of housing along or served by this route and others using it (e.g. noise, vibration, dust, adverse air quality, pedestrian and highway safety and damage to parked cars and street drainage). It is evident that these concerns have been exacerbated by the fact that additional housing development has occurred in the area in recent years (e.g. to the north of Leybourne Way and south west of Papyrus Way).

64. Tonbridge and Malling Borough Council objects unless KCC is satisfied that there has been adequate testing to ensure that there are no viable alternative means of transport by rail or river, access to the site is only via the A228, Leybourne Way and New Hythe Lane north of the junction of Leybourne Way (with the use of local residential roads being actively discouraged) and the formation of the roundabout at the junction of Leybourne Way and New Hythe Lane is assessed to ensure its safety. A number of respondents (including East Malling and Larkfield Parish Council, NLGPE and CPRE Protect Kent) have also suggested that rail, river and an alternative road access should be provided if the development is to be permitted.
65. KCC Highways and Transportation has no objection to the application subject to the imposition of conditions to ensure measures to prevent mud or other substances being deposited on the highway and the proposed parking, loading and turning areas being provided, paved, drained and maintained at the site. It has also advised that the proposal is not likely to be detrimental to highway safety or capacity and that the information supplied by the applicant in respect of transportation issues indicates that the proposal would not lead to an intensification of traffic movements over and above those generated by the extant use of the site. Notwithstanding this, it has requested that alternative methods of transporting materials to and from the site be investigated with a view to reducing operational traffic on the highway network and that any air quality issues should be addressed. KCC Highways and Transportation has further advised that the transport assessment (which considers the potential combined impact of the redevelopment of the whole site for a gasification facility, MRF and MetRF) indicates that there would be an increase in LGV/MGV movements but that these would be routed along New Hythe Lane and Leybourne Way. It has also suggested that any future proposals (e.g. for any gasification facility or MRF) should include a “link capacity assessment” of these roads in order to address concerns regarding traffic and that consideration should be given to the provision of on street parking bays between the New Hythe Lane / Bellingham Lane / Leybourne Way roundabout and the public house subject to land availability and consultation with the local residents.
66. KCC’s Air Quality Consultant advises that it is satisfied that the changes in traffic on the local road network as a result of the proposed MetRF would have a negligible impact on residential properties and that the impact of the proposals would not result in any exceedences of the Air Quality Objectives where none existed previously. The Highways Agency has no objection to the proposals.
67. A key factor in considering transport issues for the proposed development is the amount of traffic which previously used the site and which could continue to do so

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regardless of the outcome of the planning application due to the existence of extant planning permissions. This effectively sets the baseline against which any new proposals should be assessed. Although paper making or associated activities are unlikely to resume on the SCA Containerboard Site and some of the buildings associated with the former use have been demolished, it would be possible for new development to take place at the site within the same use class under the terms of the Town and Country Planning (Use Classes) Order 1987. It would also be possible for certain other uses to take place without the need for a new planning permission(s) under the terms of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (i.e. permitted changes of use between different use classes). Although the issue is complicated by whether the entire SCA Containerboard Site represents a single planning unit or multiple planning units, such that this could restrict exactly what development could take place without the benefit of a new planning permission(s), it is considered that the extant permissions relating to the former SCA Containerboard Site constituted some combination of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. Uses or permitted changes of use within these categories would appear capable of being implemented such that vehicle movements to and from the site could continue regardless of the outcome of the current application.

68. As set out in paragraph 19 above, the applicant has provided a transport assessment (TA) which sets out details of those HGVs and other vehicles which used the site when SCA Containerboard was operating. The previous use is stated to have given rise to 83 operational HGVs (166 movements) and 97 staff vehicles (194 movements) per day giving rise to a total number of vehicles using the former SCA Containerboard Site of 180 vehicles (360 movements) per day. The figures provided have not been disputed by any consultee or respondent and I see no reason to challenge them. It has also more recently been suggested by the applicant's planning consultant that the figures failed to include contractors used by SCA Containerboard such that the actual number of HGVs and other vehicles would have been higher. The MetRF would give rise to 172 HGV movements (although technically 100 of these are LGVs or MGVs) and 40 staff vehicle movements. This equates to 6 more HGV movements than the previous use for the entire site if all are considered to be HGVs and 154 less staff vehicle movements. However, it also equates to 148 less overall vehicle movements.
69. The TA also provides a comparison between HGVs and other vehicles associated with the previous use and those for the MetRF, MRF and Gasification Facility (in isolation and in combination). The TA states that there would be 46 HGV movements associated with the potential MRF and 30 HGV movements associated with the potential gasification facility, as well as a combined number of 35 staff vehicles (70 movements) associated with these facilities. When combined with the proposed MetRF, this would result in 82 more HGV movements than the previous use for the entire site if all are considered to be HGVs and 84 less staff vehicle movements. It would also equate to 2 less overall vehicle movements.
70. As the proposed MetRF would give rise to less HGV and staff movements than the previous use of the SCA Containerboard Site and KCC Highways and Transportation has advised that it has no objection to the proposals (subject to conditions), I do not consider that refusing the application due to the number of vehicle movements could be substantiated. This position is reinforced by the fact that KCC Highways and Transportation and KCC's Noise and Air Quality Consultant have specifically advised

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that the proposals are acceptable in terms of highway capacity and safety and air quality. However, to ensure that the MetRF operates as proposed and does not give rise to a greater number of vehicle movements (with resultant additional impacts) I consider that it would be appropriate to limit the number of operational vehicle movements associated with the MetRF to 172 movements per day (86 in / 86 out). This would assist in ensuring that there is no net increase in overall vehicle movements associated with the former SCA Containerboard Site. Given the fact that the vehicles could be some combination of HGVs, MGVs and LGVs and distinguishing between some of these could be visually difficult, I consider that imposing a specific limit on HGVs would be inappropriate in this instance. It would also be inappropriate to seek to limit the number of staff or visitor movements by car (or similar vehicles). Any proposals for the remainder of the SCA Containerboard Site would need to be considered on their merits as and when any new applications are submitted for determination by either KCC or Tonbridge and Malling Borough Council. In so doing, regard would need to be given to the in-combination effects set out in the current or any subsequent TA and restrictions could be imposed as necessary on any further permissions. Any such proposals should also address the specific additional requirements of KCC Highways and Transportation set out in paragraph 34 above.

71. Although rail and river could potentially be used to transport materials to and from the site to reduce the number of HGV movements on roads, such modes of transport normally require dedicated facilities (at either end) and are only used when start and end destinations are known and regular trips with large payloads can be made. As the proposed operations would import / export materials from / to various locations in Kent and elsewhere of various payload sizes, the applicant states that reliance on rail or river would not be possible. The applicant has additionally stated that use of the river is not viable due to silting and a low bridge near Snodland which means it is not capable of being used by vessels of sufficient size to be commercially viable (i.e. those capable of carrying 2,000 tonnes of cargo). The applicant states that it is still investigating the possible use of local railheads (e.g. those at Aylesford Newsprint Services Ltd (ANSL) to the west of the application site and at Halling) but these have not been used for some time and the costs in preparing them for re-use is unclear. The applicant further states that it will continue to investigate rail options, but points out that all feasible options would still require vehicles to be transported by road via New Hythe Lane and, in the case of the ANSL railhead, via Papyrus Way. Given the above, and as the proposed road use is acceptable, I am satisfied that it would be unreasonable to require use of rail and river in this case.
72. A number of potential alternative access routes have been suggested both in response to the application and during the public consultation exercise associated with the wider Biossence proposals (e.g. via a new tunnel under the railway line to Bellingham Way, via Bellingham Way and Mill Hall Road to Station Road, Aylesford and via a new road through Leybourne Lakes). All can be discounted for various reasons (i.e. cost or land ownership issues) and are, in any even, unnecessary since the proposed use of New Hythe Lane and Leybourne Way is acceptable in highway terms. The suggested link via Bellingham Way and Mill Hall Road to Station Road would also result in additional traffic being routed through Aylesford which could give rise to concerns in that area. Although concerns have been expressed about the possibility of vehicles associated with the site using that part of New Hythe Lane in Larkfield to the south of the M20 to access the A20, this would continue to be subject to a Traffic Regulation Order (TRO) that prevents vehicles of more than 7.5 tonnes

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using the route. I consider that this remains the appropriate mechanism for controlling vehicle movements in this area.

73. Subject to the imposition of conditions to secure the vehicle movement restriction referred to above and those requested by KCC Highways and Transportation in paragraph 34, I am satisfied that the proposed development would be acceptable in terms of transportation issues and would accord with the above policies.

Pollution and amenity (e. g. water quality, noise, vibration, dust and air quality)

74. National waste policy seeks to ensure that potential adverse amenity and health impacts associated with development proposals are minimised. PPS10 makes it clear that modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health and that the detailed consideration of a waste management process and the implications (if any) for human health is the responsibility of the pollution control authorities. It further states that: the planning and pollution control regimes should complement rather than duplicate each other; waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities; and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Although the draft National Planning Policy Framework (NPPF) does not include waste policy, it is worth noting that in considering the potential effects of pollution on health, amenity and the environment, paragraphs 171 and 172 of the draft make it clear that planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Paragraph 172 also states that planning authorities should assume that these regimes will operate effectively.
75. The main national planning policies relating to groundwater and surface water interests (including flooding and ground contamination) of relevance to the proposals are set out in PPS23 and PPS25. PPS23 sets out policies on pollution control (including those relating to water resource interests) that should be considered when determining planning applications and emphasises the need for close working between the planning and pollution control authorities. PPS23 also states that the potential for contamination to be present must be properly assessed and any necessary remediation or subsequent management measures secured when permissions are granted. Annex 2 to PPS23 sets out more detailed requirements for this. PPS25 sets out policies on appraising, managing and reducing the risk of flooding (tidal, fluvial or other) and emphasises the need to consult the Environment Agency on applications in order to avoid inappropriate development in areas at risk from flooding. PPS23 and PPG24 respectively set out policies on pollution control (e.g. air quality, including Air Quality Management Areas (AQMAs)) and noise that should be considered when determining planning applications. PPS23 states that the relevant pollution control authority should be satisfied that potential releases can be adequately regulated under the pollution control framework, that the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would not make the development unacceptable and that decisions on individual cases must always be justified on the

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facts applying to those cases. PPG24 makes it clear that the planning system should not place unjustifiable obstacles in the way of development for the creation of jobs and the construction of essential infrastructure that will generate noise. However, it also states that planning authorities must ensure that development does not cause an unacceptable degree of disturbance and gives guidance on how this can be done.

76. Policies NRM1 and NRM2 of the South East Plan respectively seek to ensure that water supply and ground water and water quality are maintained and enhanced. Policy NRM4 seeks to ensure that flood risk is properly assessed and existing flood defences are protected from development. Policy NRM9 of the South East Plan seeks to protect and enhance air quality and reduce the environmental effects of traffic. Policy NRM10 seeks to minimise noise impacts.
77. Policies W19 and W20 of the Kent Waste Local Plan respectively state that the planning authority will need to be satisfied that surface and ground water resource interests will be protected and land drainage and flood control have been satisfactorily taken into account. Policy W18 of the Kent Waste Local Plan states that before granting planning permission the planning authority must be satisfied as to the means of control of noise, dust, odour and other emissions, particularly in respect of its potential impact on neighbouring land uses and amenity. Policy W25 states that when considering details relating to the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting, planning authorities should (amongst other things) seek to minimise noise intrusion.
78. Policy CP1 of the T&MBC LDF CS states that the need for development will be balanced against the need to protect and enhance the natural and built environment and that residential amenity and land, air and water quality will be preserved and, wherever possible, enhanced. Policy CP10 of the T&MBC LDF CS states that development which is acceptable in terms of PPS25 or otherwise exceptionally justified within areas at risk from flooding must be subject to a flood risk assessment, include an appropriately safe means of escape above flood levels anticipated during the lifetime of the development and be designed and controlled to mitigate the effects of flooding on site and the potential impact of the development elsewhere on flooding elsewhere in the floodplain. Policy E1 of the T&MBC LDF DLA DPD states that any new development or redevelopment (including change of use) within employment areas must not result in unacceptable impact on residential amenity by virtue of noise, dust, smell, vibration or other emissions. Policy CC3 of the T&MBC LDF MD&E DPD states that development will not be permitted if it has an unacceptable effect on the water environment, including surface water and groundwater quality and quantity and river corridors. It also requires proposals to either incorporate sustainable drainage systems (SUDS) or to use an appropriate alternative means of surface water drainage to ground watercourses or surface water sewers where this is not practicable. Policy SQ4 states that development will only be permitted where the proposal does not result in a significant deterioration of the air quality of the area (individually or cumulatively) and would not result in circumstances that would lead to the creation of a new AQMA. Policy SQ5 states that all development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users.
79. Although East Malling and Larkfield Parish Council accepts that the site was previously used for industrial use and is subject to an employment land allocation, it

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objects to the proposals on the basis that: the recycling of metals (including hazardous wastes) is different in character and could lead to pollution or other harmful effects; due to concerns about adverse impacts on residential amenity from noise, vibration and fumes associated with vehicles; and due to potential flood risk (both generally and specifically related to hazardous wastes, exacerbated by global warming combined with possible storm tides). The objections raised by other respondents, primarily relate to adverse effects associated with vehicle movements. However, specific concerns about noise and hours of use have also been expressed. CPRE Protect Kent has suggested that 0600 hours is too early for operations to start and that 0800 would be more appropriate.

80. Tonbridge and Malling Borough Council objects unless: the Woodchip Processing Facility is fitted with a roller shutter door which is closed before any machinery in it is operated; all vehicles operating at the site are fitted with broadband reversing alarms to minimise the disturbance to noise sensitive receptors; hours of operation are restricted to between 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays with no working on Sundays or Public and Bank Holidays (unless otherwise agreed in writing by KCC); there would be no further deterioration to the existing air quality in the area (which is perceived to be poor); appropriate measures are imposed to ensure that there is no environmental impact or pollution from oil and other liquids liberated by the uses on the site; and appropriate measures are imposed to ensure that there is no environmental impact from the noise from metal recycling and car breaking on the site (including measures for the management of noise from emptying and loading skips and other vehicles on site).
81. The Environment Agency has no objection to the application subject to conditions: to address any unexpected ground contamination that may arise during redevelopment of the site; to protect groundwater; and to provide for the appropriate management and disposal of surface water. It has not raised any objection in terms of flood risk and is satisfied with the flood risk assessment included as part of the planning application. Southern Water has no objection subject to a condition to secure an appropriate foul and surface water sewerage disposal scheme. Natural England has no objection subject to surface water run-off being appropriately managed via a suitable management plan.
82. KCC's Noise, Dust and Air Quality Consultant advises that implementation of the proposed measures to control the release of dust during the construction and operational phases would eliminate dust emissions to a minimum level without causing any nuisance to nearby residential properties. As stated in paragraph 66 above, it has also advised that MetRF related traffic would have a negligible impact in terms of air quality. It has also advised that noise from the proposed development would be acceptable provided conditions are attached to any permission to:-
 - restrict the rating noise level emanating from the facility at nearby residential premises when assessed in accordance with BS 4142 to no more than the existing background noise level;
 - preclude the use of the proposed container inverter;
 - require the use of cladding material for the proposed sheds to meet a 34dB criteria;
 - require a 3m high noise barrier on the east and south east site boundaries;

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- require the shed door containing the wood chipper to remain closed during its operation; and
- for the wood chipper not to operate on Saturdays.

It has also advised the use of non-tonal reversing alarms (e.g. variable level broadband white-noise directional signals) where possible to minimise the use of tonal alarms.

83. As stated in paragraph 16 above, the applicant has indicated it would be willing to accept that operations at the site commence at 0700 hours, provided vehicles are permitted to enter and leave the site from 0600 hours. I consider these revised hours of operation would go some way towards meeting T&MBCs concerns and would be acceptable, particularly since hours of use are currently unrestricted at New Hythe and vehicles could enter or leave the site at any time of the day or night. On this basis, I consider that with the exception of vehicles entering and leaving the site between 0600 and 0700 hours, operations shall only take place between the hours of 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays with no operations on Saturday afternoons, Sundays, Bank and Public Holidays unless otherwise approved beforehand in writing by KCC. I also consider that construction activities should be restricted to between 0700 and 1700 hours Monday to Saturday unless otherwise approved beforehand in writing by KCC. These hours can be secured by condition.
84. I am satisfied that the proposed conditions requested by the Environment Agency and Southern Water and recommended by KCC's Noise, Dust and Air Quality Consultant are necessary and would satisfactorily address the related issues (including those referred to by T&MBC). Given that KCC's Noise Consultant has advised that the proposed container inverter should not be permitted at this time, due to uncertainties about its associated noise implications, I propose that this element of the proposal be specifically prevented from taking place. The applicant has confirmed that the container inverter is not essential to the operation of the MetRF although it may revisit the desirability of its use at a later date. The preclusion of this element of the development can be secured by condition if it is not formally removed from the development proposals by the applicant. Subject to further appropriate noise assessment, it may prove possible for a container inverter to be used at the site. However, this would need to be subject to proposals to formally amend any permission that may be granted at this time. I also consider it necessary to impose a condition requiring details of the proposed 3m high noise barrier to be submitted for the prior approval of KCC. Notwithstanding East Malling and Larkfield Parish Council's concerns about flood risk, I note that the Environment Agency is satisfied on this matter.
85. Subject to the imposition of the conditions requested by the Environment Agency and Southern Water and those recommended by KCC's Noise, Dust and Air Quality Consultant and by myself in paragraphs 83 and 84 above, I am satisfied that the proposed development would be acceptable in terms of pollution and amenity issues and would accord with the above policies.

Landscape and visual impact

86. The main national planning policies relating to landscape and visual impact of relevance to the proposals are set out in PPS1. PPS1 promotes sustainable

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development, the protection and enhancement of the environment and the quality, character and amenity value of urban areas. PPS10 states that the setting of the proposed location and the potential for design-led solutions to produce acceptable development are important considerations in determining applications for waste management development.

87. Policy W25 of the Kent Waste Local Plan seeks to ensure that the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting is carefully controlled to minimise visual intrusion and assist integration into the local landscape. Policies W31 and W32 respectively seek appropriate schemes of landscaping and operation.
88. Policy CP24 of the T&MBC LDF CS states that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. Policy E1 of the T&MBC LDF DLA DPD states that any new development or redevelopment (including change of use) within employment areas must not result in unacceptable impact by virtue of visual intrusion. Policy SQ1 of the T&MBC LDF MD&E DPD states that development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character area as defined in the Character Areas Appraisal Supplementary Planning Document (SPD). It also states that all new development should protect, conserve and, where possible, enhance: the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity; the distinctive setting of, and relationship between, the pattern of settlement, roads and landscape, urban form and important views; and the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies. The draft SPD for the Medway Gap area identifies the application site as being within the New Hythe Industrial Estate whose locally distinctive contextual features include large individual buildings or groups of linked units, industrial premises, offices and trade counter retailing, building heights of 1 to 2 storeys with some single storey buildings equivalent to 4 storeys or more with brick, steel and glass for modern buildings and red brick for late Victorian buildings.
89. The only specific landscape and visual impact issue raised by a consultee or other respondent is that by Tonbridge and Malling Borough Council relating to lighting. It has requested that lighting on the site should be appropriate for the use to ensure that local light impacts are not increased and are, as far as practical, reduced. The proposed lighting is already in place such that there would be no greater impacts than already exist. However, I consider that it would be appropriate to include a condition which requires the lighting to be maintained in such a way as to minimise light spillage and visual impact beyond the site boundary and is only used when necessary. This could best be secured by a condition requiring a scheme of lighting to be submitted to KCC for approval prior to the commencement of development.
90. KCC's Landscape Consultant advises that the landscape assessment included with the application uses the appropriate methodologies and correctly concludes that the proposals would have a neutral to slight adverse significance of effect in the landscape / townscape and views during construction and operation. It accepts that opportunities for planting are limited, given the industrial nature of the site and the proposals, and agrees that the proposed mitigation (i.e. integrating the built structures with those of

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the nearby paper mill complex in terms of building materials, design and colour) is appropriate. It recommends that these details are submitted to and approved in writing by the County Council before any development commences. Although I am satisfied that the proposed 3m high noise barrier on the east and south east site boundaries would not have a significant landscape and visual impact, I propose that details of its precise location, design and appearance be required by condition.

91. Subject to the imposition of conditions to secure the details recommended by KCC's Landscape Consultant, a lighting scheme being submitted to KCC for approval prior to the commencement of development and lighting being designed, maintained and used to minimise adverse impacts, the height of material stockpiles and skip storage being restricted to no more than 5m above ground level, plant and machinery being operated from ground level (rather than from on stockpiles) and materials being stored or handled in those areas proposed, I am satisfied that the proposed development would be acceptable in terms of landscape and visual impact and would accord with the above policies.

Archaeology

92. The main national planning policies relating to the historic environment (including archaeology, scheduled ancient monuments, listed buildings and conservation areas) are set out in PPS5. This contains a number of development management policies (HE6 to HE12) that set out the information required from applicants to enable an assessment of proposals, the principles for determining applications relating to all heritage assets or their settings (designated or otherwise) and the role of recording information relating to such assets. Policy BE6 of the South East Plan seeks to protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place. Policy CP1 of the T&MBC LDF CS states that the need for development will be balanced against the need to protect and enhance the natural and built environment and that the quality of the historic environment will be preserved and, wherever possible, enhanced. Policy SQ1 of the T&MBC LDF MD&E DPD states that development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest.
93. The only comments that have been made in respect of the historic environment are from KCC Archaeology and Heritage which has no objection provided a condition is included to secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by KCC.
94. The applicant has advised that the proposed buildings would be bolted to the existing hardstanding such that there would be no requirement for excavations that would necessitate physical archaeological investigation. However, I consider that an appropriately worded condition should be imposed to ensure that if excavations are required for whatever reason (e.g. for additional drainage works) the archaeological scheme requested by KCC Archaeology and Heritage would be submitted for approval and any necessary archaeological work undertaken.
95. Subject to the imposition of the condition requested by KCC Archaeology and Heritage, I am satisfied that the proposed development would be acceptable in terms

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of archaeology and would accord with the above policies.

Biodiversity

96. The main national planning policies relating to ecology are set out in PPS9. Paragraph 1 states that the aim of planning decisions should be to prevent harm to biodiversity interests and secure appropriate mitigation as necessary. Policy NRM5 of the South East Plan states that planning authorities should avoid a net loss of biodiversity and actively pursue opportunities to achieve a net gain across the region.
97. Policy W21 of the Kent Waste Local Plan states that the planning authority will need to be satisfied that the ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of species of wildlife importance. CP1 of the T&MBC LDF CS states that the need for development will be balanced against the need to protect and enhance the natural and built environment and that the quality of the natural environment will be preserved and, wherever possible, enhanced. Policy CP8 states that development will not be permitted where it would directly, indirectly or cumulatively cause material harm to the scientific or nature conservation interest of a Site of Special Scientific Interest (SSSI). Policy SQ1 of the T&MBC LDF MD&E DPD states that development should protect, conserve and, where possible, enhance the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.
98. A number of respondents have suggested that if permission is granted, this should include restrictions to protect local wildlife. Natural England advises that although the development does not directly impact on any sites designated for their habitat or wildlife interest, the Holborough Marshes SSSI could be adversely affected by polluted surface water run-off from the site into the River Medway unless appropriately managed. It welcomes the applicant's commitment to implement a surface water management plan to prevent indirect impacts of this type and is content for the Environment Agency to consider the adequacy of any such measures. It also welcomes the applicant's intention to carry out scrub clearance outside the bird nesting season or to implement appropriate additional measures if this is not possible. KCC Biodiversity Projects Officer recommends that the areas of rough ground adjacent to the large water storage tanks which would not be directly impacted by the proposed development be enhanced in accordance with a scheme that is first submitted to and approved in writing by KCC as a condition of any permission granted.
99. Subject to the imposition of conditions to secure the biodiversity enhancement scheme requested by KCC Biodiversity Projects Officer and ensure that scrub clearance is undertaken as proposed, I am satisfied that the proposed development would be acceptable in terms of biodiversity and would accord with the above policies.

Public rights of way

100. The main national planning policies relating to rights of way of relevance to the proposals are set out in PPS1, PPG13 and PPG17. PPS1 seeks to promote sustainable development by various means, including through the provision of access that avoids the need for vehicular transport. PPG13 promotes walking and cycling together with other measures designed to increase accessibility and reduce reliance on cars. Paragraph 32 of PPG17 states that rights of way are an important

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recreational facility which local authorities should protect and enhance and that opportunities to provide better facilities for walkers and cyclists by adding links to existing rights of way networks should be sought. Policy C6 of the South East Plan states that public rights of way should be maintained and enhanced and, where possible, new routes should be made multi-functional.

101. Policy W27 of the Kent Waste Local Plan states that where proposals could adversely affect a public right of way, the County Council will secure the interests of its users. Policy CP2 of the T&MBC LDF Core Strategy (CS) states that development that is likely to generate a significant number of trips should be well located relative to public transport, cycle and pedestrian routes.
102. No objections have been raised about public rights of way although one respondent has objected on the grounds that the proposal would have an adverse impact on a recreational area.
103. Although Footpath MR443 lies immediately to the east of the application site, the footpath is at a lower level and separated from the site by the existing concrete flood defence wall and a shared internal access road approximately 9m wide. It would therefore not be possible to see the application site from the footpath and the proposed operations would not directly interfere with its users. Indirect impacts (such as noise and dust) may occur although these would be limited by the proposed mitigation (e.g. 3m noise barrier and dust controls). Any impacts also need to be viewed in the context of the former industrial use of the site and other uses in the surrounding area. The site is accessible by public transport (rail and bus), foot and bicycle. Notwithstanding the objection that has been received from one respondent, I do not consider that the proposal would have any adverse impact on a recreational area.
104. The proposed development would therefore accord with the above planning policies relating to public rights of way and accessibility by foot, bicycle and public transport.

Other issues

105. Cumulative impact: East Malling and Larkfield Parish Council and CPRE Protect Kent have suggested that any proposals for the former SCA Containerboard Site should be developed together (as was previously proposed by Biossence) such that all elements can be considered at the same time. Whilst I agree that this approach would be desirable, the MetRF application has been submitted alone and must be treated on its merits. The application is supported by a TA which includes vehicle numbers for all of the development proposed by Biossence as part of its earlier proposals such that the cumulative highways and transportation impacts of the wider proposals has been considered and found to be acceptable. Although the cumulative impacts of other issues would need to be considered when any new applications are submitted, these would need to be considered against the previous use and appearance of the former SCA Containerboard Site and adjoining land, its development plan allocation and any controls or mitigation that could be employed to minimise any additional impacts.
106. Alternatives: Given that the proposed development is on employment land identified for employment use in the T&MBC LDF, it is not necessary for the applicant or KCC to consider alternative locations in this case. However, it is worth noting that in the

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absence of any other applications for the relocation of the existing MetRF, the only alternatives at this time are for metals recycling to either continue or to cease entirely at Mill Hall. Cessation of activities at Mill Hall is unlikely if planning permission is not granted at New Hythe given the applicant's intention to continue to operate its business. If operations did cease, this would lead to a need for additional capacity to be provided elsewhere if sufficient metals recycling capacity in the area is to continue to be maintained.

107. Relocation of existing site / cessation of metals recycling at the Mill Hall facility: One letter of support has been received on the basis that the proposed site is far more appropriate than the existing facility at Mill Hall. I agree that the proposed site would be far better for a MetRF than the Mill Hall site. The relocation of the existing facility would, when combined with the proposed cessation of waste management uses at Mill Hall, serve to overcome the problems referred to in paragraph 7 above. I am satisfied that the proposed cessation can be secured by a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended).
108. Economic development: The main national planning policies relating to economic development of relevance to the proposals are set out in PPS4. Policy EC10 states that local planning authorities should adopt a positive and constructive approach towards applications for economic development and that applications that secure sustainable economic growth should be treated favourably. The proposed MetRF would provide employment for 20 staff and additional capacity for the recycling of metals consistent with these objectives. This would secure the employment of existing staff and provide opportunities for additional employment.
109. Prematurity: East Malling and Larkfield Parish Council and a number of respondents have suggested that the application is premature pending the approval of the Kent MWDF. As set out in paragraphs 27 and 28 above, the preparation of the Kent MWDF is still at an early stage such that it carries little weight as a material planning consideration. Government advice⁵ is that planning applications should not be refused on grounds of prematurity unless the 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 development which are being addressed in the policy in the DPD. I do not consider that the proposed MetRF falls into this category such that refusal on grounds of prematurity could not be justified.
110. Other regulatory regimes: In the event that planning permission is granted, the applicant will need to ensure that it complies with the requirements of other regulatory regimes such as those provided for by the Environmental Permitting Regulations (2007) and the Scrap Metal Dealers Act (1964). As stated in paragraph 74 above, PPS10 and the draft NPPF are clear that planning should not seek to duplicate the requirements of these regulatory regimes.

Conclusion

111. The proposed MetRF at the former SCA Containerboard Site would replace and enhance the existing facility at Mill Hall consistent with the principles of sustainable

⁵ The Planning System: General Principles (ODPM, 2005).

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development. In so doing it would resolve the problems associated with the operation of the existing site.

112. For the reasons set out in paragraphs 52 to 110 above, I am satisfied that the proposed development accords with the various environmental, operational and other objectives such that the use of the application site at New Hythe for a MetRF complies with the policies set out in paragraphs 21 to 28. On this basis, I am satisfied that subject to various conditions, the proposed development accords with relevant development plan policies and that there are no material planning considerations that mean that planning permission should be refused. I am also satisfied that this would remain the case even if the South East Plan were no longer part of the development plan. I therefore recommend accordingly.

Recommendation

113. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the prior completion of a Section 106 Agreement (Unilateral Undertaking) to secure the cessation of all metals recycling operations at the applicant's existing facility at Mill Hall, Aylesford and conditions covering amongst other matters:-

- Maximum throughput of 100,000 tonnes per year (tpa);
- Maximum number of operational vehicle movements associated with the MetRF being limited to 172 per day (86 in / 86 out);
- Measures to prevent mud or other materials being deposited on the highway;
- Parking, loading and turning areas being paved, drained and maintained for the life of the facility;
- Hours of construction (0700 to 1700 hours Monday to Saturday unless otherwise approved by KCC);
- Hours of operation (0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays with no working on Saturday afternoon, Sundays, Bank and Public Holidays unless otherwise approved by KCC);
- Vehicles additionally being permitted to enter and leave the site between 0600 and 0700 hours on those days that the site is operational;
- Any unexpected ground contamination;
- Groundwater protection;
- Foul and surface water drainage scheme to be approved by KCC;
- Dust control measures;
- The rating noise level emanating from the facility at nearby residential premises when assessed in accordance with BS 4142 being restricted to no more than the existing background noise level;
- The use of the proposed container inverter being precluded (unless otherwise agreed by KCC);
- The use of cladding material for the proposed sheds to meet a 34dB criteria;
- A 3m high noise barrier on the east and south east site boundaries;
- The shed door containing the wood chipper to remain closed during its operation;
- The wood chipper not operating on Saturdays;
- Non-tonal reversing alarms (e.g. variable level broadband white-noise directional signals) being used where possible to minimise the use of tonal alarms;
- A lighting scheme being submitted to KCC for approval prior to the

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commencement of development and lighting being designed, maintained and used to minimise adverse impacts;

- Details of building materials, design and colour to be approved by KCC;
- Details of 3m high acoustic fence to be approved by KCC;
- The height of material stockpiles and skip storage being restricted to no more than 5m above ground level and plant and machinery being operated from ground level rather than from on stockpiles;
- Materials being handled and stored in accordance with the proposed site layout unless approved by KCC;
- The implementation of a scheme of archaeological work approved by KCC if any excavations are required;
- The implementation of a biodiversity enhancement scheme approved by KCC; and
- Scrub clearance being implemented as proposed (i.e. outside the bird nesting season).

Case Officer: Jim Wooldridge

Tel. no. 01622 221060

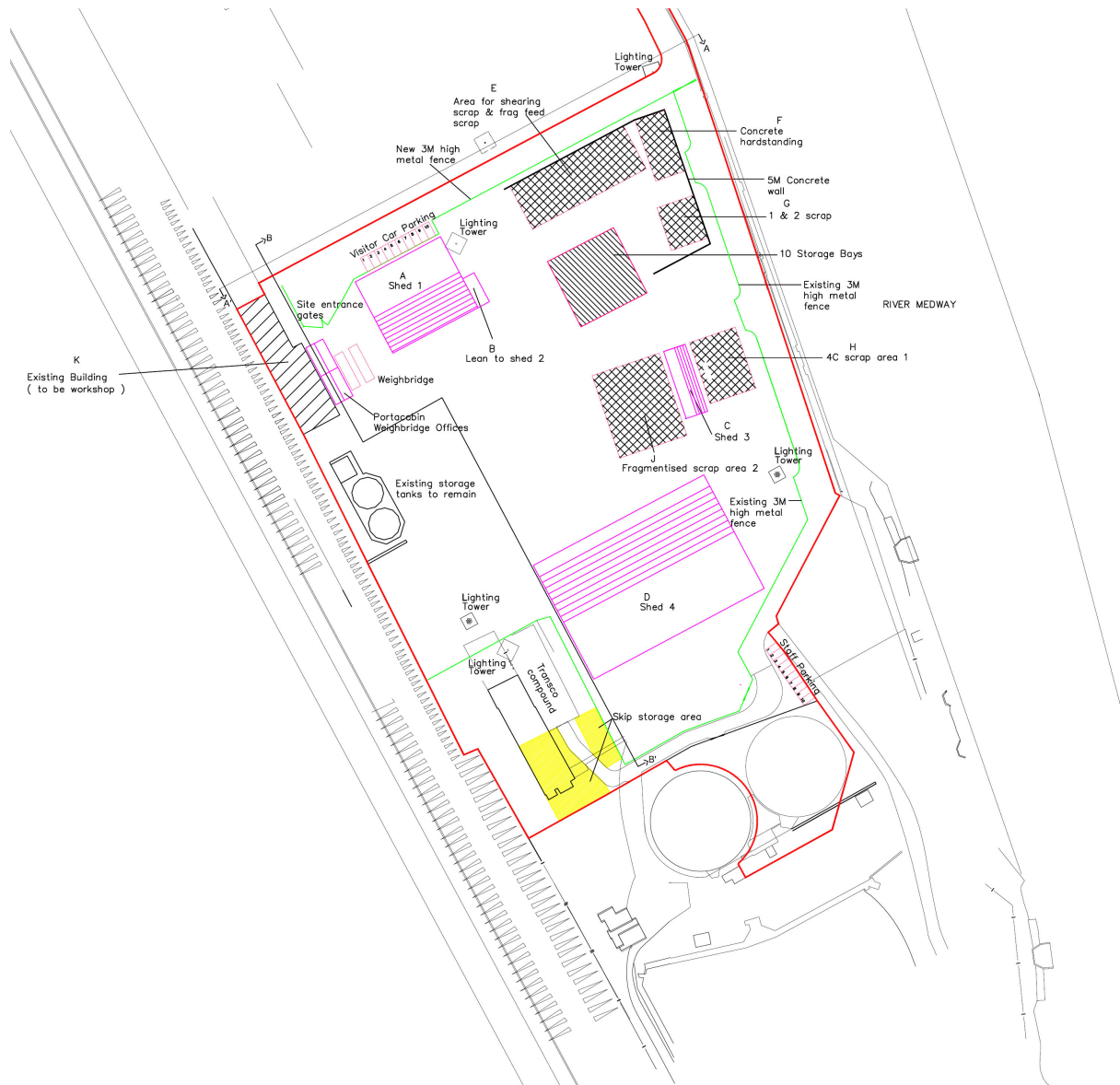
Background Documents: see section heading.

Item C1

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APPENDIX 1 TO ITEM C1

Site Layout



ORDNANCE SURVEY REFERENCE FOR SCA : T07159 T07160 T0721

SCHEDULE OF FLOOR AREAS		
(A)	Shed 1	750 M2
(B)	Shed 2 Lean To	40 M2
(C)	Shed 3	154 M2
(D)	Shed 4	2,400 M2
(E)	Shearing & Frag	600 M2
(F)	Concrete Hardstanding	192 M2
(G)	1 & 2 Scrap	168 M2
(H)	4 C Scrap area 1	300 M2
(J)	Fragmentised Scrap area 2	594 M2
(K)	Existing Building (Workshop)	507 M2

Item C1

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APPENDIX 2 TO ITEM C1

Building Elevations

