

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.

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Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot on Land at Sanderson Way, Tonbridge. TM/11/02275 (KCC/TM/0372/2011)

A report by Head of Planning Applications Group to Planning Applications Committee on 8 May 2012

Application by Sheerness Recycling Ltd. for development of a recycled aggregate and topsoil production facility incorporating a primary aggregate recycled aggregate and topsoil depot on land at Sanderson Way, Tonbridge.

Recommendation: Permission be granted subject to conditions.

Local Member: Chris Smith, Alice Hohler

Classification: Unrestricted

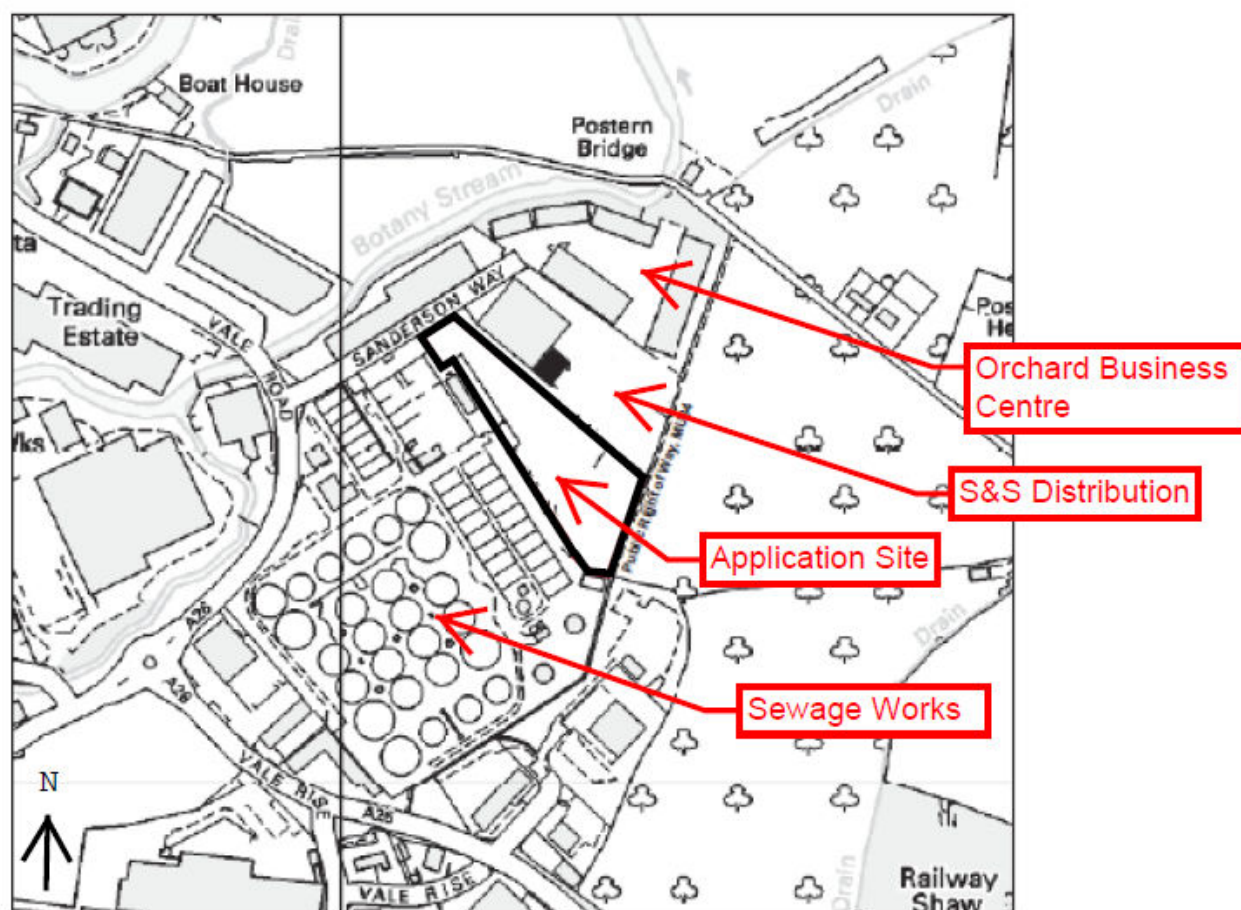
Site description

1. The planning application site lies to the east of Tonbridge on the Tonbridge Industrial Estate and is approximately one hectare in size. The area is generally industrial in nature with some large warehouse buildings, the Orchard Business Centre (small industrial /business units) and the Tonbridge Wastewater Treatment Works. The site is accessed from Sanderson Way, a short industrial estate distributor road which finishes in a cul-de-sac going into the business centre. It is an un-adopted road and is maintained jointly by Southern Water and S & S Distribution Ltd., whose premises lie either side of the application site. Sanderson Way connects directly to the primary A26 (Vale Road), the junction appears designed to enable HGV access, with good sight lines. It also enjoys a refuge lane for vehicles travelling along the A26 from south to north turning right into Sanderson Way, crossing the flow of opposing traffic. Access to the site is made directly from Sanderson Way across a concreted apron and through double gates. The existing dimensions and sightlines would remain unchanged.
2. The site itself is roughly trapezoidal in shape, generally flat, covered in loose chippings and slopes gently upward to the south eastern boundary which is fenced and bounded by a narrow tree/coppice screen. Further beyond that lies a Public Right of Way (MU34) which runs the length of the eastern boundary and forms the adjunct between the urban area and the agricultural land beyond. Immediately to the south west of the application site lies the substantial Tonbridge Wastewater Treatment Works which deals with the sewage from the Tonbridge urban area. The works is characterised by numerous tanks, plant and treatment equipment as well as a two storey office block immediately adjacent to and over looking the application site.

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Fig. 1 Site Location Plan



3. To the north of the application site lies a narrow service road which provides access to the rear of neighbouring warehouse and distribution operation (S&S Distribution). The front part of their site is occupied by a substantial warehouse building with a smaller addition to the rear, beyond which appears to be a transport/parking yard. The smaller part of the building has windows at the upper level to south east and southwest elevations. The Applicant states these windows are understood to allow daylight to illuminate an internal ground level storage/distribution use. Beyond this lies the Orchard Business Centre and beyond that lies Postern Lane along which there are a small number of existing residential dwellings. To the northwest of the site and on the opposite side of Sanderson Way is a further substantial warehouse/distribution building (also used by S&S Distribution). To the rear of this and those small industrial units on the north of the business centre is Botany Stream a tributary of the River Medway.
4. The surrounding part of the Borough lies within the Metropolitan Green Belt, although this site is within the confines of the urban area. The site itself is known to be

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underlain by made ground, forming part of an historic landfill. Water resources underneath the site are within a Zone 3 groundwater source protection zone (SPZ) and supports South East Water Plc's abstraction some 1.2km to west of the site. Parts of the site lie at low and medium flood risk, although none of it is within the functional floodplain. The site is not covered by any nature conservation designations, although there is evidence of badger setts adjacent to the eastern boundary.

5. The site has previously been used for open storage, most recently for car storage. The application site is bounded on all sides by secure chain link fencing. Planning permission was granted in the late 90's for the erection of 9 x 6 metre high floodlights and CCTV cameras. These are still in-situ on the site.

Proposal

6. The application is for the proposed development of a recycled aggregate and topsoil production facility, incorporating a primary aggregate, recycled aggregate and topsoil depot. The application comprises a planning statement (including consideration of potential impacts), a design and access statement, an assessment of environmental noise, and an ecological appraisal. Following responses from consultees' further work was done on the environmental risk assessment and subsequently a Detailed Qualitative Risk Assessment was submitted in support of the application
7. The Applicant describes the development as follows. The facility would receive, store, process and dispatch virgin minerals (primary aggregates); receive waste materials for processing and storage, and dispatch recovered materials (including recycled aggregate and soils) and residual wastes; and receive compost (produced elsewhere – and meeting government approved standards) for onsite storage and subsequent use (by blending) in soils manufacture. The tonnage of primary aggregate to be imported to the site would be a maximum of 25,000 tonnes per year and waste materials a maximum of 150,000 tonnes per year. The waste types to be accepted would be inert and non-hazardous materials including demolition concrete, brickwork, blockwork, hardcore, soils and road works spoil. The imported wastes, compost, recycled aggregate and topsoil would be stored on the site prior to processing or dispatch from the site. The residual waste such as concrete reinforcing bars, timber etc, would be temporarily stored before being removed from site.
8. The processes proposed on site would include the recovery of value from waste by means of:
 - Sorting (including mechanical screening) of waste fractions into recoverable fractions and residual wastes
 - crushing of block / brick / concrete / hardcore / stone;
 - blending of recovered materials (including topsoil) with other materials received at the site (including compost and sand) to manufacture bespoke mixes for offsite uses; and
 - diverting recovered wastes (metals and timber) to off-site re-processors.

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Several items of plant and equipment would be required to carry out these operations such as a 360 degree excavator, crusher (mobile plant brought to site on a campaign basis), loading shovel, screener, vacuum sweeper (wet road cleaning) and a water bowser. Full inspection of loads coming into the facility is proposed and if found suitable would be discharged in the relevant area and then subject to temporary storage, sorting or recovery as appropriate. The Applicant states that not more than 2,500 tonnes of primary aggregate and 10,000 tonnes of waste awaiting processing would be held on site at any one time. If a load was found unsuitable (e.g. containing excessive amounts of plastics or wood) it would be rejected from the facility. Arrangements would be in place to quarantine any rejected loads for a limited period until their onwards transfer could be assured. It is intended the facility would produce a range products for off-site commercial uses such as highway applications, land restoration and development related projects. It is intended that materials processed at the site would be produced in accordance with the Government funded Waste and Resources Action Programme (WRAP) Quality Protocol for the Production of Aggregates from Waste.

9. The proposed hours for the receipt and dispatch of materials by road and the processing of waste materials (except crushing) would be 0700 – 1800 hrs Monday to Friday and 0700 – 1300 hrs on Saturdays, with no working proposed on Sundays or Bank Holidays. Crushing activities would be restricted further. It is anticipated there would be up to 100 HGV movements per day (50 in and 50 out). It is proposed that employment would be created for three people at the site. Four car spaces are shown for staff and visitors. Following negotiations with consultees it also proposed that an impermeable pavement beneath the 'stockpile of materials' in the south east corner of the site would be installed as well as an impermeable surface underneath the route vehicles would take entering and exiting the site from the site entrance to the weighbridge and wheelwash.
10. It is proposed to use the existing yard area, site office, flood lighting, CCTV mast and access/egress. It is proposed that additional infrastructure would be erected on site including fuel storage facilities, four storage bays (3.6 metre high), surface mounted weighbridge and surface mounted wheelwash.
11. The Applicant considers that due to transport costs the facility would serve local markets proximate to the site in the east, south and west but with fewer customers to the north due to the presence of other facilities. Accordingly it is anticipated that waste entering the facility would arise from development projects in between and including the urban areas of Tunbridge Wells, Tonbridge and Sevenoaks. Similarly it is expected that the facility would supply these same locations with recycled materials.
12. The proposed activity would need to be subject to an Environmental Permit from the Environment Agency.

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13. **National Planning:** The National Planning Policy Framework came into force on 27 March 2012; it replaces all previous national planning policy guidance. However, the framework 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, Planning Policy Statement 10 (Planning for Sustainable Waste Management) is to remain in place. It does however include a section 'Facilitating the sustainable use of minerals', which requires planning authorities to take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials. To that end it requires Mineral Planning Authorities to plan for a steady and adequate supply of aggregates, this includes secondary and recycled sources. It also acknowledges that there should be no unacceptable adverse impacts on the natural and historic environment and human health, from mineral development. The other matters addressed in the framework primarily carry forward previous national planning policy guidance.
14. The NPPF presumes in favour of sustainable development. Sustainable development seeks to ensure that society can meet the needs of the present without compromising the ability of future generations to meet their own needs. The new Framework also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system -- economic, social and environmental. These roles are mutually dependent. In facilitating the delivery of these roles the Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.
15. The NPPF is also accompanied by a technical guidance document which provides additional guidance on flood risk and minerals policy. With regard to flood risk it states that it retains key elements of previous Planning Policy Statement 25 'Development and Flood risk' which gives specific advice on steering development away from areas at risk of flooding, depending upon the vulnerability of the proposed use. This guidance is an interim measure pending a wider review of guidance to support planning policy.
16. **South East Plan 2009:** Policies CC1 (sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC6 (Sustainable Communities and Character of the Environment), M1 (Sustainable Construction), M2 (Recycled and Secondary Aggregates), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM4 (Sustainable Flood Risk Management), NRM9 (Air Quality), NRM10 (Noise), RE3 (Employment and Land Provision), W3 (Regional Self-

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Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W17 (Location of Waste Management Facilities). This policy document is to be revoked as set out in the Localism Act 2011, but remains in place until secondary legislation deletes it.

17. **Kent Waste Local Plan (Saved Policies) (March 1998):** Policies W3 (Locational Criteria), W6 (Need), W7 (Re-use), W9 (Separation and Transfer - Location of facilities), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W21 (Ecological Interests), W22 (Road Traffic and Access), W25 (Plant and Buildings), W25A (Reuse of Adaptation of Existing Buildings), W27 (PROW), W32 (Landscaping), a W32 (Operation and Aftercare).
18. **Kent Minerals and Waste Development Framework (KMWDF):** Draft Policy CSM5 (Secondary and Recycled Aggregates) of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)
19. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy 2007:** Policies CP1 (Sustainable Development), CP10 (Flood Protection), CP11 (Urban Areas) and CP21 (Employment Provision).
20. **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment DPD 2010:** Policies CC3 (Adaptation – Sustainable Drainage), NE2 (Habitat Networks), SQ1 (Landscape and Townscape Protection and Enhancement), SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Road Safety).
21. **Tonbridge and Malling Borough Council Local Development Framework Development Land DPD 2008:** Policy E1 (Safeguarded Employment Land).

Consultations

22. Consultations were carried out and the following comments received:

Tonbridge and Malling Borough Council: No Objection subject to KCC highways being satisfied arrangements are technically acceptable, implementation of dust mitigation measures, a condition requiring details of noise attenuation to ensure levels of 40dBA LAeqT are not exceeded, a condition restricting operation of noisy machinery to between 0800-1800 hrs Monday to Saturday, condition requiring details of external lighting be submitted for approval, construction hours restricted to 0800-1800 hrs Monday to Friday and 0800-1300hrs on Saturday, condition advising no burning of waste on site, conditions as set out in EA response date 24 February 2012 and all issues raised by private representations to be addressed.

KCC Highways and Transportation: comments as follows:

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"It is appreciated that in proportional terms to total traffic flows on the A26 the development proposals represent a minor increase. However in relation to the existing use of the site the proposals represent a three fold increase from principally car movements to HGV's. This may have a significant impact on the operation of Sanderson Way (a private road) and on the turning movements at the junction onto the A26. I have checked the crash records of this junction and there has been one minor injury crash here in the last three years which is a low incident rate. Whilst this junction is generously proportioned with good visibility (being on the outside of a bend) and a right hand turning lane, it is considered that the movements associated with this application if approved should be capped to those predicted by the developer, namely 50 arrivals and 50 departures over a full working day. This may not be too onerous to the developer as the operation of the site itself will have a limited capacity. Any further proposals to increase capacity/operation would then need to be capacity tested and subject to a further planning application."

Environment Agency: No objection subject to conditions requiring: details of a scheme to dispose of surface water be submitted, no infiltration or surface water drainage into the ground, environmental monitoring and maintenance plan, remediation strategy for contamination (if newly encountered). The Agency have also advised that they are confident that a suitable system can be provided to appropriately manage the surface water as well as contributing to an improvement in the local area by reducing the risk of surface water flooding.

KCC Noise, Dust and Odour Consultant (Jacobs): makes the following comments as set out under the following sub-headings:

Noise - No objection subject to the imposition of conditions:

- Requiring that noise arising from operations at the site shall not exceed the background noise level at any residential property;
- Appropriately limiting noise exposure at the nearest commercial property; and
- Requiring the submission of an updated noise assessment that: confirms background noise levels at the nearest receptors; demonstrates compliance with the above conditions; and includes (as necessary) further mitigation measures to be agreed by the County Council.

Dust and Odour - No objection subject to mitigation measures identified in application being employed.

KCC Landscape (Jacobs): comments that the proposed facility fits in well in terms of existing landscape and visual setting and within the context of its location. It is recommended that a hard and soft landscaping scheme is submitted including details of boundary treatments and planting, boundary shelterbelt planting could be considered. Existing trees and hedged should be protected in accordance with BS5837. Long-term tree and shrub protection and management should be secured.

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KCC Biodiversity Officer: Following submission of further information no objection subject to conditions securing the avoidance mitigation measure and recommendations in the Ecological Appraisal and additional information.

Public Rights Of Way: No objection, subject to Applicant being advised as to managing potential impacts on the footpath.

Southern Water: No Objection

Representations

23. The application has been publicised both by site notice and newspaper advertisement and local residential/business properties within 250 metres of the site were notified. I have received letters of objection from 5 local businesses as well as a letter from the management company of the Orchard Business Centre on behalf of the freeholders and tenants (with 9 signatories). Sir John Stanley the local MP also submitted a copy of the same letter on their behalf. The following issues are raised:

- Traffic - Increased traffic flows will cause significant congestion at the junction of Sanderson Way and Vale Road and on the surrounding highway network, especially when combined with the increased traffic from permitted new housing development in the area. The nature and volume of vehicles associated with the proposed use will damage the block-paved surface of Sanderson Way.
- Access – Sanderson Way is a private access road and is often limited in width by vehicle parking and waiting delivery vehicles servicing other business uses which will hinder access into the site.
- Dust – the proposed use will generate significant levels of dust in addition to the vehicles accessing the site to the specific detriment of the adjacent business (one of whose warehouse premises is food approved), as well as resulting in debris on the highway.
- Noise - the processes to be carried out on site will result in an increase in noise levels causing nuisance and to the detriment of staff working nearby.

24. One local business responded to the reconsultation and reiterated previous comments but also raised concerns regarding drainage from the proposed impermeable surface. They commented that present drainage feeds through a pumping chamber which would not cope with any additional flow and would lead to flooding and road damage.

Local Members

25. The County Council Members Mr Christopher Smith and Ms Alice Hohler were notified of the application and the additional information/response to consultees. No written comments have been received to date.

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Discussion

25. The Development Plan - Specifically Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Material planning considerations include the recently published National Planning Policy Framework (NPPF) which promotes sustainable development and the local plan policies set out in paragraphs 12 to 15. It should be noted that the South East Plan remains part of the development plan although the Government's intention to abolish regional spatial strategies is a material consideration and the weight given to it is a matter for the decision maker.
26. Given the nature of the proposal the NPPF it is of less 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. However the presumption in favour of sustainable development still applies and of specific relevance are the following: Delivering Sustainable Development, Part 1 – Building a strong, competitive economy; Part 7 – Requiring good design; Part 10 – Meeting the challenge of climate change, flooding and coastal change and Part 11 - Conserving and enhancing the natural environment (paragraphs 120 and 123, pollution and noise respectively). I will discuss the details in so far as they are relevant to the proposal later in the report.
26. Prior to the publication of PPS10 and Waste Strategy 2007, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual planning applications should be afforded substantial weight in the decision making process.
27. The new advice in PPS10 moves the consideration BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applies to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO.
28. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against the saved Kent Waste Local Plan Policies and other development plan policies. This is fully consistent with the approach Local Planning Authorities' are advised to adopt as set out in PPS10.
27. The main issues to be considered in this case relate to:
 - Need
 - Traffic and Access
 - Noise and Dust,
 - Flood Risk
 - Groundwater contamination and drainage

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- Other Amenity Impacts

28. Need - PPS 10 states 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 states *“By more sustainable waste management, moving the management of waste up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste”*.
29. A key part of the sustainability principle is that Waste Planning Authorities achieves net self-sufficiency in terms of management of waste and this is reflected in the extant policies of the South East Plan. On this basis Kent is following a strategy of providing sufficient waste management capacity to accommodate waste arisings from within the County (with a small addition for a portion of London’s waste). Policy W6 of the SEP sets targets for recycling and composting in the region and Policy W7 for each Waste Planning Authority (or combination thereof). Policy W10 encourages the provision of new or expanded regional and pan-regional scale recovery and processing facilities and 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. Policy M2 of the SEP sets targets for the increase in the use of secondary aggregates and recycled materials.
30. The evolving Minerals and Waste Development Framework seeks to support the above aims. Draft Policy CSM5 of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) states that outside of sites allocated for secondary and recycled aggregates appropriate industrial estate locations will be granted planning permission subject to the proposals according to the other relevant policies in the MWDF.
31. The Applicant submits that the proposed facility would service an identified need. The planning statement refers to various studies commissioned to provide the evidence base for the Kent Mineral and Waste Development Framework Topic Papers and the levels of waste arisings (construction, demolition and excavation waste) and production levels for secondary and recycled aggregates. It acknowledges that in current provision in both treatment and recycling capacity targets are being exceeded, however it points to a number of issues to be taken into account. The targets set out in W6 are not a ceiling, they don’t reflect the spatial distribution of facilities and whether existing facilities are temporary and whether they may be relied upon throughout the plan period.
32. In principle there is a need to divert waste away from landfill and toward recovery to comply with European, National and development plan policy. There is also a need in principle to produce more recycled aggregates so that these materials can replace the primary aggregates. It is argued that the proposed facility would provide permanent recycling and secondary aggregate capacity available throughout the plan period. It also would meet an identified need within the southern margin of Tonbridge and

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Malling Borough and surrounding Tunbridge Wells and Sevenoaks and rural areas of west Kent.

33. In support of the need considerations the Applicant has undertaken a Best Practicable Environmental Option (BPEO) assessment to consider whether the proposals are '*of the right type, in the right place and at the right time*'. As set out in paragraphs 26 and 27 above it is appropriate to consider planning applications against the principle of BPEO. It is submitted that the design of the facility takes account of the principles of sustainable development, placing relevant weight on environmental, economic and social factors. Potential impacts are considered and mitigation and management are put forward, as well as acknowledging that the facility would have to operate to the highest standards as regulated under the Environmental Permitting regime. The facility, it is argued assists in the delivery of sustainable development by driving waste management in Kent up the waste hierarchy. It would be located proximate to the area it would serve, be accessed from the existing primary highway network and would be within an established industrial area. The facility would offer a permanent solution to an acknowledged need and assist in delivering self-sufficiency within the plan period in the region. It is therefore considered the proposed development is the BPEO and I have no reason to disagree with these conclusions.
34. Traffic and Access - Primary aggregates and waste would be brought to the site by Heavy Goods Vehicle (HGV) via the existing access point with Sanderson Way which itself connects directly to the A26. It is proposed that a maximum of 100 HGV movements per day would occur at the site, and in addition it is estimated there would be approximately 6 staff/visitor vehicle movements per day. A number of local businesses have expressed concerns regarding the proposed volume of traffic. It is acknowledged that the existing access arrangements are considered to be to an appropriate standard for the proposed use. The junction of Sanderson Way and Vale Road is considered to have generous proportions, good visibility and a right hand turn refuge lane from the A26. On this basis and as the proposal would introduce more larger vehicles than previous uses my Highways Officer advises that a condition should be imposed to ensure that the number of HGV movements is capped at 100 daily movements by an appropriately worded condition.
35. The application is accompanied by swept path analysis plans for a range of HGV's which demonstrate that vehicles could enter and exit the site in an appropriate fashion. There is also demonstrated to be sufficient circulation space within the site such that all vehicles could exit in a forward manner.
36. Noise - The proposed development includes various processing operations (as outlined in paragraph (8) above) likely to produce noise such as the mechanical screening of waste, the crushing of concrete/hardcore/stone and sorting and blending activities. The application is accompanied by a noise assessment which assesses the likely impact of this noise.
37. Although noise objections have been received from a number of respondents, my noise consultant is satisfied that the proposed development would be acceptable in noise terms if appropriate noise limits and mitigation are employed. However, he has

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advised that a further noise assessment should be required by condition to confirm background noise levels at nearest residential and commercial receptors and ensure that appropriate mitigation can be designed and implemented. Discussions between my noise consultant and Tonbridge and Malling Borough Council's Environmental Health Officer have established that the appropriate noise limit for occupiers of the nearest office building would be an internal noise level not exceeding 50dBA LaeqT rather than the 40dBA LaeqT referred to in the Borough Council's response in paragraph 22 above. Any further noise assessment should be undertaken in accordance with a methodology agreed beforehand by the County Council. My noise consultant has also advised that his assessment of the proposals has assumed operations taking place within those hours proposed by the applicant (i.e. all operations except crushing taking place between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays with no Bank or Public Holiday working – with crushing operations commencing at 0800 hours).

38. Subject to the imposition of the noise conditions recommended by my noise consultant and hours of operation being restricted to those applied for, I am satisfied that the proposed development would not give rise to unacceptable noise impacts.
39. Dust – The proposed use has the potential to generate increased levels of dust from the importation of aggregates or waste. The application has been subject to a dust risk assessment which analyses the potential connection between source (the material to be received), pathway (the environmental medium through which the material could move) and receptor (the interest that could be effected by the dust emissions). As well as identifying general techniques to control dust emissions such as, sheeting vehicles, washing vehicle wheels and bodies, vehicle speed limits, dowsing access roads, spraying stockpiles etc., the assessment identifies those receptors considered to be at the greatest risk. These are considered to be the closest residential properties, the adjacent businesses and the transient users of the public footpath. It sets out further actions (such as elimination or abatement, or indeed ceasing operations) that would be applied in the event of concerns of an emission or an unforeseen emission at each of these receptors and concludes that any residual risks would be low.
40. Subject to the various mitigation measure identified within the dust risk assessment being conditioned my Dust Advisor raises no objection. The Application states that should any mud or debris be tracked out onto Sanderson Way, arrangements would be made to sweep the highway and remove the obstructions or debris. In any event the use of wheel and chassis cleaning equipment identified on the application plans would be secured by a condition.
41. Flood Risk - It has been identified that the site may be at risk of flooding from river sources. Part of the application site is identified as falling into low risk (Zone 1) and part within medium risk (Zone 2). An assessment has been made of the flood risk to the proposed development. The new NPPF follows previous principles of risk assessment by stating that the Sequential Test should be applied at all stages of the planning process. On that basis the conclusions of the assessment that was

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submitted prior to the adoption of the NPPF remains valid and at an appropriate level. The proposed use is classified as 'less vulnerable' and therefore it is not necessary to apply the exception test. However as set out in the NPPF the assessment has considered the requirements for flood risk reduction, these include stationing plant and equipment (including office, weighbridge and wheelwash) further into the site which rises gently to the rear thereby reducing the risk from flooding. The assessment concludes that with an appropriate site layout such that flood water could flow freely across the surface of the site (at the front) such that there would be no residual risk.

42. The Environment Agency raises no specific concerns on flooding issues.
43. Groundwater Contamination and Drainage – Part of the site is a former landfill which it is understood was filled with inert and commercial wastes. As a result the site has a higher risk of contamination and ground gas being present and so the application was accompanied by a preliminary risk assessment. It identified that the geological deposits underlying the site as being a secondary aquifer containing groundwater. The nearest groundwater abstractions were identified as being 959m 1032m to the north east of the site for a mineral washing facility at another site. The northern half of the site is located within a Groundwater Protection Zone for abstraction registered to South East Water 1.2km to the west of the site. It is also likely to be supplying further groundwater abstractions further to the west of the site. Given these sensitivities it is important that due consideration is given to the potential impacts from any disturbance of the contaminated ground and subsequent effects upon groundwater. It is acknowledged that there have been historical impacts on the groundwater quality, but this proposal should not result in any further deterioration in quality.
44. The assessment initially identified that the risk from the proposed development was low given the nature of the proposed works and operations. However the Environment Agency was concerned that the source receptor linkages needed further examination which resulted in a Detailed Risk Assessment being submitted in support of the application and further negotiations led to an amended site layout plan being submitted which proposes an area of hardstanding beneath the stockpile of material and for a short section of the internal access road. A commitment to include a suitable environmental monitoring programme for ground and river waters was also agreed and if planning permission is granted could be conditioned.
45. Following concerns from a neighbouring business I have sought indicative details of the surface water drainage system that might be employed to ensure that there would be no impacts on existing drainage arrangements in the vicinity and the proposed development does not result in flooding due to a lack of capacity. The Applicant has subsequently proposed a number of options for a formalised drainage system from both areas of impermeable surfacing. The Environment Agency has commented on each of the options and then concludes as follows:

"We are confident considering the information submitted that a suitable system can be provided to appropriately manage the surface water as well as contributing to an improvement in the local area by reducing the risk of surface water flooding."

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At a detailed design stage, there should be a thorough appraisal of the existing regime with a particular focus on the ability of the existing sewer system to accept runoff. We would recommend the system can accommodate the 100 year 20% rainfall event and that attenuation is provided to reduce runoff to that which is acceptable to the receiving sewer."

I am satisfied that following the above comment from the EA that a suitable surface water drainage scheme (with attenuation if necessary) can be designed to ensure that the existing drainage infrastructure is not overloaded. The detailed design of that system would need to be approved by the Agency before any planning condition would be discharged.

Other Amenity Impacts –

46. Ecology - The site is not covered by any statutory or non-statutory designations on the site, however the application also considered the potential for the presence of specific habitats or species. As a result it is proposed that if permission is granted appropriate mitigation is followed to safeguard the habitat potential for breeding birds' and reptiles. In addition a Badger sett was found to be present on site. The active holes and tunnels were found to be facing away from the site and it is therefore thought unlikely that the sett tunnels under the site, or that the Badgers use the site for digging or foraging for worms, especially given the nature of the surface of the site to the north. Again conditions applying mitigation and safeguarding measures (including those relating to drainage and planting) be attached to any permission to ensure that the Badgers are not impacted and their habitat enhanced.
47. Landscape – It is acknowledged that the proposed facility fits in well in terms of existing landscape and visual setting within the context of its location, and that additional planting options may be limited given the former site use. My Landscape Advisor has recommended that a hard and soft landscaping scheme should be submitted in addition to long term protection and management of trees and shrubs, the Applicant has indicated he is happy to adhere to this approach. In addition increased planting (double row of 2m high native whips) is being proposed to the rear of the site which would serve the dual function of improving the biodiversity habitat and providing additional vegetation screening. The precise details of this planting could be included within the scheme to be submitted as referred to above.
48. The Applicant has indicated that Site Waste Management Plan would be drawn up including measures to improve material resource efficiency (waste minimisation by consideration of reuse, recycling, and recovery before disposal options). In addition measures to reduce fly-tipping, by restricting the opportunities available for the illegal disposal of waste are proposed. The Application also considers the potential for nuisance from scavenging birds, insects and vermin to be low. However it is proposed that should the unexpected occur and problems be noted an investigation into the cause would be undertaken, records made and rectifying action taken to eliminate the problem.

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Conclusion

49. There is presumption in favour of sustainable development. This proposal offers the opportunity to recycle waste and recover value from a limited range of waste materials that otherwise would go straight to landfill. Diverting waste away from landfill, enabling the recovery of value from waste, treating waste as a resource to be managed rather than a burden to be disposed of is consistent with European, national and local objectives. It is agreed the proposal would meet a recognised need, assisting to deliver self-sufficiency with the local area in a timely fashion. The potential impacts from the proposed development have been considered and appropriate mitigation/management measures put forward. I am satisfied that such schemes could be secured through the use of appropriately worded conditions. On balance, as set out above, the proposed use of the site is considered acceptable and to represent a sustainable form of development. I consider the proposal to be in accordance with the development plan and am satisfied that all material planning considerations have been taken into account and therefore recommend that planning permission be granted.

Recommendation

50. I RECOMMEND that PERMISSION BE GRANTED subject to the imposition of conditions covering amongst other matters; adherence to details contained in planning application, commencement within 5 years, no. of vehicles, vehicle parking, volumes of throughput of materials, noise, details of surface water drainage, no infiltration or surface water drainage into the ground, environmental monitoring and maintenance plan, remediation strategy for contamination, hard and soft landscaping scheme, long-term tree and shrub protection and management, adherence to dust mitigation measures, safeguarding of ecological interests and habitats, details of noise attenuation, hours of operation, crushing activity hours of operation, construction hours restricted to 0800-1800 hrs Monday to Friday and 0800-1300hrs on Saturday, condition advising no burning of waste on site, details of external lighting.

Case Officer: Andrea Hopkins

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Background Documents: see section heading.
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