

Section 73 Application to vary condition 9 of planning permission DO/03/477 for the variation of hours of operation to allow vehicle movements related to Local Authority waste collection services on Bank and Public Holidays at Richborough Hall, Ramsgate Road, Richborough, Sandwich. DO/12/664 (KCC/DO/0292/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2012.

Section 73 Application by Thanet Waste Services Ltd for a variation to condition 9 (hours of operation) of planning permission DO/03/477 to allow vehicle movements related to Local Authority waste collection services on Bank and Public Holidays at Richborough Hall, Ramsgate Road, Richborough, Sandwich.

Recommendation: Permission be granted.

Local Member: Mr. Leyland Ridings

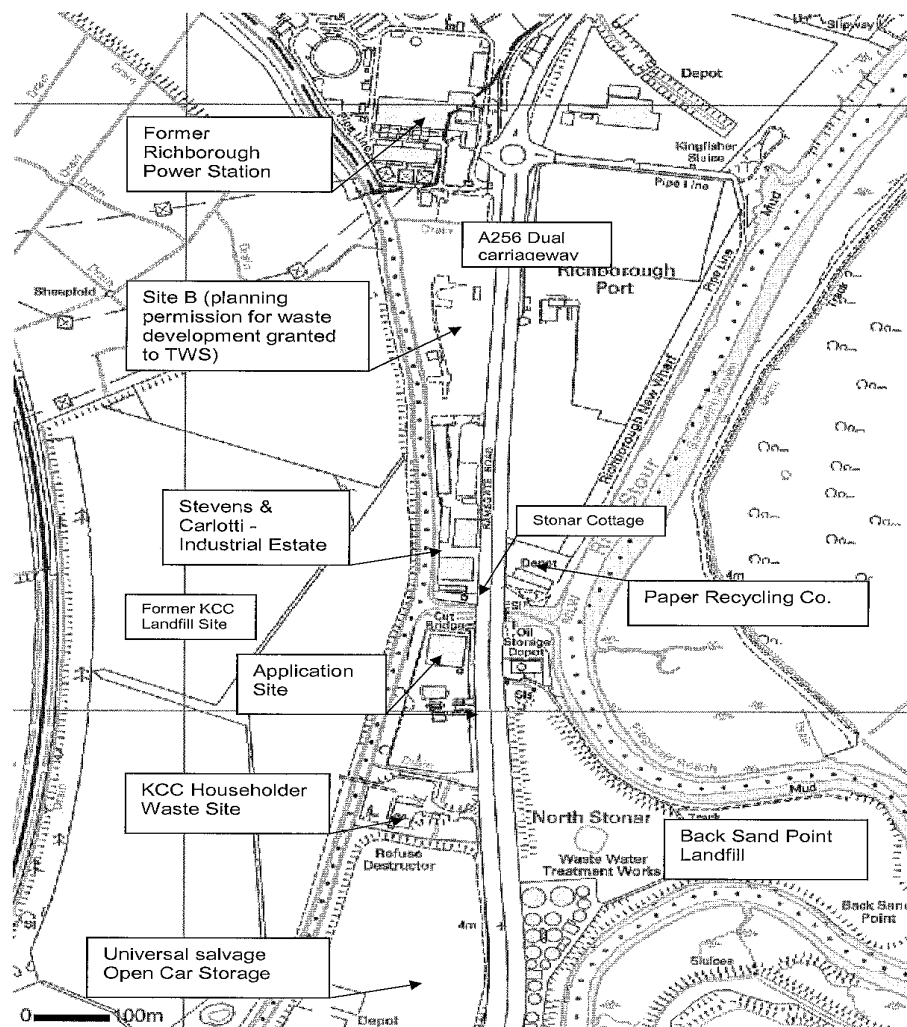
Classification: Unrestricted

Site description

1. The site is part of a larger area occupied by the Richborough Waste Management Centre; the southern half of the site is currently occupied by the offices, parking areas and the aggregates recycling operations and does not form part of this proposal. This particular application is concerned with the activities that currently take place on the north of the site and within the large waste processing building.
2. The overall site is bounded by the River Stour to the west, Ramsgate Road to the east, the Stonar Cut to the north and the Kent County Council's Householders Waste site to the south. The waste management site lies within an industrial area known as the Sandwich Corridor which runs from the north of the River Stour at Sandwich and includes Sandwich Industrial Estate, the Richborough Business Park and the extensive developments of the former Pfizer's site which line both sides of the A256 Ramsgate Road as far as the northern roundabout of the Sandwich Bypass. Beyond this, adjoining the western side of Ramsgate Road are extensive car storage and salvage areas.
3. To the north of the application site lie other industrial premises including the former Astra Fireworks site which the Applicant has planning permission to develop as an extension to the existing waste management operations at the application site. Further north still is the former Richborough Power Station site. Land immediately to the west of the River Stour alongside the application site is a former KCC landfill. To the east of the site beyond the dual carriageway is a paper recycling business and the restored former Pfizer waste landfill site.

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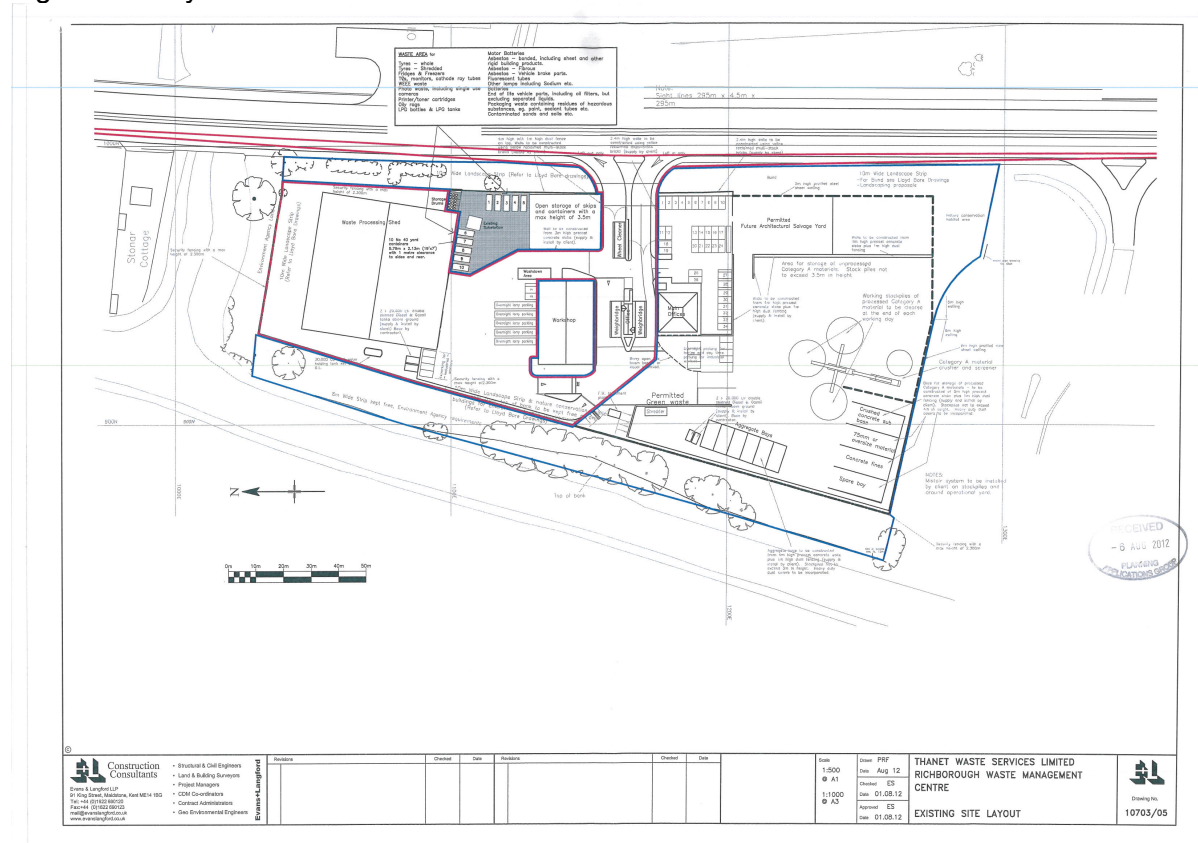
Fig. 1 Site Location Plan



4. There is a residential property immediately to the north of Stonar Cut, known as Stonar Cottage to the north of which are the industrial units of the Stevens and Carlotti site. A residential houseboat is moored at the far side of the A256 on the Stonar Cut.

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Fig. 2 Site Layout Plan



Planning History

- Planning Permission was granted in July 2004 for the Waste Management Facility the subject of the application. More recently in July 2011 planning permission was granted for the construction of a further materials recycling building in place of the aggregates recycling area to the south of this application site. In turn the aggregates recycling is permitted to be relocated onto Site B (former Astra Fireworks site to the north), along with a soils washing facility and an anaerobic digestion plant.
- The planning permission was also subject to two Section 106 Agreements. The first related to the then TW Services Waste Transfer Station Site at Manston Road, Margate - to secure the cessation of the use of that site, following the commencement of waste processing at Richborough. The second related to the application site at Ramsgate Road, now Site A, and in respect of: commencement of waste processing; requirement to enter into a Section 278 Highway Agreement in respect of the proposed highway works; to submit a conservation scheme for approval and to implement it thereafter. The only ongoing obligation from the Richborough Hall

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Section 106 agreement is the maintenance of the habitat for reptiles, which essentially involves keeping the grass down to a certain height. This matter could be covered by way of an additional condition on any planning permission which may be issued.

7. The Integrated Waste Management Centre approved in 2004 has been constructed in accordance with the approved drawings and further details submitted as required by Conditions and subsequent amendments. Operations commenced on the site in May 2007. In addition to the controls on operation imposed through the conditions on the planning permission, operations at the site are controlled by the Environmental Permit issued by the Environment Agency. Approval of container storage to accommodate these Waste Categories A, B and C was granted on 18th September 2008, as a variation of Conditions 2 and 3 of planning permission DOV/03/477. In 2009, planning permission DOV/09/68 was granted for amendments to the original planning permission to allow additional waste types to be accepted and for the siting of additional containers as an amendment to Conditions 2 and 3. These were for small quantities of waste coming as part of mixed loads and include types such as batteries, fluorescent light tubes, asbestos and contaminated soils etc. In August 2009, the Council agreed to an increase in the height of the boundary wall enclosing car parking, from 2.4m to 4m in height.

Proposal

8. Household waste collected in the Thanet District Council area has, for some time, been delivered to Richborough Hall for bulking up and transfer for reuse and recycling, where possible, or for disposal. The existing and future waste separation and transfer facilities at Thanet Waste Services form an integral part of the East Kent Waste Project and household and Local Authority wastes from Dover District Council area are now also delivered to the Richborough Hall site. Under the East Kent Waste Project, it is intended that household and Local Authority wastes from Shepway and Canterbury Districts will also be directed to the Richborough Hall site. Waste materials, other than wholly inert loads, are delivered to the waste processing shed and unloaded within the building, where the materials are passed through a sorting process, bulked up and dispatched from the site, either for reuse and recycling or for disposal, dependent upon the type of material.
9. It is now general practice within Local Authorities that Household wastes are collected every week day, collection rotas not altering when Bank or Public Holidays occur. To ensure that the collected wastes can be dealt with in accordance with the Local Authority rotas, it is proposed that the transfer station, Richborough Hall, be allowed to accept these wastes for bulking up and transfer and thus a variation to the wording of Condition 9 is sought.
10. Condition 9 of planning permission DO/03/00477 states:

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“No activity shall take place on-site, nor shall there be any movement of any vehicles to or from the site except between the following times: 0700-1800 – Mondays - Fridays; 0700-1300 – Saturdays; no operation shall take place at anytime on Saturday afternoons, Sundays or Bank Holidays.

Reason: To ensure minimum disturbance and avoidance of nuisance to the local community, pursuant to Kent Structure Plan Policy ENV1 and Kent Waste Local Plan Policy W26.”

11. The Applicant now proposes that the condition reads as follows:

“No activity or operations shall take place on site, nor shall there be any movement of any vehicles to or from the site, except between the following times: 0700- 1800 – Mondays – Fridays; 0700-1300- Saturdays. No operations, activities or movements shall take place at anytime on Saturday afternoons or Sundays.

On Bank and Public Holidays there shall be no activities, operations or vehicle movements other than in relation to the wastes delivered by or on behalf of the Local Authorities and in relation to the removal of such wastes from the site. Such activities, operations and vehicle movements shall only take place between the hours of 0700 – 1600 on Bank and Public Holidays.”

12. The only deliveries that would be accepted on Bank and Public Holidays would relate to Local Authority services and it is anticipated that up to 40 delivery vehicles (80 movements) would enter and leave the site with a further 10 vehicles (20 movements), transferring the bulk waste, leaving and returning each day. All vehicles would continue to enter and leave the site by a separated left-in, left-out junction sited centrally within the site frontage.

Planning Policy Context

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. 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

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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. **South East Plan 2009:** Policies CC1 (sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC6 (Sustainable Communities and Character of the Environment), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM4 (Sustainable Flood Risk Management), NRM9 (Air Quality), NRM10 (Noise), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W8 (Waste Separation), W16 (Waste Transport Infrastructure), 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. The Government is currently consulting on the environmental report on the proposed revocation of the South East Plan.
16. **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), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), W21 (Landscaping). The application site lies within an area designated as appropriate for waste management facilities.
17. **Kent Minerals and Waste Development Framework (KMWDF):** Draft Policies CSW1 (Sustainable Waste Management and Climate Change) and CSW2 (Waste Hierarchy) of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011). The site has been allocated as a preferred option within the site specific consultations document as a recognised existing waste management facility providing for waste recycling and thus continuing to divert materials away from disposal.
18. **Dover Local Development Framework (LDF):** In the transition towards the new Local Development Framework, a number of old policies were 'not saved'. Following the adoption of the first LDF documents in February 2010, a number of other policies have been replaced by Adopted Core Strategy Policies, however the Proposals Map rolls forward allocations and policy designations as 'saved Policies'. Relevant Policies are: CP6 (Infrastructure), CP7 (Green Infrastructure Network), DM1 (Settlement

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Boundaries), DM2 (Protection of Employment Land and Buildings), DM11 (Location of Development and Managing Travel Demand), DM12 (Road Hierarchy and Development), DM 13 (Parking Provision), DM 15 (Protection of the Countryside) and DM 16 (Landscape Character).

19. **East Kent Joint Waste Project:** The four East Kent Districts and Kent County Council have formed a group, the primary aim of which is to develop more cost effective waste collection, processing and disposal services, to minimise costs, deliver efficiencies and increase recycling. To this end the East Kent Joint Waste Contract 2010 has been awarded and this site is key to the delivery of that contract.

Consultations

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

Dover District Council: No Objections.

Sandwich Parish Council: No objections.

Worth Parish Council: Views awaited.

Environment Agency: No Objections.

Divisional Transport Manager (East Kent): No objection

Jacobs – Noise, Dust and Odour: *“The site is located within an industrial area and adjacent to the A256. The Household waste facility to the south of the site already operates on Public and Bank holidays and is open to the public between the hours of 0900 to 1600. A total number of 40 vehicle movements are associated with this Application and are not considered to result in a detriment to residential properties located along the A256. Taking into account the industrial nature of the area, the relatively high ambient noise levels and the physical layout of the site the proposed condition is considered acceptable.*

The variation of condition 9 of planning permission DO/03/477 will not result in a detrimental impact on dust and odour.”

KCC Biodiversity Officer: No comment.

KCC Waste Management: *“The Waste Disposal Authority has a statutory duty to seek provision for domestic waste disposal arisings in Kent. The additional proposed operating hours are sought to cater for the demand by for waste handling capability on Bank and Public Holidays and is fully supported..*

The Thanet Waste Services Transfer Station is a key facility in the East Kent Joint Waste Project, providing reception, storage, and transfer services for Canterbury

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City Council, Thanet District Council and Dover District Council and handles a range of waste and recyclables streams.

It will provide operational flexibility to those Districts and allow them to provide collection services at bank holiday periods with minimum disruption to householders. It will also allow the waste to be transported to the Allington Waste to Energy facility on bank holidays and minimise the period waste will need to be stored on site. This benefit would also apply to the food waste and recyclables transfer operations."

Representations

20. The application has been publicised both by site notice and newspaper advertisement and the nearest residential properties were notified. One letter of objection has been received. The resident objects stating that Saturday and Sunday afternoons are the only times when noise or smells do not emit from the application site. They would not welcome any form of intensification of activities at Richborough Hall, aside from the obvious extra noise and vehicle movements they have serious concerns about the smell of refuse that is now emitting from the site and would object to any intensification of smells and odour associated with household waste.

Local Members

21. The County Council Member Mr Leyland Ridings was notified of the application, no written comments have been received to date.

Discussion

22. 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 16 to 18. 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
23. Given the nature of the proposal the NPPF 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 10 – Meeting the challenge of climate change, flooding and coastal change and Part 11 - Conserving and enhancing the natural environment (paragraphs 120 and

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123, pollution and noise respectively).

24. The proposal for consideration here is quite specific. Planning permission was originally granted back in 2004 with operations commencing in 2007 for this waste management facility serving East Kent to handle mainly Category A, B and C Wastes for separation and transfer along with the processing and storage of Category A Materials.

NB: Category A (clean inert materials, i.e. construction and demolition waste)

Category B (commercial and industrial - paper, plastic, timber, metal)

Category C (putrescible - household and commercial and industrial)

The site is currently accepting around 220,000 tonnes per annum of waste, of which Category B and C would together amount to 110,000 tonnes per annum. The Local Authority wastes (Category C) amounts to some 25,000 tpa. The overall quantities of wastes handled through the site will not change as a result of this proposal.

25. Waste materials other than wholly inert loads are delivered to the waste processing shed. All unloading takes place within the waste processing shed where materials are, where appropriate, passed through a sorting process, bulked up and dispatched from the site either for reuse, recycling or disposal.
26. Waste collected from Thanet District Council area has for some time been delivered to Richborough Hall but now waste from Dover District Council area is also being delivered to the site. Under the East Kent Waste Project it is intended that household and Local Authority wastes from Shepway and Canterbury Districts would also be directed to Richborough Hall in the future.
27. The activities at Richborough Hall must operate within the terms of the original planning permission and the conditions attached thereto. It is the terms of one of those conditions that this application is seeking to amend. As set out earlier in this report Condition 9 sought to control the hours of operation at the site, including vehicle movements, essentially restricting activities to weekdays and Saturday morning operations solely, (the permitted hours were half an hour later than the Applicant originally applied for and reflected standard hours of working restrictions). Since that planning permission was granted it has now become more general practice for Local Authority household wastes not to be altered for a Bank or Public Holiday, thereby retaining a regular pattern of collection for householders.
28. Furthermore the Applicant is proposing that the only deliveries that would be accepted at the site on Bank and Public Holidays would relate to Local Authority services including:
- household waste collections;
 - waste collected from bins in streets, parks and other amenity facilities
 - civic amenity sites;

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- Local Authority green wastes;

and in relation to the removal of such wastes from the site. It is suggested that the activities on these days be restricted to the hours of 0700-1600, however it should remain clear that it is not proposed to operate on Saturday afternoons or Sundays

29. In determining this latest proposal it will be necessary to consider the likely impacts arising from the limited change in days of operation. There are usually 8 Bank and Public Holidays in the calendar year, although most Local Authorities don't collect waste on Christmas Day or New Years Day, so in practice it would generally be an extra 6 days a year. There are of course occasionally extra Public Holidays, such as the recent Royal Wedding and Queen's Jubilee, although these are not common. The main issues for consideration are the significance of the impacts relating to noise, dust and odour from the operations and vehicle movements over those additional days.
30. The report upon the original planning permission considered all aspects of potential environmental impact arising from the development of this waste management facility. Importantly full consideration was given to potential noise and dust arisings and likely odour impacts. The original planning permission allows 220 vehicle movements per day. The number of vehicle movements anticipated with this application is 40 delivery vehicles (80 movements) with 10 bulk vehicles removing the sorted waste per day. There would be no movements associated with other wastes being brought to the site. On this basis the potential amenity impacts are discussed in more detail below

Noise

31. In considering the original planning application it was concluded that the positioning of the processing shed itself on the site would act as a noise barrier to the area to the north of the site, where the nearest residential property is. In addition a condition upon the original permission required details of sound insulation to the building itself, these were submitted and approved. Our noise consultants at the time concluded that any increased noise levels would only be of marginal significance to the nearest residential property, given existing background noise levels at the site, given its location within an industrial area and adjacent to the dualled A256. This remains the position on any day of operation and I therefore consider that noise is unlikely to cause significant impacts for the extra days of activity that are being applied for.

Dust

32. In the original report the main concerns relating to dust were the potential impacts likely to arise from the inert waste processing, which is not part of this application. This proposal relates solely to activities that would take place within the waste processing shed. Indeed the Applicant has identified within the suggested wording of the replacement condition relating to the hours of operation specific wording to ensure that the additional days activities are restricted as follows; *"On Bank and Public Holidays there shall be no activities, operations or vehicle movements other than in relation to the wastes delivered by or on behalf of the Local Authorities and in relation*

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to the removal of such wastes from the site.” Such wording would in my opinion adequately control operations to only accommodate the activities on behalf of the Local Authorities.

33. Despite the main areas of concern relating to the inert materials handling area a condition on the original permission required a scheme of dust attenuation measures for the whole site. A scheme proposing a large number of sprinklers covering the general circulation space of the yard and a Mist-Air fog system for the processing shed was approved and these have been installed and are operational on site. These would continue to provide adequate dust control over those additional days of activity.

Odour

34. The Mist-Air fog system that is employed within the processing shed is also able to control odours arising within the building by a metering system delivering adequate levels of odour neutralisers, and was considered acceptable by our odour consultants. In addition there are requirements within the permitting regime managed by the Environment Agency which require agreed good management practices to handle potential nuisance arising from odorous wastes. These essentially include tipping and storing waste within the building, prompt turnaround of such wastes and sheeting of vehicles removing the waste from the site. Allowing removal activities on the additional days applied for will support these aims in that the occasions where waste may have to be left at the site due to holidays would be significantly reduced.

The Applicant has acknowledged that that they have received three calls this year regarding odour at the site. In each case it has been as a result of Green Waste arriving at the site for re-distribution within containers from HWRC sites, at a time when the waste is already changing in composition, mainly due to the heat in the summer months. Furthermore it has been at times when the local Household Waste Recycling Centre's are at their busiest for receiving garden trimmings. These extreme circumstances are rare and generally last for a very short time (around 10 minutes) whilst the waste is loaded into vehicles for onward transfer. The ability to maintain a regular collection rota should further assist with managing such incidents.

Conclusion

35. There is presumption in favour of sustainable development. This proposal seeks to allow the site to accommodate Local Authority waste collections for a limited number of additional days on Public and Bank Holidays. If the wastes could not be accepted at Richborough Hall on these days, there being no other such venues available, the Local Authorities would not be able to offer an uninterrupted collection service. The Applicant proposes that a replacement condition is specific to allow only waste handling relating to those Local Authority collections. In addition it is proposed to limit the hours of operation on those days to less than other operational days.
36. It is recognised that objections have been received from one resident, located on the

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other side of Stonar Cut and beyond the A256 dual carriageway. It should be borne in mind that this existing site lies within a designated industrial area and is an allocated site considered appropriate for such a waste management facility. The adjacent Householders Waste Recycling Site operates Sundays and Bank holidays (other than Christmas Day, Boxing Day and New Years Day). The amenity controls referred to above will remain and were considered to adequately control activities at the site to an acceptable degree. That remains the case, and I am advised that the proposed changes and rewording of condition 9 would not result in any detriment from a noise, dust or odour point of view. Any planning permission granted would result in a new planning permission which would essentially repeat (and update as appropriate) the safeguarding conditions on the original planning permission as well as offering greater operational flexibility.

37. On balance, as set out above, with the retention of the mitigation measures secured through the original consent, the proposed amendment to condition 9 is considered acceptable and I conclude that the development is sustainable and therefore recommend that planning permission be granted.

Recommendation

38. I RECOMMEND that PERMISSION BE GRANTED for the variation of condition 9 of DO/03/477 as set out in paragraph 11 above, and that a condition covering the maintenance of the reptile habitat be added.

Case Officer: Andrea Hopkins	Tel. No. 01622 221056
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Background Documents: see section heading.
