

SECTION C  
MINERALS AND WASTE MANAGEMENT

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 for Change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18 (KCC/CA/0426/2012)**

A report by Head of Planning Applications Unit to Planning Applications Committee on 10 April 2013.

Application by Ling (UK) Holdings Ltd for a change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent, CT3 4GP.

Recommendation: Permission be granted subject to conditions.

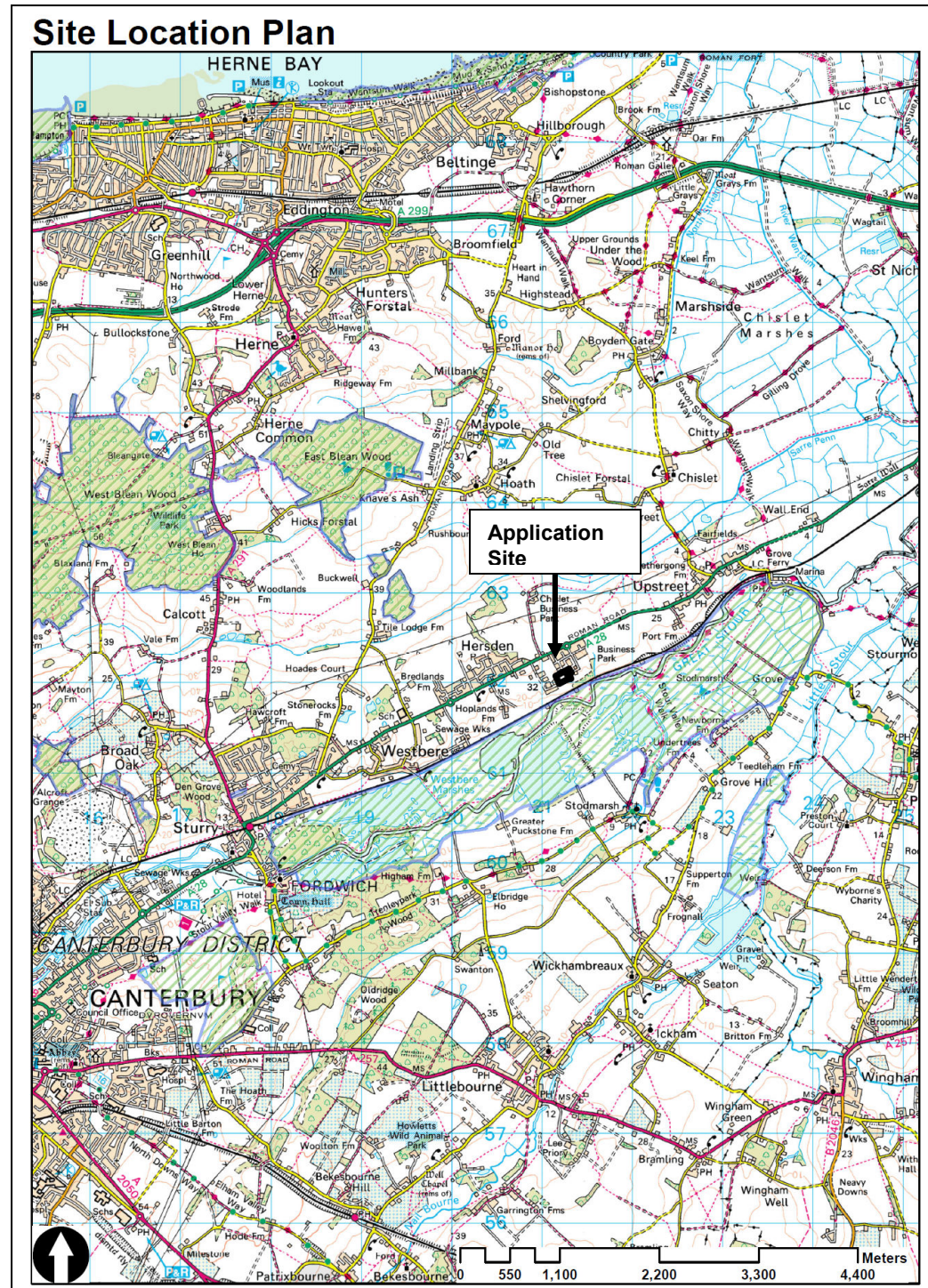
Local Members: Mr RA Marsh

Unrestricted

**Site description and background**

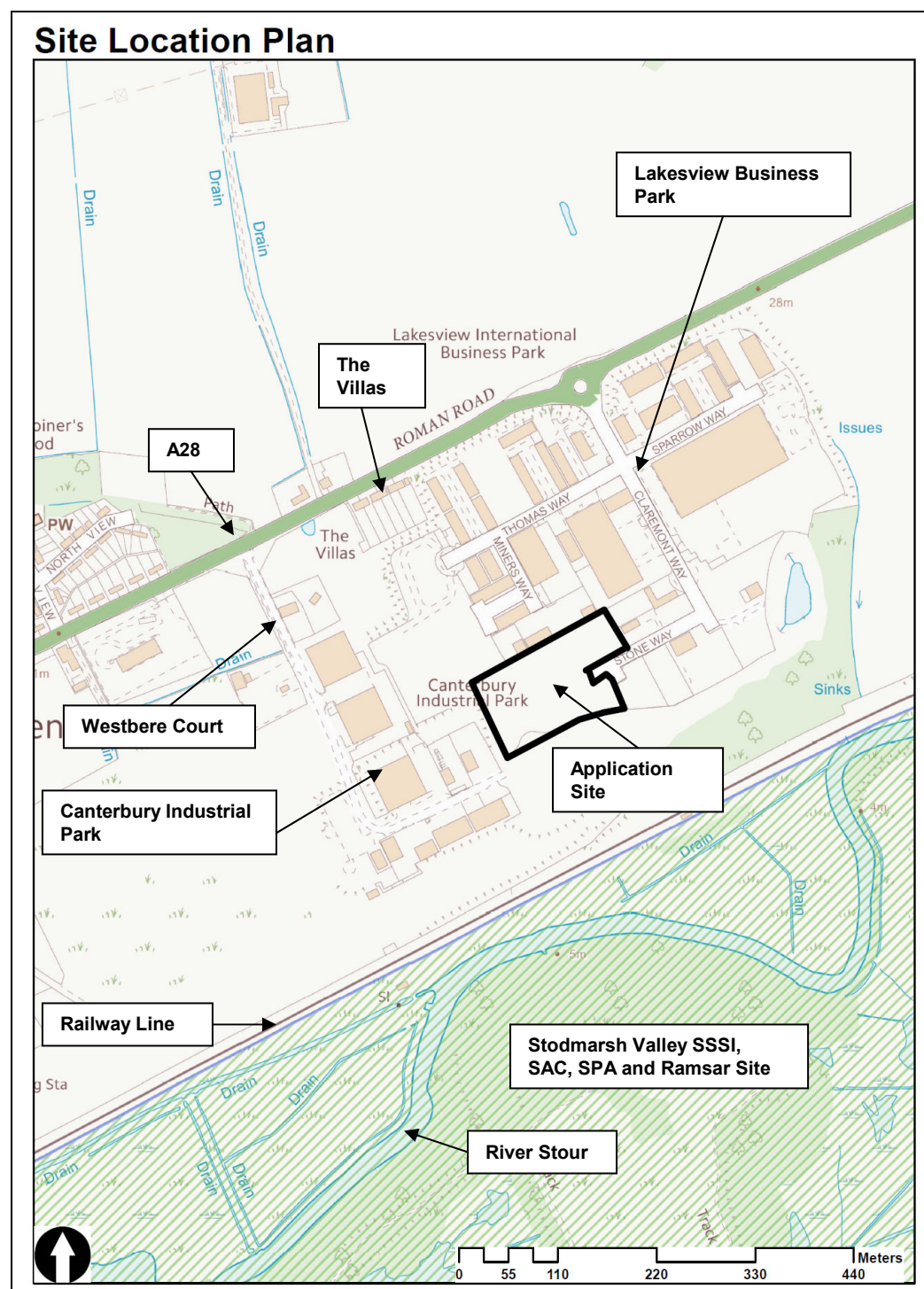
1. The 1.47 hectare application site lies within the Lakesview Business Park at Hersden, approximately 5km to the north east of Canterbury. The Business Park, which lies on the land previously occupied by the former Chislet Colliery, is located to the south of the A28 (Island Road) and north of the Canterbury to Margate railway line and is accessed from a roundabout on the A28. The application site is bounded to the north and east by other units within the Business Park and to the south and west by those within the Canterbury Industrial Park. The site lies approximately 200m to the north of the River Stour and associated Stodmarsh Valley SSSI, SAC, SPA and Ramsar Site. The nearest residential properties are those approximately 200m to the north west of the application site on the A28 (“The Villas”) and to the east of the access road leading to the Canterbury Industrial Park (“Westbere Court”). The application site lies within an area identified on Proposals Map Inset L of the Kent Waste Local Plan (March 1998) as suitable in principle for the preparation of inert waste for re-use (Policy

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W7) and waste separation and transfer (Policy W9). Lakesview Business Park is also safeguarded for employment use by Policy ED1 of the Canterbury District Local Plan First Review (July 2006).

2. Planning permission (CA/09/607) was granted for the development of a metal and vehicle recycling and transfer centre together with a materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles on 17 November 2009 following a resolution of the County Council's Planning Applications Committee on 3 November 2009. The application was accompanied by an Environmental Statement. This 2009 permission (which contained 27 conditions) was intended to enable the applicant to relocate its metals recycling business from its existing site at Parham Road, Canterbury, and to develop a range of other waste recycling operations. The main elements of the permitted facility are a pre and post treated waste storage building (43.6 x 27 x 14m), a materials recycling facility (MRF) building (65.1 x 27 x 14m), a shredded tyre storage shed (17 x 5 x 7m), a battery and redundant electrical items storage shed (27.8 x 5 x 7m), a two-story office building (15 x 10 x 7.6m), a two-storey non-ferrous building with canteen (19 x 12 x 7.4m), two weighbridges and weighbridge office (5 x 2.9 x 3.3m), a scrap metal processing area and parking for staff and visitors. The site would be surrounded by an existing 2.1m high palisade fence.
  
3. Planning permission (CA/10/285) was granted to amend condition 18 of planning permission CA/09/607 on 2 August 2010 following a resolution of the County Council's Planning Applications Committee on 27 July 2010. This 2010 permission (which contained 29 conditions which were largely identical to those included in 2009) additionally allowed recovered abandoned vehicles to be delivered to the site at any time and for permitted waste types to be delivered from Civic Amenity sites and for members of the public to bring electrical / recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours only. Those conditions attached to the 2010 permission that required the submission to and approval of further details by the County Council were approved or discharged on 8 August and 20 December 2012. The 2010 permission had been implemented at the time the current application was submitted in so far as the development platform was in the process of being created. At the time of the most recent site visit on 25 February 2013, other works had been undertaken. These included the erection of the pre and post treated waste storage building and areas of concrete hardstanding. The development that had taken place at that time was not entirely consistent with that permitted in that no pedestrian doors had been installed on the northern elevation (rear) of the pre and post treated waste storage building, the pedestrian doors on the eastern and western elevations had been relocated approximately 10m further south than permitted and a vehicle washdown area was being created (with associated infrastructure) just to the east of the permitted MRF building. A cesspool (with associated infrastructure) had also been installed between the pre and post treated waste storage building and MRF building.

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4. The key controls imposed on the 2010 permission are as follows:-
- The only permitted waste types are batteries, end of life vehicles (ELV), scrap metal, tyres, electrical waste (including fridges) and dry recyclables;
  - The maximum volume of waste permitted to enter the site for treatment, processing or recycling is 82,000 tonnes per annum (tpa);
  - No more than 324 HGVs (162 in / 162 out) shall enter / leave the site each day;
  - With the exception of waste sorting activities permitted in the MRF and the delivery of abandoned vehicles to the site, no activities on site or deliveries to or from the site shall take place except between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays;
  - Waste materials collected from Civic Amenity sites may also be delivered and members of the public may also take electrical / recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours; and
  - Abandoned vehicles can only be delivered and off-loaded at the site between 07:00 and 23:00 hours.
5. The County Council as Waste Disposal Authority recently undertook a tender process for waste transfer services for the Thanet and Canterbury District areas. The contracts will require domestic (“black bag”) waste and source-separated food waste collected from within each of these Districts to be delivered, “bulked up” and then transported onwards to an appropriate waste treatment or disposal facility. The contracts would not include any waste treatment or disposal. The new contracts were intended to commence on 1 April 2013. Although a contract was awarded for Thanet, this was not the case for Canterbury due to a legal challenge to the tender process. It is understood that this challenge was not related to planning issues. Awarding a contract subject to the necessary planning and permitting requirements being satisfactorily addressed is not unusual or inappropriate and in such cases a conditional contract may be issued. In the event that planning or other permissions are then not obtained within a given timescale it is usual for the conditional contract to lapse. It is understood that the Canterbury contract will be re-tendered shortly and require the submission of tenders during May 2013. It is also understood that the intention is for the contract to be awarded to the successful bidder in July 2013 and now commence on 1 October 2013.
6. A Planning Applications Committee Members’ site visit and public meeting were held on 25 February 2013. The site visit was also attended by the applicant. The public meeting was attended by local residents, occupiers of business units, the applicant and other interested individuals. Notes of the public meeting are attached at Appendix 1.

**The Proposal**

7. The application proposes a change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical

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goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent.

8. The applicant states that the proposed change of use is required to enable it to meet the terms of the waste management contract for the Canterbury District referred to in paragraph 5 above because the existing 2009 and 2010 permissions do not allow domestic (“black bag”) waste and source-separated food waste to be handled at the site. At the time the application was submitted in December 2012, the applicant believed that it had been awarded the Canterbury contract and referred to this in its Planning, Design and Access Statement. If the Canterbury contract is awarded to the applicant and planning permission is granted, one of the previously permitted buildings would be used as a waste transfer station for the contracted wastes.
9. The applicant states that domestic waste (including bulky waste collected from households) would be delivered to the site, “bulked up” and stored within the permitted pre and post treated waste storage building and then collected by lorry to be transported to other waste management facilities for treatment or disposal. It states that these may include Shelford Landfill and Allington EfW Facility. It also states that the proposed development would enable domestic (“black bag”) waste collected from within the Canterbury City Council area to be handled at a site which is relatively central to the main towns and larger villages of the District and increase the range of waste materials already permitted to be handled and recycled at the site. It further states that the proposed development would enhance the viability of the facility, create an additional 5 jobs and help in achieving regional and sub-regional self-sufficiency and meet targets for the diversion of waste going to landfill.
10. The applicant states that with the exception of the introduction of domestic (“black bag”) waste and source-separated food waste, the only real change to site operations would be to allow the handling of these waste streams on Bank Holidays in order to meet contractual requirements. With this in mind, the applicant proposes that the existing 82,000tpa limit on the maximum volume of waste permitted to enter the site and the maximum number of HGV movements each day would remain. It has submitted revised details of the anticipated distribution of waste materials to reflect the fact that up to 40,000tpa of domestic (“black bag”) waste would be imported for transfer. This has resulted in a reduction in the volumes of other waste materials that could potentially be handled at the same time (as follows):-

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Type of waste	Existing tonnages at Parham Road	Permitted tonnages at Hersden	Proposed tonnages at Hersden
Batteries	600	2,000	1,000
ELVs	3,200	6,000	6,000
Scrap metal	8,100	20,000	20,000
Tyres	650	4,000	1,000
Electrical waste (including fridges)	2,700	16,000	9,000
C&I dry recyclables	0	34,000	5,000
Mixed municipal / Domestic	0	0	40,000
<b>Total</b>	<b>15,250</b>	<b>82,000</b>	<b>82,000</b>

11. The applicant states that no material changes are proposed to the permitted built development or the broad nature of activities to be undertaken on site and that the majority of permitted site infrastructure (including weighbridge, parking, etc) would continue to be used but that the permitted pre and post treated waste storage building in the north east corner of the site would be used as a waste transfer building for the new waste streams. The only changes to the building would be the inclusion of additional roof lights (to enable at least 10% of the roof area to allow natural light into the building), the use of free standing “A” frame dividers within the building (adjustable to suit operational requirements, but primarily intended to provide 3 waste bays for domestic (“black bag”) waste, source-separated food waste and bulky waste), the installation of an odour suppression system (designed to minimise odour impact by utilising sprays with neutralising additives) and the installation of double doors on each vehicle access. The double doors would comprise an outer steel security door which would remain open when the waste transfer building was in use and an inner fast action fabric door which would automatically open and close to allow vehicles to enter and leave (with a manual back-up system) during the working day.
12. Other changes to what has already been permitted and approved include the addition of foul drainage within the proposed waste transfer building (an open slot drain formed within the floor) linked to a sealed underground cesspool to collect any leachate from within the building and an associated inspection chamber (both sited just outside the north western corner of the building), together with a vehicle / plant washdown area linked to foul sewer via an interceptor between the proposed cesspool and the permitted MRF building. The cesspool would have a capacity of 18,000 litres which would need to be emptied every 3 or 4 weeks depending upon exactly how much water is used to wash down the bays within the WTS. Assuming a suitable cold water high-pressure washer is used to wash down the domestic (“black bag”) waste and source-separated food waste areas at the end of each day, the applicant estimates that it would need to be emptied every 3 weeks if 750 litres of water were used each day 6 days a week and the cesspool were emptied when the 75% capacity alarm

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triggered (i.e. 750 litres x 6 days = 4,500 litres x 3 weeks = 13,500 litres). The applicant has advised that there are plenty of leachate tankers available locally and that exported liquid would probably be taken to the waste water treatment works (WWTW) to the north east of Canterbury.

13. The applicant states that both domestic (“black bag”) waste and source-separated food waste would be tipped from refuse collection vehicles (RCVs) onto the floor of the respective waste bays in the transfer building and then immediately transferred (respectively by selector grab and loading shovel) into covered / leak proof trailers designed to export these materials in bulk for appropriate treatment or disposal. Bulky waste which would be collected and delivered to the site separately would be stored within the third waste bay before being bulked up and exported.
  
14. The applicant states that the company responsible for waste collection in Canterbury District (Serco) will take over the Viridor depot on the Canterbury Industrial Park from 1 April 2013 with a view to running RCVs from that location from 1 August 2013. It has advised that 8 RCVs would collect domestic (“black bag”) waste and source-separated food waste each day Monday to Friday and that each RCV would make 2 rounds, resulting in 16 RCV deliveries to the application site each day (32 HGV movements). In addition, it estimates that there would be 6 trailers of domestic (“black bag”) waste to Allington each day (12 HGV movements), 1 trailer of source-separated food waste to a treatment facility each day (2 HGV movements), 4 loads of bulky waste imported each day (8 LGV movements) and no more than 1 trailer with bulky waste to Shelford Landfill each day (2 HGV movements). The resultant total number of HGV movements (including RCVs) associated with the transportation of domestic (“black bag”) waste, source-separated food waste and bulky waste would therefore be 48 (i.e. 24 in / 24 out) per day. There would also be 8 LGV movements associated with the importation of bulky waste (i.e. 4 in / 4 out). This would require the inner fast action fabric doors of the transfer building to open and close about 112 times a day (i.e. 56 x 2). Approximately once every 3 weeks, a leachate tanker would additionally enter and leave the site (2 movements). However, this would not use the transfer building. These figures are based on the latest estimates of vehicle movements associated with the proposed new waste stream provided by the applicant which are significant lower than those referred to in the application documents submitted in December 2012. The applicant has advised that the reason for the change is that the initial figures were based on details supplied in the WDA contract tender information but that subsequent discussions with the WCA’s collection contractor have clarified the requirements and enabled the estimates to be reduced. On this basis, the assessments provided in December 2012 can be regarded as worst case. The applicant has also provided details setting out how HGVs and trailers would manoeuvre within the site and enter and leave the waste transfer building. These details illustrate that it would be necessary to open the second access gate onto Stone Way (to the southeast of the waste transfer building) in order to allow an articulated lorry to reverse into the building and that it may be desirable for them to leave the site through the same gate. However, the details also indicate that it is possible for these



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and other HGVs to enter and leave the site via the main gate and weighbridges.

15. The applicant has advised that it is unlikely that any domestic (“black bag”) waste, source-separated food waste or bulky waste would be imported to the site before 10:00 hours on any day due to the time taken for each RCV or other collection vehicle to complete its first collection round. It has also advised that whilst domestic (“black bag”) waste and source-separated food waste should never need to be stored within the transfer building (in trailers) for more than 48 hours, it would normally remain within the building for significantly less time as waste imported on one day (after 10:00 hours) would need to be exported by about 15:00 hours on the next day (i.e. about 29 hours). It has further advised that domestic (“black bag”) waste and source-separated food waste would only need to be delivered to the site on a Saturday morning in exceptional circumstances (such as occasional interruptions to the normal regime) and that in such cases it would endeavour to remove all waste from the building by 12:00 hours to enable bulk waste lorries to be sent to receptor sites and the building cleaned before closing at 13:00 hours.
16. The applicant proposes a number of measures designed to control vermin at the site and has confirmed that appropriate measures would be required as part of the environmental risk assessment which forms part of the Environmental Permit. The applicant believes that waste collection arrangements (including the requirement to use approved containers and educate those disposing of waste) would limit the risk of mice or rats being transported to the site within imported waste and that the impermeable site surface and building design should limit the potential for vermin to gain access from adjoining land. It also believes that the use of appropriate management controls (e.g. keeping the floors of the building clear of waste for any extended period / over-night, monitoring the integrity of the building and effecting any necessary repairs, keeping the doors to the building closed when waste is not being accepted and the use of baiting by a contracted professional pest control service) should serve to limit the potential for problems. It considers that pests such as flies could also be successfully controlled by removing food from the site regularly and by maintaining the cleanliness of site surfaces. If necessary, it states that the pest control service could undertake spot treatment with pesticides. The applicant believes that concerns about gulls are unfounded since all of the proposed waste would be handled within the building.
17. The site would be regulated by the Environment Agency under the terms of an Environmental Permit. The applicant has already submitted an application to the Environment Agency seeking a variation to the existing Environmental Permit (which already provides for the existing permitted development) to additionally provide for the development now proposed. The Environment Agency issued the necessary variation on 6 March 2013.
18. The application is supported by a Planning, Design and Access Statement, a Noise Assessment, an Odour Assessment, an Air Quality Assessment, a Flood Risk

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Assessment and a number of drawings. Further information relating to noise and air quality / odour (including updates to the associated assessments) has also been submitted to address issues raised by the County Council’s Noise and Air Quality Consultant. The applicant has also provided further information in response to issues raised at or since the public meeting. The further information includes a more detailed odour management plan that has also been submitted to the Environment Agency in support of the application to vary the existing Environmental Permit, proposed vermin and pest control measures and clarification on proposed operations and associated management practices and the number of vehicle movements likely to be associated with the proposed collection and transfer of the proposed wastes. Where this information assists in explaining the proposed development it has been referred to above. It is also referred to as appropriate in the discussion section.

## **Planning Policy Context**

19. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012), the Technical Guidance to the NPPF (March 2012), PPS10: Planning for Sustainable Waste Management (July 2005, as amended in March 2011) and Planning for Sustainable Waste Management: Companion Guide to PPS10 (2006). These are all material planning considerations.

Paragraph 14 of the NPPF states: At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means (unless material considerations indicate otherwise): approving development proposals that accord with the development plan; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. Paragraph 19 of the NPPF states that the planning system should support sustainable economic growth. Paragraph 109 of the NPPF states (amongst other things) that the planning system should contribute to and enhance the local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air or noise pollution. Paragraph 122 of the NPPF states that in making planning decisions, local 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. It also states that local planning authorities should assume that these regimes will operate effectively. The Technical Guidance to the NPPF includes (amongst other things) detailed guidance on dust and noise emissions.

PPS10 is also clear that noise, dust, visual intrusion, traffic and access and proximity

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to sensitive receptors are important considerations when making decisions on waste management development. However, it also makes it clear that: in considering planning applications for waste management facilities, 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 (paragraph 26); the planning and pollution control regimes are separate but complementary; pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level and ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health; the planning system should focus on whether development is an acceptable use of land and the impacts of those uses on the development and use of land and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced (paragraph 27); and the detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities (paragraph 30).

20. **Kent Waste Local Plan (March 1998)** – This includes Saved Policies W6 (Need), W7 (Re-use), W9 (Waste Separation and Transfer), W18 (Noise, Dust and Odour), W20 (Land drainage and flood control), W21 (Nature conservation), W22 (Road traffic and access) and W31 (Landscaping impact).
21. **Canterbury District Local Plan First Review (July 2006)** – This include Saved Policies ED1 (Safeguarding existing employment sites and premises), BE1 (Built environment), NE1 (Natural environment), C1 (Transport), C39 (Air quality), C40 (Potentially polluting development) and C41 (Waste management and recycling).
22. **Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – Has not yet reached Deposit stage such that it carries little weight as a material planning consideration. The draft policies relating to the delivery strategy for waste are of limited significance to the proposed development although the following are of some relevance: 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) and CSW7 (Approach to waste management for MSW and C&I waste). The following draft development management policies are also relevant: DM1 (Sustainable design), DM2 (Sites of International, National and Local Importance), DM7 (The water environment), DM8 (Health and amenity), DM9 (Cumulative impact), DM10 (Transportation of minerals and waste).
23. **Kent Minerals and Waste Development Framework: Waste Sites Plan Preferred Options Consultation (May 2012)** – The emerging Waste Sites Plan identifies land at Unit 14 Canterbury Industrial Park (immediately to the south of the application site) as a preferred location for waste treatment / recycling facilities.

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24. **Kent Joint Municipal Waste Management Strategy (April 2007)** – This includes Policy 20 which states that the transfer station network will be improved across Kent to promote efficient transport of wastes for treatment, recovery and disposal. It also includes a number of other policies intended to assist in increasing recycling and composting rates whilst providing appropriate residual waste management services.

**Consultations**

25. **Canterbury City Council** – No objection, but asks that the following points are taken into account and satisfactorily addressed before any permission is granted:-
1. KCC is satisfied that the use would be implemented and operated in a manner that would have no unacceptable impact on the surrounding areas of ecological importance and the wildlife it contains.
  2. That appropriate conditions are imposed to ensure that the future operation of the facility does not adversely affect the surrounding area. Conditions relating to the height of external storage, restriction on noise levels, control of odour levels and external lighting are highlighted as being of particular importance.
  3. That the proposed buildings are finished using the olive green colour currently proposed, or some alternative suitable dark green finish.
26. **Westbere Parish Council** – Is totally opposed to the proposed development due to concerns about air quality and pollution, unpleasant odour, poor provision for surface water run-off, increased heavy traffic volume and noise. It has also stated that certain constraints around landscaping were imposed historically on the plots at the Lakesview Business Park and should be upheld. It has also said that the health and wellbeing of the residents of Westbere and Hersden and possible adverse effects on the adjacent Stodmarsh SSSI and Ramsar Site should be a priority when the application is determined. It has also expressed concerns about the consultation process.
27. **Chislet Parish Council** – Has advised that it has no comments on the application.
28. **Sturry Parish Council** – Objects strongly to the proposals for the following reasons:-
- Odour impact resulting from the handling of food waste and black bag waste, including damage to lifestyle and distress to residents (particularly during hot weather when people wish to open their windows);
  - Air quality and pollution impacts due to increased HGV and other vehicle movements, adding to existing congestion in Sturry (e.g. rail level crossing) in peak hours and resulting in potential adverse health impacts (e.g. childhood asthma).
  - Adverse impact on groundwater and adjoining land (including nearby tidal lakes) due to contaminated surface water run-off;



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- Threat to the health, natural beauty and sensitive ecosystem of Westbere Marshes as a result of gulls and other pests being attracted to the area. States that the Westbere Marshes are home to a number of rare species including the Desmoulin's Whorl Snail (which is categorised as a species threatened with extinction by the International Union for the Conservation of nature Red List) and the Natterjack Toad (one of only three amphibian species highlighted as in danger by the National Biodiversity Action Plan); and
- As the roads within the Business Park are unadopted, there is no guarantee that they would be suitable for increased use by heavy vehicles. Damage to these roads would pose a serious health and safety risk, adversely affect other businesses and lead to additional costs of repairing unadopted roads.

29. **Wickhambreaux Parish Council** – No comments received.

30. **Environment Agency** – No objection. Has advised that it is happy with the odour management plan that has been submitted in support of the Environmental Permit Variation for the site which has been submitted in parallel with the planning application. Has also advised that the new Permit has been drafted and will be issued shortly. This would be used to control and regulate any potential odour issues from the site and would require that operations are controlled through enforcing the odour management plan that has now been approved. The Environmental Permit Variation was determined / issued by the Environment Agency on 6 March 2013. Amongst other things, this provides detailed operational controls in respect of odour, vermin and pests.

31. **Health Protection Agency (Kent Health Protection Unit)** – No comments received. The Health Protection Agency was consulted on 29 January 2013.

32. **Southern Water** – Has raised no objections but has advised that a formal application would need to be made for connection to a sewer by the applicant or developer (and that an informative to this effect be included on any permission granted). It has also advised the applicant to discuss discharge issues with its Trade Effluent Inspectors. It further advises that there are no public surface water sewers in the area to serve the development and that the disposal of surface water should not involve connection to the foul water system.

33. **Natural England** – No objection in terms of potential impact on the Natura 2000 Site (i.e. SAC, SPA and Ramsar Sites) and SSSI provided the proposed development is carried out strictly in accordance with the submitted details. It has also advised that KCC does not need to undertake an Appropriate Assessment to assess the implications of the proposed development on the Natura 2000 site's conservation objectives.

34. **KCC Biodiversity Projects Officer** – Has advised that the proposed development would not result in an increase in noise or dust or vehicles visiting the site (compared

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with those already permitted and that there is limited potential for the proposed development to impact on the adjacent designated site.

**35. KCC Noise and Air Quality Consultant (Jacobs) –**

**Noise:** Has advised that he is satisfied with the conclusions of the applicant’s noise assessment and has no objection to the proposed development in terms of noise impact subject to the imposition of the following condition:-

*“At no time during the operation of the site shall the noise rating level,  $L_{A,T}$  (free field) at nearby residential properties, derived in accordance with BS4142:1997, attributable to the operation of all fixed and mobile plant and machinery installed or otherwise used at the premises exceed 52 dB.”*

**Air Quality:** Has advised that the potential small increase in car / light goods vehicle movements would not have a significant impact on local concentrations of traffic related pollutants and that local air quality would be unaffected. Has also advised that the proposed enclosure of waste handling within the building would also result in a low potential for dust generation. Has advised that he is satisfied with the conclusions of the applicant’s odour assessment (following its revision to include adjacent commercial units as being of high sensitivity to odour). The assessment concludes that the likely odour impact would be low provided the proposed mitigation measures are employed. Has no objection to the proposed development subject to the imposition of conditions similar to those included on the existing permission and the use of the proposed odour suppression system. Notes that food waste would be placed in covered leak-proof trailers within the building. Has also pointed out that the site would be subject to an Environmental Permit which would require operations to be controlled through the implementation of an Odour Management Plan.

**36. KCC Highways and Transportation –** No objection subject to conditions on the following matters being applied or carried forward from the existing planning permissions:-

- Measures to avoid mud or other materials being deposited on the highway;
- Parking for staff and visitors;
- Measures for disposal of surface water;
- Appropriate loading, unloading and turning provision during construction;
- Provision of suitably surfaced and drained vehicle parking, loading, off-loading and turning areas, and these areas remaining available for such uses; and
- Cycle parking.

Has also advised that the proposed development would not increase the level of HGV activity beyond that envisaged by the consented schemes and would only result in a relatively insignificant amount of additional cars and LGVs. Also notes that the internal layout of the site would not be altered in general terms from that already approved and

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raises no additional issues.

37. **KCC Waste Management Group** – Has advised that the Waste Disposal Authority (WDA) has a statutory duty to seek provision for dealing with domestic waste disposal arisings in Kent. The additional proposed waste handling and transfer capability for residual municipal solid waste (MSW) and separately collected food waste, which constitutes a key component of the waste stream, is to be welcomed. In principle therefore, the WDA would support the additional handling and processing capacity for these categories of waste. The “Kent Joint Municipal Waste Management Strategy” clearly identifies a requirement to reduce the amount of untreated waste to be able to meet ever stricter EU Directives, Government targets and Best Value Performance Indicators. It also promotes the use of waste as a resource. The additional transfer capacity would readily allow some 30,000 tonnes per annum of MSW currently going to landfill in Canterbury, to be re-handled locally and delivered to either Allington Energy from Waste facility at Maidstone or, in the case of separately collected food waste, to specialist processing facilities elsewhere in Kent. The proposed Hersden location would ideally suit the local Waste Collection Authority (WCA), insofar as the site is situated strategically located within their geographical area of operation. The potentially available alternative Waste Transfer Station locations are situated some distance away at Ashford and Richborough, and would require additional travel time and fuel to access. In order to meet its statutory obligations under the Environmental Protection Act 1990, and deliver Value for Money, the WDA routinely seeks Competitive Tenders for the processing of all domestic waste arisings in Kent. The WDA is currently seeking to procure transfer capacity for MSW arisings in the Canterbury area. The Contract Criteria will include inter alia that particular consideration be given to the environmental impact of the proposal, recycling targets set by Government, the operational requirements of the WCAs (District Councils), the minimisation of traffic and the technical sustainability and deliverability of the proposal.
38. **KCC Economic and Spatial Development (Business Strategy and Support)** – Has advised that it is inevitable that the proposed use would affect the marketability of Lakesview Business Park for business users and investor confidence due to concerns about potential odour, vermin and traffic generation. However, it is unable to estimate how many jobs could potentially be affected without detailed comparison and analysis. It has also advised that a lot of work is being undertaken in East Kent, in particular, to encourage investment and job creation. It has further advised that Locate in Kent (KCC’s inward investment agent) has supported these concerns and expressed the opinion that the current proposals are already creating uncertainty over the sale of one of the buildings on the Lakesview Business Park.

## **Representations**

39. The application has been publicised both by site notice and newspaper advertisement. All properties within 250 metres of the site were notified.

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40. 93 letters of objection have been received. These include those from a significant number of occupiers of other units on the Lakesview Business Park, representatives of the owners of parts of the Business Park, the Thanet and East Kent Chamber Ltd (representing local business interests), local residents, Hoath Parish Council, Sir Roger Gale MP and Julian Brazier MP. The objections relate to:-
- Adverse amenity impacts on adjoining businesses and residents (e.g. air quality; odour; noise);
  - Lack of confidence in the proposed odour suppression equipment;
  - Increased risk of vermin, insects / flies and birds / gulls;
  - Proximity of proposed use to other units (some immediately adjoining), particularly those associated with food distribution, packaging and pharmaceuticals;
  - Adverse health impacts (e.g. asthma and stress);
  - Pollution of water resources (groundwater and surface water);
  - Adverse impact on adjoining wildlife interests;
  - Visual impact (proposed buildings);
  - Adverse effect on viability of adjoining businesses and employment land during particularly difficult economic times (leading to substantial trade and job losses, failure to renew leases, company relocations from the site and loss of attractiveness of / investment in the Business Park);
  - Inappropriate location (i.e. business park as opposed to an industrial estate);
  - Increased traffic, congestion (within the Business Park and on other roads in the area) and related impacts;
  - Lack of space for manoeuvring large trailers in and out of the waste transfer building within the application site (resulting in additional noise or other impacts);
  - Failure of KCC to adopt the roads within Lakesview Business Park (meaning that other occupiers have to pay for their maintenance);
  - The proposed reductions on other waste management activities (designed to show no net increase in overall waste tonnages and associated vehicle movements) are arbitrary;
  - There are other better locations for such a facility, including other business parks in Hersden, that are less attractive and more suited to the proposed use (these have not been explored);
  - The applicant's reference to being awarded a contract for the proposed waste streams is incorrect (the process is being undertaken again as a result of procedural errors);
  - Lack of consultation;
  - Failure of submitted plans to show all units (including some immediately adjacent to the proposed waste transfer building);
  - Adverse impacts on property prices (residential and commercial); and
  - The proposed development is significantly different than the permitted waste management operations.



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A copy of a letter dated 27 March 2013 from Barton Willmore on behalf of George Wilson Holdings (stated to be the owners of Lakesview International Business Park) and the occupiers of the Business Park is attached at [Appendix 2](#).

**Local Members**

41. County Council Member Mr RA Marsh (Herne and Sturry) was notified in December 2012. Adjoining County Council Member Mr M Northey (Canterbury South East) was also notified as Wickhambreaux Parish Council was consulted as an adjoining parish council. Mr Marsh has strongly opposed the proposed development and supports the objections and concerns referred to in paragraph 40.

**Discussion**

42. 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. In the context of this application, the development plan policies outlined in paragraphs 20 and 21 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 19, the emerging Kent minerals and waste policies referred to in paragraphs 22 and 23 and the Kent Joint Municipal Waste Management Strategy policies referred to in paragraph 24. A report which (amongst other things) explained the weight that should be given to development plan policies adopted prior to publication of the NPPF was presented to KCC’s Planning Applications Committee on 13 March 2013 (Item B1). Annex 1 to the NPPF states that development plan policies should not be considered out of date simply because they were adopted prior to publication of the Framework. It also states that for the 12 month period from publication of the NPPF (i.e. from 27 March 2012) decision takers may continue to give full weight to relevant development plan policies adopted since 2004 (i.e. after publication of the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF but that after this 12 month period (i.e. after 27 March 2013) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (with greater weight given to policies that more closely accord with the Framework). It is important to note that this does not change the statutory status of the development plan which remains the starting point for decision making. Members should also note that the South East Plan was formally abolished on 25 March 2013 and is no longer part of the development plan.
43. The main issues to be considered relate to:-
- The principle of development at Lakesview Business Park;
  - Need / sustainable development;
  - Local amenity (e.g. air quality / odour, noise, health and visual impact);

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- Highways and transportation;
- Water environment (ground and surface water);
- Biodiversity (e.g. SSSI, SAC, SPA and Ramsar Site); and
- Employment / economic development.

44. A number of other issues have also been raised which need to be addressed. These are the consideration of alternatives, landscaping and the fact that the applicant may have pre-empted a decision on the application.

The principle of development at Lakesview Business Park

45. The application site already has the benefit of planning permission for waste management uses and lies within an area identified on Proposals Map Inset L of the Kent Waste Local Plan (March 1998) (Kent WLP) as suitable in principle for the preparation of inert waste for re-use (Policy W7) and waste separation and transfer (Policy W9). Policy W9 specifically relates to Category B and C wastes. The Plan defines these respectively as degradable wastes (primarily industrial) and putrescible wastes (including domestic refuse). The supporting text to Policy W9 states that locations are needed for sorting and separation of materials capable of being re-used, recycled and recovered and for the bulking-up of mixed waste that is not able to be sorted for onward transhipment for disposal elsewhere. The Plan goes on to say that a network of such facilities will be needed to meet waste management requirements across Kent. Given the existing waste permissions and Kent WLP allocation, the proposed development is acceptable “in principle”.
46. It is worth noting that the principle of employment use at Lakesview Business Park was established through the allocation of the former Chislet Colliery site for this use in the Canterbury District Local Plan (November 1998). Outline planning permission CA/98/0224 was granted by the City Council on 5 May 2000 for use of land as a business estate (Class B1 and B8). This also provided for the roundabout which now serves the business park. A number of more recent planning permissions have been granted by the City Council that include B2 uses on land to the south and east of application site (i.e. towards the rear of the business park). The employment allocation was carried forward into the Canterbury District Local Plan First Review (July 2006) (Canterbury DLP) where Policy ED1 seeks to safeguard existing employment sites and premises. Paragraph 20 of PPS10, Policies W3, W7 and W9 of the Kent WLP and draft Policies CSW5 and CSW6 of the Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (Kent MWDFCS) all support the location of waste management facilities within or adjacent to existing waste management operations and / or industrial uses. On this basis, regardless of the permitted waste use and the Kent WLP allocation, proposals for waste management facilities at the Lakesview Business Park would in principle be viewed favourably provided they are consistent with other policies and relevant criteria.

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47. Having established that the proposed development is acceptable in principle on Plots D and E of the Lakesview Business Park, it is necessary to consider whether it is acceptable in all other respects. These issues will be addressed in the following sections.

Need / Sustainable development

48. Whilst Policy W6 of the Kent WLP states that need will be a material consideration in the determination of applications for waste management development on sites outside those identified in the Plan where demonstrable harm would be caused to an interest of acknowledged importance, the policy does not specifically apply to proposals on sites allocated in the Plan. Paragraph 22 of PPS10 states that when proposals are consistent with an up to date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal. In this case, I consider that the development plan is generally consistent with the NPPF. However, given that need is an important element of sustainable development it remains relevant and should properly be considered and weighed against any disbenefits that may arise from the proposed development, particularly where material harm would be likely to arise. Canterbury DLP Policies BE1 and C41 state that the need for development will be a consideration when applications are considered.
49. Policy 20 of the Kent Joint Municipal Waste Management Strategy (Kent JMWS) states that the transfer station network will be improved across Kent to promote efficient transport of wastes for treatment, recovery and disposal. This is reflected in draft Policy CSW7 of the Kent MWDFCS which states that waste management capacity for MSW and C&I wastes will be provided through (amongst other things) a new waste transfer station at Ashford to bulk MSW going from East Kent to Allington and replacement waste transfer stations and household waste recycling centres (HWRCs) to serve Sevenoaks and Swale and a network of existing and improved sites for MSW transfer and recycling and household waste recycling facilities. Permission has recently been granted for a facility which is now under construction at Brunswick Road, Ashford. The Kent JMWS also includes a number of policies intended to assist in increasing recycling and composting rates whilst providing appropriate residual waste management services.
50. KCC Waste Management Group states that the Waste Disposal Authority (WDA) supports in principle the provision of additional waste handling and transfer capability for residual municipal solid waste (MSW) and separately collected food waste to serve the Canterbury District for the reasons set out in paragraph 37 above. It has also confirmed that the WDA is currently seeking to procure transfer capacity for MSW arisings in the Canterbury area and indicated that the proposed site appears to offer a number of benefits.
51. Paragraph 14 of the National Planning Policy Framework (NPPF) states that there is a

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presumption in favour of sustainable development and that this should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means that, unless material considerations indicate otherwise, proposals that accord with the development plan should be approved. It also states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. Paragraph 19 of the NPPF states that the planning system should support sustainable economic growth. Sustainable waste management, as its title suggests, is at the heart of PPS10. The need for sustainable development is also reflected in many of the policies referred to in paragraphs 20 to 22 and 24 above.

52. Given the above, I am satisfied that there is a need for waste handling and transfer capacity to meet the requirements of the WCA and WDA. However, it remains to be determined whether the proposed location is acceptable having regard to other development plan policies and material planning considerations. Until the proposed development has been fully assessed against other policies and material considerations, it is not possible to say if this is the case and whether it represents sustainable development.

Local amenity (e.g. air quality / odour, noise, health and visual impact)

53. As indicated in paragraph 19 above, Government policy on waste 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. Paragraph 109 of the NPPF states (amongst other things) that the planning system should contribute to and enhance the local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air or noise pollution. Although the NPPF does not include waste policy, paragraph 122 states that in making planning decisions, local 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. It also states that local planning authorities should assume that these regimes will operate effectively. Paragraph 123 states that planning decisions should aim to avoid noise from new development giving



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rise to significant adverse effects on health and quality of life and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

54. Kent WLP Policy W18 requires planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. Canterbury DLP Policy BE1 states that the compatibility of the use with adjacent uses and the amenity of the existing environment will be considerations when applications are considered. Policies C39 and C40 seek to safeguard air quality and prevent pollution (including that associated with noise) and state that mitigation measures will be required as necessary. Policy C41 states that waste proposals should address (amongst other things) air quality and the impact on public health, noise impact and residential amenity.
55. Westbere, Sturry and Hoath Parish Councils, as well as all those who have responded to the notification and publicity on the application (including a significant number of occupiers of the adjoining and nearby business units), have objected due to potential adverse impacts on the environment and local amenity both as a result of operations on site and HGVs transporting waste to and from the site. Although the objections have referred to air quality / odour, noise, vermin (e.g. rats, mice, insects, flies and gulls), health and visual impact, it is concerns relating to odour associated with the proposed wastes (either when on site or whilst in transit) and the potential for vermin to be either brought to the site in collected wastes or attracted to the site as a result of operations that have given rise to greatest concern. These and other issues were also raised at the public meeting. At the public meeting, a letter from Julian Brazier MP was read out. Amongst other things, this referred to the fact that odour suppression equipment had not prevented significant odour from the Cheale Meats’ rendering plant drifting at least 2 miles.
56. Although Canterbury City Council has not objected, it has asked that appropriate conditions relating to noise, odour and lighting be imposed to ensure that the operation of the proposed facility does not adversely affect the surrounding area.
57. The Environment Agency has no objection to the proposed development and has already issued a variation to the existing Environmental Permit that would enable the proposed wastes to additionally be handled on site. It has also advised that it is happy with the odour management plan that has been submitted as part of the permitting process and which would have to be complied with as a requirement of the Permit. This odour management plan, which is more detailed than that originally submitted with the planning application and further explains how odour issues would be managed at the site, was submitted after the public meeting and now forms part of the planning application. Details of those measures designed to minimise the potential for odour are set out in paragraphs 11 to 15 above. The key features are a sealed building, automatic fast action fabric inner doors, an odour suppression system and

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the implementation of various management practices (e.g. minimising the time waste is stored within the waste transfer building, transferring domestic / “black bag” and source separated food waste into covered / leak proof trailers quickly rather than leaving this on the floor of the waste bays and washing down the waste bays at the end of each day).

58. KCC's Air Quality Consultant has no objection on air quality grounds provided conditions similar to those included in the existing permission are imposed and the proposed odour suppression system is installed and used. Existing conditions include the implementation of dust suppression measures (e.g. road sweeping, use of a water bowser / sprays and speed limits on site) and the requirement to keep the site access, internal road and areas used for vehicle manoeuvring free from mud or other debris with such measures as are necessary to ensure that vehicles connected with the development do not deposit mud or debris on the highway. The proposed odour suppression system is used at a number of waste management sites in England and, as with similar systems, has been demonstrated to be capable of satisfactorily suppressing odour. The system is used at the In-Vessel Composting (IVC) Facility operated by the Countrystyle Group at Ridham Dock.
59. Notwithstanding the concerns expressed by respondents, the proposed measures to control odour emissions are considered to be acceptable by all technical consultees and enable the proposed development to be viewed favourably in the context of the development plan policies referred to in paragraph 54 above. Given the advice in paragraph 122 of the NPPF and paragraphs 27 and 30 of PPS10 which seek to avoid duplication between the planning and permitting regimes, enable local planning authorities to assume that the permitting regime will operate effectively and defer consideration of detailed waste management processes and the implications, if any, for human health to the pollution control authorities, there is no need for detailed operational measures relating to odour to be secured as part of any planning permission that may be granted. Indeed, it would be entirely appropriate and in accordance with PPS10 and the NPPF for these operational matters to be left to be dealt with by the Environment Agency. However, in this instance I believe that it would be desirable to specifically require that a number of controls be imposed by condition if planning permission is granted. These should include the implementation of measures such as those proposed (with precise details to be addressed in the Environmental Permit), the installation and use of an odour suppression system, the closure of the automatic fast action fabric inner doors of the waste transfer building at all times except to allow vehicles to enter and leave the building (or for emergency maintenance when such repairs cannot be undertaken when the building contains no waste) and for waste to be stored within the waste transfer building for no more than 48 hours and, wherever possible, not after 12:00 hours on Saturdays or at any time on Sundays. I do not consider that the concerns expressed about odour from the Cheale Meats' rendering plant are relevant to the determination of this application since the operations at that site are not comparable with those now proposed and the nature of odour suppression equipment stated to have been used in that case are unknown.

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Any air quality issues associated with HGV and other vehicle movements are addressed in the highways and transportation section below.

60. KCC's Noise Consultant has no objection on noise grounds provided the noise condition set out in paragraph 35 is imposed (i.e. limiting the noise rating level  $L_{Ar,T}$  (free field) associated with site operations to 52dB when measured at residential properties).
61. The 2009 and 2010 permissions do not contain any specific noise limits. Instead, the primary means of control over noise is secured through restrictions on hours of use, a requirement for the doors to the MRF building to be closed except when waste is being delivered to it and for the development to be implemented as permitted / approved. Although the proposed development would have no material impact on noise emissions from the site for nearby residents or businesses, the imposition of a further restriction specifically limiting noise from the entire development to 52dB when measured at any residential properties would serve to provide an additional control over operations at the site. The proposed restriction would not apply to noise levels at business properties since the relevant standard (BS4142) does apply to these. KCC's Noise Consultant is also satisfied that the proposed development would not give rise to a worsening of the noise environment already permitted and that it is not necessary to impose any specific noise limits for business properties. Appropriate conditions relating to those other matters included previously should also be imposed again such that there is no relaxation of the earlier controls, unless specifically applied for as part of the current application. Subject to these conditions, the proposed development should be viewed favourably in the context of the development plan policies referred to in paragraph 54 above. In respect of the concern that there may be a lack of space for manoeuvring large trailers in and out of the waste transfer building within the application site, I am satisfied that this can be done and would not give rise to unacceptable noise impact.
62. Details of the measures designed to control vermin and pests (e.g. flies) at the site are set out in paragraph 16 above. These would be required as part of the Environmental Permit.
63. The proposed measures to control vermin and pests (e.g. flies) are in principle considered to be acceptable. Given the advice in paragraph 122 of the NPPF and paragraphs 27 and 30 of PPS10 which seek to avoid duplication between the planning and permitting regimes and enable local planning authorities to assume that the permitting regime will operate effectively, there is no need for these detailed operational measures to be secured as part of any planning permission that may be granted. Indeed, it would be entirely appropriate and in accordance with PPS10 and the NPPF for these operational matters to be left to be dealt with by the Environment Agency. However, in this instance I believe that it would be desirable to specifically require the implementation of measures such as those proposed by condition if planning permission is granted.

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64. No changes to the lighting arrangements approved pursuant to the 2010 permission on 8 August 2012 are proposed. On this basis, these do not require further consideration. The proposed changes to the built development already permitted are minor and I am satisfied that they would have no significant impact in terms of visual amenity.
65. Whilst Westbere and Sturry Parish Councils and those local residents and businesses who have responded clearly have concerns about potential impact on local amenity (e.g. air quality / odour, noise, health and visual impact), I am satisfied that the proposed development can be satisfactorily controlled (both through the planning and environmental permitting regimes) and would accord with the requirements of the development plan policies referred to in paragraph 54 above subject to the imposition of those conditions referred to elsewhere in this section. I do not believe that the perceived harm expressed by respondents on these issues is sufficient in this case to outweigh the clear policy support for the proposed development.

Highways and transportation

66. As indicated in paragraph 19 above, Government policy on waste seeks to ensure that transportation impacts of development proposals are minimised. PPS10 states that the selection of sites for new or enhanced waste management facilities should involve consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and that the suitability of the road network and the extent to which access would require reliance on local roads are criteria that should be considered. These aims are also reflected in many of the adopted and emerging development plan policies referred to in paragraphs 20 to 22 above. Policy W22 of the Kent WLP requires waste management proposals to be acceptable in terms of highway safety and capacity. Canterbury DLP Policy C1 states that the level and environmental impact of vehicular traffic will be controlled when considering the location of development.
67. Westbere, Sturry and Hoath Parish Councils, as well as many of those who have responded to the notification and publicity on the application, have objected on the basis that the proposed development would lead to an increase in HGV traffic both within the Lakesview Business Park and on other roads in the area. Sturry Parish Council is also concerned that as the Lakesview Business Park estate roads are unadopted, these may be unsuitable for the additional HGV traffic and that damage to them could pose a serious health and safety risk, adversely affect other businesses and lead to additional repair costs. A number of respondents have also criticised KCC for failing to adopt the estate roads. As stated in paragraph 55 above, a number of respondents have also objected on the grounds that HGVs transporting waste to and from the site would also give rise to odour, particularly if they were required to queue on estate roads as a result of being held up by other traffic or simply unable to enter the application site due to the number of vehicles entering or leaving. Concerns have

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also been expressed about the proposed increase in LGVs.

68. KCC Highways and Transportation has no objection to the proposed development on the basis that there would be no increase in HGV movements beyond that already provided for by the 2009 and 2010 permissions, only a relatively insignificant increase in cars and LGVs and as the internal layout of the permitted site would not generally be altered. However, it has recommended that the conditions referred to in paragraph 36 be imposed. These all relate to matters that are addressed in conditions attached to the 2009 and 2010 permissions such that they could effectively be carried forward into any new planning permission that may be granted. KCC's Air Quality Consultant is also satisfied that the proposed development would not have a significant impact on local concentrations of traffic related pollutants and that local air quality would be unaffected.
69. The 2009 and 2010 planning permissions already allow up to 324 HGV movements (162 in / 162 out) per day associated with waste management operations at the site. Neither of the existing permissions include any restriction on waste sources or required locations for the subsequent use, treatment or disposal of wastes taken to the site such that HGVs and other vehicles associated with permitted operations could reasonably be expected to transport waste to and from the site in all directions and potentially over significant distances. Although odour may well be detectable when standing close to an RCV or other HGV transporting waste to and from the site, I do not believe that this would present an unacceptable impact given the relatively small number of vehicles likely to be associated with the carriage of domestic “black bag” waste and source separated food waste each day and the number of RCVs involved in waste collection in the Canterbury District (as referred to in paragraph 14 above). I am also satisfied that it would be in the interests of the applicant, the WCA and WDA to ensure that vehicles involved in importing and exporting waste can enter and leave the site without undue delay and that this would encourage management practices designed to avoid queuing or waiting. I am also mindful that RCVs collecting these type of wastes already travel extensively around residential and employment areas without significant adverse impacts. With regard to the concerns about the proposed increase in LGV movements associated with the proposed new waste streams, I am satisfied that the numbers are acceptable (particularly given the clarification on these set out in paragraph 14 above).
70. As the 2010 permission has been implemented and the proposed development would not alter the maximum number of HGV movements (provided a similar condition were to be imposed) there can be no justification for refusing permission on highway grounds.

Water environment (ground and surface water)

71. PPS10 states that locational criteria for waste management facilities should include the proximity of vulnerable surface and groundwater. Paragraph 120 of the NPPF

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states that planning decisions should ensure that new development is appropriate for its location and that the effects of pollution on the natural environment and the potential sensitivity of the area should be taken into account. Paragraph 100 seeks to ensure that development in areas of highest flood risk is avoided and that development does not increase the likelihood of flooding elsewhere. Policy W19 of the Kent WLP requires the quality and quantity of surface and groundwater resources to be protected. Policy W20 of the Kent WLP requires land drainage, flood control and land stability to be safeguarded. Canterbury DLP Policy C40 seeks to prevent pollution and states that mitigation measures will be required as necessary. Policy C41 states that waste proposals should address (amongst other things) hydrology and ground conditions.

72. Westbere and Sturry Parish Councils, as well as many of those who have responded to the notification and publicity on the application, have objected on the basis that the proposed development would lead to contaminated surface water flows from the site with resultant pollution of ground and surface water. The specific concerns that have been raised about potential impacts on the Stodmarsh Valley / Westbere Marshes SSSI, SPA, SAC and Ramsar Site are addressed in the following Biodiversity section.
73. Both the 2009 and 2010 permissions included conditions requiring details of surface water drainage to be submitted to and approved in writing by KCC as well as conditions requiring appropriate storage arrangements for oils and chemicals. The surface water details required by the 2010 permission were approved by KCC on 20 December 2012 following consultation with / no objection from (amongst others) the Environment Agency, Southern Water and Natural England. These details included proposals for foul and surface water drainage associated with the permitted development. The current application also includes details of both foul and surface water drainage. These are identical to those already approved with the added provision of foul drainage within the proposed waste transfer building (an open slot drain formed within the floor) linked to a sealed underground cesspool to collect any leachate from within the building and an associated inspection chamber (both sited just to the west of the north western corner of the building), together with a vehicle / plant washdown area linked to foul sewer via an interceptor between the proposed cesspool and the permitted MRF building. Correspondence with the applicant indicates that discussions between it and Southern Water are well advanced on those matters referred to in Southern Water’s response (see paragraph 32). The applicant has also confirmed that surface water drainage will be discharged through bypass separators to the Lakesview Business Park private drainage system (drainage pipes) and associated balancing / storage pond at the south eastern end of the Business Park (as has already been permitted and approved).
74. Given that the Environment Agency, Southern Water and Natural England have all examined the application details and advised that they have no objection to the proposals and as the Environment Agency has also issued a variation to the existing Environmental Permit for the additional wastes, such that it must be confident that the

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proposed development should not give rise to pollution, I am satisfied that the proposed development accords with the development plan and other policies relating to ground and surface water referred to above and see no reason to refuse the application for ground or surface water reasons subject to the development being implemented as proposed. Natural England’s response in respect of the designated areas is addressed in the following biodiversity section.

Biodiversity (e.g. SSSI, SAC, SPA and Ramsar Site)

75. PPS10 states that locational criteria for waste management facilities should include consideration of whether there would be any adverse effect on a site of international importance for nature conservation (SPA, SAC and Ramsar Sites) or a site with a nationally recognised designation (SSSI or NNR). Paragraph 118 of the NPPF states that local planning authorities should seek to conserve and enhance biodiversity when determining planning applications. It also states that permission should not normally be granted for development on land outside a SSSI that is likely to have an adverse effects on the SSSI and emphasis the importance of protecting European designated sites (e.g. SAC, SPA and Ramsar Sites). 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. Canterbury DLP Policy C41 states that waste proposals should address (amongst other things) ecology and nature conservation interests.
76. Westbere and Sturry Parish Councils, as well as many of those who have responded to the notification and publicity on the application, have objected on the basis that the proposed development would have an adverse impact on the Stodmarsh Valley / Westbere Marshes SSSI, SPA, SAC and Ramsar Site. To a large degree, these issues have already been addressed in the water environment section above.
77. Natural England and KCC’s Biodiversity Projects Officer are both satisfied that the proposed development would not adversely affect the designated sites and have no objections. Natural England has also advised that there is no need for KCC to undertake an Appropriate Assessment in this case.
78. Given the absence of any technical objections relating to the water environment in the above section and as neither Natural England nor KCC’s Biodiversity Projects Officer have any objection to the proposals, I am satisfied that the proposed development accords with the development plan and other policies relating to biodiversity referred to above and see no reason to refuse the application for biodiversity reasons subject to the development being implemented as proposed.

Employment / economic development:

79. The NPPF establishes a presumption in favour of sustainable development. This



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involves consideration of economic, social and environmental factors. It also states that development proposals that accord with the development plan should be approved unless material considerations indicate otherwise and that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework’s policies taken as a whole or if specific policies in the Framework indicate development should be restricted. Paragraph 19 of the NPPF states that the planning system should support sustainable economic growth.

80. As explained in the above sections, I am satisfied that the proposals accord with relevant development plan and national planning policies (including those in NPPF and PPS10).
81. Notwithstanding this, a large number of respondents have objected to the proposed development on the grounds that they consider it would give rise to harm in the form of adverse impacts on the environment and local amenity. They also consider that such impacts would, in turn, lead to negative effects on the viability of Lakesview Business Park and its constituent elements (e.g. loss of trade, job losses, firms closing or relocating elsewhere and difficulties in selling or letting vacant units). The potential adverse effect on the marketability of Lakesview Business Park has also been raised by KCC’s Economic Development and Spatial Development (Business Strategy and Support) Group and is understood to be shared by Locate in Kent. Linked to this, a number of respondents and those at the public meeting have expressed the opinion that Lakesview Business Park is of a higher quality than many other industrial estates (such as the Canterbury Industrial Park) and is unsuitable for accommodating the type of development now proposed.
82. Given the lack of technical objections to the proposals, as endorsed by the views set out in paragraphs 25 and 30 to 36 above, these objections must be regarded as being based on “perception” or “fear”. Case law has established that such perceived impacts can be regarded as material planning considerations. Whilst case law and any associated precedent is not definitive on this issue, it would appear that the weight to be given to such concerns should relate to the extent of any evidence presented in support of them. In this case, no substantiated evidence has been presented by any party that the stated adverse effects would occur and KCC’s Economic Development and Spatial Development (Business Strategy and Support) Group has been unable to provide any assessment of potential economic development / employment impacts. Members should note that a significant number of respondents have expressed such concerns and that a “show of hands” at the public meeting indicated that a number of those members of the business community present indicated that they would relocate if the application were permitted.
83. As no technical objections have been received, as the proposed waste transfer would take place within an enclosed building and as the proposed development is capable of

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being satisfactorily operated and controlled through the planning and permitting regimes, as it accords with relevant development plan and national planning policies and as no substantiated evidence has been submitted to support the perceived impacts, I do not consider that the perceived impact on the viability and attractiveness of the Business Park and related concerns are sufficient to outweigh the usual presumption in favour of granting planning permission in this instance. In coming to this view, I have also had regard to the fact that the proposed development would create 5 new jobs, assist in underpinning the ability of the applicant to relocate its existing site at Parham Road and expand its waste recycling operations (safeguarding more jobs) and enable the Parham Road site to be redeveloped for housing in accordance with the Canterbury District Local Plan. I have also had regard to the fact that planning permissions have been granted for waste management development on other industrial land in Kent and elsewhere despite objections from adjoining business and residential occupiers and that to refuse an application of this type based on unsubstantiated concerns and anecdotal evidence about related impacts could set a dangerous precedent which could undermine the ability of KCC and other waste planning authorities to secure new and improved waste management capacity necessary to achieve national and local planning policy objectives.

84. With regard to the suggestion that Lakesview Business Park should not be required to host the proposed development due to the quality of other existing and potential uses on the business park, it should be noted that in elaborating on how waste planning authorities should seek to identify suitable locations for new or enhanced waste management facilities the Companion Guide to PPS10 states that most waste management activities are now suitable for industrial locations and many fall within the general industrial class (i.e. B2) in the Town and Country Planning (Use Classes Order) 1987. Given that a number of the other units on the Lakesview Business Park have the benefit of permitted B2 uses (as referred to in paragraph 46 above) and as the proposed development is capable of being satisfactorily operated and controlled through the planning and permitting regimes and accords with relevant development plan and national planning policies, I do not accept the suggestion that the proposed development is inappropriate in this location.

Other issues

85. A number of other issues have been raised that are not already addressed above.
86. Alternatives: A number of respondents, including the local MPs, have stated that there are other better locations for such a facility and that these have not been explored. Specific examples that have been referred to are the Canterbury Industrial Estate to the west and the existing waste management facility at Richborough.
87. KCC Waste Management Group states that the proposed location would ideally suit the Waste Collection Authority (WCA) as it is strategically located within the geographical area of operation and that alternative potential waste transfer station

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locations are situated some distance away at Ashford and Richborough, such that their use would require additional travel time and fuel.

88. I am satisfied that the proposed site is reasonably well located in relation to the proposed waste collection area since it lies relatively centrally within Canterbury District between the three main urban areas (i.e. Canterbury, Whitstable and Herne Bay) such that collected waste could be bulked up at a single location without unnecessary road travel. Given the strong policy support for locating the proposed facility at the application site and the absence of any material harm being demonstrated, I do not consider it necessary to consider whether there are better alternative locations in this instance. Where proposed development is EIA development, it is necessary for any Environmental Statement to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice made, taking into account the environmental effects. However, as the proposed development is not EIA development this is not necessary in this case. If the Committee was to determine that there would be material harm or a realistic prospect of harm such that sufficient weight could be given to that perceived by local residents and businesses to merit refusal, the fact that domestic waste collected from the Canterbury District could be dealt with elsewhere could be regarded as a material planning consideration.
89. Landscaping: Concerns have been expressed by Westbere Parish Council about landscape planting around the site. These issues are being addressed by Canterbury City Council which is pursuing the developer of the Business Park to re-plant and consolidate planting in accordance with the planning permission it granted for the larger site. In the event that these efforts do not have the desired effect, KCC could seek to secure compliance with a condition attached to the 2009 or 2010 permissions which required the submission, approval and implementation of a landscaping scheme along the southern boundary of the application site. The current position on this matter is that KCC has not approved such a scheme and has reserved judgement on whether it will be necessary until such time as the results of the City Council's efforts are known. This approach was considered appropriate since it would avoid unnecessary duplication and assist in ensuring a more consistent approach to landscaping throughout the Lakesview Business Park. The issue is complicated by the fact that the applicant does not own or control the land immediately adjoining the southern boundary of the application site. Any scheme required by condition could only relate to land within its control which, in this case, is relatively narrow given the buildings, structures, fencing and hardstanding already permitted and approved in this area. However, in the circumstances, and for the avoidance of doubt, I consider that it would be appropriate to include a condition on any permission that may be granted in respect of the current application requiring any additional planting that is possible should this become necessary.
90. Pre-empting planning permission: Concerns were expressed at the public meeting that the applicant has pre-empted a decision on the current application by failing to

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implement the development already permitted strictly in accordance with either the 2009 or 2010 permission. The discrepancies are set out in paragraph 3 above. Whilst it is unfortunate that this situation has arisen, the discrepancies are relatively minor and could be regarded as “non-material” in planning terms. This said, if planning permission were to be refused, the applicant would either need to secure permission or approval for any necessary amendments to the development already permitted or amend the development to comply with the permitted details. This approach reflects Government advice on planning enforcement matters.

## **Conclusion**

91. For the reasons set out above, including in particular the Kent WLP allocation and the planning policy support for waste management facilities to be located on industrial estates and to be co-located with other waste management development, I am satisfied that the proposed development is acceptable in principle and that there is a need for waste transfer capacity for domestic waste collected in the Canterbury District. I am also satisfied that the proposed development is acceptable in terms of local amenity, highways and transportation, the water environment and biodiversity subject to the imposition of those conditions referred to above, conditions designed to ensure that the development is undertaken as proposed and any others carried forward from the 2010 permission (including details already approved pursuant to that permission) to enable a single planning permission to be issued to control all waste management uses at the site. As a result, I am further satisfied that there would be no material harm and that there is therefore no need to consider whether better alternative sites exist to handle the domestic waste collected from within the Canterbury District. Notwithstanding the concerns that have been raised by respondents, I do not consider that these are sufficient to override the usual presumption in favour of granting planning permission in this case. Given the strong policy presumption in favour of granting planning permission, if permission were refused and the applicant were to appeal, it would in my view be very difficult to substantiate an objection and KCC would be at risk of having costs awarded against it. I therefore conclude that the proposed development is sustainable and should be permitted. I therefore recommend accordingly.

## **Recommendation**

92. I RECOMMEND that PERMISSION BE GRANTED SUBJECT to:

(i) conditions to address the following:-

- The existing conditions on the 2010 permission or details approved pursuant thereto being carried forward as appropriate (except where amended by those below);
- Waste types and quantities;

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- The installation and use of an odour suppression system;
  - The closure of the automatic fast action fabric inner doors of the waste transfer building at all times except to allow vehicles to enter and leave the building (or for emergency maintenance when such repairs cannot be undertaken when the building contains no waste);
  - Waste to be stored within the waste transfer building for no more than 48 hours and, wherever possible, not after 12:00 hours on Saturdays or at any time on Sundays;
  - Hours of use (as applied for);
  - Noise from the entire development being limited to 52dB  $L_{A,T}$  (free field) when measured at any residential property;
  - The implementation of measures to control vermin and pests (e.g. flies);
  - No more than 324 HGV movements (162 in / 162 out) per day associated with all waste management operations at the site;
  - The proposed foul water arrangements being implemented as proposed; and
  - The requirement for a further landscaping scheme to be submitted, approved and implemented in the event that Canterbury City Council is unable to secure any necessary re-planting and consolidated planting in accordance with the planning permission it granted for the larger site; and
- (ii) an Informative advising that in accordance with Government policy and associated guidance, detailed controls in respect of odour vermin / pests will be matters for the Environment Agency under the terms of the Environmental Permit.

Case Officer: Jim Wooldridge	Tel. no. 01622 221060
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Background Documents: see section heading.
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**NOTES of a Planning Applications Committee Public Meeting at Hersden Neighbourhood Centre on Monday, 25 February 2013.**

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr W A Hayton, Mr C Hibberd, and Mrs E M Tweed.

LOCAL MEMBER: Mr R A Marsh.

OFFICERS: Mrs S Thompson and Mr J Wooldridge (Planning); Mr R White (Highways) and Mr A Tait (Democratic Services).

THE APPLICANTS: Ling UK Holdings Ltd: represented by Mr R Ling and Ms J Maine, together with Mr M Wickenden (Cardy Construction), Mr R Stevenson (John Bishop and Associates), Mr F Gardener (Viridor), Mr P Lavender (BSF Consulting Engineers) Mr M Mehegan (Waterman Group) and Mr M Goddard (Goddard Planning Consultancy).

CANTERBURY CC: Mrs G Glover.

WESTBERE PC: Mrs J Dawson (Chairman).

ALSO PRESENT were some 50 members of the public.

- (1) Members of the Committee visited the application site prior to the meeting in order to familiarise themselves with the site layout.
- (2) The Chairman opened the meeting by explaining that its purpose was for the Planning Applications Committee Members to listen to the views of local people concerning the application. The Committee Members had visited the site earlier that afternoon and now had a good understanding of the site layout.
- (3) Mr Wooldridge introduced the application by saying that the application site was 1.47 hectares and lay within the Lakesview Business Park at Hersden, approximately 5km to the north east of Canterbury. It was bounded to the north and east by other units in the Business Park and to the south and west by those within the Canterbury Industrial Park. It was approximately 200m to the north of the River Stour and Stodmarsh Valley SSSI, SAC, SPA and Ramsar Site. The nearest residential properties were some 200m to the north west on the A28 and to the east of the access road leading to the Canterbury Industrial Park. The site was within an area identified in the Kent Waste Local Plan as suitable in principle for the preparation of inert waste for re-use and for waste separation and transfer. Lakesview Business Park was also safeguarded for employment use in the Canterbury District Local Plan.
- (4) Mr Wooldridge went on to say that the site had been granted permission in 2009 for a metal and vehicle recycling and transfer centre together with a materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste

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and waste products and of demolition and contracting plant and vehicles. The main elements of this permission were a pre and post treated waste storage building, a Materials Recycling Facility (MRF) building, a shredded tyre storage shed, a battery and redundant electrical items storage shed, a two-story office building, a two-storey non-ferrous building with canteen, two weighbridges and a weighbridge office, a scrap metal processing area and parking for staff and visitors.

- (5) This permission had been amended in 2010 to allow additionally recovered abandoned vehicles to be delivered to the site at any time and for permitted waste types to be delivered from Civic Amenity sites. It also permitted members of the public to bring electrical and recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours only.
- (6) Mr Wooldridge then set out the key controls imposed by the 2010 permission. These limited the permitted waste types to batteries, end of life vehicles (ELVs), scrap metal, tyres, electrical waste (including fridges) and dry recyclables; limited the maximum volume of waste permitted to enter the site for treatment, processing or recycling to 82,000tpa; set a limit of 324 HGVs (162 in / 162 out) entering and leaving the site each day; prevented activities on or deliveries to the site taking place except between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays (with the exception of waste sorting activities permitted in the MRF and the delivery of abandoned vehicles to the site); and allowed abandoned vehicles to only be delivered and off-loaded at the site between 07:00 and 23:00 hours.
- (7) Mr Wooldridge then said that KCC (as Waste Disposal Authority) had recently undertaken a tender process for waste transfer services for the Thanet and Canterbury District areas. The contracts would require domestic (“black bag”) waste and source-separated food waste collected from within both of these Districts to be delivered, “bulked up” and then transported onwards to an appropriate waste treatment or disposal facility. The contracts would not include any waste treatment or disposal and were intended to commence on 1 April 2013. A contract was awarded for Thanet, whilst it was understood that the Canterbury contract would be re-tendered shortly.
- (8) Mr Wooldridge then described the application itself. This was for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above together with domestic (“black bag”) waste and source-separated food waste.
- (9) Mr Wooldridge said that the application had been supported by a Planning, Design and Access Statement; a Noise Assessment; an Odour Assessment; an Air Quality Assessment; a Flood Risk Assessment and a number of drawings. Further information relating to noise and air quality / odour (including updates to the



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associated assessments) had also been submitted to address issues raised by the County Council’s Noise and Air Quality Consultant.

- (10) Mr Wooldridge said that applicants said that the proposed change of use would enable them to meet the waste management contract for the Canterbury District as the existing permissions did not allow domestic (“black bag”) waste and source-separated food waste to be handled at the site. At the time when the application was submitted in December 2012, the applicants had believed that they had been awarded the Canterbury contract. They had referred to this in their Planning, Design and Access Statement. If the Canterbury contract was awarded to the applicant and planning permission was granted, one of the previously permitted buildings (in the North East corner of site) would be used as a waste transfer station for the contracted wastes.
- (11) Mr Wooldridge continued by saying that the application also sought Bank Holiday working in order to meet contractual requirements. It proposed that the existing 82,000tpa limit on the maximum volume of waste permitted to enter the site and the maximum number of HGV movements each day (324 – 162 in/out) would remain as already permitted.
- (12) Mr Wooldridge then referred to the table set out in the briefing note which gave revised details of the anticipated distribution of waste materials to reflect the proposed 40,000tpa of domestic (“black bag”) waste for transfer (resulting in a reduction in the volumes of other waste materials that could potentially be handled at the same time.)
- (13) Mr Wooldridge then said that there would be no material changes to the permitted built development or in the broad nature of activities to be undertaken on site. Domestic waste would be delivered to the site, “bulked up” and stored within the permitted pre and post-treated waste storage building and would then be collected by lorry for transportation to other waste management facilities for treatment or disposal (e.g. Shelford Landfill and Allington EfW Facility).
- (14) The application included an odour suppression system. Food waste would be placed in covered leak-proof trailers within the building. The same trailers would then be used to transport the waste from the site. The doors to the building would be closed during transfer operations in order to reduce the potential for adverse odour impacts. An Environmental Permit would be required.
- (15) Mr Wooldridge said that the applicants had stated that the proposed development would enable domestic (“black bag”) waste collected from within the Canterbury City Council area to be handled at a site which was relatively central to the main towns and larger villages of the District and increase the range of waste materials already permitted to be handled and recycled at the site. They had also stated that the proposed development would enhance the viability of the facility, create an additional 5 jobs and help to achieve regional and sub-regional self-sufficiency and meet targets for the diversion of waste going to landfill.

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- (16) Mr Wooldridge then turned to the responses from statutory consultees. Canterbury City Council had made no objection subject to KCC being satisfied in respect of the impact of the proposal on the surrounding area and ecology.
- (17) Westbere and Sturry Parish Councils had both objected strongly on the grounds of air quality, odour, pollution, health, water issues, HGVs and noise. They had also raised concerns about the impact on designated areas (such as the adjacent Stodmarsh SSSI and Ramsar Site) and landscaping as well as the cost of additional repairs to unadopted roads in the business park.
- (18) Chislet and Wickhambreaux Parish Councils had made no comment.
- (19) The Environment Agency was unable to comment at this stage as it was still considering relevant issues and information submitted in support of the Environmental Permit application. A full response was expected by the end of February 2013.
- (20) No comment had been received from the Health Protection Agency (Kent Health Protection Unit).
- (21) Southern Water had requested an Informative advising on the need for a sewer connection and had asked for the applicant to discuss related issues directly with them. They had also requested clarification on surface water issues.
- (21) Natural England, the KCC Biodiversity Projects Officer and KCC Highways and Transportation had raised no objection.
- (22) KCC Noise and Air Quality Consultant (Jacobs) had raised no objection on noise subject to the imposition of a noise limit condition (52dB LArT rating level at residential properties). They had also raised no objection subject to the imposition of conditions similar to those included on the existing permission and the use of the proposed odour suppression system. They had noted that food waste would be placed in covered leak-proof trailers within the building and that the site would be subject to an Environmental Permit (Odour Management Plan).
- (23) KCC Waste Management Group had raised no objection. They supported the additional handling and processing capacity for these categories of waste as it would allow some 30,000tpa of municipal solid waste (MSW) that was currently going to landfill to be re-handled locally and delivered to Allington EfW or specialist processing facilities. They had stated that the proposed location was well located for Canterbury District and that alternative potentially available locations would be some distance away at Ashford and Richborough. They had confirmed that the Waste Disposal Authority was currently seeking to procure transfer capacity for MSW arisings in the Canterbury area.

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- (24) KCC Economic and Spatial Development (Business Strategy and Support) had commented that the proposed use would affect the marketability of Lakesview Business Park due to concerns about potential odour, vermin and traffic generation but was unable to estimate how many jobs could potentially be affected without detailed comparison and analysis.
- (25) Mr Wooldridge then said that the application had been publicised both by site notice and newspaper advertisement. All properties within 250 metres of the site had been notified. Forty four letters of objection had been received at the time the briefing note was prepared, including letters from a significant number of occupiers of other units on the Lakesview Business Park, representatives of the owners of parts of the Business Park, the Thanet and East Kent Chamber Ltd (representing local business interests), local residents, Sir Roger Gale MP and Julian Brazier MP.
- (26) The objections related to adverse amenity impacts on adjoining businesses and residents (e.g. air quality; odour; noise); a lack of confidence in the proposed odour suppression equipment; the increased risk of vermin, insects, flies and birds such as gulls; the proximity of the proposed use to other units (some immediately adjoining)-particularly those associated with food distribution, packaging and pharmaceuticals; adverse health impacts (e.g. asthma and stress); the pollution of water resources (groundwater and surface water); adverse impact on adjoining wildlife interests; visual impact (particularly of the proposed buildings); adverse effect on the viability of adjoining businesses and employment land during particularly difficult economic times (leading to substantial trade and job losses, failure to renew leases, company relocations from the site and loss of attractiveness of investment in the Business Park); the inappropriateness of the location as this was a business park as opposed to an industrial estate; Increased traffic, leading to congestion (within the Business Park and on other roads in the area) and related impacts; the failure of KCC to adopt the roads within Lakesview Business Park (meaning that other occupiers had to pay for their maintenance); the arbitrariness of the proposed reductions on other waste management activities (designed to show no net increase in overall waste tonnages and associated vehicle movements); the existence of other, better locations for such a facility (which had not been explored); the applicant's reference to being awarded a contract for the proposed waste streams was incorrect (*the process is being undertaken again as a result of procedural errors*); lack of consultation; the failure of the submitted plans to show all units (including some immediately adjacent to the proposed waste transfer building); adverse impacts on property prices (residential and commercial); and that the proposed development was significantly different from the permitted waste management operations.
- (27) Mr Wooldridge concluded his presentation by setting out the determining issues. These were the principle of development at Lakesview Business Park; the need and sustainability of the development; local amenity (e.g. air quality / odour, noise, health and visual impact); highways and transportation; the water environment (ground and surface water); biodiversity (e.g. SSSI, SAC, SPA and Ramsar Site); and employment

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/ economic development.

- (28) Mr Ling (the applicant) said that he considered Mr Wooldridge's presentation to be a fair reflection of the application.
- (29) Mrs Tweed asked whether food waste would be kept on site overnight and, if so, whether this would increase the risk of vermin. Mr Wooldridge replied that the answer to this question was not entirely clear from the application and would be clarified prior to determination. It would also be fully considered as part of the Environmental Permit process.
- (30) Mr Smith asked for confirmation that the applicants would be able to continue their permitted operations on site if permission were not granted. Mr Wooldridge confirmed that this was the case and that the only real change would be the use of one of the existing buildings as a waste transfer station for black bag waste and source-separated food waste. The food waste would then be taken to another facility for treatment, whilst the black bag waste would go to Allington.
- (31) In response to a question from Mr Manning, Mr Wooldridge said that the precise arrangements for dealing with both black bag and source-separated food waste needed further investigation. The Planning Applications Committee could also consider imposing a condition relating to overnight storage. Mr Goddard (Goddard Planning Consultancy) said that the applicants would have no objection to any such condition.
- (32) Mr Marsh (Local Member) said that it was important to remember that KCC's Planning Applications Committee would determine the application as it stood. He had objected in July 2012 to this particular site's inclusion in the Kent Waste and Minerals Local Plan for the proposed use as a waste transfer station taking waste for all aspects of recycling and aggregate production. The site currently had permission for the storage of dry wood and rubble in a building that was entirely enclosed. The applicants now proposed a change of use to include food waste, which was not inert.
- (33) Mr Marsh continued by saying that he was delighted to see that the applicants' business was growing and that their business would continue to be a success if the application were refused.
- (34) Mr Marsh then said that food waste needed to be processed by anaerobic digestion. Thanet Waste Management was able to process such waste by this method and had been expecting the business. This proposal was for a waste transfer station and the applicants did not have permission to process food waste in any way. Yet the proposed bulking up method was itself a form of waste disposal.
- (35) Mr Marsh then turned to the question of the odour suppression system. He said that, whilst he could not say whether or not it would work effectively, the doors to the facility

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would need to be opened so often that it would place the system under very considerable pressure.

- (36) Mr Marsh said that the briefing note set out the applicants’ statement that there would be no material changes to the permitted infrastructure. It now transpired, however, that there would be two more weighbridges – indicating that the volume would probably exceed the limit set out in the application.
- (37) Mr Marsh concluded his remarks by saying that the application was not in conformity with KCC’s waste management policies, that over 100 objections had been received by the Planners and that he was sure that the Planning Applications Committee would carry out its duties correctly.
- (38) The Chairman had received a letter from Julian Brazier, MP which he read to the meeting. This letter had given Mr Brazier’s view that whilst Lakesview Business Park was an appropriate location for metals recycling, it was the wrong venue for “black bag” and food waste, which attracted vermin and wildlife. If permission were to be granted, it could cause a devastating reduction in the value of the business park and could lead to businesses closing. The letter also referred to Cheale Meats’ rendering plant where odour suppression equipment had not prevented the appalling smell from that site drifting at least 2 miles.
- (39) Mrs Glover (Local Member – Canterbury CC) said that the biggest concern was the length of time that it would take to remove the rats and seagulls that would be attracted by the proposed facility. She added that it had taken five years to remove the rats from a former waste site at Manston. She considered that the proposed facility would pollute the river and the SSSI. Furthermore, it would be an inappropriate development on a prime business site.
- (40) Mrs Dawson (Chairman of Westbere PC) said that her Parish Council was in complete agreement with the views expressed by Mrs Glover, particularly in respect of vermin and smell.
- (41) The Chairman invited local people to address the meeting. The comments are summarised below:
  - (a) Mr Kenneally (UK Stone Imports) said that his company’s site and its ventilation system were just 15 metres away from the application site. The effects described by the MP about the odour impacts over a distance of 2 miles would be very much greater for his business site. He calculated that the number of lorry movements would require the doors to the facility to be opened every 2 minutes, and that they would therefore be open for longer periods than they were shut. *Mr Wooldridge said that not every lorry would be going into the Waste Transfer Station as some would be associated with the permitted operations. He would find out how many would actually do so.*

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- (b) Another company’s representative said that his site was between 20 and 30 metres from the proposed development. He had experienced a similar situation in Bromley from a distance of 100 metres. All the vehicles had been covered in dust during the summer months and by concrete during the winter. The number of vehicles proposed would lead to queues stretching all the way to the roundabout on the A28 which, in turn, would lead to accidents.

*Mr White (KCC Highways) explained that the proposed number of HGV vehicles was no different to the number already permitted. Their impact had already been assessed and agreed by the Committee.*

- (c) Mr Seeley (Mattressnextday) said that his greatest concern was over rats. He said that they could devastate his mattress stock. He added that the Committee Members should consider the impact on his premises (whose windows faced the site) of the food waste not being sealed on delivery and of the black bags being dumped outside and scooped into containers.
- (d) Mr Lawrie (Ale Business Machines) asked whether consideration had been given to the leakage that would be caused if the road was blocked and those lorries carrying food waste were forced to wait. He also gave Mr Wooldridge a number of photographs showing vehicles obstructing the road outside the site during the construction phase *Mr White replied that Kent Highways did not anticipate that lorries would be queuing up to enter the site and that those illustrated were associated with the current development of the site rather than its operation. He also said that there was plenty of room within the site for lorries to wait if necessary and that site management could be used to address any problems that might arise.*
- (e) Serco had been appointed to collect waste in Canterbury and would be collecting a variety of waste types. If permission were granted, would the fact that they had to deliver to Lakesview Business Park mean that they would be travelling half empty to other sites?
- (f) Mr Claire (Claire House Partners LLP) said that he lived in Maidstone where food waste was not always collected separately. He asked what purpose would be served in bringing such waste to Lakesview. He referred to the table in the briefing note and asked where the permitted tonnages would need to go to if they were no longer to be transported to the site in question. He also showed Mr Wooldridge a copy of the planned layout of the site and suggested that there was a discrepancy between the planned and approved site layouts. *Mr Wooldridge thanked him for the information and said that he would seek an explanation.*
- (g) Mr Wilson (George Wilson Holdings) stressed that Lakesview was an

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International Business Park. He said that when permission had been sought for the business park development KCC had proposed that the entrance should be via the Canterbury Business Park. He had needed to persuade the County Council to construct the roundabout, and this had been essential to its success. He did not object to any human being from making a living in any legal way they saw fit. However, he believed that if permission were granted to this application the entire development would be jeopardised. Tesco was constructing a factory which could employ between 400 and 500 workers. He asked how they would be expected to react to the news that black bag waste and source-separated food waste was being transported into the Lakesview International Business Park.

- (h) A local resident said that he owned the SSSI land between the railway and the River Stour. He was opposed to any development that could bring vermin onto this land. He said that Canterbury City Council had said that the waste would be transported to Richborough. He asked why it was now thought appropriate to send it to Hersden instead.
- (i) The owner of a physiology company said that he employed 25 people and that his company was intending to purchase a building at Lakesview. He was now nervous about doing so because of the proposed development. He believed that if permission were granted, the value of the property would drop as a consequence.
- (j) *In response to a question from a member of the public, Mr White said that the proposed number of vehicle movements was a maximum. It represented a ceiling which the applicants would not be able to go above. Each future application would be evaluated through Kent Highway's Transport Assessment. He added that Lakesview Business Park had a lot of inbuilt vehicle capacity.*
- (k) Mr Kenneally (UK Stone Imports) said that Lakesview International Business Park had customers from as far afield as India and China. Everything had to be perfect if international businesses were to be attracted. In this context, he said it should be noted that the traffic stopped whenever a lorry pulled out of any Unit as no other vehicle was able to pass. If businesses now discovered that food waste was stacked outside, they would leave. The five jobs that the proposed operation would create would not compensate for those lost due to an exodus from Lakesview. *At this point a number of members of the business community indicated by a show of hands that they would strongly consider re-locating if permission were granted to the application.*
- (l) A resident from Chislet said that he could not understand why Chislet PC had not objected. He was aware of covered wagons going through the village and asked whether there were any plans to divert traffic away from the country roads. Mr White replied that if lorries were going through Hoath and Chislet they



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would continue to do so whether permission was granted or not. Any traffic problems that might arise on these areas would need to be dealt with as a separate issue.

- (m) The Chairman asked whether any response had been received in respect of the River Stour. Mr Wooldridge replied that the Environment Agency would be commenting on both odour and water quality. There would need to be a surface water management scheme for the whole site, including a foul water tank for the leachate.
  - (n) A local resident said that she lived 230 yards from the site and that she would be affected by both the smell and the rats.
  - (o) *In response to a question from a member of the public, Mr Wooldridge said that whilst he was aware of the tendering process for the waste contract to serve Canterbury District it would be inappropriate for him as a planning officer to comment or become involved in the details of the waste management contract. He could confirm that the contract would be let by KCC as the Waste Disposal Authority in conjunction with Canterbury CC as Waste Collection Authority.*
- (42) The Chairman thanked everyone for attending and making their views known. It was likely that the application would be determined in April and there was provision for a limited number of people to speak to the Committee on the day. Meanwhile, the notes of the meeting would be appended to the Committee report.

## Item C1 (Appendix 2)

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27 March 2013

Dear Mr Wooldridge

**PROPOSED CHANGE OF USE OF PLOTS D AND E, LAKESVIEW INTERNATIONAL BUSINESS PARK, HERSDEN TO INCLUDE THE RECYCLING OF 'BLACK BAG' (HOUSEHOLD) WASTE AND SOURCE SEPARATED FOOD WASTE (REFERENCE NO.KCC/CA/0426/2012)**

**RESPONSE ON BEHALF OF THE OCCUPIERS OF LAKESVIEW INTERNATIONAL BUSINESS PARK AND GEORGE WILSON HOLDINGS AS AGENT FOR THE FREEHOLD OWNERS.**

I am pleased to enclose below an objection to the above planning application on behalf of George Wilson Holdings, which owns Lakesview International Business Park at Hersden and the occupiers of Lakesview International Business Park (please see schedule attached).

### 1. Context

Planning permission was granted in 2009 for the development of a metal and vehicle recycling and transfer centre and a materials recycling centre for dry recyclable waste and electrical goods (Reference number: CA/09/607) on the site. The permission enabled the erection of four buildings for the handling of waste in addition to an office, canteen and two weighbridges. This included a pre and post treated waste storage building in the eastern part of the site. In 2010, permission was granted for a variation of conditions to the planning permission to enable the delivery of recovered and abandoned vehicles to the site and for waste to be delivered from Civic Amenity sites. In addition, the permission allowed members of the public to bring electrical and recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours.

The current planning application relates to a change in use of the pre and post treated waste storage building in the eastern part of the site to enable the handling of household waste and source separated food waste in a Waste Transfer Station (WTS). The applicant proposes to use the building for the storage and bulking up of household waste and food waste before it is transported offsite for disposal.



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Type of Waste	Permitted Tonnages at Hersden	Present Proposed Tonnages at Hersden
Batteries	2,000	1,000
ELV's	6,000	6,000
Scrap Metal	20,000	20,000
Tyres	4,000	1,000
Electrical Waste (including fridges)	16,000	9,000
C&I Dry Recyclables	34,000	5,000
Mixed Municipal/Domestic	0	40,000
Total	82,000	82,000

Access to the site can be gained from Stone Way which joins Claremount Way and the A28 via a roundabout. Claremount Way is a single carriageway road which narrows at the bend with Stone Way.

- National Planning Policy Framework (March 2012);
- Planning Policy Statement 10: Planning for Sustainable Waste Management (March 2011);
- Canterbury City Local Plan First Review (adopted July 2006); and
- Kent Waste Local Plan (adopted 1998)

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**i) The Principle of Development**

The Presumption in Favour of Sustainable Development is seen as the golden thread running through the planning system. Paragraph 7 of the NPPF requires sustainable development to play:

- An economic role;
- A social role; and
- An environmental role.

The economic role of the proposal is considered below. The social implications of the development are addressed through an analysis of the impact of the development on the existing businesses at Lakesview International Business Park. The environmental implications of the proposal are addressed below in the odour and emissions sections.

Canterbury City Local Plan Review was adopted 7 years ago, whilst the Kent Waste Plan was adopted over 10 years ago. The weight of the policies within these documents is therefore limited with the NPPF taking precedence in the decision making process.

"Saved" Policy C41 of the Canterbury City Adopted Local Plan First Review (July 2006) states:

**Any major proposal for waste disposal, waste incineration, energy generation from waste or other waste-related proposals, will need to address the following issues:**

- a) The need for the proposal;
- b) Consideration of alternative sites;
- c) Air quality and the impact on public health;
- d) Impact on the landscape and visual amenity;
- e) Geology, hydrology and ground conditions;
- f) Ecology and nature conservation interests;
- g) Noise impact;
- h) Archaeology;
- i) Traffic generation and alternative methods of transportation of waste by means other than by road;
- j) Impact on residential amenity; and
- k) Lifetime of the scheme and any subsequent restoration of the site

The information provided by the applicant fails to provide a justification for the need for the proposal or consider alternative locations for the Waste Transfer Station as required in "Saved" Policy C41. The proposal therefore fails to meet the requirements of "Saved" Policy C41.

Granting permission for the handling of municipal waste would significantly and demonstrably outweigh the benefits as outlined below and be contrary to the NPPF (Para 19).

**ii) Economic Impacts**

Lakesview International Business Park comprises a mixture of small industrial and commercial units and several larger units. The Business Park currently has a high occupancy level with a range of small businesses in operation each employing between 2 and 20 staff. The good state of repair of the Business Park is a significant "pull factor" for businesses looking to relocate in the area. The existing occupants of the Business Park are not engaged in noisy, dirty or smelly operations and as a result the Business Park is in a good condition and a popular location for small independent businesses.

A WTS and associated traffic, odour and noise will have a significant adverse impact on the existing business. A number of businesses have confirmed they would relocate elsewhere if permission is granted for the WTS due to the adverse impact of the proposal on their amenity.

A WTS on the Business Park would reduce the desirability of the Business Park and make it significantly more difficult to re-let or sell empty units. It is understood Locate in Kent share similar concerns regarding the impact of the proposal on the re-letting and selling of empty units.

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The National Planning Policy Framework (Para 19) states:

**The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.**

The adopted Canterbury City Local Plan First Review remains silent on the location of waste facilities within the Borough and the Saved Policies from the Kent Waste Local Plan also remain silent on the economic impact of waste uses on their surroundings. Therefore the NPPF is regarded as the primary document against which this is issue can be assessed.

In order to meet the requirements of the NPPF the proposal would need to *"encourage and not act as an impediment to sustainable growth"* by creating a net increase in jobs on the Business Park. It is noted that the proposed WTS will create 5 full time jobs. The loss of businesses and jobs from the Business Park as firms relocate will be greater than the number created by the WTS (as shown in the attached schedule). Therefore the proposal does not represent sustainable economic growth and is contrary to the NPPF (Para 19). When determining the planning application consideration should be given to the cumulative detrimental effect of the proposal on the Lakesview International Business Park.

**iii) Odour**

The adopted Canterbury City Local Plan First Review and Saved Policies from the Kent Waste Local Plan remain silent regarding the impact of odour on a site's surroundings. Therefore the NPPF is the primary source against which the proposal will be assessed.

The National Planning Policy Framework (Para 120) states

**...planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account.**

Planning Policy Statement 10: Planning for Sustainable Waste Management requires local planning authorities when determining waste applications to:

**consider the likely impact on the local environment and on amenity (para 29)**

Annex E of the document states:

**Considerations will include the proximity of sensitive receptor and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.**

The policies require applicants to assess the cumulative effects of their proposals (i.e. beyond the boundary of the application site).

The planning application is accompanied by an Odour Assessment and Odour Management Plan in addition to details of the proposed odour suppressant system for the WTS.

The Odour Assessment assesses the impact of odour from the proposal on the nearest residential properties and the surrounding commercial and industrial units on the Lakesview International Business Park. The document concludes the industrial units will be moderately sensitive to the impact of odour from the application site.

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Mitigation measures proposed by the applicant are as follows:

- Vehicle access doors to the building will remain closed when waste is delivered or removed from the building;
- The storage of all biodegradable waste and all activities involving odorous materials will be carried out within the building;
- Maximum holding time on site of putrescible material will be limited to 24 hours (48 hours at a weekend);
- Good housekeeping practices will be implemented to ensure waste is kept within the tipping floor area; and
- An Odour Management Plan will be implemented

The Planning, Design and Access Statement and the Odour Assessment refer to the doors of the building remaining closed during the delivery and removal of waste, however the planning application does not specify if the doors of the WTS will remain open when waste is not being delivered or removed from the site. The fast turnaround of refuse vehicles on the site will result in the doors of the WTS remaining open during hours of operation which would adversely affect the amenity of existing businesses and the health of their staff through the release of odours from the site into the surroundings and associated vermin.

The commercial units overlooking the site have windows overlooking the site which they open during the summer months. The odour from the WTS will result in businesses being unable to open these windows and therefore significantly affect their amenity.

In summary, the Odour Assessment submitted by the applicant does not sufficiently assess the wider impacts of the scheme as required by the NPPF (para 120) and PPS10 or its effect on the nearby businesses at Lakesview International Business Park. It is therefore questionable whether the proposed "odour suppressant system" is sufficient to mitigate against the odour generated from the waste handled at the WTS. The implications of the doors of the WTS remaining open during operation would have a significant adverse impact on the health and amenity of nearby businesses and their staff and be contrary to the NPPF (paragraph 120), paragraph 29 of PPS10 and Annex E of the same document.

**iv) Noise**

A Noise Assessment for the WTS has been submitted as part of the planning application. Figure 3.1 of the Assessment shows the predicted specific noise level from the proposed WTS, whilst Figure 3.2 shows the predicted specific noise level from the consented Waste Management Facility.

Comparison of the two figures indicates the proposed change of use will result in a significant reduction in noise to that predicted for a waste management facility although the buildings would be very similar. The Noise Assessment appears to assess noise from the site on the surrounding area, but does not model the impact of noise from vehicles travelling along Claremont Way or Stone Way to and from the site.

The Noise Assessment also fails to take into account the impact of the additional 20 no. daily LGV movements to and from the site, which will increase noise levels for the existing businesses at Lakesview International Business Park.

The NPPF (para 120) of the NPPF requires development to avoid having an adverse impact on the general amenity of the area. Saved Policy W25 of the adopted Kent Waste Plan requires "*designs and means of operation minimise visual and noise intrusion*". The Noise Assessment is considered to be insufficient to determine the potential impact of the proposal on the surrounding businesses. The increase in traffic from the proposal and associated noise will have an adverse impact on the health and amenity of business and their staff therefore making the proposal contrary to the NPPF (para 120).

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**v) Transport**

"Saved" Policy C41 of the Canterbury City Local Plan and the NPPF (paragraph 32) requires developments to assess traffic generation from the proposal. The current planning application is not supported by a Transport Statement or Transport Assessment and therefore fails to meet the requirements of the NPPF and "Saved" Policy C41.

The 2009 planning permission allows no more than 324 refuse vehicles (162 in/162 out) to enter/leave the site each day. The table in the letter from RPS (dated 30 November 2012) indicates the number of daily movements of refuse vehicles to the site will remain unchanged at 324 per day. However, the number of LGV movements to the site will increase to that permitted in 2009 by 20 per day and will all be linked to the operation of the proposed WTS.

The Planning, Design and Access Statement explains refuse vehicles visiting the site will deliver waste into the WTS and then be refilled with existing municipal waste from within the WTS before leaving the site. The letter (dated 30 November 2012) from RPS to KCC indicates there will be 80 refuse vehicle movements of municipal waste per day (the equivalent of 40 HGVs entering the site and 40 leaving the site daily from Monday to Friday between the hours of 08:00 and 18:00 hours). This would be the equivalent of an average of 7.2 refuse vehicle movements per hour (or 1 refuse vehicle every 8 minutes).

In addition, 20 no. LGV movements are also proposed daily. This is the equivalent of an average of 1 LGV visiting the site every hour between 08:00 and 18:00 hours Monday - Friday.

The refuse vehicles and LGV movements combined would result in an average of 4.5 refuse vehicles entering the WTS an hour to be processed in an average of 13 minutes.

In these 13 minutes waste vehicles would need to complete the following:

- Drive into the site;
- Go to the weighbridge and be weighed;
- Drive to the WTS;
- Reverse into the WTS;
- Empty waste from the vehicle;
- Refill the vehicle with waste; and
- Vehicle to exit the site (possibly via the weighbridge)

This calculation is based on the vehicles entering the site at a regular frequency during the hours of 08:00 and 18:00. In reality it is unlikely this will happen and the vehicles will not arrive at the site at a regular rate. The limited space on site will mean vehicles waiting to be processed will have to park up along Stone Way and Claremont Way. Both roads are single carriageway and are the main vehicular access to other industrial units on the Business Park.

Many of the existing businesses on the Business Park have HGV deliveries regularly through the day. The presence of addition HGVs using Stone Way and Claremont Way and the presence of vehicles waiting to be processed will significantly impact highway safety through reduced visibility and the narrowing of Claremont Way and Stone Way. This in turn will make it more difficult for vehicles to move freely along Claremont Way and Stone Way resulting in congestion for the existing businesses at Lakesview International Business Park. Saved Policy W22: Road Traffic and Access from the Kent Waste Plan states:

**When considering applications for waste management facilities the planning authority will:**

**i) normally refuse permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:-**

**a) the safety (or would exceed the capacity) of the highway network**



**Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic ("black bag") waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18**

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27 March 2013

- b) the character of historic rural lanes
- c) the local environment including dwellings, conservation areas and listed buildings.

The proposal is considered to adversely affect the safety of the existing highway network and therefore contrary to Saved Policy W22. The application should be refused as it fails to assess and ascertain the effect of the additional vehicle movements on the network as required under the NPPF (para 32) and "Saved" Policy W22.

**4. Proposed Location of the WTS**

The Proposed Site Plan shows the WTS located in the eastern part of the site and set back from the southern boundary with Stone Way by approximately 17.5 metres. The planning application does not show the proposed vehicle movement paths or provide an explanation of how vehicles will move through the site.

Details submitted by the applicant indicate the refuse vehicles visiting the site will comprise a trailer measuring 13 metres in length and a cab (length unknown). The Layout and Front Elevation Plan shows vehicles will reverse into the WTS to be processed. From analysing the plans it is unclear if there is sufficient space between the boundary and WTS to enable vehicles to turn in one movement. A space of 17.5 metres is insufficient to enable vehicles measuring over 13 metres in length to turn and would result in vehicles undertaking several manoeuvres to gain entry to the WTS. This again would increase noise and emission from the site and adversely affect the amenity of the existing businesses in the Business Park particularly those adjacent to the site.

**5. Conclusion**

In summary, the proposal is considered not to represent sustainable development as it fails to support sustainable economic growth as outlined in the NPPF (para 19). The application fails to consider the cumulative and substantial adverse impacts on the amenity and health of existing businesses and their staff at Lakesview International Business Park through increased levels of emissions, noise and vermin. Finally the proposal is contrary to "Saved" Policy W22 of the Kent Waste Local Plan and the NPPF (para 32) which requires the impact of highway movements from proposals to be assessed. The proposals would result in significant additional traffic on the existing roads at Lakesview International Business Park which will adversely impact on highway safety and the amenity of existing businesses.

I would be grateful if you could take into consideration the above when preparing your report and recommend the application be refused on the above grounds.

Yours sincerely

*K. S. Dove*

P.P. **HUW EDWARDS**  
Partner

enc. Schedule of Businesses at Lakesview International Business Park

cc. George Wilson – George Wilson Holdings

**Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic ("black bag") waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18**

## LAKESVIEW INTERNATIONAL BUSINESS PARK

## SCHEDULE OF BUSINESSES

BUSINESS	NUMBER OF PERSONS EMPLOYED
AEF Solutions	5
ALE Buiness Machines Ltd	10
Andrew Gibbens Furniture Ltd	1
Atkin Guitars	2
Barretts Car Compound	4
Blightline Units 5-10 Sparrow Way (no longer occupies the unit, however a future occupier is likely to employ a similar number of people)	250
Bull & Bull Solicitors	7
Capital Press	4
Christie and Cochlin Ltd	5
Claremont & May	20
Concorde Trading	2
Cryoquip Ltd	20
Cutting Edge builders	8
DJ Invicta Supplies	6
DM Paint	8
Deepwater EU Ltd	3
DR Burville	2
East Kent Foods Ltd	9
Easy Innovations Ltd	7
Ektra Ltd	10
Elite Blinds	3
Embassy Services	2
Generator Support Services	3
GoKart Electric Golf	10
Grow Create Ltd	7
Hi-Way Services	40
Invicta Roofing	6
Kent First Aid Supplies	2
Mattress Next Day	30
Mears	40
NHS (from 1 <sup>st</sup> May 2013)	70
OGC Maintenance Ltd	11
Panel Care Ltd	4
Paul Young Crane Hire Limited	2
Pharmadynamics UK Ltd	3
Premier Caravan Services	3
Premier Diamond Products Ltd	9
Premier Framework	3
Primary ICT Ltd	4
Robins Paper Bag Ltd	10
Rye Commercials	2
Safe & Sound Control Systems Ltd	14
Sweetie Darling	1
T Northey	1
Tele Radio Expert Service Ltd	5
Tenant Referencing Services	15
UK Stone Imports Ltd	3
Steve Snell, Landlord of two units for rental	empty
<b>TOTAL EMPLOYEES</b>	<b>688</b>

**Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18**

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**LAKESVIEW INTERNATIONAL BUSINESS PARK**

**SCHEDULE OF BUSINESSES**

There are an additional 20 businesses at Lakeside International Business Park not listed above where the number of employees employed is not included on the above schedule.