

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 the variation of conditions (8) and (9) of planning permission CA/13/18 to allow for the acceptance of commercial and industrial waste from commercial, industrial and institutional premises from sources in and external to the Canterbury District and source segregated fractions from waste collections from domestic properties in the Canterbury District in addition to existing waste streams and without exceeding the existing 82,000 tonne limit at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent, CT3 4GP – CA/13/2209 (KCC/CA/0341/2013)

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2014.

Application by Ling (UK) Holdings Ltd for the variation of conditions (8) and (9) of planning permission CA/13/18 to allow for the acceptance of commercial and industrial waste from commercial, industrial and institutional premises from sources in and external to the Canterbury District and source segregated fractions from waste collections from domestic properties in the Canterbury District in addition to existing waste streams and without exceeding the existing 82,000 tonne limit at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent, CT3 4GP.

Recommendation: Permission be granted subject to conditions.

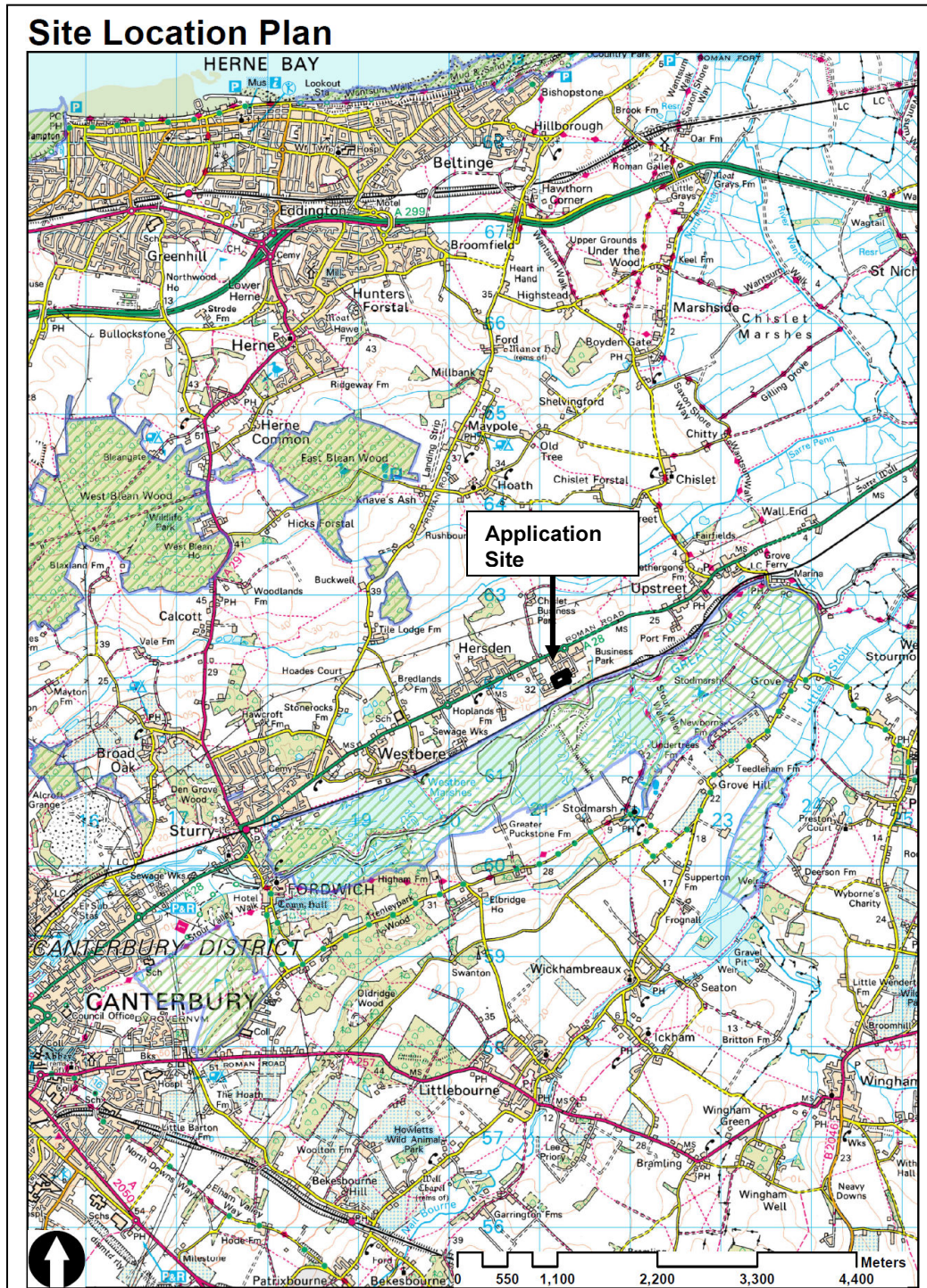
Local Members: Mr RA Marsh

Unrestricted

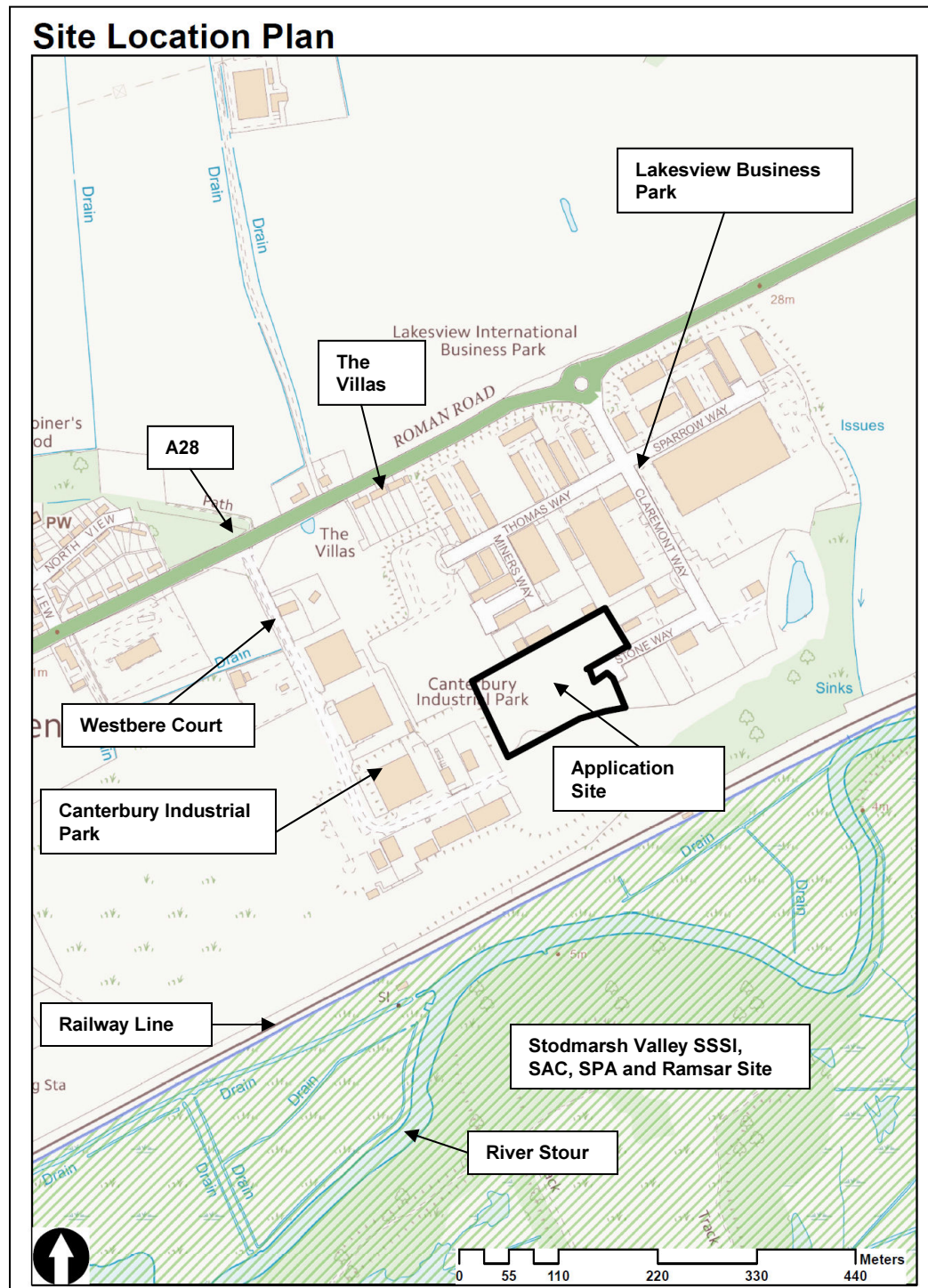
Site description

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 Site of Special Scientific Interest

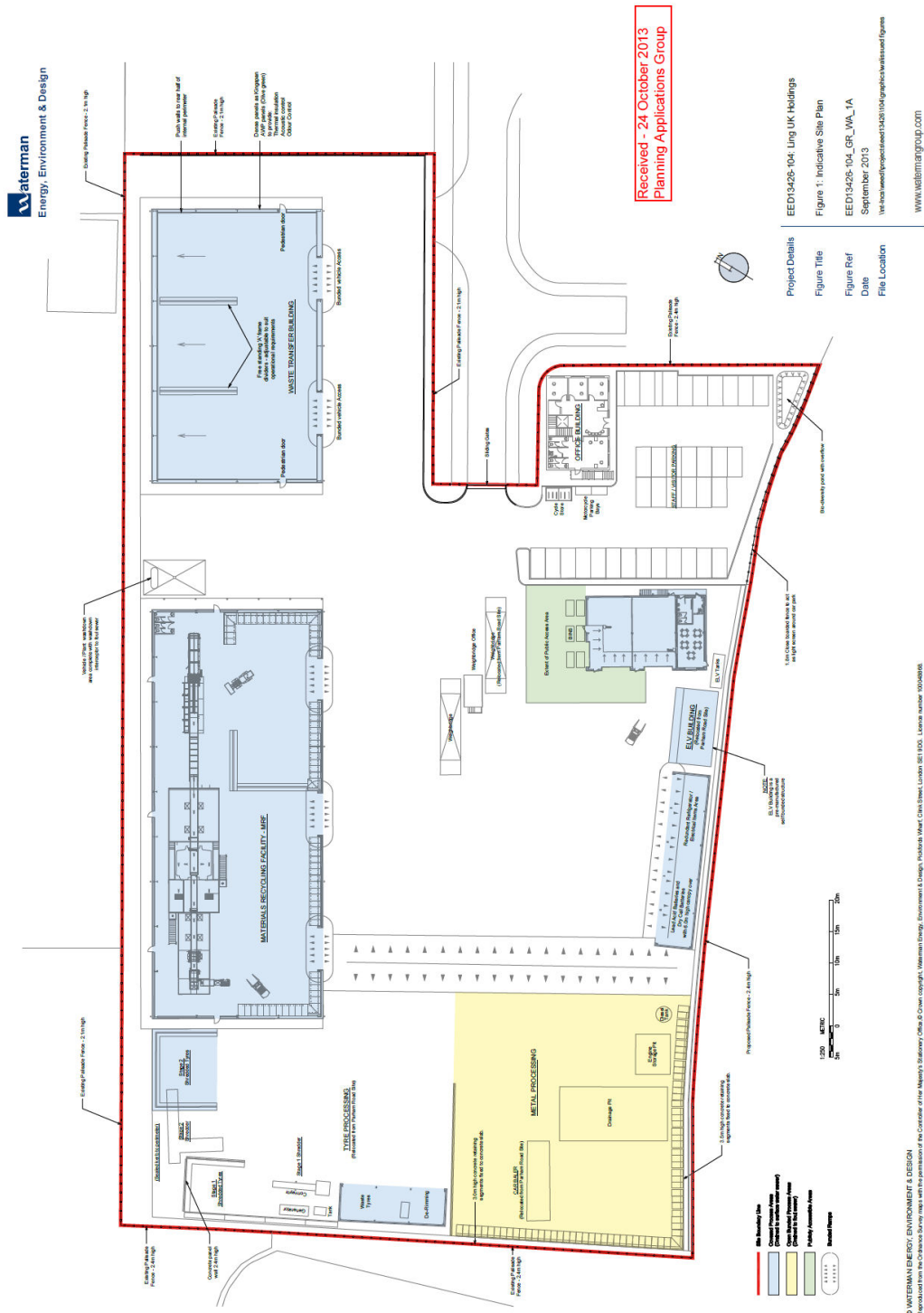
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(SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. The nearest residential properties are those approximately 200m to the north west of the application site on the A28 (“The Villas”) and to the east of the access road leading to the Canterbury Industrial Park (“Westbere Court”). The application site and key features referred to in this report are identified in the drawings on pages C1.2 and C1.3.

2. 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 W7) and waste separation and transfer (Policy W9). As an existing waste facility with a permanent planning permission, the site is proposed to be safeguarded by draft Policy CSW17 of the Kent Minerals and Waste Local Plan 2013-2030 Pre-Submission Consultation (January 2014). Lakesview Business Park is also safeguarded for employment use by Policy ED1 of the Canterbury District Local Plan First Review (July 2006) and is proposed to be safeguarded for employment use by draft Policy EMP4 of the Canterbury District Local Plan Preferred Option Consultation Draft (June 2013).
3. The application site, which is occupied by Ling (UK) Holdings Ltd following its relocation from Parham Road in Canterbury, is largely covered by a concrete pad. However, an area in the north east corner of the site has yet to be surfaced and currently contains a large mound of surplus material that needs to be removed to enable the permitted materials recycling facility (MRF) to be built. A further area in the south east corner of the site is also unsurfaced and will accommodate the main site office building and associated car parking once completed. Existing development on site includes a waste transfer building (in the north east corner of the site), a non-ferrous waste building and an end of life vehicle (ELV) building (in the southern part of the site), a car bailer, engine pit, drainage pit and associated structures (in the south western part of the site) and weighbridges and a weighbridge office (in the centre of the site). The site also contains a number of temporary buildings used for site offices and associated facilities which will remain until the main site offices are constructed. It also contains several large containers which provide a temporary screen between the metal processing area and the rest of the Lakesview Business Park to the north pending the erection of the MRF. The entire site is surrounded by a palisade fence (between 2.1 and 2.4m high) and parts of the western and southern boundaries are reinforced with concrete segments to provide “push-walls” (between 3 and 3.5m high).

Planning History

4. Outline planning permission CA/98/0224 was granted by the City Council on 5 May 2000 for use of land at the former Chislet Colliery site as a business estate (Classes B1 (business) and B8 (storage and distribution)). This also provided for the

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roundabout which now serves Lakesview Business Park. A number of more recent planning permissions have been granted by the City Council that include B2 (general industrial) uses on land to the south and east of application site (i.e. towards the rear of the business park).

5. 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. The 2009 permission (which contained 27 conditions) was intended to enable the applicant to relocate its metals recycling business from its site at Parham Road, Canterbury, and to develop a range of other waste recycling operations. The main elements of the permitted facility were 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.
6. 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.
7. Planning permission (CA/13/18) was granted 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 on 15 April 2013 following a resolution from the County Council's Planning Applications Committee on 10 April 2013. Determination of the application was preceded by a Members' Site Visit and public meeting on 25 February 2013. At the time the application was determined, the development platform had been partially completed and the pre and post treated waste storage building (by that time constructed as a

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waste transfer building) and areas of concrete hardstanding had been completed. Planning permission CA/13/18 served to regularise a number of minor changes to the building to accommodate the handling of “black bag” and source-separated food waste (e.g. double doors with fast-action inner fabric doors, an odour suppression system and internal layout) and provided associated development (e.g. a vehicle washdown area, foul drainage and a cesspool). A copy of planning permission CA/13/18 (excluding the standard notification sheet appended thereto) is included at [Appendix 1](#).

8. The key controls imposed on the 2013 permission are as follows:-
- The permitted waste types are batteries, end of life vehicles (ELV), scrap metal, tyres, electrical waste (including fridges), dry recyclables (from commercial and industrial sources) and domestic (“black bag”) waste, source-separated food waste and bulky domestic waste from within the Canterbury District;
 - The maximum volume of waste permitted to enter the site for treatment, processing or recycling is 82,000 tonnes per annum (tpa) of which no more than 40,000tpa may be domestic (“black bag”) waste, source-separated food waste and bulky domestic waste;
 - 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.
9. At the time application CA/13/18 was submitted in December 2012, the applicant believed it had been awarded a County Council waste management contract to accept deliveries and “bulk up” domestic (“black bag”) waste and source-separated food waste collected from within Canterbury District and transport this to an appropriate waste treatment or disposal facility. The contract was intended to commence on 1 April 2013. However, the intended award of that contract was challenged by an unsuccessful bidder. The Canterbury contract was subsequently re-tendered and has since been awarded to another operator (Thanet Waste Services). By this time, the applicant had already constructed the waste transfer building.
10. The applicant sought advice from the County Council’s Planning Applications Group on 30 May 2013 as to the appropriate means of making an application for the

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development now proposed and the information that should be provided in support of such an application. As part of that advice the applicant was advised to undertake some form of community engagement prior to submitting any application.

11. The applicant states that it invited those who made representations on planning application CA/13/18 and any others neighbouring the site to a community liaison meeting at the site on 28 October 2013. Despite having prepared information to assist that meeting (e.g. background information on the applicant company, details of the proposed development and a photographic record of the development of the site), making arrangements for those attending to view the waste transfer building and preparing stakeholder consultation feedback forms, it states that nobody attended the meeting. The applicant also states that it contacted several local businesses the following day to establish why they had not attended and were effectively told that they had no issues to raise. It further states that seven feedback forms were subsequently returned, of which two neither supported nor objected to the proposal and five supported it in principle.
12. Approval (CA/13/18/R) was given on 27 November 2013 for a non-material amendment to planning permission CA/13/18. The approval, which has no direct bearing on the current application, amends (amongst other things) the size and orientation of a roll-over bund (which separates the car dismantling area from the rest of the site), the external design and internal layout of the non-ferrous building and the main vehicular access gate and provides for the installation of vehicle and engine storage pits. The approved site layout is illustrated in the drawing on page C1.4.
13. Concerns have recently been expressed by the owner of some of the land to the south of the site covered by the Stodmarsh Valley SSSI, SPA, SAC and Ramsar designations about the lighting that has been installed at the site. It has been alleged that this is not as has been approved and / or is otherwise not appropriate. The main concerns that have been expressed relate to the following:-
 - (a) The lights have been installed are white rather than sodium yellow as elsewhere on the Lakesview Business Park (such that they are more intrusive);
 - (b) The bulbs used are LED in type;
 - (c) The luminaires (at the top of the columns) are not the same as those approved;
 - (d) The luminaires do not project light downwards (causing light spillage); and
 - (e) The columns are too high (10m).

At the time of writing this report, it has been established that the lighting that has been installed is different from that approved in a number of respects. Discussions are ongoing with the applicant to establish the precise nature of the departures and enable a decision to be made as what should be done about this. Notwithstanding the concerns, it should be noted that these have no direct bearing on the current

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application.

The Proposal

14. The application proposes the variation of conditions (8) and (9) of planning permission CA/13/18 to allow for the acceptance of commercial and industrial waste from commercial, industrial and institutional premises from sources in and external to the Canterbury District and source segregated fractions from waste collections from domestic properties in the Canterbury District in addition to existing waste streams and without exceeding the existing 82,000 tonne limit.

15. Conditions (8) and (9) of planning permission CA/13/18 currently read as follows:-

(8). Only the following waste materials shall enter the site:

- (i) those wastes specified in section 8 “Description of the Development” of the Environmental Statement Non-Technical Summary dated 27 February 2009 (document reference: ES NTS Final 27.2.09) that accompanied planning application CA/09/607;¹ and
- (ii) domestic (“black bag”) waste, source separated food waste and bulky domestic waste collected from within Canterbury District.

Reason: Waste materials outside these categories may raise environmental, pollution or other issues that would need to be considered afresh.

(9). No more than 82,000 tonnes of waste shall enter the site in any one year and of this no more than 40,000 tonnes shall be domestic (“black bag”) waste, source separated food waste and bulky domestic waste.

Reason: To ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan Policies W18 and W22.

16. The applicant proposes that the conditions be re-worded as follows:-

(8). Only the following waste materials shall enter the site:

- (i) those wastes specified in section 8 “Description of the Development” of the Environmental Statement Non-Technical Summary dated 27 February 2009 (document reference: ES NTS Final 27.2.09) that accompanied

¹ i.e. Batteries, End of Life Vehicles (ELV), Scrap Metal, Tyres, Electrical Waste (including fridges), Dry Recyclables (from Commercial and Industrial sources).

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- planning application CA/09/607;
- (ii) domestic (“black bag”) waste, source separated food waste, separately collected fractions and bulky domestic waste collected from within Canterbury District; and
 - (iii) municipal wastes, arising only from commercial, industrial and institutional sources, including separately collected fractions from those sources.
- (9). No more than 82,000 tonnes of waste shall enter the site in any one year and of this no more than a combined total of 58,200 tonnes shall be:
- a. domestic:
 - i. “black bag” waste;
 - ii. source separated food waste;
 - iii. separately collected fractions; and
 - iv. bulky domestic waste; and
 - b. municipal waste, arising only from commercial, industrial and institutional sources, including separately collected fractions from those sources.
17. The applicant has confirmed that the proposed addition of source segregated fractions from waste collections from domestic properties in the Canterbury District would include dry recyclables such as paper, card, glass, plastics and cans (i.e. those types of waste that the extent permissions already allow from commercial and industrial sources) but exclude green / garden waste. It notes that municipal waste means waste from households, as well as other waste which, because of its nature or composition, is similar to waste from households. On this basis, it states that the proposed development would enable it to deal with waste such as that from offices and staff canteens but not waste from production or processing operations which would still be regarded as commercial and industrial waste.
18. In support of the proposed development, the applicant states that it wishes to accept similar wastes to those already permitted as a result of expressions of interest and to make use of waste transfer capacity. It also states that it hopes to attract waste from an area to the east of the site (i.e. the eastern parts of Canterbury District and the whole of Thanet and Dover Districts) and has no intention of hauling waste from towns to the west of Canterbury. It further states that the proposed additional wastes would be handled in the same way as those permitted using the same infrastructure and process controls. The applicant has set out a break-down of the proposed volumes of waste materials compared with those permitted that could potentially be handled by type (as follows):-

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Type of waste	Permitted tonnages	Proposed tonnages
Batteries	1,000	600
ELVs	6,000	2,000
Scrap metal	20,000	12,000
Tyres	1,000	200
Electrical waste (including fridges)	9,000	4,000
C&I dry recyclables	5,000	5,000
Domestic (“black bag”) waste, source separated food waste and bulky domestic waste	40,000	
Domestic (“black bag”) waste, source separated food waste, separately collected fractions and bulky domestic waste <u>and</u> municipal wastes, arising only from commercial, industrial and institutional sources, including separately collected fractions from those sources		58,200
Total	82,000	82,000

19. The applicant states that the proposed development would (amongst other things):
- make no material difference to the wastes handled;
 - lead to more vehicles approaching / leaving the site from / to the east on the A28 (with a resultant reduction in vehicles travelling from / to the west);
 - mean that refuse collection vehicles (RCVs) would make a single collection round each day delivering to the site between 14:00 and 16:00 hours as a result of collecting from a larger area;
 - result in an additional 7 deliveries to the waste transfer building each day leading to an additional 14 “open” and 14 “close” events (in turn increasing the overall time that the doors to the waste transfer building would be open from 2½ to 3¼ hours per day); and
 - provide replacement waste capacity following the recent closure of the Viridor materials recycling facility (MRF) on the Canterbury Industrial Park.

Planning Policy Context

20. **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

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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 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).

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21. **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).
22. **Canterbury District Local Plan First Review (July 2006)** – This includes Saved Policies ED1 (Safeguarding existing employment sites and premises), BE1 (Built environment), BE7 (Conservation areas), NE1 (Natural environment), C1 (Transport), C39 (Air quality), C40 (Potentially polluting development) and C41 (Waste management and recycling).
23. **Kent Minerals and Waste Local Plan 2013-2030 Pre-Submission Consultation (January 2014)** – At its meeting on 12 December 2013 the County Council resolved to publish the Pre-Submission draft of the Minerals and Waste Local Plan (MWLP) 2013-2030 in January 2014 for a 6 week consultation period. The consultation began on 31 January 2014 and runs until 16 March 2014. It is intended that the Kent MWLP will be submitted to the Secretary of State in May 2014, an Examination in Public held in September 2014, the Inspector's Report received in January 2015 and the Plan adopted in April 2015. 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 development), CSW2 (Waste hierarchy), CSW4 (Strategy for waste management capacity), CSW6 (Location of non strategic waste sites), CSW8 (Approach to waste management for non hazardous waste) and CSW17 (Safeguarding permitted waste sites). The following draft development management policies are also relevant: DM1 (Sustainable design), DM2 (Sites of International, National and Local Importance), DM5 (Heritage assets), DM9 (The water environment), DM10 (Health and amenity), DM11 (Cumulative impact) and DM12 (Transportation of minerals and waste).
24. **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.
25. **Canterbury District Local Plan Preferred Option Draft Consultation (June 2013)** – Consultation closed on 30 August 2013. The draft policies of relevance include: SP1 (Sustainable development), EMP4 (Protection of employment sites), T1 (Transport strategy), CC12 (Water quality), LB5 (Internationally designated sites), LB6 (Nationally designated sites), LB7 (Locally designated sites), DBE1 (Sustainable development), HE6 (Conservation areas), QL11 (Air quality) QL12 (Potentially polluting development) and QL13 (Waste management and recycling).

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26. **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 rates.

Consultations

27. **Canterbury City Council** – Objects strongly on the following grounds:

- “1. *The proposal will result in a significant increase in the levels of black bag and domestic waste being brought to the site and is likely to cause a significant increase in the levels of odour emanating from the facility. It is considered that this would significantly change the character of the operation carried out from the application site and would have a unacceptable impact on the businesses within the Lakesview Business Park and the locality as a whole, including dwellings in the wider locality. The proposal will therefore have a significantly detrimental impact on the amenity of the surrounding area.*
2. *The proposed significant increase in the levels of black bag and domestic waste being brought to the site is likely to result in an increase in the levels of vermin in and around the facility. It is considered that this would have an unacceptable impact on the Lakesview Business Park itself, including the businesses operating from the business park, as well as the areas of wildlife interest adjacent to the site.*
3. *The proposed variation to the waste accepted on site would be likely to result in a large number of HGVs visiting the site in a short period of time during the afternoon at the end of their collection rounds (anticipated between 14:00 and 16:00). It is considered that the intensification of the traffic during these hours would have an unacceptable impact on the local highway network.”*

28. **Westbere Parish Council** – Has re-iterated its previous concerns as follows:

“Point 1 – Odour

Odour from this application is likely to cause unacceptable harm to the businesses, their ability to contribute to the economy of the area and their employment of well qualified and expert staff. The planned change of use at Lings is likely to cause distress to employees with little ability to open office windows in the warmer weather as there will be increased stench in the summer months. The business community feel that this is an unacceptable strain on their businesses.

Point 2 - Air quality and pollution

Food waste and black bag collection will attract vermin and birds flocking to the site

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and increase a health hazard with pesticide pollution. This would have a further affect on the quality of businesses within the park.

There is likely to be an increase in the number of lorries and other vehicles which would be required to run an effective operation on the site, in particular the larger transfer vehicles required to transport the material to a processing plant. There are already considerable traffic problems on the A28, in particular the Sturry Railway Crossing and its associated down time, and the school traffic using the road on a daily basis. Any further congestion would add extra pollution causing an increase in odour lingering, which would have a detrimental health hazard to the community, the elderly residents and young children particularly being affected, this would be further increased with the continual delays at the Railway crossing at Sturry. This would also delay much of the remainder business units in being able to carry out the day to day business.

Point 3 - Highways & Lakesview Business Park Roads The roads within the business park are unadopted and as such there is no guarantee that they will be suitable for increased use by heavy weighted vehicles; damage to these roads would pose a further serious health and safety risk but also damage the other businesses with the park who may well have their operations adversely effected by damaged road surfaces and the costs associated with having to contribute to repair unadopted roads.

Point 4 - Surface water run-off

A concern was expressed in connection with black bag waste and food waste which naturally produces a certain amount of liquid, either as a result from decomposition of waste or liquid containers being amongst the black bags.

Fluid, which in itself will have odour, could become diluted during any rain fall and could potentially seep out of the site into the surrounding units, may well seep into the ground and soak into the ground water, possibly finding its way into the local water table or the nearby lakes.

By definition, the water would run down, due to the site's location and the land gradient, pollute the nearby lakes and cause a detrimental effect on the environment.

Point 5 - Environment

Concern was expressed of any threat of danger to the Westbere lakes, concerns for any impact on the ecosystem and its natural beauty. The lakes are home to a variety of rare species, a bird wintering area and numbers of endangered water life. The lakes lead into the area which is adjacent to Stodmarsh National Nature Reserve. Stodmarsh is a Site of Special Scientific interest (SSSI) and subject to a number of international wildlife habitat designations – a Special Protection Area (SPA); Special Area of Conservation (SAC) and Ramsar Convention Site. This is a very fragile and rare environment. Any consideration of any change of use of unit D & E which has the remotest possibility of causing any detrimental effects to the SSSI site would be subject to the provisions of the Habitat Regulations; and would require screening for a

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full appropriate Assessment under the Regulations, this would need to be fully assessed on its impact if planning approval is given.

Point 6 - Growth and sustainability of Lakesview Business Park

The Lakesview Business Park was set up to attract business units, to enhance the business growth within the area, to support the local economy, increase business revenue both to the area, to businesses and to government. To attract and increase the employment opportunities within the area. All of these have been successful but there is a real fear and concern that this will no longer be the case if the proposed development takes place.”

29. **Chislet Parish Council** – No comments received.
30. **Sturry Parish Council** – No comments received.
31. **Environment Agency** – No objection. Has reminded the applicant that any changes to wastes collection may require an amendment to the Environmental Permit and should be reflected and updated in the site’s management system.
32. **Southern Water** – Has no comments to make.
33. **Natural England** – No objection. Advises that although the application site is in close proximity to the Stodmarsh Site of Special Scientific Interest SSSI, which forms part of the Stodmarsh Wetland of Importance under the Ramsar Convention (Ramsar Site), Special Area of Conservation (SAC) and Special Protection Area (SPA), the proposed development is not likely to have a significant effect on the interest features for which they are classified if undertaken strictly in accordance with the submitted details. It also advises that KCC is not required to undertake an Appropriate Assessment to assess the implications of the proposal on the site’s conservation objectives. It further advises that the proposed development would not damage or destroy the SSSI if undertaken as proposed and that the SSSI does not represent a constraint in determining the application.
34. **KCC Biodiversity Projects Officer** – No objection. Is satisfied that the proposed development would have limited potential to impact on designated sites as it would not result in an increase in permitted traffic, the amount of waste processed at the site or changes to the permitted pollution and dust mitigation measures.
35. **KCC Noise and Air Quality / Odour Consultant (Amey)** – No objection. Has carefully considered the proposed development in the context of that already permitted and has no objection subject to the existing controls relating to noise, odour, air quality and dust being replicated (either through the planning permission or an Environmental

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Permit).

36. KCC Highways and Transportation – No objection. States that:-

“The information supplied by the applicant appears to suggest that the proposed revision to operational restrictions are unlikely to have a material impact on the number of HGV movements to and from the site. It is suggested that there may be a moderate redistribution of traffic movements on the A28 from east to west, this is something that could currently happen under the current restrictions, should the location of source material change in the future.”

37. KCC Waste Management Group – Has responded as follows:-

“The Waste Disposal Authority 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 MSW and separately collected food waste, which constitutes a key component of the waste stream, is to be welcomed. In principle therefore, the Waste Disposal Authority would support the additional handling and processing capacity for these categories of waste. The “Kent Joint Municipal Waste Management Strategy” (KJMWMS) 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. The KJMWMS also promotes the use of waste as a resource. This additional flexibility in the transfer capacity will readily allow MSW currently going to landfill in Canterbury, to be re-handled locally and delivered to either Allington 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, insofar as the site is situated strategically located within their geographical area of operation. The potentially available alternative Waste Transfer Stations 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 Waste Disposal Authority routinely seeks Competitive Tenders for the processing of all domestic waste arisings in Kent. I would advise that the WDA is currently seeking to procure transfer capacity for Organic and Dry Recyclable 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 Waste Collection Authorities (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) – No comments received.

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Representations

39. The application has been publicised both by site notice and newspaper advertisement. All those who commented on planning application CA/13/18 and all properties adjoining the site on Lakesview Business Park were notified. As explained in paragraph 11 above, the applicant sought to engage with the local community through a community liaison meeting on 28 October 2013. However, it is understood that this was not attended by any of those invited.
40. Three responses have been received objecting to the application, including one from Sir Roger Gale MP who has endorsed wholeheartedly the response from Westbere Parish Council. The other reasons for objection can be summarised as follows:-
- Increased traffic (would be dangerous).
 - Speed of traffic.
 - Damage to the roads on the Lakesview Business Park by one user with costs having to be borne by the Management Company supported by the tenants.
 - Adverse impact on employment on Lakesview Business Park.
 - The fast action doors have not just been opened and closed to allow HGVs to enter and leave as required. They are opened early morning and closed at the end of the day and are sometimes left open at night.
 - Vermin (was not a problem until the application site opened).

Local Members

41. County Council Member Mr RA Marsh (Herne and Sturry) was notified in November 2013.

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 21 and 22 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 20, the emerging development plan policies referred to in paragraphs 23 to 25 and the Kent Joint Municipal Waste Management Strategy policies referred to in paragraph 26. A report which (amongst other things) explained the weight that should be given to development plan policies adopted prior to publication of the National Planning Policy Framework (NPPF) was presented to the County Council's Planning Applications Committee on 13 March 2013 (Item B1).

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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.

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

The principle of development at Lakesview Business Park

44. The application site already has the benefit of a number of planning permission for waste management uses (most recently CA/13/18) 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 transshipment 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. It should be noted that as the existing waste facility has the benefit of a permanent planning permission, the site would be safeguarded by draft Policy CSW17 of the Kent Minerals and Waste Local Plan 2013-2030 Pre-Submission Consultation (January 2014) (*the draft Kent MWLP (January 2014)*). It is also worth noting that the principle of employment use at Lakesview Business Park was established through the allocation

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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 in 2000 for use of land as a business estate (Class B1 and B8). A number of more recent planning permissions have been granted 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.

45. Paragraph 20 of PPS10, Policies W3, W7 and W9 of the Kent WLP and draft Policy CSW6 of the draft Kent MWLP (January 2014) 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.
46. 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

47. 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 PPS10 and 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. Draft Policy SP1 of the Canterbury District Local Plan Preferred Option Consultation Draft (June 2013) (*the draft Canterbury DLP (June 2013)*) confirms the presumption in favour of sustainable development. Draft Policy DBE1 states that development should respond to the objectives of sustainable development and reflect the need to safeguard and improve the quality of life for residents, conserve energy resources and protect and enhance

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the environment.

48. Policy 20 of the Kent Joint Municipal Waste Management Strategy (Kent JMWMS) states that the transfer station network will be improved across Kent to promote efficient transport of wastes for treatment, recovery and disposal. A new facility has recently opened at Brunswick Road, Ashford and draft Policy CSW7 of the draft Kent MWLP (January 2014) states that a site will be identified in the Kent Waste Sites Plan for a household waste recycling centre to serve the Borough of Tonbridge and Malling. The Kent JMWMS also includes a number of policies intended to assist in increasing recycling and composting rates whilst providing appropriate residual waste management services. Whilst paragraph 6.0.32 of the draft Kent MWLP (January 2014) states that there is no lack of capacity for recycling or processing non-hazardous waste for re-use prior to 2030, but that a capacity gap is emerging in 2024 for treating green and kitchen waste (which is provided for in draft Policy CSW8), it also states that there is no intention to restrict the amount of new capacity for waste management for recycling or processing of waste or to restrict provision of additional capacity of green and/or kitchen waste treatment facilities to the later part of the plan period as the sooner it is delivered the greater the impact will be on reducing waste going to landfill.
49. Paragraph 14 of the NPPF states that there is a 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 21, 22, 23 and 25 above.
50. Although the application appears primarily intended to allow the acceptance of “black bag” and source separated food waste from the commercial and industrial sectors that are similar to those already permitted from households (and thereby make use of permitted capacity that is currently unused following the award of the contract for the handling of these waste collected from within Canterbury District to a competitor) and enable the site to handle separately collected fractions of household waste (e.g. dry recyclables), it would also allow as much as an additional 18,200tpa of “black bag” and source separated food waste to be handled were this to be available. This additional amount could be obtained from households or commercial and industrial sources (or some combination thereof).

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51. 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.
52. Although there would be no overall change in the total waste tonnage permitted at the site (as illustrated in the table at paragraph 18 above), the proposed development would provide additional flexibility for certain waste streams meaning that better use could be made of the site. Whilst the proposed changes in waste tonnages referred to in the table at paragraph 18 appear somewhat contrived in order to ensure that the overall 82,000tpa does not increase, the applicant has advised that the proposed reductions in tonnages for batteries, ELVs, scrap metal, tyres and electrical waste reflect current experiences with the respective markets for these waste streams which have reduced the amounts available (and likely to become available) for handling. It is understood that the former Viridor site on the Canterbury Industrial Estate has been closed / vacant since 1 April 2013, that its use as a materials recycling facility (MRF) ended in 2012 and that waste transfer operations ceased about 12 years ago. Regardless of whether there is any absolute need for additional capacity for the proposed waste streams at this time, the proposed development would provide replacement capacity for some of that lost on the Canterbury Industrial Estate (particularly when considered alongside the unimplemented MRF building at the application site). It would also assist in facilitating the sustainable management of a number of waste streams consistent with adopted and emerging waste policy.
53. Notwithstanding the above, 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)

54. As indicated in paragraph 20 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

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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 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.

55. 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. Draft Policy DM1 of the draft Kent MWLP (January 2014) states that waste management development should be designed to ensure that it gives rise to no significant adverse impacts on the environment or communities. Draft Policy DM10 states that waste development will be permitted if it can be demonstrated that it is unlikely to generate significant adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing of communities and the environment. Draft Policy QL11 of the draft Canterbury DLP (June 2013) states that development that could directly or indirectly result in material additional air pollutants and worsening levels of air quality within the area surrounding the development site will not be permitted unless acceptable measures have been taken as part of the proposal. Draft Policy QL12 states that when granting planning permission for development which could potentially result in pollution, conditions will be imposed to ensure subsequent mitigation measures are undertaken. Draft Policy QL13 states that major proposals for waste-related proposals should address (amongst other

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things) air quality and the impact on public health, noise impact and residential amenity.

56. Canterbury City Council, Westbere Parish Council and the three individuals who have responded to the application have variously referred to adverse local amenity impacts such as odour and air quality (suggesting that these could lead to adverse health impacts) and have referred to the likelihood of increases in vermin and birds. Such impacts, together with noise, were of primary concern to those who objected to application CA/13/18. One of the respondents (occupying a nearby unit) has also alleged that the fast action doors to the waste transfer building have not just been opened and closed to allow HGVs to enter and leave and have instead been left open all day and even at night. The same respondent has stated that vermin was not a problem until the application site opened.
57. The Environment Agency (responsible for regulating operations at the site) has no objection to the proposed development although it has noted that it may require an amendment to the Environmental Permit and the site's management system. The County Council's noise and air quality / odour consultant (Amey) has no objections to the proposed development subject to the existing controls relating to noise, odour, air quality and dust being replicated (either through the planning permission or an Environmental Permit).
58. The applicant has responded to the specific allegations referred to in paragraph 56 above by stating that it does not leave the doors to the facility open overnight and that it has implemented measures to control pests and vermin, including by way of installing traps laden with bait. I note that the applicant has not specifically refuted the suggestion that the doors to the waste transfer building have been left open during the day. Condition 22 of planning permission CA/13/18 requires that the automatic fast action fabric inner doors to the waste transfer building be kept closed at all times except to allow vehicles transporting waste to and from the building and plant and machinery involved in waste handling within the building to enter or leave and to enable emergency maintenance that cannot be undertaken when the building contains no waste to take place. I understand that with the exception of a two-week period during September 2013 when the waste transfer building at the application site was used to handle source separated food waste collected from the Canterbury District due to the temporary closure of the waste transfer station at Richborough as a result of a fire, it has only been used for the temporary storage and transfer of dry recyclables. This was the case during a visit to the site on 26 November 2013. Notwithstanding the wording of condition 22, at those times when "black bag" and / or source separated food waste was not being handled at the site, the need to keep the doors to the waste transfer building closed at all times apart from when HGVs enter or leave the building would not technically have been necessary to control odour due to the different nature / characteristics of the other materials provided the interior of the

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building had been properly cleaned. However, as and when it is used for “black bag” and / or source separated food waste strict accordance with the requirement would be expected and enforced as necessary. Although I have no evidence to support the alleged increase in vermin, it is possible that disturbance to the application site during its recent development may have led to some issues locally. The vermin controls are, and would remain, a requirement of the Environmental Permit. The continuing enclosed nature of the proposed operations involving “black bag” waste or source separated food waste would prevent scavenging birds from becoming a problem.

59. Given that the proposed additional waste streams would be very similar or identical in nature to those already permitted (subject to the exclusion of green / garden waste as confirmed by the applicant in paragraph 17 above), it is reasonable to conclude that their impacts would also be much the same provided that they were managed in a similar way. In the case of “black bag” and source separated food waste from municipal sources, it would be important to ensure that this is only deposited, handled, stored and transferred within the waste transfer building and that the controls relating to fast action doors, odour suppression system and the time such wastes may be stored within the building are maintained. In this respect, I am satisfied that impacts associated with the nature of the waste do not need to be considered further. However, as explained in paragraph 50 above, the proposed development could lead to an increase in the amount of “black bag” and source separated food waste handled at the site (i.e. up to an additional 18,200tpa). This could, in turn, lead to the need for the doors to the waste transfer station being opened and closed more often to allow HGVs involved in transporting waste to enter and leave the building. As noted in paragraph 19 above, the applicant has estimated that the additional 18,200tpa of waste could result in an additional 7 deliveries to the waste transfer building each day leading to an additional 14 “open” and 14 “close” events (i.e. an increase from 112 to 140 events per day). It has calculated that this would, in turn, increase the overall time that the doors to the waste transfer building would be open from 2½ to 3¼ hours per day (i.e. an extra ¾ hour). The applicant does not consider that this would make any material difference provided that the facility is operated in accordance with the Environmental Permit and the required odour abatement controls are complied with. It is important to note that neither the Environment Agency nor the County Council’s air quality / odour consultant (Amey) have disputed this. As set out in paragraph 20 above, the NPPF and PPS10 both state that local planning authorities should assume that the pollution control regime (in this case the Environmental Permit) will operate effectively and be enforced.
60. Although no specific concerns have been raised about noise on this occasion and I am satisfied that there would be no significant change in noise associated with the proposed development, it would remain appropriate for the existing noise condition to be imposed again if planning permission is granted. This would be consistent with the advice provided by the County Council’s noise consultant (Amey).

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61. Notwithstanding the concerns expressed by Canterbury City Council, Westbere Parish Council and the three individuals who have responded, I am satisfied that the proposed development would continue to be satisfactorily controlled (both through the planning and environmental permitting regimes) and would accord with the requirements of the NPPF, PPS10 and the development plan policies referred to in paragraphs 54 and 55 above subject to the imposition of those conditions relating to these issues contained in planning permission CA/13/18 (updated as necessary to ensure that the controls applied to “black bag” and source separated food waste from domestic sources are applied to those similar wastes from municipal sources and to reflect the non-material amendment approved in November 2013).

Highways and transportation

62. As indicated in paragraph 20 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 21 to 23 and 25 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. Draft Policy DM12 of the draft Kent MWLP (January 2014) states that waste development will be required to minimise road miles except where there is no practicable alternative to road transport which would be environmentally preferable. It also states that where road transport is required the proposed access must be safe and appropriate, the impact of traffic not detrimental to road safety, the highway network must be able to accommodate the traffic generated and it should not have a significant impact on the environment or local community. Draft Policy T1 of the draft Canterbury DLP (June 2013) states that (amongst other things) controlling the level and environmental impact of vehicular traffic including air quality and reducing cross-town traffic movements in the historic centre of Canterbury will be taken account of when considering the location of new development.
63. Canterbury City Council has objected on the grounds that the proposed development would lead to a large number of HGVs visiting the site in a short period of the day (i.e. between 14:00 and 16:00 hours) at the end of their collection rounds and that the resultant intensification of traffic during these hours would have an unacceptable impact on the local highway network. Westbere Parish Council has referred more generally to adverse traffic impacts associated with large HGVs (including traffic

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problems and delays associated with the railway crossing at Sturry) and specifically to the fact that the roads within Lakesview Business Park are unadopted such that there is no guarantee that they are suitable for HGVs. It has also stated that HGVs could damage estate roads creating health and safety issues and lead to additional costs being borne by the occupants of other units. The latter point has also been raised by the other respondents, along with concerns about increased traffic (which they state would be dangerous) and the speed of traffic.

64. Kent County Council Highways and Transportation has no objection on the basis that the proposed development would be unlikely to have a material impact on the number of HGV movements to and from the site, although it has noted that there may be some moderate redistribution of traffic movements on the A28 from east to west. In the absence of it having raised any concerns, I am satisfied that the potential intensification of traffic between 14:00 and 16:00 and the suggested unacceptable impact on the local highway network or highway safety are not reasons to refuse permission in this case. It should also be noted that the applicant does not propose to amend the current restriction on HGV movements which would remain at 324 per day (i.e. 162 in / 162 out) and that planning permission CA/13/18 contains no controls in respect of vehicle routing or the times during the working day when HGVs can enter or leave the site. As there would be no change in the number of permitted HGV movements and the vehicles used to transport the new waste streams would be the same or very similar to those for the wastes already permitted, I am also unable to support the concerns expressed about damage to estate roads or the potential associated financial impact of this.
65. Assuming that the proposed development led to a redistribution of traffic movements on the A28 from east to west, as suggested by the applicant, this could mean more HGVs travelling past Upstreet Conservation Area (approximately 2km to the east of Lakesview Business Park and immediately to the south of the A28). However, in the absence of any current routing arrangements, as the A28 is a major road and part of the primary route network and as any additional movements would be transitory and experienced in the context of a significant number of other vehicle movements, I do not consider that an objection based on any impact on the Conservation Area or related Policy BE7 of Canterbury DLP or draft Policy HE6 of the draft Canterbury DLP (June 2013) could be substantiated. In coming to this view I have also had regard to the fact that any resultant reduction in HGVs travelling to and from the west would lead to a reduced impact on Westbere Conservation Area (approximately 2km to the west of Lakesview Business Park and immediately to the south of the A28) and, potentially, fewer movements through Canterbury (which would be consistent with draft Policy T1 of the draft Canterbury DLP (June 2013)). It would also assist in reducing HGV numbers at the railway crossing at Sturry to the west.

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66. Given the above, I am satisfied that the proposed development would accord with the policies set out in paragraph 62 and see no reason to refuse the application on highways and transportation grounds subject to existing conditions relating to these matters being included as part of any new permission.

Water environment (ground and surface water)

67. PPS10 states that locational criteria for waste management facilities should include the proximity of vulnerable surface and groundwater. Paragraph 120 of the NPPF 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. Draft Policy DM9 of the draft Kent MWLP (January 2014) states that planning permission will be granted for waste development where it does not result in the deterioration of physical state, water quality or ecological status of any waterbody, or have an unacceptable impact on groundwater Source Protection Zones or exacerbate flood risk and that such proposals must include measures to ensure this is the case. Draft Policy CC12 of the draft Canterbury DLP (June 2013) states that new development should incorporate well designed mitigation measures to ensure that there is no adverse effect on water quality.
68. Although Westbere Parish Council has objected due to concerns about surface water run-off (and Sir Roger Gale MP has supported Westbere Parish Council's position), neither the Environment Agency nor Southern Water have raised any such concerns or any objections to the proposed development.
68. Given the above, as the site would continue to be subject to an Environmental Permit issued by the Environment Agency and as the proposed changes to the waste streams would have no significant impact on the water environment, I am satisfied that the proposed development accords with the above policies and that there is no reason to refuse permission due to potential impact on the water environment subject to the re-imposition of conditions imposed on planning permission CA/13/18 (updated as necessary to reflect the non-material amendment approved in November 2013).

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

69. 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 effect on the SSSI and emphasises 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. Draft Policy DM2 of the draft Kent MWLP (January 2014) requires (amongst other things) that waste development should not have a significant impact on the integrity, character, appearance and function, biodiversity interests, geological interests, heritage interests or amenity value of sites of international, national and local importance (including SACs, SPAs, Ramsar sites and SSSIs) unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for such that there is a net planning gain. Draft Policy DM3 states that waste development should not result in significantly adversely affect Kent's important biodiversity assets. Draft Policies LB5, LB6 and LB7 of the draft Canterbury DLP (June 2013) respectively seek to protect internationally, nationally and locally designated sites.
70. Although Canterbury City Council and Westbere Parish Council have objected due to concerns about potential adverse impacts of biodiversity / wildlife interests (and Sir Roger Gale MP has supported Westbere Parish Council's position), neither the Environment Agency, Natural England nor the County Council's Biodiversity Projects Officer have raised any such concerns and have all raised no objections to the proposed development. Westbere Parish Council has also suggested that the application may need to be subject to an appropriate assessment under the Habitats Regulations. However, Natural England has specifically advised that an appropriate assessment is not necessary.
71. Given the above, as the site would continue to be subject to an Environmental Permit issued by the Environment Agency and as the proposed changes to the waste streams would have no significant impact on biodiversity interests, I am satisfied that the proposed development accords with the above policies and that there is no reason to refuse permission on biodiversity grounds subject to the re-imposition of conditions imposed on planning permission CA/13/18 (updated as necessary to reflect the non-

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material amendment approved in November 2013).

Employment / economic development:

72. The NPPF establishes a presumption in favour of sustainable development. This 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.
73. Canterbury City Council, Westbere Parish Council and the three individuals who have responded to the application have either directly or by implication referred to adverse impacts on employment at the Lakesview Business Park. These issues were raised more widely during the consultation and public meeting on application CA/13/18 and when the application was determined. However, I note that the County Council's Economic Development and Spatial Development (Business Strategy and Support) Group has not commented on the current application. Canterbury City Council has also objected on the grounds that the proposed development would significantly alter the character of the operation carried out from the application site.
74. Given that the application proposes a relatively minor amendment to what is already provided for by planning permission CA/13/18, and as I am satisfied that the proposals accord with relevant development plan and national planning policies (including those in the NPPF and PPS10) for the reasons set out elsewhere in this report, I can see no justification for refusing the application for employment / economic development reasons and am unable to support the assertion that the proposal would significantly alter the character of the operations undertaken at the site.

Conclusion

75. For the reasons set out above, including in particular the existence of the extant planning permissions, 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. I am also satisfied that the proposed development would assist in providing greater flexibility for the management of both municipal solid waste (MSW) and commercial and industrial (C&I) waste consistent

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with adopted and emerging waste policy. 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 re-imposition of those conditions contained in planning permission CA/13/18 as amended by the conditions proposed by the applicant in paragraph 16 above (clarified to exclude green / garden waste) with such consequential changes as are necessary to ensure that the controls applied to “black bag” and source separated food waste from domestic sources are applied to those similar wastes from municipal sources and to reflect the approval given in respect of the non-material amendment to planning permission CA/13/18 in November 2013. 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. Notwithstanding the concerns that have been raised by respondents (including the perceived adverse impacts on employment and economic development), I do not consider that these are sufficient to override the usual presumption in favour of granting planning permission in this case. I therefore conclude that the proposed development is sustainable and should be permitted and recommend accordingly.

Recommendation

76. I RECOMMEND that PERMISSION BE GRANTED SUBJECT to the conditions and informatives included in planning permission CA/13/18 (dated 15 April 2013) being re-imposed with the following exceptions:

(i) Conditions (8) and (9) being re-worded as follows:-

(8). Only the following waste materials shall enter the site:

- (i) those wastes specified in section 8 “Description of the Development” of the Environmental Statement Non-Technical Summary dated 27 February 2009 (document reference: ES NTS Final 27.2.09) that accompanied planning application CA/09/607;
- (ii) domestic (“black bag”) waste, source separated food waste, separately collected fractions (excluding green / garden waste) and bulky domestic waste collected from within Canterbury District; and
- (iii) municipal wastes, arising only from commercial, industrial and institutional sources, including separately collected fractions from those sources (excluding green / garden type waste).

Reason: Waste materials outside these categories may raise environmental, pollution or other issues that would need to be considered afresh.

Item C1

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- (9). No more than 82,000 tonnes of waste shall enter the site in any one year and of this no more than a combined total of 58,200 tonnes shall be:
- a. domestic:
 - i. “black bag” waste;
 - ii. source separated food waste;
 - iii. separately collected fractions; and
 - iv. bulky domestic waste; and
 - b. municipal waste, arising only from commercial, industrial and institutional sources, including separately collected fractions from those sources.

Reason: To ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan Policies W18 and W22.

- (ii) Conditions (5), (11), (21), (23) and (24) being re-worded to ensure that the controls applied to “black bag” and source separated food waste from domestic sources are applied to those similar wastes from municipal sources.
- (iii) Condition (3) being re-worded to reflect the non-material amendment to planning permission CA/13/18 approved on 27 November 2013 relating to (amongst other things) the size and orientation of a roll-over bund (which separates the car dismantling area from the rest of the site), the external design and internal layout of the non-ferrous building and main vehicular access gate and the installation of vehicle and engine storage pits.
- (iv) The Schedule attached to the planning permission being amended to reflect (iii) above and the explanatory notes updated to reflect the latest adopted and emerging development plan policies and the reasons for granting planning permission outlined in this report.

Case Officer: Jim Wooldridge

Tel. no. 01622 221060

Background Documents: see section heading.
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**Appendix 1 to Item C1
Application for the variation of conditions (8) and (9) of planning permission CA/13/18 to allow for the acceptance of commercial and industrial waste from commercial, industrial and institutional premises from sources in and external to the Canterbury District and source segregated fractions from waste collections from domestic properties in the Canterbury District in addition to existing waste streams and without exceeding the existing 82,000 tonne limit at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent, CT3 4GP – CA/13/2209 (KCC/CA/0341/2013)**



CC1 (Detailed)

Reference Code of Application: CA/13/18

KENT COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACTS
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

Notification of Grant of Permission to Develop Land

To: Ling (UK) Holdings Limited
C/o Goddard Planning Consultancy
16 Dover Street
Canterbury
Kent CT1 3HD

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Act, HAS GRANTED PERMISSION for development of land situated at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent and being 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 referred to in an application for permission for development dated 12 December 2012 with accompanying planning application form and details as referred to in the attached schedule (including those which amend, amplify or clarify the proposals), SUBJECT TO THE CONDITIONS SPECIFIED hereunder:

Time Limits (Commencement)

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission. Written notification of both the date of implementation of the planning permission and commencement of operations at the facility shall be sent to the Waste Planning Authority within 7 days of both these dates.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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Restriction of Permitted Development Rights

2. Notwithstanding the provisions of part 4 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, or structures and erections shall be located on site without the prior approval in writing of their siting, design and external appearance by the Waste Planning Authority.

Reason: To protect the visual amenities of the area and minimise impact and to accord with the objectives of Kent Waste Local Plan Policy W25.

Working Programme

3. Unless otherwise approved beforehand in writing by the Waste Planning Authority, the development to which this permission relates shall be carried out and completed in all respects strictly in accordance with the submitted documents referred to above and in the schedule attached to this decision notice, together with the details permitted under planning reference CA/09/607 on 17 November 2009, as amended by the details permitted under planning reference CA/10/285 on 2 August 2010, the details approved pursuant to conditions 2, 3, 4 and 5 of planning permission CA/10/285 on 8 August 2012 and the details approved pursuant to conditions 1, 11, 12, 13, 23 and 24 of planning permission CA/10/285 on 20 December 2012, and as stipulated in the conditions set out above and below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan Policies W18-W32.

4. A copy of this permission and the approved plans and other details shall be available in the operator's site office at all times during the operational life of the site. Any subsequent approved amendments shall also be available.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

5. Domestic ("black bag") waste, source separated food waste and bulky domestic waste shall only be deposited, handled, stored and transferred within the Waste Transfer Building shown on drawing number 11907/A1/061 titled "Proposed Site Plan" (dated 22 November 2012).

Reason: To ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan Policies W18 and W22.

6. Stockpiles on site shall not exceed 5 metres in height.

Reason: To protect visual and other local amenities.

7. Precautions shall be taken to prevent tipping by unauthorised persons including prompt repairs to the perimeter fencing and gates. Any unauthorised material tipped on the site shall be removed to an authorised site within 24 hours of such tipping having taken place.

Reason: To protect visual and other local amenities.

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Types, Sources and Quantities of Waste

8. Only the following waste materials shall enter the site:

- (i) those wastes specified in section 8 "Description of the Development" of the Environmental Statement Non-Technical Summary dated 27 February 2009 (document reference: ES NTS Final 27.2.09) that accompanied planning application CA/09/607; and
- (ii) domestic ("black bag") waste, source separated food waste and bulky domestic waste collected from within Canterbury District.

Reason: Waste materials outside these categories may raise environmental, pollution or other issues that would need to be considered afresh.

9. No more than 82,000 tonnes of waste shall enter the site in any one year and of this no more than 40,000 tonnes shall be domestic ("black bag") waste, source separated food waste and bulky domestic waste.

Reason: To ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan Policies W18 and W22.

10. Records detailing the quantities of waste entering the site, during the previous three years, shall be maintained for the life of the facility hereby permitted and shall be made available to the Waste Planning Authority on request.

Reason: To assist the Waste Planning Authority in monitoring compliance with condition 9.

Hours of Operation

11. Unless otherwise approved beforehand in writing by the Waste Planning Authority, operations associated with the receipt, handling and export of domestic ("black bag") waste, source separated food waste and bulky domestic waste shall only take place between the following times:-

07:00 to 18:00 hours Monday to Friday;
07:00 to 13:00 hours on Saturdays.

No operations shall take place on Saturday afternoons and Sundays.

Reason: To ensure the minimum disturbance and avoidance of nuisance to the environment of locality and to accord with the objectives of Kent Waste Local Plan Policy W18.

12. Unless otherwise approved beforehand in writing by the Waste Planning Authority, operations associated with those wastes referred to in condition 8(i) above shall only take place at the following times:-

- (a) With the exception of waste sorting activities permitted within the Materials Recycling Facility (MRF) and the delivery to the site of recovered abandoned vehicles, no activities shall take place on the site, nor shall there be any movement

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of any vehicles transporting waste to or from the site, except between the following times:

07:00 to 18:00 hours Monday to Friday;
07:00 to 13:00 hours Saturdays;

- (b) No work with the exception of that identified above in connection with the operation of the Materials Recycling Facility (MRF) and the delivery of abandoned vehicles together with the delivery of waste materials collected from Civic Amenity sites and from members of the public visiting the site shall take place on Bank Holidays;
- (c) Abandoned vehicles may be delivered and off loaded at the site between 07:00 and 23:00 hours only; and
- (d) Public access and the delivery of Civic Amenity waste to the site shall be restricted to between 08:00 and 16:00 hours on Bank Holidays.

Reason: To ensure the minimum disturbance and avoidance of nuisance to the environment of the locality and to accord with the objectives of Kent Waste Local Plan Policy W18.

Access and Routing

- 13. No more than a combined total of 324 HGV movements (162 in and 162 out) associated with operations at the site shall take place in any one day.

Reason: In the interests of highway safety and safeguarding the local environment and to accord with the aims of Kent Waste Local Plan Policy W22.

- 14. Records shall be maintained by the site operator of all HGV movements referred to in condition 13. Such records shall contain the date of each movement, details of each load, be maintained for a period of 3 years and be made available to the County Planning Authority on request.

Reason: To assist the County Planning Authority in monitoring the number of vehicles entering and leaving the site and to accord with the aims of Kent Waste Local Plan Policy W22.

- 15. The surfacing of the site access, internal roads and associated hardstandings shall be maintained in a good state of repair and, together with all other parts of the site (including buildings) used for vehicle manoeuvring, kept clean and free of mud and other debris at all times.

Reason: In the interests of highway safety and safeguarding the local environment and to accord with the objectives of Kent Waste Local Plan Policies W18 and W22.

- 16. Measures shall be taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway.

Reason: In the interests of highway safety and safeguarding the local environment and to accord with the objectives of Kent Waste Local Plan Policies W18 and W22.

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17. All vehicles entering or leaving the site shall do so in a forward motion.

Reason: In the interests of highway safety and pursuant to Kent Waste Local Plan Policy W22.

18. Provision shall be made on site during the construction of any of the permitted development for vehicles associated with both waste management and construction operations, including that required for loading, off-loading or turning.

Reason: In the interests of highway safety and pursuant to Kent Waste Local Plan Policy W22.

Noise, Odour and Dust

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

Reasons: To minimise impacts on local residents and landowners and to accord with the objectives of Kent Waste Local Plan Policy W18.

20. The doors to the Materials Recycling Facility (MRF) Building shall be kept closed at all times except when waste is being delivered to or materials are being exported from the building.

Reason: To ensure minimum disturbance and avoidance of nuisance to the local community and pursuant to Kent Waste Local Plan Policy W18.

21. No domestic ("black bag") waste, source separated food waste and bulky domestic waste shall be received at the Waste Transfer Building until the automatic fast action fabric inner doors have been installed. These doors (or ones substantially similar in terms of design and operation) shall be maintained for the life of the facility.

Reason: To safeguard local amenity and pursuant to Kent Waste Local Plan Policy W18.

22. The automatic fast action fabric inner doors to the Waste Transfer Building shall be kept closed at all times except to allow vehicles transporting waste to and from the building and plant and machinery involved in waste handling within the building to enter or leave and to enable emergency maintenance that cannot be undertaken when the building contains no waste to take place.

Reason: To ensure minimum disturbance and avoidance of nuisance to the local community and pursuant to Kent Waste Local Plan Policy W18.

23. The odour suppression system contained in the application details (or one substantially similar in terms of design and operation) shall be installed in the Waste Transfer Building prior to the receipt of any domestic ("black bag") waste, source separated food waste and bulky domestic waste and shall be maintained and used as necessary for the life of the facility.

Reason: To safeguard local amenity and pursuant to Kent Waste Local Plan Policy W18.

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24. Domestic ("black bag") waste, source separated food waste and bulky domestic waste shall not be stored within the Waste Transfer Building for more than 48 hours. Wherever possible, these wastes shall not be stored within the building after 12:00 hours on Saturdays or at any time on Sundays.

Reason: To safeguard local amenity and pursuant to Kent Waste Local Plan Policy W18.

25. Measures to control vermin and pests (e.g. flies) shall be employed at the site for the life of the facility.

Reason: To safeguard local amenity and pursuant to Kent Waste Local Plan Policy W18.

26. Dust suppression measures on site shall include those set out in paragraph 37 of the "Project Design" document dated 27 February 2009 (document reference: Project Design FINAL 27.2.09) that accompanied planning application CA/09/607.

Reason: To safeguard local amenity and pursuant to Kent Waste Local Plan Policy W18.

Water Protection and Pollution Control

27. Foul and surface water drainage shall be implemented and maintained in accordance with the details set out on drawing number 11907/A1/062 titled "Proposed Site Drainage Arrangements" dated 22 November 2012.

Reason: To protect local water resources, and pursuant to Kent Waste Local Plan Policy W19.

28. Any oil or chemical storage tank, container and associated pipework, required in connection with the permitted use, whether above or below ground, shall be sited, banded and constructed so as to prevent any leaks or spillage.

Reason: To protect local water resources, and pursuant to Kent Waste Local Plan Policy W19.

Landscaping

29. Unless otherwise agreed by the Waste Planning Authority, a landscaping scheme detailing proposed enhancements to the existing tree belt along the southern part of the site shall be submitted to the Waste Planning Authority for approval within 12 months of the date of this permission. The approved scheme shall be implemented as approved. Trees and shrubs planted in accordance with the scheme shall be maintained and any which die, are removed or become seriously damaged or diseased within 5 years shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed by the Waste Planning Authority.

Reason: To assist in screening the development and in the interests of visual amenity in the event that the landscaping required as part of the Lakesview Business Park permission is unsuccessful and pursuant to Kent Waste Local Plan Policy W31.

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Application for the variation of conditions (8) and (9) of planning permission CA/13/18 to allow for the acceptance of commercial and industrial waste from commercial, industrial and institutional premises from sources in and external to the Canterbury District and source segregated fractions from waste collections from domestic properties in the Canterbury District in addition to existing waste streams and without exceeding the existing 82,000 tonne limit at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent, CT3 4GP – CA/13/2209 (KCC/CA/0341/2013)

The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy and associated guidance and the relevant Circulars, together with the relevant Development Plan policies, including the following, and those referred to under the specific conditions above:-

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).

Kent Waste Local Plan (March 1998) – 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).

Canterbury District Local Plan First Review (July 2006) – 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).

Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) – Draft policies: CSW1 (Sustainable waste management and climate change), CSW2 (Waste hierarchy), CSW3 (Strategy for waste management capacity), CSW5 (Non strategic waste sites), CSW6 (Location of non strategic waste sites) 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).

Where necessary the Waste Planning Authority has engaged with the applicant and other interested parties to address and resolve issues arising during the processing and determination of this planning application in order to deliver sustainable development and to ensure that the details of the proposed development are acceptable and that any potential impacts can be satisfactorily mitigated.

The summary of reasons for granting approval are as follows:-

The County Council's Planning Applications Committee considered the application at its meeting on 10 April 2013 (Committee Agenda Item C1) when it resolved that planning permission be granted subject to conditions. It noted that the Kent Waste Local Plan identified the site as suitable in principle for waste separation and transfer and that there was planning policy support for waste management facilities to be located on industrial estates and to be co-located with other waste management development. It was satisfied that the proposed development was acceptable in principle and that there was a need for waste transfer capacity for domestic waste collected in the Canterbury District. It was also satisfied that the proposed development was acceptable in terms of local amenity, highways and transportation, the water environment and biodiversity subject to the imposition of conditions. It was further satisfied that there would be no material harm and that there was therefore no need to consider whether

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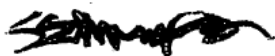
Application for the variation of conditions (8) and (9) of planning permission CA/13/18 to allow for the acceptance of commercial and industrial waste from commercial, industrial and institutional premises from sources in and external to the Canterbury District and source segregated fractions from waste collections from domestic properties in the Canterbury District in addition to existing waste streams and without exceeding the existing 82,000 tonne limit at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent, CT3 4GP – CA/13/2209 (KCC/CA/0341/2013)

better alternative sites exist to handle the domestic waste collected from within the Canterbury District. Notwithstanding concerns that had been raised by those responding to the application, it did not consider that these were sufficient to override the usual presumption in favour of granting planning permission in this case.

In addition, please be advised of the following informatives:

1. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to formally submit further details to the County Planning Authority for approval may be required to be formally discharged prior to commencement of operations on site, or within a specified time. It is your responsibility to ensure that such details are submitted. **Failure to do so may mean that any development carried out is unlawful and which may ultimately result in the permission becoming incapable of being legally implemented.** It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time. Please note that each submission of details pursuant to conditions attracts an application fee of £97.
2. You are advised that in accordance with Government policy and associated guidance, and notwithstanding the requirements of conditions 21 to 25 above, detailed operational controls in respect of air quality / odour and vermin / pest control will be matters for the Environment Agency under the terms of the Environmental Permit. You are advised that any new development at the site and/or change in operational procedures as a result, must be in accordance with the Environmental Permit.

Dated this fifteenth day of April 2013



(Signed).....
Head of Planning Applications Group
H.H

INVICTA HOUSE
COUNTY HALL
MAIDSTONE
KENT ME14 1XX

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Application for the variation of conditions (8) and (9) of planning permission CA/13/18 to allow for the acceptance of commercial and industrial waste from commercial, industrial and institutional premises from sources in and external to the Canterbury District and source segregated fractions from waste collections from domestic properties in the Canterbury District in addition to existing waste streams and without exceeding the existing 82,000 tonne limit at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent, CT3 4GP – CA/13/2209 (KCC/CA/0341/2013)

SCHEDULE OF CORRESPONDENCE AND DOCUMENTS ACCOMPANYING PLANNING APPLICATION CA/13/18 (INCLUDING THOSE WHICH AMENDED, AMPLIFIED OR CLARIFIED THE PROPOSED DEVELOPMENT)

Letter / email correspondence	Document / drawing number	Date
Letter from Goddard Planning Consultancy		12 December 2012
	Planning, Design and Access Statement	December 2012
	Table of proposed tonnages for the Hersden site	Received 13 December 2012
	Noise Assessment prepared by RPS Group	29 November 2012
	Odour Assessment prepared by RPS Group	6 December 2012
	Air Quality Assessment (in the form of a letter from RPS Group dated 30 November 2012)	
	Air Spectrum leaflets containing details of Odr Neutralising Additives and Vortex Rotary Atomiser (including Budget Proposal)	
	Hydrology and Flood Risk Assessment (in the form of a letter from BSF Consulting Engineers dated 29 November 2012)	
	Drawing number 11907/A3/01 Revision B titled "Site Location Plan"	23 February 2009
	Drawing number 11907/A1/060 titled "Existing Consented Site Plan"	22 November 2012
	Drawing number 11907/A1/061 titled "Proposed Site Plan"	22 November 2012
	Drawing number 11907/A1/062 titled "Proposed Site Drainage Arrangements"	22 November 2012
	Drawing number 11907/A1/063 titled "Waste Transfer Building Layout and Front Elevation"	22 November 2012
Email from Mike Goddard of Goddard Planning Consultancy	Amending the description of the proposed development	14 December 2012 (16:15 hours)
Email from Mike Goddard of Goddard Planning Consultancy	Odour Management Plan prepared by RPS Group (dated 15 January 2013)	16 January 2013 (13:50 hours)
Email from Jo Maine of Ling UK Holdings Limited	Memorandum from RPS Group (dated 23 January 2013) responding to comments from KCC's Noise and Air Quality Consultant	1 February 2013 (12:21 hours)
Email from Jo Maine of Ling UK Holdings Limited	Confirming (amongst other things) that trailers would be covered within the waste transfer building unless being loaded	7 February 2013 (14:12 hours)

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Email from Jo Maine of Ling UK Holdings Limited	Odour Management Plan prepared by RPS Group (dated 20 February 2013)	28 February 2013 (09:49 hours)
Email from Mike Goddard of Goddard Planning Consultancy	Responding to concerns raised by local residents and businesses	14 March 2013 (16:49 hours)
Email from Jo Maine of Ling UK Holdings Limited	Responding to (amongst other things) a note of meeting between the applicant and KCC Planning Applications Group on 7 March 2013 (10:30 hours) and providing details of proposed pest control measures	20 March 2013 (16:42 hours)
Email from Jo Maine of Ling UK Holdings Limited	Details of correspondence between the applicant and Southern Water	21 March 2013 (10:16 hours)
Letter from Matt Mehegan of Waterman Energy, Environment and Design	Responding to (amongst other things) a note of meeting between the applicant and KCC Planning Applications Group on 7 March 2013 (10:30 hours)	25 March 2013
Email from Jo Maine of Ling UK Holdings Limited	Confirming site drainage arrangements	25 March 2013 (15:52 hours)
Email from Jo Maine of Ling UK Holdings Limited	Copy of Environmental Permit Variation dated 6 March 2013	26 March 2013 (13:49 hours)
Email from Jo Maine of Ling UK Holdings Limited	Responding to (amongst other things) issues raised about transportation, noise and location with drawing number 11907/A1/19 titled "Pre & Post Treated Waste Storage Building – Vehicle Tracking" (dated 25 October 2012)	28 March 2013 (10:51 hours)
Email from Jo Maine of Ling UK Holdings Limited	Responding to issues raised about transportation with drawing numbers 11907/A1/AT02 titled "Waste Transfer Building Vehicle Tracking (Bulk Waste Artic)" (dated 28 March 2013) and 11907/A1/AT03 titled "Waste Transfer Building Vehicle Tracking (Refuse Freighter)" (dated 28 March 2013)	28 March 2013 (14:49 hours)
Email from Jo Maine of Ling UK Holdings Limited	Responding to issues raised about noise	28 March 2013 (15:34 hours)