

SECTION C  
MINERALS AND WASTE DISPOSAL

Background Documents – the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

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**Item C1**

**SH/08/124/R7 & 34 Otterpool Quarry, Ashford Road, Sellindge, Ashford**

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

SH/08/124/R7 & 34 - Details pursuant to conditions (7) – weighbridge and office facilities and (34) – Landscaping at Otterpool Quarry, Ashford Road, Sellindge, Nr Ashford TN25 6DD (MR. 112 365).

Recommendation: Approval of details.

Local Member: Mrs S Carey

Unrestricted

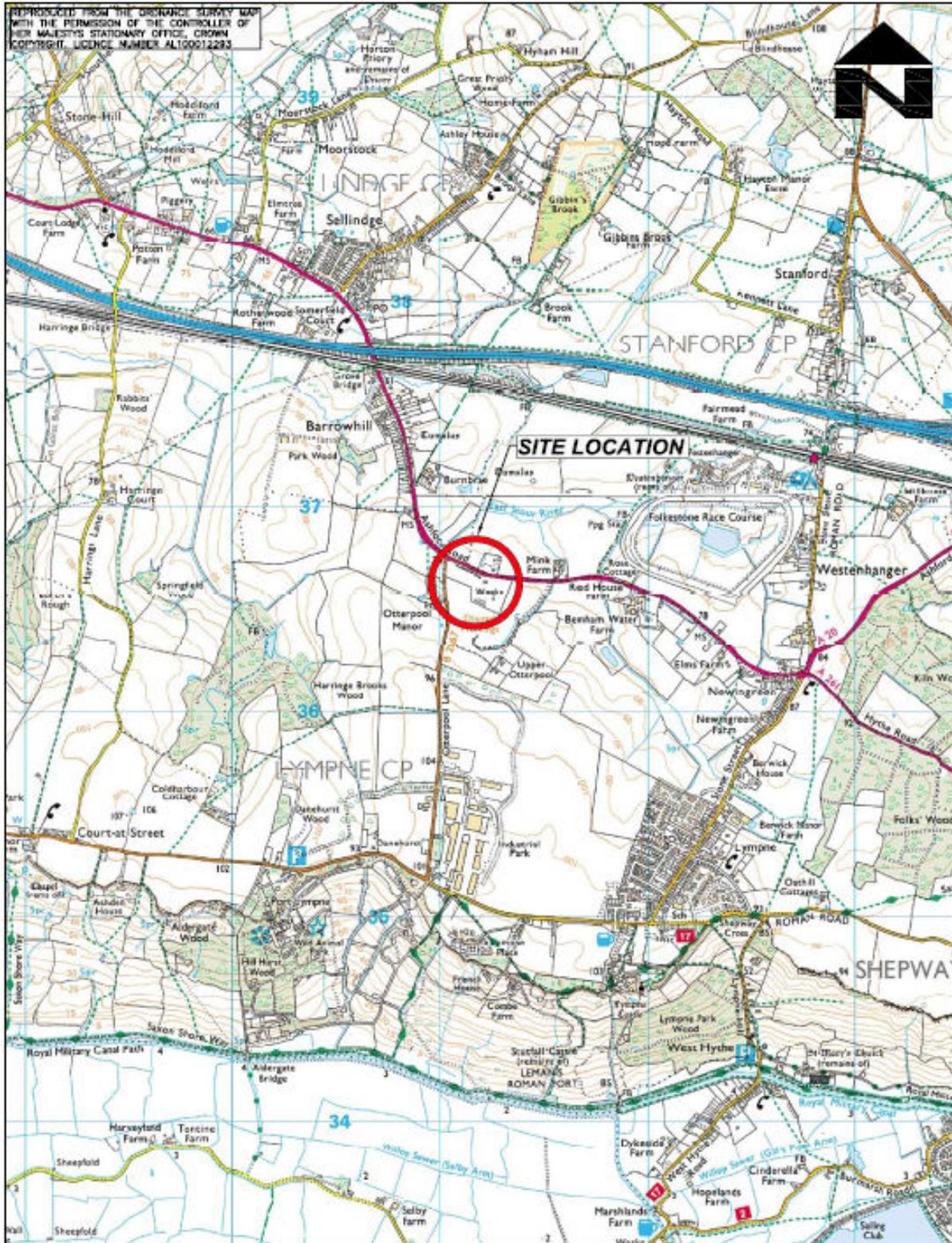
**Site**

1. At the meeting of the Planning Applications Committee held in March 2011, Members resolved to grant planning permission (under reference SH/08/124) for the construction and operation of a Materials Recycling Facility, Anaerobic Digestion Plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge.
2. The site itself lies adjacent to the southern side of the A20 some 1 km distant midway between the villages of Sellindge to the north and Lympne to the south. It is bounded by aSSSI immediately to the east and west. The Kent Downs AONB is some 1.5km to the north east and south of the site and from which can be seen the M20, Channel Tunnel Rail Link (HS1), Westenhanger Castle (a Scheduled Ancient Monument), Folkestone Racecourse, the Junction Motorway 11 services and the A20.
3. The closest properties to the site are the Airport Café at some 30m immediately to the north on the northern side of the A20, Otterpool Manor (to the west) and Upper Otterpool (to the south) at 250m distant from the site. A location plan is included showing the site in its wider context.

**Planning History**

4. At the time of reporting the application to the Planning Applications Committee it attracted much local opposition, particularly from the residents of the nearby Sellindge village and the Sellindge and District Residents Association (SDRA) as well as the Sellindge and Lympne Parish Councils. The application was subject to two Members site visits and public meetings (in June 2008 and February 2010) prior to it being reported for determination.

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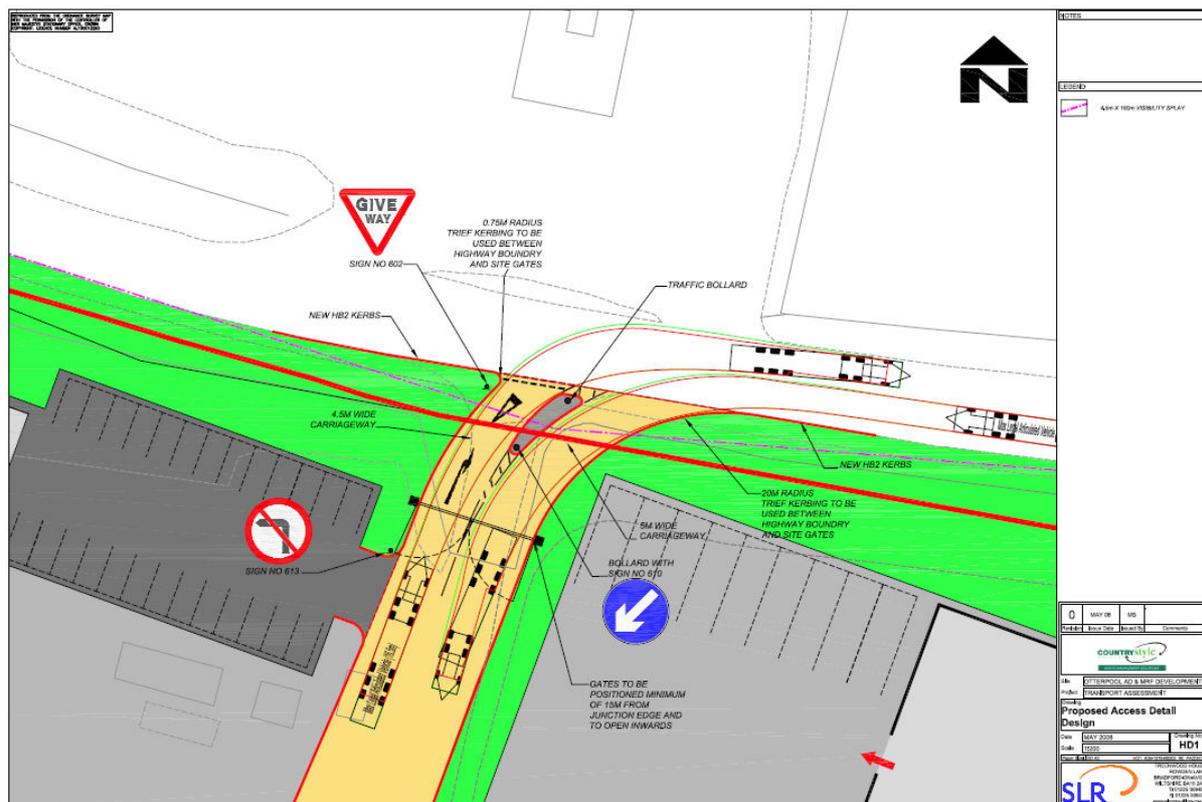


Site Location Plan



## SH/08/124/R7 & 34 – Otterpool Quarry, Ashford Road, Sellindge, Ashford

5. Following the grant of planning permission, the SDRA met with the then Chairman of the Planning Applications Committee, officers of the County Council and the Local Member, Susan Carey, in order to gain an understanding as to how the conditions imposed on the permission would be monitored and enforced and also to gain assurance that the proposed development would be implemented as approved. At that meeting, which was held in May 2011, it was agreed by all parties present that the SDRA would be formally notified, along with relevant statutory consultees as and when details pursuant to conditions were submitted to the County Council for approval.
6. Condition (2) of the permission requires the development to commence not later than the expiration of 3 years from the date it was granted (i.e. by 27 March 2014), prior to which there are a number of pre-commencement conditions needing to be formally discharged.
7. Condition (5) of the permission requires that the approved Site Access Improvements as shown on Drawing (HD1) (below) be completed prior to the commencement of the development.



**Approved Drawing Number HD1**  
**'Proposed Access Detail Design'**

8. There are also a number of other conditions imposed on the planning permission, which require the applicants to submit details to the Waste Planning Authority for formal approval prior to the commencement of the development.

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In summary those conditions are as follows:

| Condition | Summary                               | Discharged<br>Yes/No |
|-----------|---------------------------------------|----------------------|
| 7         | Details of weighbridge and facilities | No                   |
| 8         | Fencing and gate details              | Yes                  |
| 9         | External lighting details             | Yes                  |
| 11        | Strategy for electricity generation   | Yes                  |
| 12        | Surface water drainage scheme         | No                   |
| 14 – 17   | Contamination and remediation         | No                   |
| 18        | Code of construction practice details | Yes                  |
| 34        | Landscaping details                   | No                   |

9. Whilst conditions (8), (9) and (11) were approved during the latter months of 2013 condition (18) was formally approved on 13 February 2014 following the timescale for consultee responses having lapsed. In the absence of any objections being received within the formal consultation period all were approved under officer delegated authority.
10. At the time of finalising this report, issues arising over the conditions covering contamination and remediation issues (conditions 14-17), along with surface water drainage details (condition 12), remain unresolved whilst having regard to continued concerns from the parish council and the SDRA, details which have been submitted relating to conditions 7 – weighbridge/office facilities and 34 – landscaping these are covered below.

### 11. Consultations

**Shepway District Council:** No objection raised.

**Sellindge Parish Council:** Concerns remain in relation to whether a single operator of the weighbridge facilities could cope during busy periods and a suggestion is made that a policy is needed to ensure incoming lorries are given priority over outgoing lorries.

**Lympne Parish Council:** Concerns remain in relation to matters relating to the site entrance:

- Concerns whether there is sufficient provision in place to avoid the need for vehicles queuing on the A20 should vehicles arrive prior to the permitted opening hours.

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- Although there is space for three vehicles on the access road to the weighbridge, this access road is inside the fenced area. This could lead to HGVs waiting on the A20, which would clearly be unacceptable.
- In the event of a weighbridge malfunction, vehicle breakdown or other obstruction at the entrance to the site, there is no provision to bypass the weighbridge. With HGVs arriving every eight minutes, on average, there would soon be at least three vehicles in the access road. This would mean the subsequent arrivals are unable to enter the site and would lead to HGVs waiting on the A20, which would clearly be unacceptable. Blocked access to the site also presents a major traffic control problem. Vehicles in transit would continue to arrive at the Otterpool site but be unable to enter. There is no provision for such vehicles to turn round and return eastwards towards the Newingreen junction. They cannot turn left at Otterpool Road traffic lights, unless provision is made for a turning site within the Link Park industrial estate. They cannot (and should not) continue into Sellindge and return along Hythe Road to M20 junction 10.
- Access to and from the office parking uses the same route as HGVs arriving and leaving the site. At busy times, this could lead to cars waiting for access on the A20.

**Environment Agency:** No comments to make.

**Landscape Officer:** No objections raised.

**Sellindge and District Residents Association:** Concerns remain in relation to the weighbridge and office facilities and whether what is proposed would avoid the need for vehicles having to queue to gain access to the site, along the A20. Concerns also continue to be raised in relation to the landscape details submitted.

### **Local Member**

12. The Local County Member, Susan Carey was notified that details submitted in relation to conditions (7) and (34) had been received on 6 August 2013, 10 October 2013. No formal comments have been received to date.

### **Submission of Details for Approval**

13. In relation to those details referred to under paragraph 10 above, following formal consultation with the relevant statutory consultees and the SDRA, Sellindge Parish Council and SDRA continue to raise concerns in relation to those details as set out below. Taking each condition in turn:

#### *Weighbridge and office details*

14. Condition (7) of the permission states:

‘Prior to the commencement of the development hereby permitted, details of the weighbridge(s) and weighbridge office facilities shall be submitted to the Waste Planning Authority for approval and implemented as approved;’

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15. At the time of determining the main planning application, the Highway Authority were satisfied that the location of the weighbridge facilities were of a suitable distance from the sites access to avoid the need for vehicles to queue along the A20 whilst awaiting access into the site. In response to issues raised by local residents at the time (who raised concerns that vehicles associated with the proposal would travel through the Sellindge village), the access arrangements were amended to ensure that all vehicles accessing or leaving the site could only do so via the A20 east-bound (See drawing HD1 above).
16. Details have been formally submitted by the Applicant which show a two-weighbridge facility, a weighbridge office and site office accommodation which are consistent with the locations indicated on the approved site layout plan OP/4 above. The applicants accept that the access must be constructed in accordance with drawing HD1.
17. However, notwithstanding the condition requires the submission of weighbridge/office details only (in accordance with the approved site layout plan), Sellindge and Lympne Parish Councils continue to raise concerns in relation to what in their view would be operational difficulties. They consider that in their view given the weighbridge appears to operate with a single operator, one person operating such a system may have some difficulty *'keeping up'* during busy periods which could result in vehicles queuing towards or along the A20. They further state that to avoid this situation, which in their view, could be dangerous, *'a policy needs to be put in place to ensure that all incoming vehicles have priority over outgoing lorries'*.
18. Highway matters were well rehearsed and considered in detail at the planning application stage. The Applicants have however, sought to assure the Parish Council that given the potential risk associated with this they intend to operate the weighbridge at all times in order to prevent delays of vehicles arriving on site. They further state that under no circumstances do they envisage vehicles causing risk to other users of the A20 and that it is standard practice in waste management and construction sectors to ensure that there is sufficient parking within the site to accommodate such an unlikely event. Having consulted on the site layout and highway details with Kent Highway Services on the original planning application, they were satisfied that the site layout details, access arrangement and weighbridge facilities were sufficiently placed to avoid queuing vehicles and subsequent impact on the A20. The access arrangements were designed to address the original concerns of local residents and the Highway Authority remains of the view that the highway position has not altered from that permitted by Members in 2011. They further advise that given there are separate weighbridges for entry and exit, in their view there continues to be more than enough capacity to deal with the anticipated vehicle numbers. On this basis I remain satisfied that the proposal remains acceptable in highway safety terms and that the details of the weighbridges and office facilities can be formally approved as satisfying condition (7) of the planning permission and thereafter be implemented as approved.

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Landscaping

19. A condition was imposed on planning permission SH/08/124 which reads as follows:

Condition 34

*“Prior to the commencement of the development hereby permitted, details of a landscaping scheme, including hard surfaced landscaping, based on the principles set out in drawing number OP/11 ‘Proposed Landscape Layout’, shall be submitted to the Waste Planning Authority for approval. Details shall include, amongst other matters, the following:*

- *The existing trees, shrubs and hedges to be retained and the measures to be taken to provide for the protection thereof during the works hereby permitted;*
- *All trees, shrubs and hedges proposed to be removed;*
- *The provision of new trees, shrubs, hedges and grassed areas, together with the details of the species and method of planting to be adopted;*
- *Details of ground preparation bunds of the bunds to be planted and the ongoing maintenance proposed;*
- *Additional planting details for the western boundary (as agreed in SLR email dated 2 March 2011);*
- *Proposed native tree and shrub planting, including foraging areas for badgers;*
- *Replacement planting, on the eastern boundary, in the event that any trees are lost;*
- *A programme of maintenance for a period of not less than 5 years*

*and upon approval of such scheme shall be implemented as approved by the Waste planning Authority within the first planting season following the completion of the development hereby permitted.”*

20. At the Planning Applications Committee meeting in March 2011, having regard to the officer report Members supported the imposition of a planning condition to secure additional planting and screening measures along with the inclusion of ground preparation works in respect of the bunds to be planted on site, ongoing maintenance and a requirement to replace any trees lost or damaged by the construction of the surface water attenuation pond on the eastern side of the site.
21. The existing site is surrounded by a belt of trees on its northern, southern and eastern boundaries. The applicants carried out a visual appraisal in support of the main planning application and Jacobs, the County Council’s Landscape Advisor was consulted. Whilst it was considered at the time, that some degree of mitigation against the potential visual impact from the development was included by way of site layout and building design (including heights, materials to be used, colour and finish) the applicants also proposed additional mitigation planting. At the time of reporting the main application it was proposed that this would take the form of some strengthening or additional planting by way of mitigation along with some native tree and shrub planting to the west of the site. Approved drawing number OP/11 below sets out in principle the proposed landscape layout.

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**Approved Landscape Drawing OP/11**



22. Details have been formally submitted to the County Council in respect of landscaping and this has been subject to formal consultation with statutory consultees and the SDRA.

23. The SDRAs views are appended in full (Appendix 1) and can be summarised as follows:

- The original officers report makes considerable emphasis on the retention of existing planting as a mechanism for screening the proposed development and mitigating its impact on views from numerous directions. The report appears to accept there would be a small amount of damage from the construction of the attenuation pond.
- The scheme as proposed, with the construction of the finished product building and the A.D. plant building and the formation of the attenuation pond along the eastern side of the site must entail the near total removal of the existing band and the removal of existing tree belt. A very similar situation occurs along the northern boundary of the site, In part arising from the
- construction of the new highways access.
- The landscape report continues to promote the notion that existing landscape elements will be retained. Whilst we would except that along the northern and

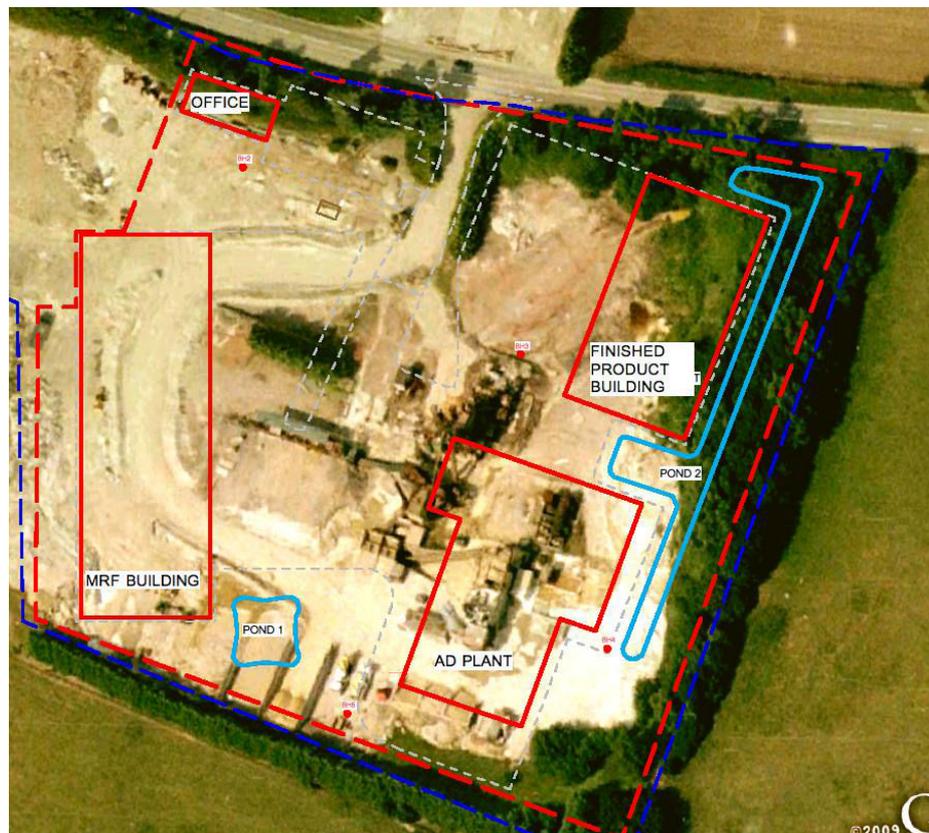
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eastern boundaries of the site there are few if any trees that would individually be accorded any significant status, The group value of the trees is immense and of considerable importance.

- Sellindge Parish Council has previously noted that there has been no tree survey carried out or published covering the existing perimeter planting. No adequate levels survey beyond the central portion of the site therefore it is impossible to properly evaluate the impact of the construction necessary in the outer zones of the landscape area, let alone the hard landscaped area across the central areas.
- We have no problem with the nature of plant selection proposed within the new and supplementary planting and welcome the concept of a biodiversity area apply to the western section. We assume in this area that the land will be level and presumably improved to support plant growth.
- Condition 34 in the approval notice sets out in eight bullet points the issues required to be addressed to satisfy as a minimum the administrative aspects of this part of the approval.
- The submission fails to detail the existing trees shrubs and hedges to be retained, and fails to identify trees shrubs and hedges proposed to be removed. The absence of a level survey or tree survey across the relevant areas along the boundary areas perimeter signifies this beyond any doubt.
- As a consequence we consider that it is not possible for this condition to be considered discharged at this point in time based on the information provided.
- Should this condition be discharged under the present circumstances the consequence would be the exposure of the proposed development to clear view from all compass directions.
- Just to clarify the area of concern this is an aerial photograph with the main components of the development overlaid. The impact on the boundary planting is all too clear from this. When you add into this the issue of levels and ground topography the significance is even greater.

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Photograph (and annotations) provided by the SDRA

24. Having consulted with the County Councils Landscape Officer on the submitted landscaping details, whilst it was accepted that the overall plan submitted was sufficient the following comments were received:

*“The overall plan is sufficient, however – we would expect to see any landscape management plan, landscaping plan or LVIA make use of/be informed by, the relevant landscape character assessment(s) (LCA). This would ensure the proposals, whilst offering appropriate screening, adding to the amenity of the site and providing ecological enhancement, would also contribute positively to the reinforcement or restoration of appropriate landscape character.*

*Fine tuning of the species mix to include more locally appropriate plants would strengthen the Management Plan and is strongly recommended – getting the species right supports character rather than detracting from it. Utilising evidence from the LCA will mean the planting could also reinforce landscape character which is much needed on this site.”*

25. Having had some further dialogue with the Applicants Landscape Architect, a Landscape Management Plan was submitted along with Drawing number KDP/13 rev F (below) which seeks to address the issues of concern and show trees to be removed and retained.

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26. The applicants have clarified that although a detailed tree survey has not been carried out, all the existing planting that can be retained would be retained and would be reinforced with new native screen planting.
27. Trees to be removed along the northern boundary are Leylandii Conifers that are within the visibility splay and in the proposed car park, however they are not native and are considered inappropriate species in this setting. The maximum width of the screen to the north is 14m and the minimum width is 7m.
28. The Applicant's Landscape Architect further clarifies that much of the existing planting along the eastern boundary is also going to be retained which extends to over 7m in width. An additional 3m of new planting would be planted along the edge of the attenuation pond where existing planting would be removed when the pond is formed. The planting extends to over 28m width in the south eastern corner.
29. New planting is proposed around the whole perimeter of the site, which in the applicant's view, provides screening to the development and enhances the biodiversity of the area. They consider that the retained and proposed planting around the perimeter of the site would be sufficient to screen the new development and having consulted with the County Council's own Landscape Officer she is supportive of what is proposed in landscape terms.
30. The SDRA, along with our Landscape Officer were consulted further and whilst my Landscape advisor is satisfied that her comments have been observed and taken on board the SDRA remain concerned and consider that more work is required on this by the applicant if the interests of the community are to be properly protected.
31. The SDRA enclosed with their response the same comments as set out under paragraph 23 above, along with an identical photograph.

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Drawing number KDP/1118/13 rev F



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32. The applicants have submitted landscape details which seek to address condition 34 of the planning permission and have sought to provide a scheme which is based on the principles of the landscape details approved and set out in drawing OP/11. Having regard to the comments of our own landscape advisor who is supportive of the details submitted I am satisfied that notwithstanding concerns raised by other parties over the adequacy of the scheme the applicant has provided the necessary details to demonstrate that the development would not result in any adverse impact on the landscape and I would therefore recommend formal approval of the landscaping details as submitted.

Other Matters

33. As referred to above, the applicants must discharge a number of conditions prior to commencing development on site, in the absence of which the planning permission lapses on 27 March 2014. Conditions covering matters relating to drainage and contamination/remediation works remain unresolved at this time. Whilst details have been submitted by the applicants, there continues to be ongoing dialogue with key consultees on both matters, particularly with the Environment Agency and the County Council's own SUDS (Sustainable Drainage Systems) team/Flood Risk Manager. Those outstanding details are as follows:

*Surface Water Drainage*

34. Condition 12 of planning permission SH/08/12 requires the applicants to submit, for approval, a surface water drainage scheme which should ensure that the surface water run-off from the site is limited to 5 litres per second to either a maintained sealed drainage system or to a watercourse that discharges unimpeded to the East Stour;

*Site Contamination, remediation and monitoring*

35. Conditions 14-17 of planning permission SH/08/124 requires the applicant to submit a scheme to deal with the risks associated with contamination of the site to the Waste Planning Authority for approval and which should cover, amongst other matters, a preliminary risk assessment, a site investigation scheme, verification report and any necessary remediation report.
36. Whilst the County Council are not yet in a position to formally discharge these conditions I would wish to avoid any unnecessary delay in issuing any formal approval in the event that the applicant is able to satisfactorily address those outstanding issues raised by the relevant statutory consultees and that no new material objections are received. Under such circumstances I would seek Members' approval that I be given authorisation to issue a decision under officer delegated powers without the need to first report back formally to this Committee.

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**Recommendation**

37. I RECOMMEND that:

- A) APPROVAL BE GIVEN to the details submitted pursuant to conditions (7) and (34) of planning permission SH/08/124, and
- B) I BE GIVEN AUTHORISATION to formally determine any further details submitted pursuant to conditions imposed on planning permission reference SH/08/124 where they do not raise any additional material issues that were not considered during the determination of the original planning permission and subject to no objection being raised by the relevant statutory consultees.

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| Case Officer: Angela Watts |
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| Tel. no. 01622 221059 |
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| Background Documents: see section heading. |
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**APPENDIX 1**

RESIDENTS ASSOCIATION  
VIEWS

**SH/08/124/R7 & 34 – Otterpool Quarry, Ashford Road, Sellindge, Ashford**

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Sellindge and District Residents' Association.

21 February 2014

KCC/SE/0366/2013 (SH/08/124/R34)  
Otterpool Quarry, Ashford Road, Sellindge, Kent, TN25 6DD

**Details pursuant to condition 34 (Landscaping)**

Additional notes and observations objecting to the discharge of this condition.

1. In our original response to the application to discharge of condition number 34 we set out our view that the tree survey and a levels survey around the perimeter of the site was an essential adjunct of the information pack for landscaping. Indeed we consider that such a level survey is an essential adjunct of all elements of the proposed development at Otterpool.
2. In reviewing other documents from the original submission we are reminded of the reasons that drew the conclusion that's a tree survey was unnecessary in the context of the application. We think that it is helpful here to remind you of the issues and to reflect on the different circumstances now extant which support our conclusion that the tree survey is in fact necessary and indeed essential. The issue is referenced in letters between SLR and KCC during 2008, the earliest being 14 March 2008. With that letter SLR provided a drawing and confirmed that "... The existing boundary vegetation will be retained.... and that a tree survey is not therefore required." They also confirmed that the existing earth bund would be retained. This stance was reiterated in their letter to you dated 2 May 2008 together with a further copy of their drawing OP/10. Drawing OP/10 is titled habitat plan and proposed site layout.
3. On the face of it with that information the decision to not insist upon a tree survey would seem reasonable. However, what is now of interest here is that drawing OP/10 does not show any attenuation ponds, particularly along the eastern boundary. In a separate letter from SLR to yourselves dated 1 May 2008, SLR positively confirmed that "... No surface water attenuation pond is our proposed....."
4. Examination of the proposed layout drawings submitted both now and at the time committee took its original decision to grant consent plainly shows that the scheme depends upon attenuation ponds. The environment agency will not permit the use of soak aways or dissipation into the substrates.
5. Because the larger attenuation pond runs along the eastern boundary the idea that the bund would be retained is no longer credible, as the raised ground must be excavated and taken away to form the pond. An obvious adjunct to this is that the trees currently sitting on the bund must also be removed. From this I think you must agree that the original conclusion that a tree survey is unnecessary is no longer supported by the underlying argument.
6. Even now the applicant's broader documentation continues to promote the idea that existing perimeter planting, trees and raised bunds will help to conceal the visual impact of this development. This factor was rated with some significance within correspondence, officers reports, and Councillors' impressions of the scheme and its location when site visits took place during the evaluation period. As I recall these aspects were debated during the committee meeting.
7. It is a little unfortunate that the decision was not revisited within the report to committee on 15 March 2011, but amongst the many issues that were in question at that time it is easy to see how something like this could slip through the net. There is time for this to be addressed now as it remains a very significant issue.

Bob Edden Co-Chairman, Sellindge and District Residents Association  
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Maison Dieu - Stone Hill - Sellindge - Kent - TN25 6EJ Telephone 01303 814235

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Sellindge & District Residents' Association

Re: Condition 34 landscaping

1. In the officers report to committee item 110 it states .....” The application site, as existing, is surrounded by a belt of trees on its northern, southern and eastern boundaries, of which the majority would be retained as part of the proposed development for screening purposes.”
2. The same report continues at several points to make considerable emphasis on the retention of existing planting as a mechanism for screening the proposed development and mitigating its impact on views from numerous directions. The report appears to accept there would be a small amount of damage from the construction of the attenuation pond, but continues to believe that supplementary planting would be sufficient to offset this loss.
3. There can be no doubt whatsoever that the scheme as proposed, with the construction of the finished product building and the A.D. plant building and the formation of the attenuation pond along the eastern side of the site must entail the near total removal of the existing band and the removal of existing tree belt. A very similar situation occurs along the northern boundary of the site, in part arising from the construction of the new highways access.
4. Despite this the landscape report continues to promote the notion that existing landscape elements will be retained. This is completely disingenuous and it is obvious to be the result of making a cursory inspection of the proposed layout and the physical aspects on the site. Whilst we would expect that along the northern and eastern boundaries of the site there are few if any trees that would individually be accorded any significant status, the group value of the trees is immense and of considerable importance.
5. Sellindge Parish Council has previously noted that there has been no tree survey carried out or published covering the existing perimeter planting. Sellindge & District Residents' Association has pointed out on numerous occasions that there is no adequate level survey beyond the central portion of the site and that as a result it is impossible for us, or you, to properly evaluate the impact of the construction necessary in the outer zones of the landscape area, let alone the hard landscaped area across the central areas.
6. We have no problem with the nature of plant selection proposed within the new and supplementary planting and welcome the concept of a biodiversity area apply to the western section of the site outside of the development boundary. We assume in this area that the land will be level and presumably improved to support plant growth.
7. Condition 34 in the approval notice sets out in eight bullet points the issues required to be addressed to satisfy as a minimum the administrative aspects of this part of the approval.
8. In this respect the submission fails to detail the existing trees shrubs and hedges to be retained, and it specifically fails to identify trees shrubs and hedges proposed to be removed. The absence of a level survey or tree survey across the relevant areas along the boundary areas perimeter signifies this beyond any doubt.
9. As a consequence we consider that it is not possible for this condition to be considered discharged at this point in time based on the information provided.
10. Should this condition be discharged under the present circumstances the consequence would be the exposure of the proposed development to clear view from all compass directions.
11. This does not accord with the basis on which the planning committee took its decision, nor does it accord with the assurances given to residents by council officers and members.

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Sellindge & District Residents' Association

12. Just to clarify the area of concern this is an aerial photograph with the main components of the development overlaid. The impact on the boundary planting is all too clear from this. When you add into this the issue of levels and ground topography the significance is even greater.

