

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.

Item C1

Section 73 application for the minor material amendment of planning permission CA/13/2209 to delete the limitation to Canterbury District in condition (8)(ii) and amend the hours of operation in condition (11) at Plots D & E, Lakesview Business Park, Hersden, Nr Canterbury – CA/15/2375 (KCC/CA/0351/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 20 January 2016.

Application by Ling UK Holdings Ltd for Section 73 application for the minor material amendment of planning permission CA/13/2209 to delete the limitation to Canterbury District in condition (8)(ii) and amend the hours of operation in condition (11) at Plots D & E, Lakesview Business Park, Hersden, Nr Canterbury, Kent, CT3 4GP – CA/15/2375 (KCC/CA/0351/2015)

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr A. Marsh

Classification: Unrestricted

Site

1. The 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 dedicated 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 (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. The nearest residential properties are located 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 within the drawings below.
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 CSW16 of the Kent Minerals and Waste Local Plan (draft Kent MWLP) 2013-30 Proposed Main and Additional Modifications (July 2015).

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

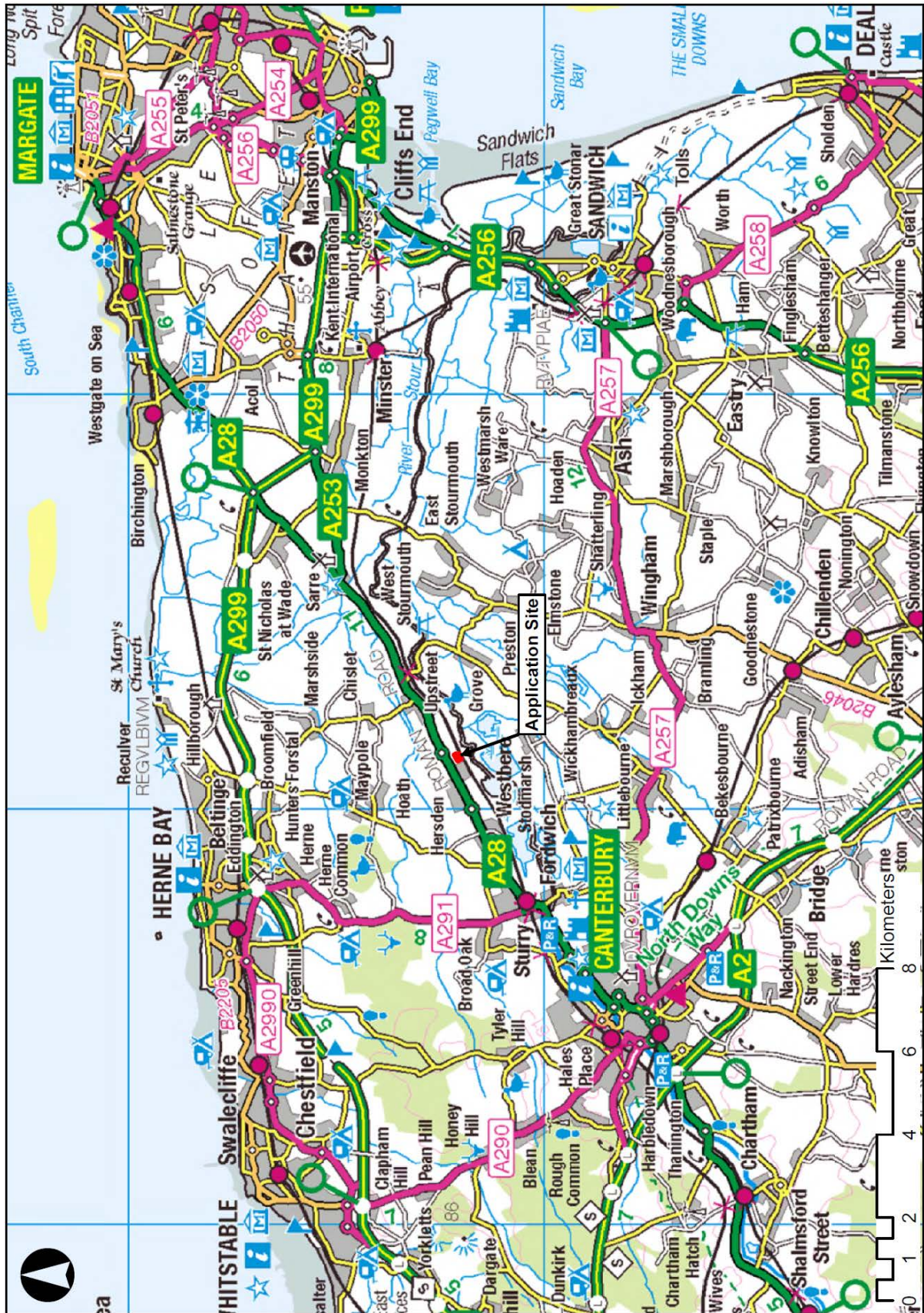
3. Lakesview Business Park is also safeguarded for employment use by Policy ED1 of the Canterbury City Local Plan (2006) and is proposed to be safeguarded for employment use by draft Policy EMP4 of the Canterbury District Local Plan Publication Draft (2014).
4. The application site, which is occupied by Ling (UK) Holdings Ltd following its relocation from Parham Road in Canterbury, is largely covered by a concrete pad. The existing planning permissions allow for the development of a number of independent buildings to house the various waste operations permitted on site as well as office and welfare facilities; not all of the permitted buildings have been constructed to date.
5. 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. The site also accommodates 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 completion of the approved development on site. An area in the north-west corner of the site has yet to be surfaced and currently contains a large mound of surplus soil and construction 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, currently used for vehicle parking, will accommodate the main site office building and associated car parking once completed. The development benefits from significant areas of open yard space for the manoeuvring and the temporary parking of vehicles within the site.
6. 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 divisions to provide “push-walls” (between 3 and 3.5m high).

Background

7. 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 roundabout that 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).

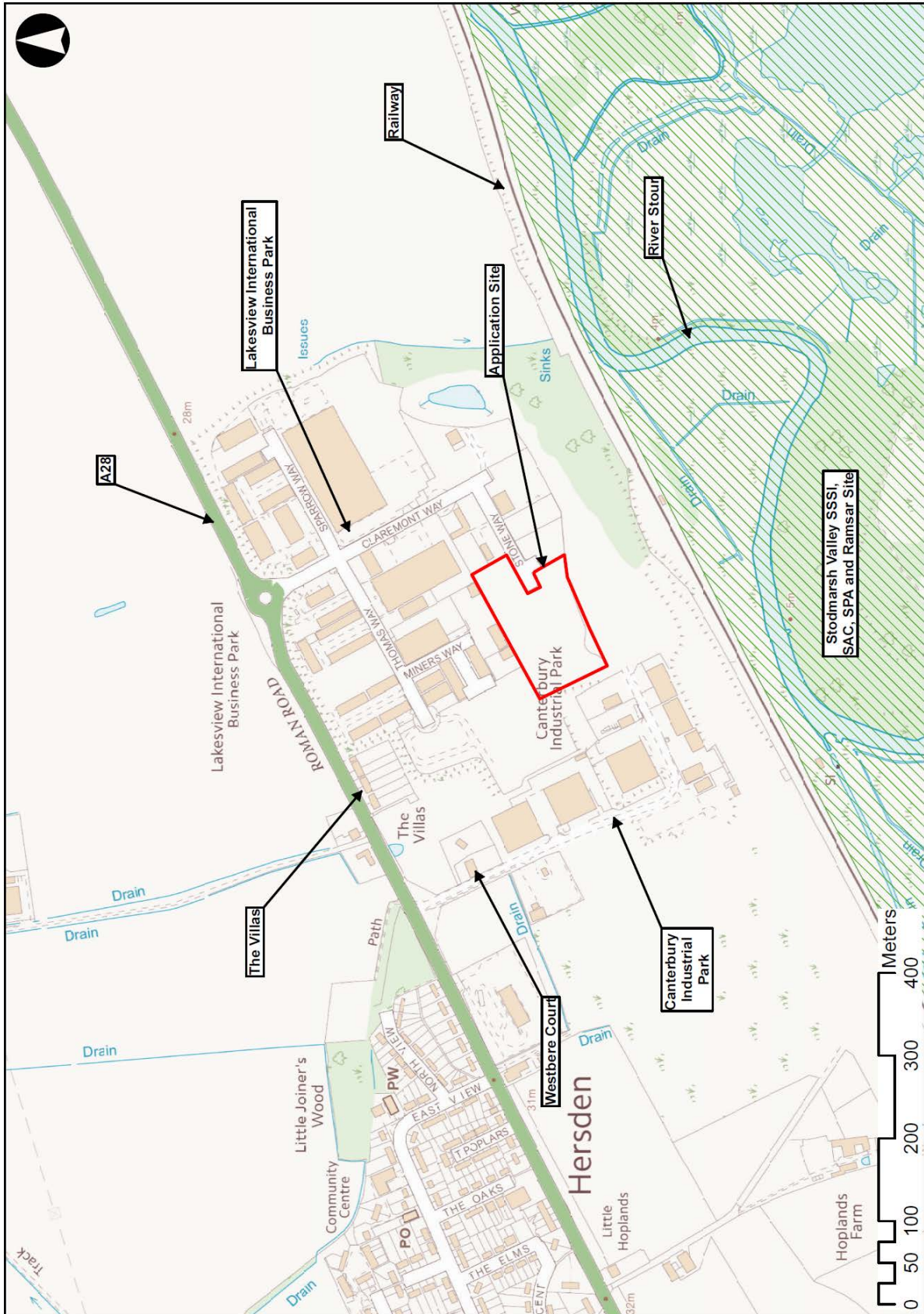
Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden - CA/15/2375 (KCC/CA/0351/2015)

General Location Plan



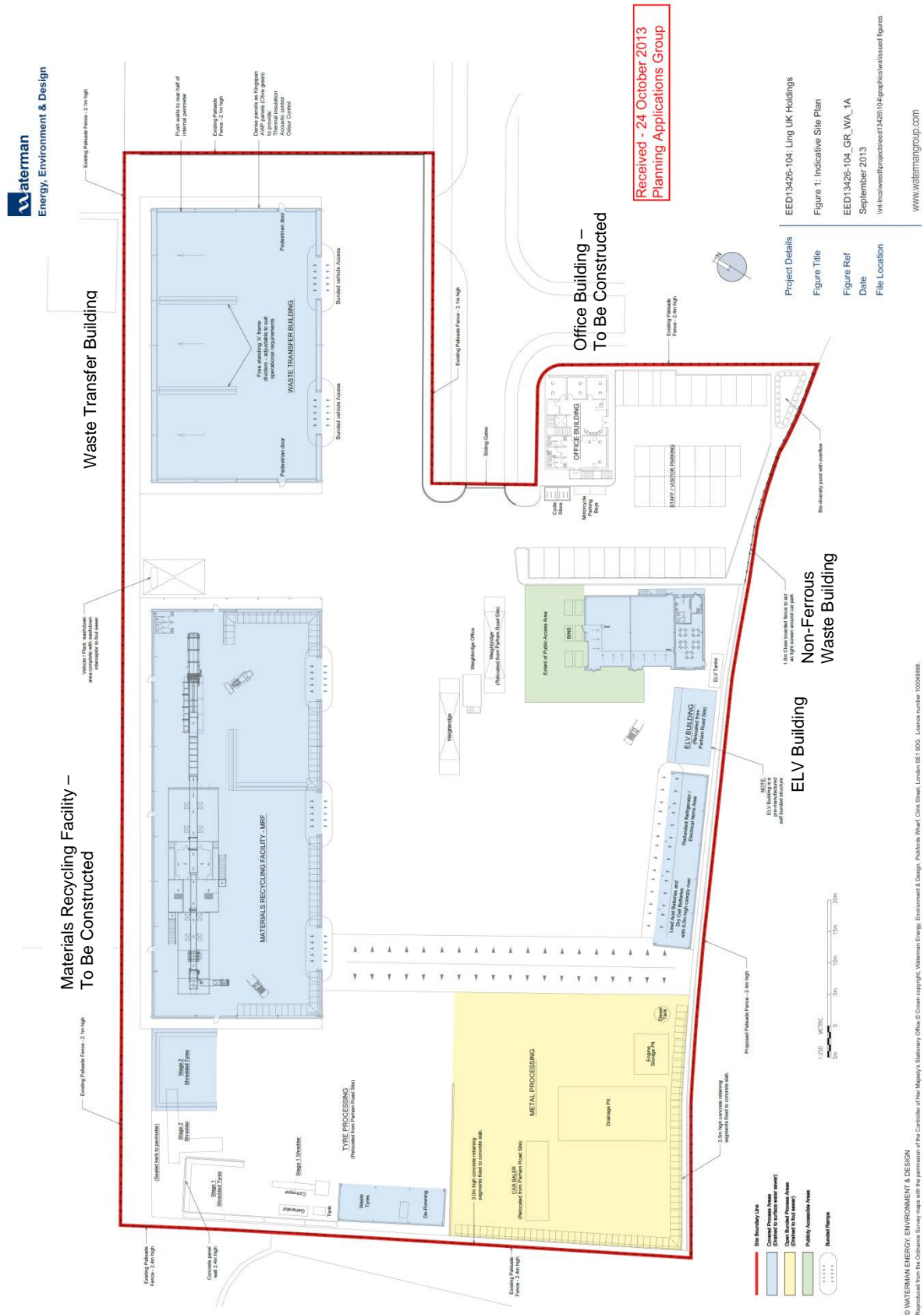
Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden - CA/15/2375 (KCC/CA/0351/2015)

Site Location Plan



Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden - CA/15/2375 (KCC/CA/0351/2015)

Approved Site Layout Plan (Included For Reference Purposes Only)



Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

8. 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 2009 permission (which contained 27 conditions) was intended to enable the applicant to relocate its metals recycling business from its former 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.
9. 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.
10. Planning permission (CA/13/18) was granted to allow a change of use of the waste facility to allow all of the waste streams mentioned above plus 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. 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 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 wash-down area, foul drainage and a cesspool).
11. 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.
12. Planning permission (CA/13/2209) was granted to amend 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

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

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 (established) 82,000 tonnes per annum limit previously imposed on the site. Planning permission (CA/13/2209) was granted on 17 February 2014, following a resolution from the County Council's Planning Applications Committee on 12 February 2014.

13. The key controls imposed on permission (CA/13/2209) include (amongst other matters):-

- The permitted waste types, including batteries, end of life vehicles (ELV), scrap metal, tyres, electrical waste (including fridges), dry recyclables (from commercial and industrial sources), domestic ("black bag") waste, source-separated food waste, separately collected fractions (excluding green / garden waste) and bulky domestic waste from within the Canterbury District and municipal wastes, arising only from commercial, industrial and institutional sources
- A maximum volume of waste permitted to enter the site for treatment, processing or recycling of 82,000 tonnes per annum (tpa) of which no more than 58,000tpa may be domestic ("black bag") waste, source-separated food waste, separately collected fractions, bulky domestic waste or municipal waste, arising only from commercial, industrial and institutional sources;
- 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;
- Abandoned vehicles can only be delivered and off-loaded at the site between 07:00 and 23:00 hours;
- Domestic ("black bag") waste, source separated food waste, bulked domestic waste and similar municipal waste shall only be deposited, handled, stored and transferred within the Waste Transfer Building;
- Noise from fixed and mobile plant to not exceed 52dB at residential properties;
- Provision of an odour suppression system within the Waste Transfer Building;
- Domestic ("Black Bag") waste to be removed from site within 48 hours; and
- Implementation of a foul and surface water drainage scheme.

Proposal

14. The application proposes the variation of conditions (8)(ii) and (11) of planning permission CA/13/2209.

15. Under condition (8)(ii) of CA/13/2209 the site is already afforded planning permission to receive domestic ("black bag") waste, source separated food waste, separately collected fractions (excluding green / garden waste) and bulk domestic waste from within Canterbury District (only). The current application seeks to vary this condition to allow domestic waste to be received from areas both within and from outside Canterbury

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

District; allowing the site to receive domestic waste arisings from a wider area, including the districts of Thanet, Dover and Shepway.

16. Condition (11) controls the timing of operations associated with the receipt, handling and export of the above-mentioned waste streams on-site and similar wastes from municipal sources to between 0700 to 1800 hours Monday to Friday, 0700 to 1300 on Saturdays with no operations on Saturday afternoon and Sundays. The application proposes a minor variation to these controls to allow the above operations to take place on a Saturday afternoon up to 1700 hours on any Saturday immediately following a Public Bank Holiday. The flexibility to operate the domestic and municipal waste facilities on occasional Saturday afternoons is proposed to meet the requirements of a Kent County Council Waste Disposal Authority contract to allow for any exceptional service demands during busy collection periods.

17. Conditions (8) and (11) of planning permission CA/13/2209 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;
- (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.

(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, separately collected fractions, bulky domestic waste and similar wastes from municipal sources 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.

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

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

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

- (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; 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.

- (11) Unless otherwise approved beforehand in writing by the Waste Planning Authority, operations associated with the receipt, handling and export of waste types and sources specified in conditions (8)(ii) and (8)(iii) 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; and

following a Public Bank Holiday on Saturday afternoons up to 17:00 hours.

No operations shall take place on Saturday afternoons following a Public Bank Holiday unless the applicant has notified the Waste Planning Authority of the intention to be open. The applicant shall confirm such notification by email, fax or letter.

No operations shall take place on 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.

19. The applicant states that the existing permissions do not prevent the operation of the site on Public / Bank Holidays and notes that the operating hours for other elements of the permitted waste uses on-site already allow some Saturday afternoon working. The Saturday afternoon working already permitted under the existing permission CA/13/2209 includes the sorting of mixed dry recyclable waste within the Materials Recycling Facility (MRF) (24 hours a day, 7 days a week - under condition (12)(a)); and the delivery of abandoned vehicles (between 0700 to 2300 hours 7 days a week - under condition 12(c)).
20. No changes are proposed to the other conditions imposed on planning permission CA/13/2209, including the controls placed on the maximum volume of waste allowed to enter the site each year and the maximum number of HGV movements each day, amongst other matters.

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

Planning Policy

21. The Government Policy and Guidance and Development Plan Policies summarised below are particularly relevant to the consideration of this application:
22. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012) and the associated Planning Practice Guidance (PPG) and National Planning Policy for Waste (NPPW). National Planning Policy and Guidance are all material planning considerations.
23. **Kent Waste Local Plan (March 1998) (Kent WLP) Saved Policies:** W6 (Need), W7 (Re-use), W9 (Waste Separation and Transfer), W18 (Noise, Dust and Odour), W19 (Water Resources), W20 (Land drainage and flood control), W21 (Nature conservation) and W22 (Road traffic and access).
24. **Canterbury City Local Plan (2006) (Canterbury LP) Saved Policies:** the most relevant saved policies include ED1 (Safeguarding existing employment sites and premises), BE1 (High Quality Design and Sustainable Development), NE1 (Biodiversity), C1 (Transport), C39 (Air Quality), C40 (Potentially Polluting Development), and C41 (Waste Management).
25. **Emerging Policy - Kent Minerals and Waste Local Plan (draft Kent MWLP) 2013-30 Proposed Main and Additional Modifications (July 2015)** – draft Policies include: CSW1 (Sustainable development), CSW2 (Waste hierarchy), CSW4 (Strategy for waste management capacity), CSW6 (Location of non-strategic waste sites), CSW7 (Waste Management for Non-hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable design), DM2 (Environmental and landscape sites of international, national and local importance), DM3 (Ecological impact assessment), DM10 (Water environment), DM11 (Health and amenity), DM12 (Cumulative impact), DM13 (Transportation of Minerals and Waste), DM15 (Safeguarding Transport Infrastructure), DM16 (Information required in support of an application) and DM20 (Ancillary development)¹.
26. **Emerging Policy - 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.
27. **Emerging Policy - Canterbury District Local Plan Publication Draft (2014) (draft Canterbury DLP)** – Draft Policies include: SP1 (Sustainable development), SP7 (Habitat Regulations mitigation measures), EMP4 (Protection of employment sites), T1 (Transport Strategy), CC12 (Water Quality), DBE1 (Sustainable Design and Construction), LB5 (Sites of International Conservation Importance), LB6 (Sites of

¹ An Independent Examination of the Kent Minerals and Waste Local Plan 2013-30 Submission Document (July 2014) was held in April and May 2015. Following discussions with the Inspector and representors throughout the Examination, KCC published major and additional (minor) modifications to the Plan on 17 August 2015. The modifications were subject to an 8 week consultation which ended on 12 October 2015. As a result of this consultation, the Inspector proposed further modifications to the Plan. An 8 week consultation on these further modifications commenced on 8 January 2016. The Inspector's Report will not be published and the Plan not adopted until this process has been completed.

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

Special Scientific Interest), LB7 (Locally Designated Sites), QL11 (Air Quality), QL12 (Potentially Polluting Development) and QL13 (Waste Management and Recycling).

28. **Kent Joint Municipal Waste Management Strategy (April 2007)** – This document is a material consideration and 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

29. **Canterbury City Council:** no response received.

30. **Westbere Parish Council:** objects to the application on the following grounds:

- Concerns about local amenity impacts due to the proposed changes to the hours of use.
- Strong objections to the delivery of additional waste to Westbere. Considers that it should be mandatory to process waste as close as possible to its source as convenient, to reduce traffic congestion, pollution, protect air quality and minimise wasted energy and additional fuel costs.
- Concerns that additional volumes of waste would be received on site following the proposed increase in the potential catchment area, increasing concerns about noise, dust, emissions and unpleasant odours and the potential for impacts on health and well-being of residents and occupants of business units in the vicinity.
- Concerns about additional vehicle movements and the potential for increased congestion on A28, including in terms of traffic travelling from Dover and Shepway via the Sturry level crossing.
- Concerns about the amenity impacts of HGV movements.
- Concerns about poor provision for surface water runoff.
- Concerns about possible adverse effects on the adjacent Stodmarsh SSSI and Ramsar sites.

The Parish Council also requested clarification of the throughput of waste and the number of vehicle movements generated by the permitted operations on site.

31. **Chislet Parish Council:** no response received.

32. **Sturry Parish Council:** no response received.

33. **Environment Agency:** raises no objections to this application.

34. **Kent County Council Highways and Transportation:** raises no objection. Notes the application proposes no increase in the amount of waste processed on site and therefore there would be no impact on vehicle movements to and from the site.

35. **Kent County Council Ecological Advice Service:** raises no objection and confirms it has no comments on the proposed amendments to the existing planning conditions.

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

36. **Kent County Council Waste Management:** supports the principle of the development, indicating that the additional flexibility would help to divert Municipal Solid Waste from landfill to either Allington Energy Waste facility at Maidstone or, in the case of separately collected food waste, to specialist processing facilities elsewhere in Kent. This would assist in meeting EU Directives, Government targets and Best Value Performance Indicators. The Hersden location ideally suits the local Waste Collection Authorities (District Councils), insofar as the site is situated strategically within their geographical area of operation. Occasional Saturday afternoon operation (up to 17:00 hours) would help to meet any operational or “back log” issues associated with domestic waste collection.

The Waste Disposal Authority states that in awarding waste contracts, amongst other matters, particular consideration is given to the environmental impact of the proposal, recycling targets set by Government, the operational requirements of the Waste Collection Authorities, the minimisation of traffic and the technical sustainability and deliverability of the proposal.

Local Member

37. The local County Member for Herne and Sturry, Mr Alan Marsh was notified of the application on 30 October 2015.

Publicity

38. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 23 nearby properties.

Representations

39. No letters of representation have been received in response to the above publicity.

Discussion

40. In considering this proposal, regard must be had to the Planning Policy section above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations arising from consultation and publicity.

41. The main issues to be considered are:

- the principle of development / sustainable development / need;
- local amenity (e.g. air quality / odour, noise and health);
- highways and transportation; and
- biodiversity and drainage considerations.

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

Principle of development / sustainable development / need

42. The application site benefits from planning permission as a waste management facility, allowing for the receipt, storage, recycling and transfer of a number of different waste streams (as detailed within the background section above). The permitted waste streams include: batteries; end of life vehicles (ELV); scrap metal; tyres; electrical waste (including fridges); dry recyclables; municipal wastes, arising from commercial, industrial and institutional sources (from both within and outside Canterbury District) and domestic (“black bag”) waste, source-separated food waste and bulky domestic waste (from within the Canterbury District). The site is allocated within the Kent WLP, under Policies W7 and W9, as being suitable in principle for the separation and transfer of waste. The site is also safeguarded by draft Policy CSW16 of the draft Kent MWLP as a permitted waste facility that forms part of the County’s waste infrastructure. Canterbury LP Saved Policy ED1 and draft Canterbury DLP Policy EPM4 seek to protect the site for employment use in support the economic strategy for the District. Amongst other matters, these policies include support for in-situ expansion of existing businesses, provided that there are no significant environmental, amenity, landscape, transport or other adverse impacts.
43. National Policy within the NPPF and NPPW, as well as Policies within the Kent WLP and draft Kent MWLP all support the location of waste management facilities within or adjacent to existing waste sites or within established industrial estates.
44. The NPPF, Policies CSW1 and CSW2 of the draft Kent MWLP and Policy SP1 of the draft Canterbury LP all include a presumption in favour of sustainable development, which includes economic, environmental and social dimensions. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Government guidance indicates that, unless material considerations indicate otherwise, proposals that accord with the development plan should be approved without delay. The NPPW seeks to delivery of sustainable development and resource efficiency, through provision of modern waste infrastructure, associated local employment opportunities and wider climate change benefits by driving waste management up the waste hierarchy. Government Policy seeks to ensure that waste management is considered alongside other spatial planning concerns, recognising the positive contribution that this can make to the development of sustainable communities, helping to secure the re-use and recovery or disposal of waste without endangering human health and without harming the environment.
45. The NPPW requires local Waste Planning Authorities to work collaboratively in groups with other waste planning authorities and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management. Government Policy highlights the need to plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.
46. Policy W6 of the Kent WLP, Policies BE1 and C41 of the Canterbury LP and Policy QL13 of the draft Canterbury DLP all identify the need for the development as a material consideration. Policies CSW4 and CSW7 of the draft Kent MWLP require the development of waste management capacity to manage waste arising in Kent. The

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

Kent Joint Municipal Waste Management Strategy (April 2007) specifically identifies the need to improve the waste transfer station network to facilitate transport of materials to the recycling, composting, treatment, recovery and disposal infrastructure provided across the County. The Strategy recognises that the waste transfer station network delivers reduced environmental impacts, cost-effective and efficient transport, and efficiencies for collection services by facilitating the separation and bulking up of materials close to its source.

47. Whilst the proposed development would not add to the capacity of the waste transfer network, the proposed changes to the controls placed on the existing permissions would improve the flexibility of the site to cater for waste streams arising in east Kent, including the County Council's own waste management contracts. This would be achieved by facilitating the sustainable transfer of waste materials onwards to appropriate treatment and recovery facilities elsewhere in the County and where necessary further afield. I note that KCC Waste Management supports the principle of the development, indicating that the additional flexibility would help to divert Municipal Solid Waste from landfill.
48. Taking account of the broad policy support, the site's allocations within the Development Plan and the permitted waste uses, the proposed development would be considered acceptable in principle, subject to its consideration in the context of other relevant Development Plan Policies, Government Guidance and other material planning considerations. Whilst there is an established need to improve the waste transfer station network to facilitate more sustainable transport of materials, it is not possible to establish whether the proposed development is acceptable or whether it represents sustainable development until all other development plan policies and material considerations have been assessed.

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

49. NPPW requires that new or enhanced waste management facilities should be considered against physical and environmental constraints on development. This includes existing and proposed neighbouring land uses and the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential. Policy W18 of the Kent WLP, Policies CSW6, DM11 and DM12 of the draft Kent MWLP, Policies BE1, CE39, CE40 and C41 of the Canterbury LP and Policies DBE1, QL11, QL12 and QL13 of draft Canterbury DLP all require development that is compatible with existing land uses, that preserves local amenities and include suitable controls on noise, dust, odour and other emissions, amongst other matters.
50. The proposed variation to condition (11) seeks a minor change to extend the permitted hours of operation to allow the receipt, handling and export of domestic waste and municipal wastes (arising only from commercial, industrial and institutional sources) on occasional Saturday afternoons following a Public Bank Holiday (up to 1700 hours). The permitted hours of operation for these waste streams already allows working on Saturday mornings between 0700 and 1300 hours. The proposed amendment would principally involve the delivery of domestic and municipal wastes to the permitted buildings on site. Material would then be sorted and bulked up within the buildings for onward transportation to suitable treatment and processing facilities elsewhere in the County.

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

51. Westbere Parish Council has raised objections to the application on the grounds that, amongst other matters, the proposed development would give rise to local amenity concerns for residents and nearby businesses, including from increased noise, dust, odour and emissions resulting from the proposed changes in the hours of use, additional waste processing and vehicle movements.
52. I note that the existing planning permission already allows for the permitted Materials Recycling Facility (MRF) (yet to be implemented) to operate, and for the delivery of abandoned vehicles, during Saturday afternoons. The proposed variation is being sought to meet the requirements of a Waste Disposal Authority contract, which requires approved transfer stations to include the flexibility to receive waste on occasional Saturday afternoons. This provision is required to allow for exceptional service demands during busy collection periods that follow a Public holiday.
53. For the avoidance of doubt, the existing permissions do not preclude the site from operating on public holidays; this was previously considered and accepted by the Waste Planning Authority and the current application does not represent an opportunity to revisit this issue.
54. In considering the potential impacts of the small change to the hours of operation proposed, it is worth noting that the nearest residential properties are located 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”), on the far side of the Lakesview Industrial Estate. The industrial estate also benefits from a direct access onto the primary road network (A28), which does not require vehicles accessing the estate to travel past residential properties until they are well out onto the main road.
55. The issue of the potential for noise from operations on site was considered in detail as part of the previous applications, including other permitted operations that could take place beyond the standard hours and during Saturday afternoons. The existing permissions include controls that seek to ensure noise attributable to the operation of plant and machinery on site is maintained at an acceptable level and does not exceed 52dB at any residential property.
56. Taking account of the distance to the nearest sensitive receptors, the intervening uses within the industrial estate, the level of activity likely to take place on site during the occasional Saturday afternoons proposed and the existing noise controls, I am satisfied that the minor alterations proposed to the hours of use would not result in a significant change in the noise associated with the development. I recommend that the existing controls, including the noise condition, be re-imposed on any new consent.
57. Westbere Parish Council’s comments concerning the potential for an increase in the impacts from noise, dust, odour and emissions appear to be based on the assumption that there would be an increase in the waste throughput at the site, and a subsequent increase in vehicle movements, associated with this application. For the avoidance of doubt, the proposed development does not seek to change the existing controls imposed on the development, beyond the above-mentioned hours of operation and a change in the catchment for domestic waste sources. The existing controls imposed on CA/13/2209 would largely remain unchanged. These include the nature of the waste

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

materials that could be accepted on-site, the maximum permitted throughput of 82,000 tonnes of waste per year and the maximum number of vehicle movements of 324 HGV movements (162 in and 162 out) each day.

58. The Waste Planning Authority has previously concluded that this level of activity is considered acceptable and the existing planning permissions are subject to a number of conditions that seek to control the permitted development to safeguard local amenities and minimise the impact of the development on the local environment. These conditions include, amongst other matters, the provision of buildings to contain operations on site, the use of fast action doors within the Waste Transfer Building, odour suppression systems, noise controls, dust suppression measures and limits on the length of time putrescible waste can be retained on site. As a waste use, the site is also subject to monitoring and control by the Environment Agency through the Environmental Permitting regime.
59. In response to Westbere Parish Council's enquiry, the applicant has confirmed that the site is currently operating at approximately 50% of the annual tonnage limit and is generating approximately 23% of permitted daily limit on HGV movements. This equates to 41,000 tonnes of waste per year and approximately 74 HGV movements each day (37 in / 37 out). It is understood that this level of activity reflects the fact that limited amounts of domestic and municipal waste has been received on site to date and the general downturn in metal recycling. The extent of activity on site is well within the permitted maximum levels that are there to protect highway safety, local amenities and environment, both in terms of throughput of waste and the number of vehicle movements.
60. Taking the above into consideration, subject to the re-imposition of those conditions relating to noise, odour and dust contained in planning permission CA/13/2209, 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 Government Policy and the relevant Development Plan Policies in terms of local amenity considerations.

Highways and transportation

61. The NPPW requires local authorities to consider the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, seeking when practicable and beneficial to use modes other than road transport.
62. Policy W22 of the Kent WLP requires waste management proposals to be acceptable in terms of highway safety and capacity. Canterbury DLP Policies C1 and C41 and draft Canterbury DLP Policies T1 and QL13 require that the level and environmental impact of vehicular traffic be taken into account when considering the location of development. Draft Policies CSW6 and DM13 of the draft Kent MWLP require waste development to minimise road transport as far as possible. Where there are no practicable alternatives to road transport, the above policies, require development to be well located in relation to Kent's Key Arterial Routes, with safe and appropriate access, ensuring that traffic generated is not detrimental to highway safety nor has an unacceptable impact on highway capacity, the environment or local communities.

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

63. The variation proposed to condition (8) seeks to amend the catchment area for the domestic waste streams that are permitted to be received on site, to allow these types of waste to be received from both within and beyond Canterbury District. This would allow domestic waste to be received from Thanet, Dover and Shepway as necessary. The existing permissions already allow the site to receive end of life vehicles (ELV), scrap metal, batteries, tyres, electrical waste (including fridges), dry recyclables (from commercial and industrial sources) and municipal wastes from an unrestricted catchment area. The proposed application would bring the permitted catchment area for domestic waste in line that permitted for the other waste streams allowed on site.
64. As indicated above the the applicant does not propose to amend the current restriction on the amount of waste that can be received or the maximum number of HGV movements, which would remain at the permitted level 324 movements per day (i.e. a maximum of 162 in / 162 out).
65. I note that Westbere Parish Council has raised concerns about waste from other areas being transported to the site and the changes in the direction of travel that could result from the proposed amendment. The Parish Council consider that waste should be processed as close to its source as convenient.
66. Members will be aware that similar waste transfer sites around the County, including a number located within the Green Belt, are not generally subject to controls on potential waste catchment areas. The catchment of most sites, including the non-domestic waste streams permitted to be received by the application site, are influenced by the market, with fuel costs and time swaying the decision to haul waste in small volumes over longer distances. The provision of transfer stations at strategic locations around the County (such as this site) enables waste to be sorted and bulked up for onward transportation in greater volumes, which represents the most sustainable way of moving waste by road. Whilst it is appropriate for these facilities to be located close to the waste sources, the NPPW makes it clear that facilities will need to serve catchment areas large enough to secure economic viability. For the avoidance of doubt, whilst the waste received at transfer stations is sorted and bulked up, which helps to drive the material up the waste hierarchy towards a more sustainable solution, the transfer station is not the final destination. Final processing and treatment facilities are located elsewhere in the County or further afield in the case of some recyclables.
67. The Local Highways Authority has considered the proposed development and raised no objections to the application, commenting that the application proposes no increase in the permitted volumes of waste that could be received on site and therefore there would be no impact on the permitted maximum number of vehicle movements. It should be noted that the site is well related to the primary road network with direct access onto the A28. The existing planning permissions have established that the permitted number of vehicle movements is acceptable, such that operations on site at the permitted maximum level would not have an unacceptable impact on congestion, highway safety or the local amenity given the surrounding environment and highway network.
68. I note Westbere Parish Council's concern about potential changes in the direction of travel resulting from the proposals and that this would affect congestion at the Sturry level crossing. The current planning permission is not subject to any specific routing arrangements, with vehicles able to approach the site from either direction along the A28. The good access to the primary highway network means that vehicle routing

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

would not be justifiable in this instance. Rather than increase vehicle movements from the west, via the Sturry level crossing, the proposed changes to the catchment for the domestic waste streams are more likely to help balance out the direction of travel for this waste stream and the site in general. The proposed changes would free up waste collection vehicles to approach the site from Thanet and northern parts of Dover District to the east, balancing the movements within the confines of the overall maximum limit (which would remain unchanged). Domestic waste movements from Shepway are highly unlikely given the distances involved and the time required to negotiate Canterbury; material from this part of the County is more likely to be transported to Ashford. Irrespective of the outcome of this application, there would be some logic to any hauler traveling to the site choosing to use the route to the east where possible, as this would avoid the congestion associated with Canterbury and the Sturry level crossing and save time. Taking the above into account, I am not convinced that the proposed development would have a detrimental impact on congestion at the Sturry level crossing.

69. The current planning permission restricts the number of vehicle movements to and from the site to 324 (162 in/162 out) per day and the annual waste throughput on site is to remain at 82,000 tonnes per annum. The suitability of this site and its location has previously received full consideration in terms of highway access and capacity. The applicant states that there would be no change to those restrictions as a result of this proposed variation. On the basis that there would be no increase in vehicle movements to or from the site and that KCC Highways and Transportation has raised no objection to the proposals, I am satisfied that the proposed development would accord with the policies set out above 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.

Other matters

70. The application site lies approximately 200m to the north of the River Stour and associated Stodmarsh Valley Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. The site itself has limited ecological potential. The NPPF, Kent WLP Policies W20 and W21, draft Kent MWLP Policies DM2, DM3 and DM10, Canterbury LP Policy NE1 and draft Canterbury DLP Policies LB5, LB6 and LB7 all require development that protects and conserves the integrity, character, appearance and function of the scientific or nature conservation interests, including sites of international, national and local importance.
71. Westbere Parish Council has raised concerns that the proposed development could have adverse effects on the adjacent Stodmarsh SSSI and Ramsar sites and raises concerns about the provisions for the control surface water runoff on site.
72. The County Council's Ecological Advice Service has considered the application and confirmed that it has no comments to make on the proposed amendments.
73. The Waste Planning Authority has previously concluded that the approved waste management facility would not have a significant impact on the designated sites to the south. Amongst other controls, the planning permissions include an approved foul and surface water drainage scheme that controls the impact of any run-off from the site. On the basis that the application does not propose any to change the nature of the use, the

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

volume or types of waste materials that could be received or any new physical development on site, I am satisfied that the proposals would have no impact on biodiversity or conservation interests beyond the level of activity previously accepted.

74. Given the site would continue to be subject to an Environmental Permit issued by the Environment Agency and as the proposed changes to the waste catchment and hours of use would have no impact on biodiversity interests or the water environment, I am satisfied that the proposed development accords with the above policies and that there is no reason to refuse permission on biodiversity or drainage grounds, subject to the re-imposition of conditions imposed on planning permission CA/13/2209 (updated as necessary).

Conclusion

75. In conclusion, I am of the opinion that, subject to the re-imposition of all other conditions imposed on CA/13/2209, the proposed variations to conditions (8) and (11) would represent sustainable development, would not give rise to any material harm and would accord with relevant Government and Development Plan Policies. I am satisfied that there are no other material considerations that indicate the decision should be made otherwise. I therefore recommend that the proposed minor material amendments to conditions (8) and (11) of permission CA/13/2209 be granted, subject to conditions (as indicated below).

Recommendation

76. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO:

- the re-imposition of all conditions previously imposed on permission CA/13/2209 updated and amended as necessary;
- condition (8) being amended to allow domestic (“black bag”) waste to be received from areas both within and from outside Canterbury District; and
- condition (11) being amended to allow operations on a Saturday afternoon up to 1700 hours on any Saturday following a Public / Bank Holiday.

| | |
|----------------------------|-----------------------|
| Case Officer: James Bickle | Tel. no: 03000 413334 |
|----------------------------|-----------------------|

| |
|---|
| Background Documents: see section heading |
|---|