

## Item C3

Planning Permission: SH/08/124 – Details submitted pursuant to conditions 12, 14, 15, 16, 17 & 34 together with a Section 73 application to vary condition 10, land at Otterpool Quarry, Ashford Road, Sellindge, Ashford (KCC/SH/0095/2015)

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

Details submitted pursuant to conditions 12 (surface water drainage), 14-17 (site contamination and remediation works) & 34 (landscaping) together with a Section 73 Application to vary condition 10 (badger mitigation measures) of planning permission SH/08/124, land at Otterpool Quarry, Ashford Road, Sellindge, Nr Ashford TN25 6DD (MR. 112 365).

Recommendation: Details submitted be Approved and Permission be Granted to vary condition 10.

Local Member: Mrs S Carey

Unrestricted

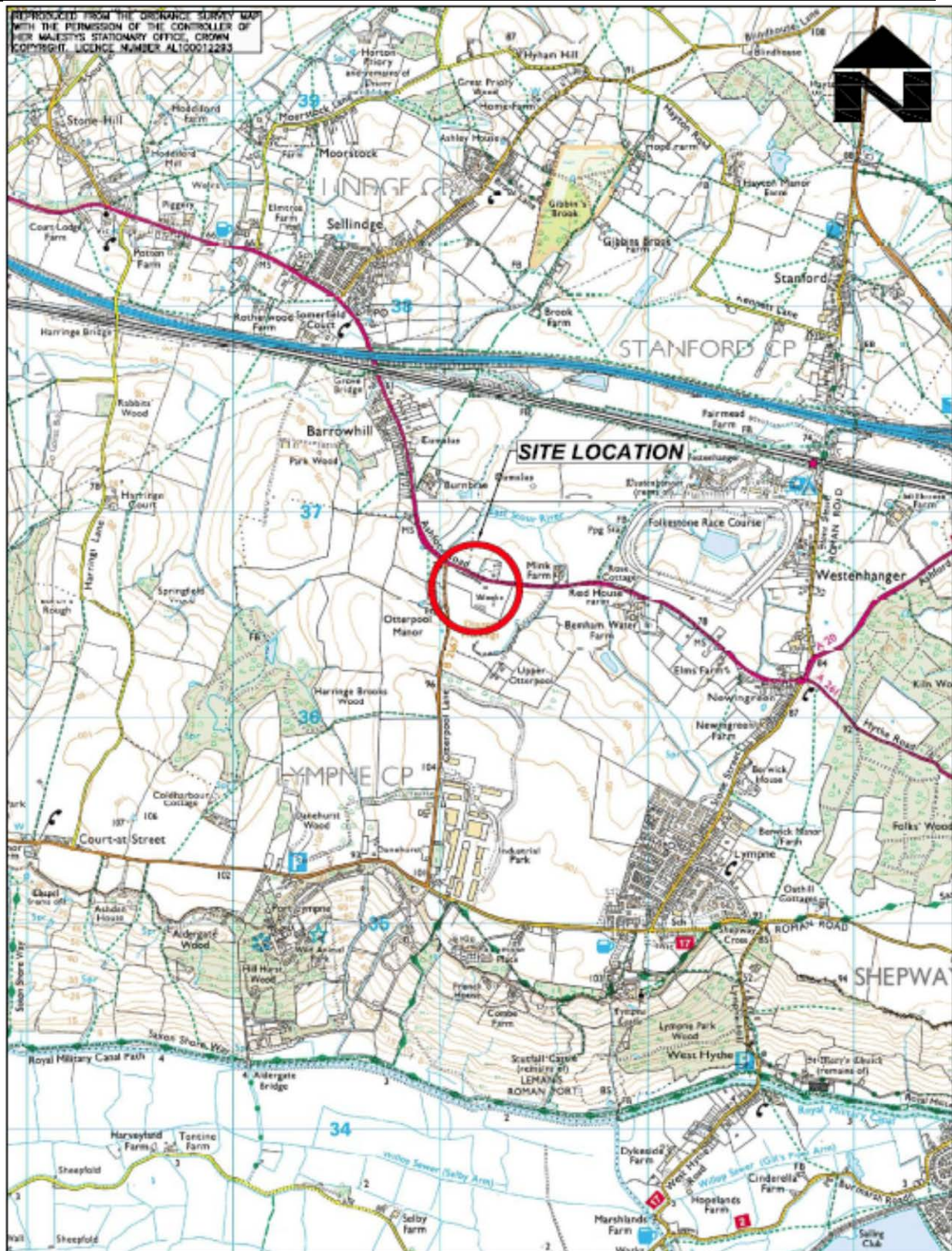
### The Site

1. The site is situated adjacent to the southern side of the A20 located some 1 km distant midway between the villages of Sellindge to the north and Lympne to the south. It is bounded by a SSSI immediately to the east and west. The Kent Downs AONB is some 1.5km to the north east and south of the site 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.
2. The closest properties to the site are the Airport Café, which sits alongside a number of light industrial units permitted by the District Council, 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. To the south of the site is the existing Lympne Industrial Estate.
3. A location plan is included below showing the site in its wider context along with drawing numbers OP/4 and HD1 which illustrate general layout of the site and approved access arrangements onto the A20.

### Background

4. The site is set within a former ragstone quarry where, upon the completion of mineral extraction it was then subject to a number of commercial mineral associated uses which included a Ready Mix Concrete Plant together with an Asphalt Plant. These activities have since ceased with the majority of the site structures being demolished in 2005 and the area left as a brownfield site which had no restoration requirements.

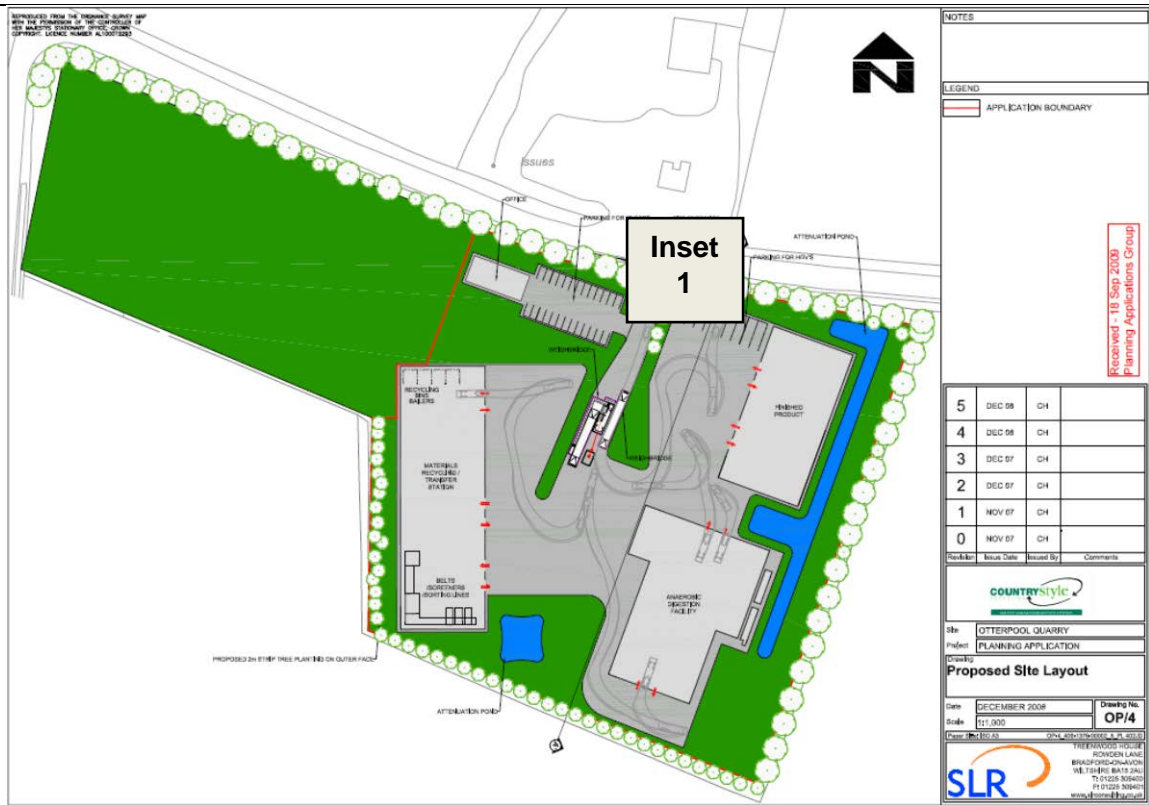
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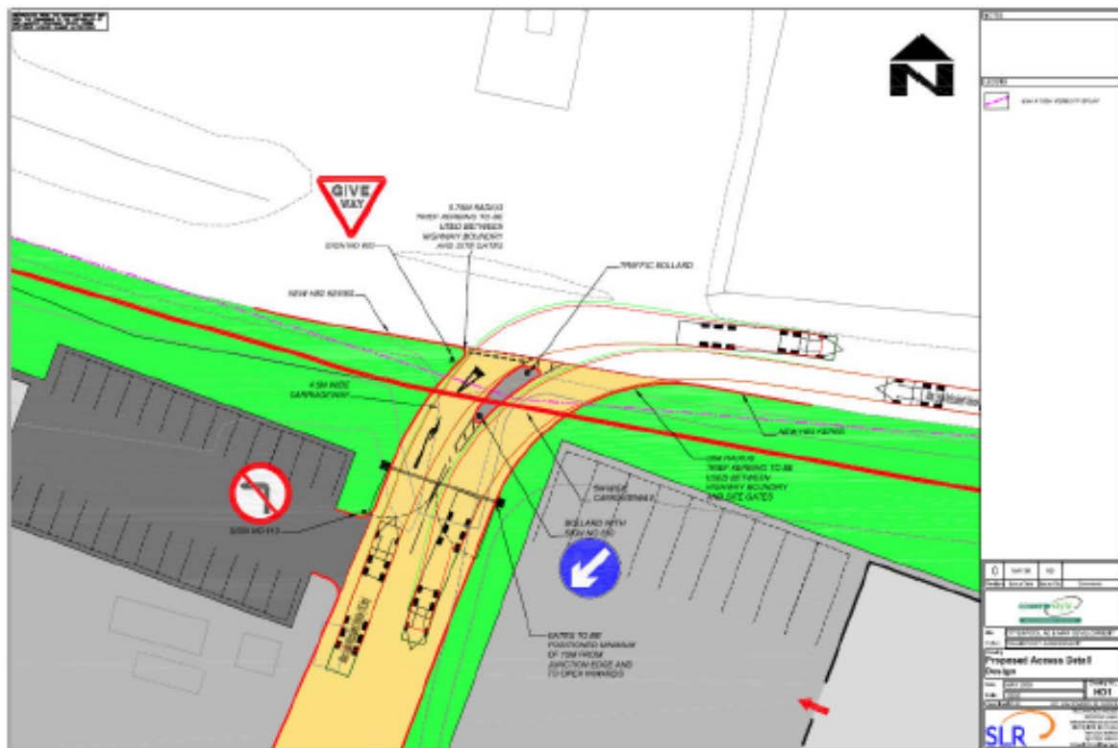
Site Location Plan



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Drawing Number OP/4 – showing the approved general site layout



Inset 1: Approved Drawing Number HD1 – Proposed Access Detail Design

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## Recent Site History

### Planning Applications Committee Meeting 15 March 2011

5. In March 2011 planning permission was granted by the Planning Applications Committee (Ref. SW/08/124) for the construction and operation of a Materials Recycling Facility (MRF), Anaerobic Digestion (AD) Plant and Associated Office and parking facilities (under consent reference SH/08/124) at the Otterpool Quarry site, Ashford Road, Sellindge, Kent. Prior to being permitted the planning application had attracted significant local opposition particularly from the residents of Sellindge Village and the Sellindge and District Residents Association (SDRA) as well as the Sellindge and Lympe Parish Councils. As a result, Members of the Committee attended two site visits and public meetings (in June 2008 and February 2010) which enabled them to hear first-hand the views and concerns of consultees and local residents before they formally determined the application.
6. Having assessed in detail matters relating to, amongst others, site contamination and groundwater pollution, air quality, impacts on the highway, visual impact, ecological matters (including badger mitigation) along with other amenity impacts the officer report concluded the proposed development would be acceptable in this location provided appropriate conditions were imposed to control any adverse impacts. Members subsequently resolved to grant planning permission for the proposed facility subject to the imposition of a number of planning conditions requiring the formal submission and approval of various details, some of which have since been discharged.
7. In order to provide Members with the background to the current proposals and help put into context the manner in which they are being asked to consider them, a summary of what they originally considered and subsequently permitted at their meeting in March 2011 is attached under Appendix A. The decision that Members took established the principle that the development proposed represented an acceptable use of the site in land use planning terms. Therefore in considering these latest details the Committee are not able to consider whether or not permission should be granted for the development itself, but having regard to consultee responses and representations received, whether they are satisfied that sufficient information has been provided to enable the conditions which were imposed on the permission they previously granted to be formally discharged.
8. Meanwhile initial enabling works were undertaken at the beginning of 2014 pursuant to condition 5 of the permission involving the commencement of the construction of the site access. These works effectively legally implemented the permission. However, with the exception of works connected with conditions 14-17 (site contamination and remediation works) no further works can commence on site until such times as the site access improvements have been fully completed and all other outstanding conditions requiring prior approval of details in respect of the remaining development of the site have been formally discharged.

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*Planning Applications Committee Meeting 12 March 2014*

9. In March 2014, in response to objections raised on detailed submissions made pursuant to conditions imposed on the planning permission, Members formal approval was sought in respect of those details submitted pursuant to condition 7 (weighbridge and office facilities) and condition 34 (landscaping). Members authorisation was also sought to allow the Head of Planning Applications Group to formally determine any further details submitted pursuant to those outstanding conditions remaining to be discharged where they did not raise any additional material issues that were not considered during the determination of the original planning permission, and also subject to no objection being raised by the relevant statutory consultees.
10. During their consideration of the submitted details Members raised concerns over what appeared to them to be inconsistencies between the approved drawings specified in the permission relating to site layout and detailed design of the site access compared with how they were then taken into account in the proposed landscaping details. Members were therefore keen to ensure that before any decision was taken on the proposed landscaping details these should not only align with the approved site layout and access details but should also be considered in conjunction with the outstanding drainage and site remediation details which were at that stage yet to be formally submitted for approval. Such concerns also raised doubts over whether when ultimately approving these details they would then potentially compromise measures proposed to protect the interests of badgers, where at the time of the original planning application the findings of a badger survey identified the presence of a seven entrance badger sett in the south east corner of the site. Consequently condition 10 of the permission requires badger mitigation measures to be undertaken in accordance with details submitted with the original application during both the site construction phase and also thereafter during the operation of the site. Such measures include amongst other matters a 30m standoff, non-vibrating piling techniques, a limit on the construction activities to outside the period of January to June (inclusive) during the time when badgers have dependant young and unimpeded access to the site from scavenging badgers.
11. Subsequently whilst Members resolved to approve details for the weighbridge and office facilities pursuant to condition 7, they requested that all remaining details, including those relating to drainage, landscaping and site remediation measures be brought back to them for their joint consideration. This was to ensure that any matters of inconsistency could be properly addressed and that the project could be delivered on site as approved whilst at the same time ensuring the interests of any badgers found present either within or adjoining the site remain protected. The minutes of the meeting held in March 2014 are attached under Appendix B.
12. Since the last report to the Planning Applications Committee in March 2014 the Applicant has taken the opportunity to jointly review and compare his outstanding submissions with those details already approved and has recognised that from the various details previously submitted there were some minor inconsistencies. These inconsistencies arose partly as a result of the time delays between when the various submissions were made which meant that as the project has evolved and consequently been refined in certain areas to address matters raised by consultees

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they no longer fully aligned. Having taken time to revisit the outstanding details, updated drawings in respect of landscaping and site drainage details have been formally submitted such they now properly align with the approved site layout and detailed access improvements and there are therefore no longer any inconsistencies between them. However, as a result it is now necessary to revise the approved badger mitigation measures stipulated under condition 10 which now requires a formal variation to ensure the interests of badgers are properly protected both during site construction and thereafter throughout the operational life of the site.

## Proposals

13. The matters which Members are being asked to formally consider and determine are twofold, namely;
  - a) Details submitted pursuant to conditions 12 (surface water drainage scheme), 14 - 17 (site contamination and remediation works) and 34 (proposed landscaping) of planning permission SH/08/124 and;
  - b) A Section 73 planning application to vary condition 10 of planning permission SH/08/124 to amend the approved badger mitigation measures.

### a) Details:

#### (i) Surface water drainage scheme (condition 12)

14. Condition 12 requires the surface water drainage scheme to be designed in a manner which ensures that the rate of surface water run-off from the site is limited to a maximum of 5 litres per second to either a maintained sealed drainage system or to a watercourse that discharges unimpeded to the East Stour.
15. Since the permission was granted the applicant has obtained the rights from one of the landowners opposite the application site to drain surface water arising from the proposed development across his land unimpeded via a sealed drainage system directly into the East Stour. As a result the applicant has submitted a scheme which makes provision for surface water to be collected from the roofs of the proposed buildings and concrete hardstanding areas via a series of pipework which then discharges into a sealed attenuation pond on site. The diameter of the pipework together with the holding capacity of the pond have been designed sufficient to be able to deal with a 1 in 100 year flood event and which ensures that the volume of surface water run-off from the site can be regulated to meet the maximum discharge rate of 5 litres per second as stipulated under condition 12 of the permission. Details of the site drainage arrangements and attenuation pond are shown below.

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**Drawing number 008 T2: Proposed Site Drainage and Flooding Extent 1 in 100 + CC Storms**

16. In response to the details submitted the Environment Agency have indicated they are satisfied that the level of information provided is sufficient for the condition to be formally discharged provided the County Council’s Flood Risk Team are satisfied with the design of the system. The Flood Risk Team has since confirmed that they are content that the proposed surface water drainage scheme will be satisfactory if the system is sized and functions as proposed. They have also stated that KCC’s formal Land Drainage Consent will be required for any outfall or similar potential obstruction to the flow in the receiving watercourse. The Flood Risk Team have therefore asked that they should be contacted by the applicant to discuss this matter. Should Members be minded to approve these details my intention would therefore be to add this requirement as an informative on the formal decision. Having regard to these consultee comments I consider that the details submitted in respect of proposed surface water drainage are sufficient to satisfy the requirements of condition 12 and would therefore recommend they be formally approved.

**(ii) Site Contamination and remediation Works (conditions 14-17)**

17. The original planning application was accompanied by a Preliminary Contamination Assessment and Generic Risk Assessment upon which the Environment Agency (EA) were formally consulted. The EA accepted that both reports had been written in accordance with the relevant guidance and raised no objection to the development

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subject to the imposition of a number of planning conditions requiring the submission and approval of further details. In summary the details required by those conditions cover the following matters:

- A preliminary risk assessment to identify all previous uses, and potential contaminants;
  - A site investigation scheme;
  - Site investigation results
  - Verification report – demonstrating completion of the works set out in the approved remediation strategy
  - Reports on monitoring, maintenance and any contingency action; and
  - A requirement to submit an amended remediation strategy should any contamination not previously identified on site be found to be present during the development.
18. The applicant submitted a remediation validation report and remediation strategy report as required in late 2013, however at that stage the EA then requested that further information be provided to address the issue of active pollutant linkages to controlled waters and in this respect advised there was therefore a need for the applicant to carry out further detailed site investigation and risk assessment work for submission and their consideration prior to the discharge of these conditions. The EA set out the specific issues needing to be addressed which included identifying the source of contamination which had previously been found present at the site together with options for remediation. As a means of obtaining this information the installation of additional trial pits across the whole site was recommended from which soil samples could then be taken at various depths in order to establish the specific source of contamination. The provision of further groundwater monitoring data in respect of groundwater levels and quality along with calculations of the hydraulic gradient was also required in order to assess the potential risk to offsite sensitive receptors.
19. The additional information requested by the EA was subsequently set out in a supplementary Remediation Validation Report as an update to the original submission. Following the installation of a series of trial pits across the whole site the source of contamination previously detected was identified as being associated with underground fuel distribution pipes located in the vicinity of where the underground fuel tanks associated with the previous uses at the site had been located. The contaminated soils were subsequently removed in order to avoid the risk of pollution to groundwater and also to offsite receptors. Further borehole information also helped established groundwater levels and water quality across the site with provision made for ongoing groundwater monitoring both during site construction and thereafter during the operational life of the site. This is in order to reflect any trends in the data and to assess the need for any further remediation works should these be considered necessary in the event that these show any increase in pollutants above acceptable levels. Upon the receipt of this additional information the EA have raised no objection to the site contamination and remediation works conditions being discharged. Accordingly I would recommend that the details submitted pursuant to conditions 14 – 17 of the permission be formally approved.



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*(iii) Proposed Landscaping scheme (condition 34)*

20. When granting permission to the original planning application Members supported amongst others the imposition of a condition to secure the prior approval of additional planting and screening measures along with ongoing maintenance.
21. The applicant has submitted further landscaping details which, whilst based on the principles of those submitted in support of the original application also now take into account the approved site layout and detailed access improvements along with the need to accommodate the proposed surface water drainage works. The details are shown on drawing number KDP/13 rev H below.
22. Having regard to the comments of the County Council's own landscape advisor who is supportive of the details submitted I am satisfied that the applicant has provided the necessary details to demonstrate that the development would not result in any adverse impact on the landscape and that previous matters of inconsistency with other schemes have been fully addressed. I would therefore recommend formal approval of the landscaping details submitted as satisfying the requirements of condition 34.

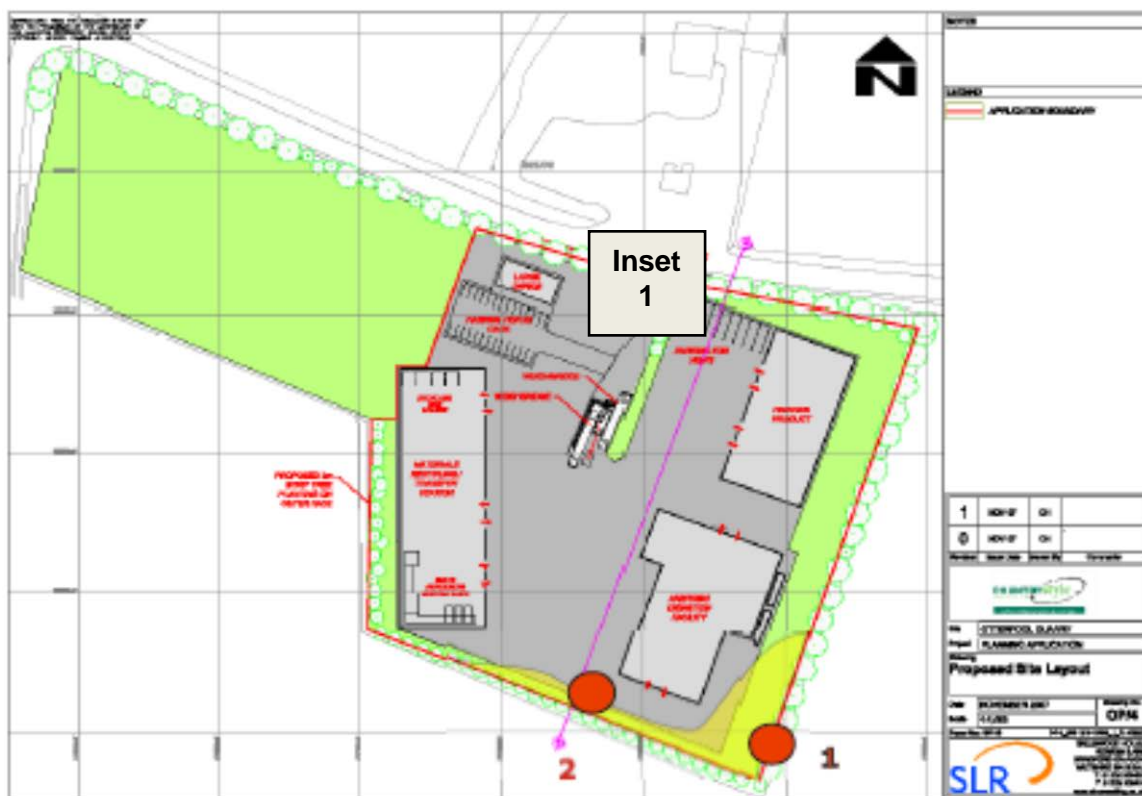


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b) Section 73 planning application to vary condition 10 of planning permission SH/08/124

Badgers

23. At the time of the original planning application the findings of a survey identified a seven entranced badger sett (the main sett) in the south east corner of the site together with a second less significant outlying sett located on the southern site boundary. These are shown on Figure 1 below.



**FIGURE 1: SETT LOCATION AND SURVEY AREA. The two setts are shown as red circles and are numbered. The yellow shaded area shows the approximate extent of the main areas of badger activity on the site.**

24. Whilst the survey considered that the site itself was unlikely to be important for badgers, the Applicant having regard to the 1992 Protection of Badgers Act (The 1992 Act) which protects badgers from disturbance or destruction, proposed mitigation measures to be employed at the site and these were subsequently secured by way of condition 10 of the planning permission. Condition 10 states:

*‘Prior to any construction activities commencing on the site the badger mitigation measures, at both the construction stage and post construction, shall be carried out in accordance with those recommendations set out in the Martin Newcombe report (dated 6 March 2010) and SLR’s letter dated 10 November 2010 which, amongst other*

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*matters, limits construction activities to outside the period of January to June (inclusive) in order to avoid the period in which badgers rear their young ’*

25. The measures and recommendations stipulated under condition 10 met the requirements of both Natural England and the County Council's own Ecologist and sought to ensure that badgers are properly safeguarded during both site construction and the operational stages of the development. These measures include amongst others a 30m standoff, non-vibrating piling techniques, a limit on the construction activities to outside the period of January to June (inclusive) and unimpeded access to the site from scavenging badgers.
26. At the time of reporting details to the March 2014 committee meeting, Members raised concerns over what appeared to them to be inconsistencies between the approved drawings specified in the permission relating to site layout and detailed design of the site access compared with how they were then taken into account in the proposed landscaping details. Members were therefore keen to ensure that before any decision was taken on the proposed landscaping details these should not only align with the approved site layout and access details but should also be considered in conjunction with the outstanding drainage and site remediation details which were at that stage yet to be formally submitted for approval. Such concerns also raised doubts over whether when ultimately approving these details they would then potentially compromise measures proposed to protect the interests of badgers.
27. Since the time of the original planning application the project has further evolved and has been refined to address matters raised by consultees. This has resulted in changes to the proposed site drainage and landscape schemes which as mentioned above has led to queries as to whether the previously agreed badger mitigation measures could still be implemented as approved. The Applicant has subsequently sought further advice from a professional wildlife and countryside consultant, who has since returned to the site firstly in August 2014 and more recently in September 2015 in order to reassess the badger situation and consider whether the original mitigation measures need to be amended. As a result, a number of new mitigation measures have been proposed alongside some of the measures set out in the original application which now requires a formal variation to condition 10.
28. Following the applicant's consultant's reassessment of the measures required to mitigate any adverse impacts on badgers in the light of the latest surface water drainage and landscaping details, he has reached the following conclusions;
  - The site drainage and landscape details provide for a sufficient standoff distance between Sett 1 and its underground tunnels for the sett to be retained. Whilst the bulk of the used entrances of the sett are located on the eastwards facing slope that forms the eastern edge of the site which means that its underground tunnels are well away from any works, as a precautionary measure it is recommended that a licence be obtained under the 1992 Act which makes provision for such works to be carried out under the supervision of a suitably qualified badger expert. *(N.B. no licence will be approved unless the applicant is able to show that all aspects of the work have been considered so the licenced work can take*



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*place at the point of the year (July to November inclusive) when the badgers are least vulnerable).*

- Sett 2 will be lost as a result of the needs for site drainage and will be closed with the benefit of a licence under the 1992 Act. The loss of sett 2 will not be significant provided that sett 1 remains as undisturbed as possible.
  - The approved site security fence will not present a problem to badgers attempting to move through it to access the site. The landscaping plan shows the location of the security fence and it is clear that there is a sufficient standoff between Sett 1 and the foraging area and the location of the fence.
29. In the light of his conclusions a number of new badger mitigation measures are proposed as set out in a letter from Martin Newcombe dated 18 August 2014. These are as follows;
1. Retain Sett 1 without disturbance and protect it by Heras fencing whilst works are proceeding until such time as a permanent security fence for the site has been installed;
  2. No landscape or vegetation management measures to be implemented around Sett 1 (The landscape plan suggest some native hedge planting along the southern boundary of the site but no landscaping measures immediately around the sett);
  3. All earthworks and drainage works in proximity to Sett 1 to be carried out under licence;
  4. Sett 2 to be closed under licence;
  5. All personnel on site to be briefed about the presence of the badger setts, particularly Sett 1 as part of site induction;
  6. The mitigation measures set out in SLRs letter of 10 November 2010 continue to be observed.
30. Accordingly this Section 73 Application seeks to amend condition 10 to read as follows;
- ‘Prior to any construction activities commencing on site the badger mitigation measures, at both the construction stage and post construction, shall be carried out in accordance with those recommendations set out in the Martin Newcombe’s letter dated 18<sup>th</sup> August 2014 and SLR’s letter dated 10<sup>th</sup> November 2010, which amongst other matters, limits construction activities to outside the period of January to June (inclusive) in order to avoid the period in which badgers rear their young’.*

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## Consultations

31. A summary of consultee responses is set out as follows:

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

**Sellindge Parish Council:** The Parish Council concur with the Applicants badger expert and highlight the importance of works being carried out during the appropriate times of the year to avoid disturbance to badgers whilst rearing their young.

**Environment Agency:** No objections are raised in relation to discharging conditions 12 (surface water drainage) or 14-17 (site remediation and contamination measures) of planning permission SH/08/124.

The EA have no comments to make in relation to the landscaping details or variation of badger mitigation measures.

**Landscape Officer:** No comments to make.

**Biodiversity Officer:** No comments to make.

**Natural England:** No response received.

**Southern Water:** No comments to make.

**CPRE:** Two separate letters have been received from CPRE (Protect Kent).

## Details

In CPRE's letter dated 11 April 2014, they initially raised objections to the discharge of conditions 12 (drainage) and 14 and 15 (contamination) on the grounds that inconsistencies remained in relation to this project. In summary concerns were also raised as follows:

- A less than thorough investigation into the potential sources and nature of contamination;
- Lack of clarity on the approach to infiltration of surface water into the ground; and
- Lack of proper consideration of the potentially large quantity of groundwater implied by water levels measured in boreholes across the site.
- They further consider that inconsistencies between the master plan layout, the agreed wildlife strategy, and the landscaping layout remain.

## Section 73 application

In their letter dated 29 April 2015, In relation to the planning application to vary condition 10 of planning permission SH/08/124, which relates to badger mitigation measures, no objection is raised however the CPRE have raised some concern that the badger survey submitted with the original planning application may be outdated and subsequently they consider it probable that the badger population may have changed. They recommend that a site-wide survey be carried out to bring the data up to date.

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**Sellindge and District Residents Association:** Concerns were initially raised over the submitted landscape scheme. Whilst the County Council's landscape officer raised no objection to the scheme at the time of reporting to the March 2014 Planning Applications Committee, Members requested that details of the landscape scheme be deferred to enable it to be considered in conjunction with the drainage and site remediation details to ensure matters of inconsistencies are addressed alongside other outstanding matters be reported back to the Committee. No further comments have since been received in relation to the landscape scheme and no comments have been received in relation to the request to vary condition (10) of permission SH/08/124 which relates to badger mitigation.

#### Local Member

32. The Local County Member, Susan Carey was notified that details submitted in relation to condition (12), (14-17) and (34) had been received on 6 August 2013, 10 October 2013, 6 February 2014, 20 March 2014 and 27 March 2015 along with formal notification of the submission of a section 73 application (variation of badger mitigation) on 27 March 2015. No formal comments have been received to date.

#### Representations

33. Two letters of representation have been received from a local residents, one of whom was representative from the campaign committee set up to oppose the original planning application which questions the validity of the badger surveys given the significant time delay between surveys. The second letter raised matters principally relating to the permitted use already granted by Members.

#### Conclusion

34. I would reiterate that notwithstanding continued local opposition to this development the decision already taken by Members in March 2011 has established the principle that the development proposed represented an accepted use of the site in land use planning terms. Having considered the details submitted in respect of proposed surface water drainage, site contamination and remediation works along with landscaping details, which take into account consultee comments, I am satisfied that when considered together, the details submitted are sufficient to satisfy the requirements of conditions (12), (14)-(17) and (34) and would therefore recommend they be formally approved.
35. With regard to the s73 application, which seeks to revise the approved badger mitigation measures proposed on site (both at the construction and operational stage of the development), in response to the need to address matters of minor inconsistencies to ensure the drawings and details properly align with the approved site layout, the Applicant has undertaken to ensure their interest will continue to be safeguarded. In response to comments received from Protect Kent (CPRE) and the local resident, which relate to the need for updated badger surveys, the Applicants'

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professional wildlife and countryside consultant accepts that the original badger report was outdated given the time lapse between the original application and now. He has since revisited the site in order to reassess the current badger situation and any mitigation measures considered necessary. Those measures, as set out in para 29 above, have been the subject of further consultation with key consultees. The County Council's Biodiversity Officer has raised no objection and no further comments have been received from Protect Kent in relation to this matter. I am therefore satisfied that the wording of condition (10) be amended accordingly (see para 30 above) and that formal permission be granted. I would also recommend an informative to be included on any planning consent which advises the Applicant of the need to obtain a licence under the Protection of Badgers Act 1992 as required.

36. In planning policy terms therefore, as already mentioned in paragraph 7 above, when Members determined the original application they considered, having regard to government guidance together with relevant development plan policies and taking account of consultee comments, that the development represented an acceptable use of the site. Having now considered the details, which have subsequently been submitted pursuant to conditions imposed on the planning permission, I remain satisfied that they continue to ensure the proposal represents an acceptable use of the site and would prevent any adverse effects on site drainage, land contamination, landscaping and ecology. Accordingly I consider the proposals represent a sustainable form of development and are consistent with relevant development plan policies and government policy as set out in the National Planning Policy Framework.

## Recommendation

37. I RECOMMEND that:

- A) APPROVAL BE GIVEN to the details submitted pursuant to conditions (12) (14-17) and (34) of planning permission SH/08/124, and
- B) PERMISSION BE GRANTED under permission reference KCC/SH/0095/2015 to amend the wording of Condition 10 of planning permission SH/08/124 to read as follows:

*“Prior to any construction activities commencing on site the badger mitigation measures, at both the construction stage and post construction, shall be carried out in accordance with those recommendations set out in the Martin Newcombe’s letter dated 18th August 2014 and SLR’s letter dated 10th November 2010, which amongst other matters, limits construction activities to outside the period of January to June (inclusive) in order to avoid the period in which badgers rear their young”.*

Case Officer: Angela Watts	Tel. no. 03000 413476
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Background Documents: see section heading.
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## APPENDIX A

Summary of the proposal as granted under SH/08/124

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 (KCC/SH/0095/2015) – Otterpool Quarry, Ashford Road, Sellindge,  
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Planning Permission SH/08/124

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 along with associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge. A summary of what was permitted is provided below:

Summary

The site, once operational, would deal primarily with a total of 95,000 tonnes per year of commercial and industrial waste derived from the East Kent area (i.e. Ashford, Dover and Shepway). The general site arrangements proposed are shown below.



Approved Site Layout - Drawing OP/4

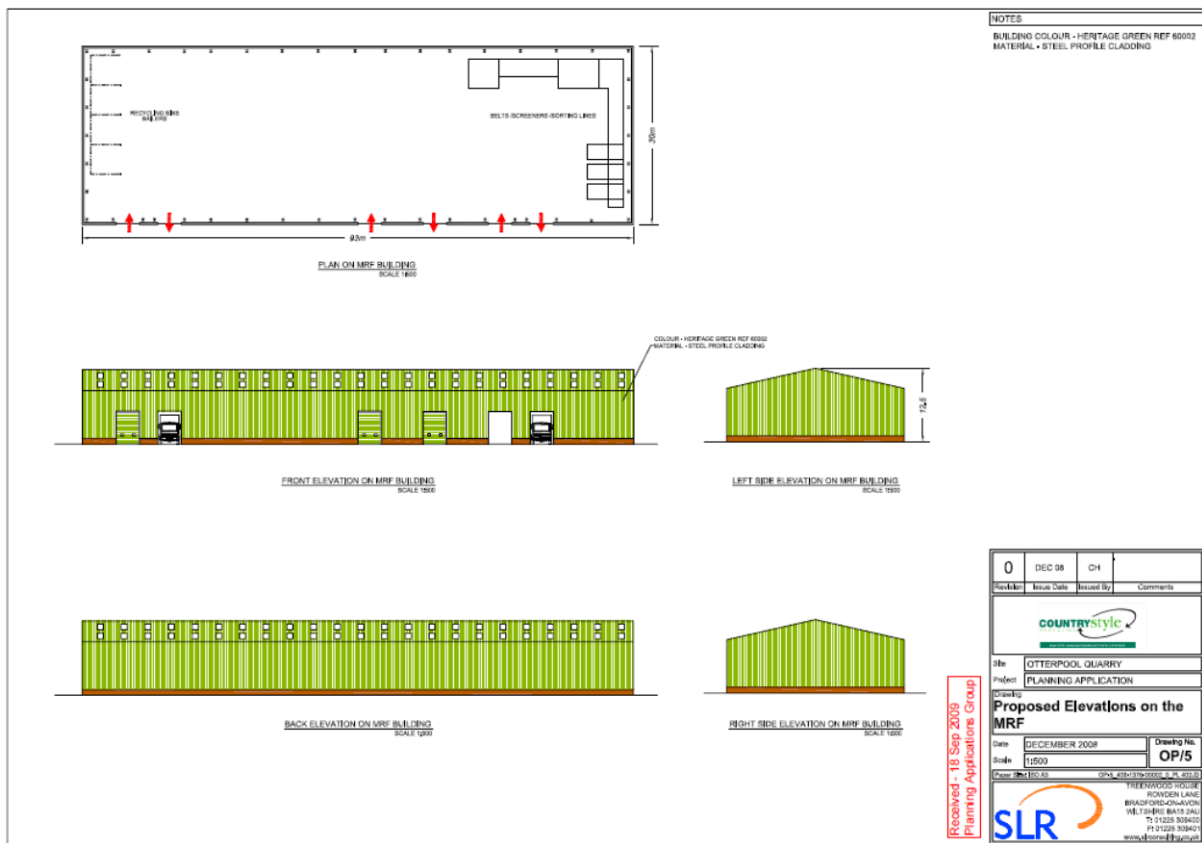
As part of the works, the southern section of the site would be excavated, removing up to 5m of previously made ground. This includes the land in which perched water was identified.

The application was accompanied by an Environmental Statement which covered amongst other matters sections on, surface and foul drainage, impacts on groundwater, visual impact, contamination, transport, air quality, noise, flood risk, ecology, traffic and biodiversity.

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Materials Recycling Facility (MRF)

The MRF would deal with the recovery and treatment of 75,000 tonnes per annum of ‘co-mingled recyclable materials’ being, cardboard, paper, mixed plastics, mixed glass, wood, ferrous and non-ferrous metals, C&D waste, fines and non recoverable waste. Waste would be generated from commercial and industrial waste producers arising from the business sector including trade and commercial business sources. Waste would be processed within a dedicated building measuring 93m by 30m and 12.5m in height which would contain within it a dedicated area at the northern end for recycling bins and to the southern end belts screening and sorting lines (see below). All waste would be handled within the fully enclosed building via a waste reception and processing area. Any external storage of material recovered from the recycling process would be limited to items such as baled metals.



**Approved MRF Elevations - Drawing OP/5**

*Process*

Incoming vehicles would be weighed at the weighbridge and directed to the MRF building where the vehicles would be received by a MRF supervisor. Vehicles would enter the building and tip once the shutter doors have been closed. Material would be tipped in the tipping hall and unwanted large items would be removed manually. Single product streams that only require baling would be placed adjacent to the in-floor conveyor for processing when the space would occur for feeding into the system prior to the baling press. The remaining combined waste would then be processed by a combination of automated and physical selection processes that would, in the applicant’s view, deliver high quality recovered materials for delivery into an appropriate re-processor facility, or in the event of C



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& D and fines waste, forwarded to an aggregate recycling facility in Kent. The principle elements would consist of a trommel screen to take out over size materials, then various conveyor systems through to an elevated picking station which would then take out defined product types and deposit them into separate containers. Ferrous and non-ferrous metals and certain plastics would be selected by using air and magnetic separation equipment. These materials would then be emptied into the baling press conveyor for final baling.

Non-recoverable waste would be forwarded to a suitably licensed disposal facility. All card/paper materials, mixed plastics and ferrous/non-ferrous metals would be baled and forwarded to re-processors in 20 ton payloads in order to reduce outgoing traffic movements. Given the nature of baled materials, all card/paper and mixed plastic bales would be stored within the building in order to prevent any wind-blown litter escaping from the building. Shutter doors would be operated in order to maintain good housekeeping on site and in order to manage any other environmental impacts including odour, dust and noise.

#### Anaerobic Digestion (AD) Plant

The proposed AD plant would accept kitchen and garden waste. The dedicated building would consist of a waste reception hall and feedstock preparation area which would be contained within an enclosed building some 60m by 47m and at 12.5m in height. A single digestion tank and gas utilisation plant is also proposed alongside an enclosed maturation area which would store saleable product derived from the AD plant. Incoming waste would be deposited in the waste reception hall before being moved to the feedstock preparation area whereby the waste would be turned into a slurry. The slurry would then be passed to the single digestion tank where it would be turned into biogas and compost. The biogas would then go to the gas plant where it could then be used to generate some 0.2Megawatts of electricity internally (i.e. to provide power required for associated infrastructure on site) and approximately a further 0.5Megawatts to be sold into the Grid. The compost would be sold on as a soil conditioner. It is proposed that the AD plant would handle some 20,000 tonnes of kitchen and garden waste per annum using a KOMPOGAS installation (which is illustrated in more detail below).

#### *Process*

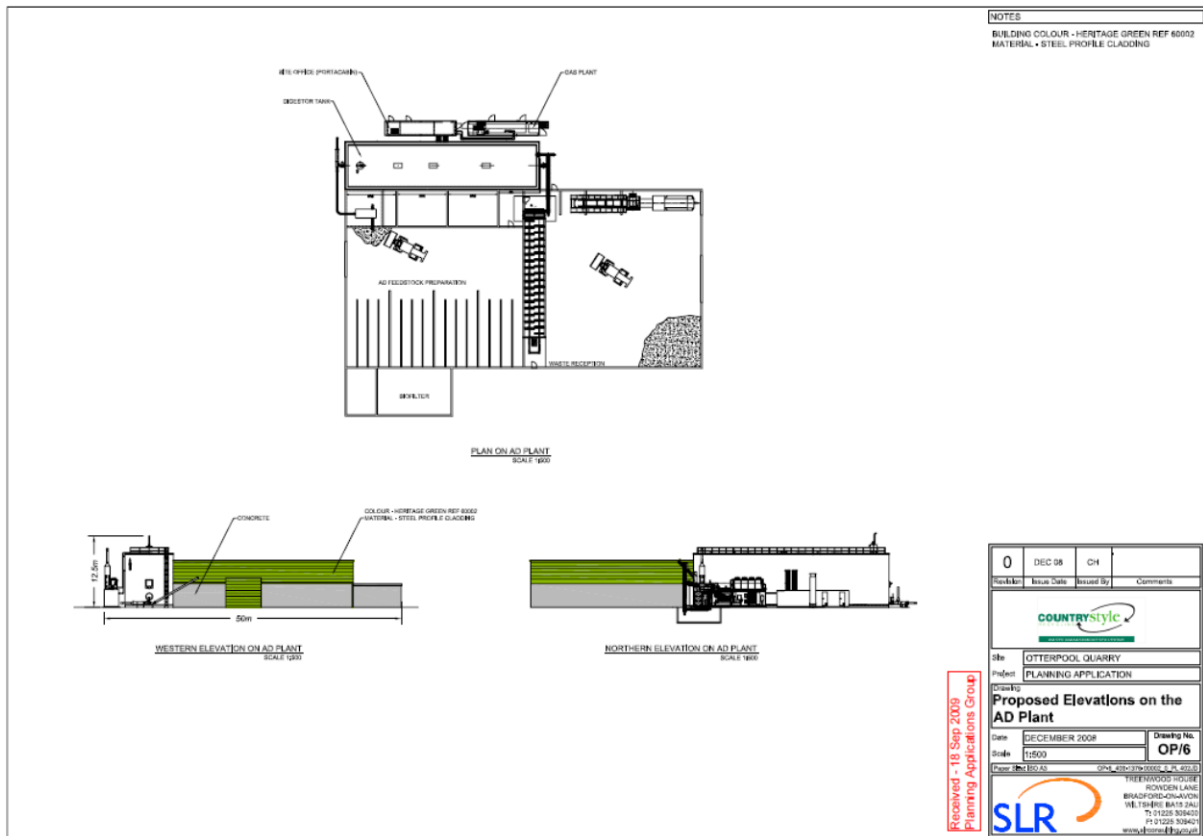
The AD plant would handle kitchen and garden waste separately from the proposed MRF process. Vehicles would enter the AD building and would tip after the reception hall doors are closed behind them. Once tipped the material would be shredded and screened before being transported into the digester feed hopper. Organic material from the feed hopper would be pumped to the fermenter within a fully automatic system. Digestion of waste would take place in the fully sealed and insulated tank. Bacteria use organic material as their food source thereby removing those components with the potential to generate unpleasant odour and releasing biogas. Biogas would be collected from the digester and used in a gas engine for power production.

The applicant states that the fermentation residue would be dewatered into a cake and liquid phase. The liquid phase would be partially recycled and any surplus liquid stored in covered tanks and used as liquid fertiliser. The digestate cake would be laid out in composting rows

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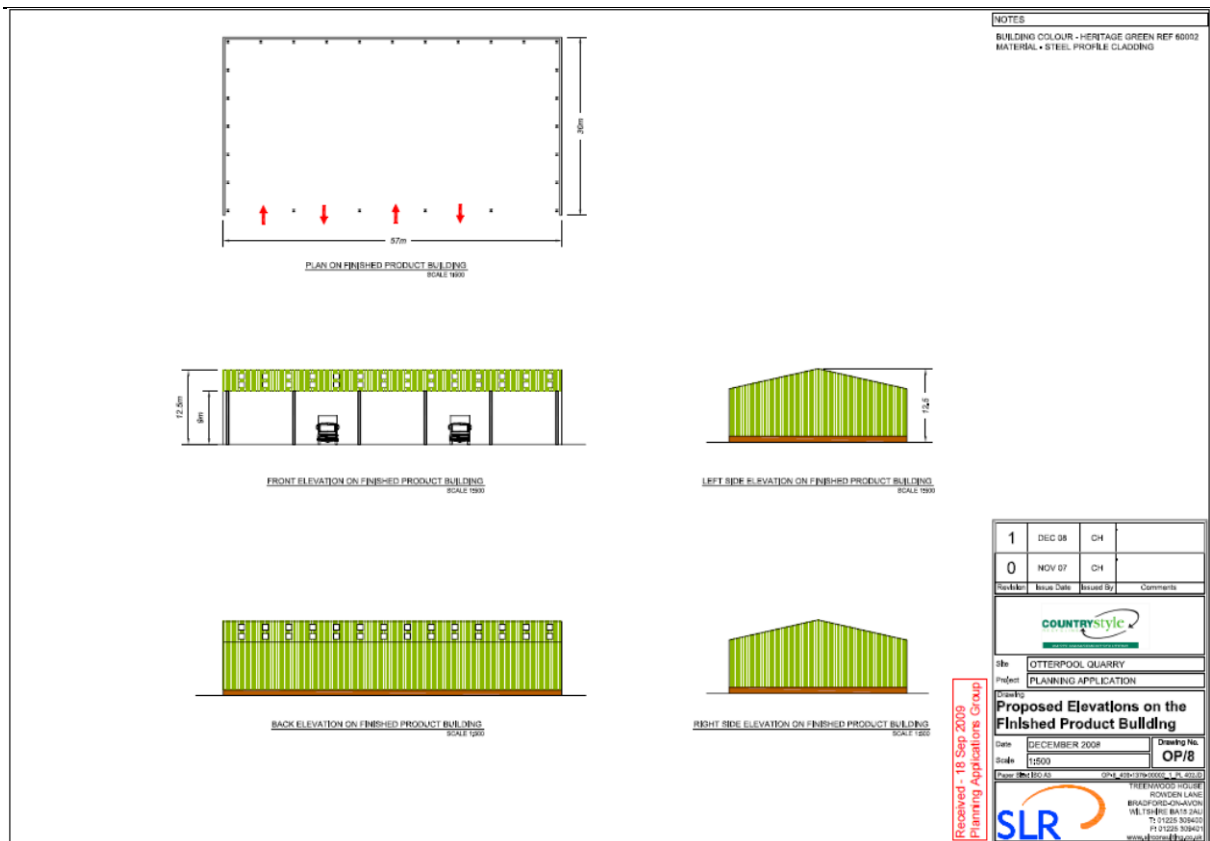
within the enclosed building where active aeration would start a conventional composting process and lead to further stabilisation of remaining organic material. Following aeration of the digestion cake, the compost bacteria level should be low and would then be transported for further maturation in the maturation hall before being relocated to the enclosed maturation area/finished product building.

Given the AD plant is a fully enclosed treatment facility a ventilation system would be required to manage any odour, operator health and safety, dust and particulate emissions. All air from the reception hall would be diverted to a biofilter system.

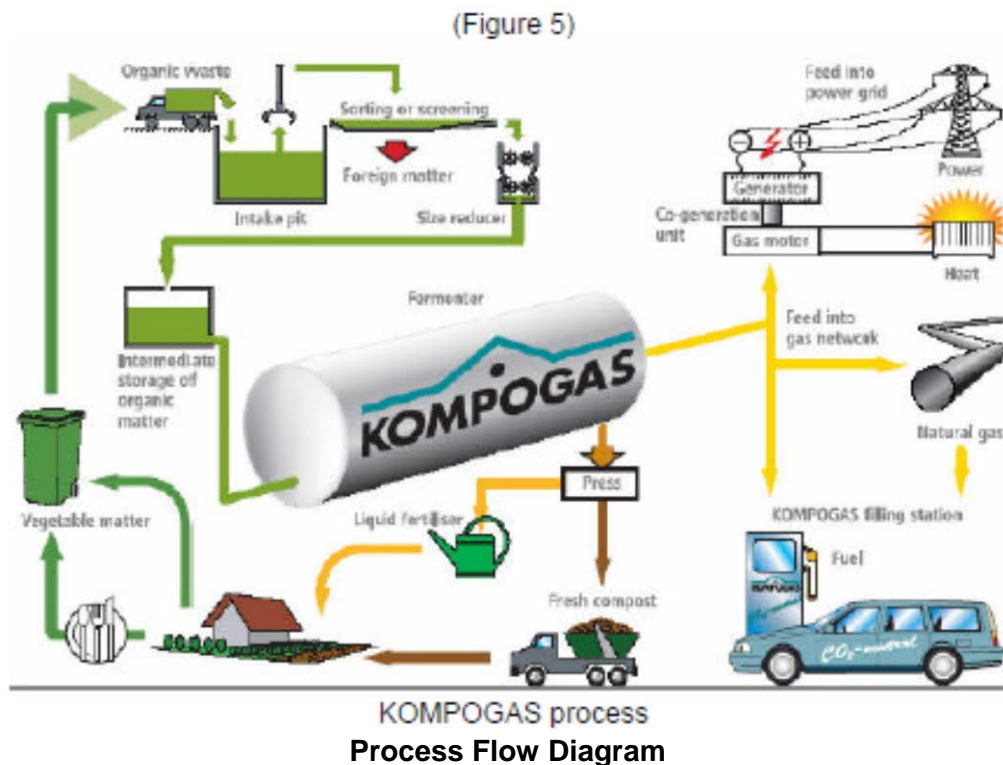


Approved AD Plant Elevations - Drawing OP/6

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Approved Finished Product Building Elevations - Drawing OP/8



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Hours of Operation

Whilst the applicant proposes hours of operation and waste deliveries to the to the MRF and AD Plant, to be between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays (with no working on Saturday afternoons, Sundays or Public Holidays), the AD process plant by its very nature would be operational on a 24 hour basis.

HGV Movements & Access Arrangements

The applicant estimates there would be an average of 152 daily vehicle movements to and from the site with a maximum of 168 during times of peak demand, equating to around 16 movements per hour.

Of the 152 movements proposed the applicant anticipates that 128 of those would be attributed to the MRF and 24 with the AD plant operations. In order to discourage vehicles travelling along the A20 through Sellindge Village vehicles would be encouraged to use what the applicant considers to be the most direct route from the application site via the A20 towards Junction 11 of the M20. In order to facilitate this, the applicant proposes to upgrade the existing access with the intention of encouraging vehicles exiting the site to turn right. Having considered the need to avoid vehicles queuing along the A20 to access the site, the applicant proposes to install separate weighbridge facilities for both incoming and outgoing HGV's which would be set back from the junction bellmouth by some 50m which in the applicants view would sufficiently accommodate queuing vehicles having regard for the proposed capacity of 16 vehicle movements per hour. Vehicle numbers proposed at the construction stage would be some 50 movements (i.e. 25in/25 out).

The planning permission (ref SH/08/124) includes 37 planning conditions covering, amongst other matters waste throughputs; daily vehicle movements; a prohibition on left turning for vehicles exiting the site; the prevention of vehicles queuing on the public highway; contamination risk assessment details; badger mitigation (construction stage and post construction); weighbridge details; access arrangements; access gates and fencing details; signage; code of construction practice; landscaping details; operating hours; noise controls; notification of commencement; a dust and odour Management Plan; and an electricity generation strategy. An informative was requested to be included within the decision setting out the Committee's view that the buildings should be sunk as low into the ground as possible in order to reduce the visual impact of the development.

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## APPENDIX B

Extract taken from the Agreed Minutes of the Planning Applications Committee  
Meeting - March 2014

SH/08/124/R12, 14-17 & 34 & section 73 application (KCC/SH/0095/2015) – Otterpool Quarry, Ashford Road, Sellindge, Ashford

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KENT COUNTY COUNCIL

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**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 12 March 2014.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M Baldock, Mr M A C Balfour, Mrs P Brivio, Mr L Burgess (Substitute for Mr A Terry), Mr I S Chittenden, Mr T Gates, Mr M Heale, Mr P M Harman, Mr P J Homewood, Mr T A Maddison, Mr R J Parry, Mr T L Shonk, Mr C Simkins and Mr J N Wedgbury

ALSO PRESENT: Miss S J Carey

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Principal Planning Officer - Waste Developments), Mr J Crossley (Principal Planning Officer - County Council Development), Mr J Hammond (Strategic Transport and Development Planner), Ms R Childs (Landscape Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

13. Minutes - 12 February 2014  
(Item A3)

RESOLVED that the Minutes of the meeting held on 12 February 2014 are correctly recorded and that they be signed by the Chairman.

14. Site Meetings and Other Meetings  
(Item A4)

The Committee agreed that the site visit to Tunstall School on 25 March 2014 would now be supplemented by a Local Meeting on 9 April 2014.

15. Application SH/08/124/R7 and 34 - Details pursuant to Conditions 7 (weighbridge and office facilities) and 34 (landscaping) of Permission SH/08/124 at Otterpool Quarry, Ashford Road, Sellindge; Countrystyle Recycling Ltd  
(Item C1)

(1) Mr G Horner (CPRE) and Mr R Edden (Sellindge and District Residents Association) addressed the Committee in opposition to the application. Mr S Butler- Gaille (Countrystyle Recycling) spoke in reply on behalf of the applicants.

(2) Miss S J Carey was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(3) The Head of Planning Applications Group reported correspondence from a local resident objecting to the application.

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(4) Mr J N Wedgbury moved, seconded by Mr M Baldock that the recommendation of the Head of Planning Applications Group be agreed in respect of Condition 7 (weighbridge and weighbridge office details) but that consideration of Condition 34 (landscaping) be deferred to enable it to be considered in conjunction with the drainage details in Condition 12 and the site remedial details in Conditions 14 to 17, and that recommendation (b) be deleted.

Carried by 15 votes to 1

(5) Pursuant to Committee Procedure 2.26 (5), the votes cast in respect of the motion set out in (4) above were recorded as follows:-

FOR: Mr J A Davies, M A C Balfour, Mr M Baldock, Mr L Burgess, Mrs P Brivio, Mr I S Chittenden, Mr T Gates, Mr P M Harman, Mr M Heale, Mr P J Homewood, Mr T A Maddison, Mr R J Parry, Mr T L Shonk, Mr C Simkins and Mr J N Wedgbury (15).

AGAINST: Mr C P Smith (1).

(6) RESOLVED that:-

(a) approval be given to the weighbridge and weighbridge office details submitted pursuant to Condition 7; and

(b) consideration of Condition 34 (landscaping) be deferred to enable it to be considered in conjunction with the drainage details in Conditions 12 and the site remedial details in Conditions 14 to 17.

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