

Permanent use of the site as a High Output Operating Base, including the storage and loading onto train of track ballast, maintenance activities and erection of accommodation at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, TN24 0GB – AS/16/1192 (KCC/AS/0208/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2016.

Application by Network Rail Infrastructure Limited for Permanent use of the site as a High Output Operating Base, including the storage and loading onto train of track ballast, maintenance activities and erection of accommodation for the purposes of undertaking ongoing maintenance of the local rail network. Land at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent, TN24 0GB – AS/16/1192 (KCC/AS/0208/2016)

Recommendation: Permission be granted subject to conditions

Local Member: Mr Andrew Wickham

Classification: Unrestricted

## Site and Surroundings

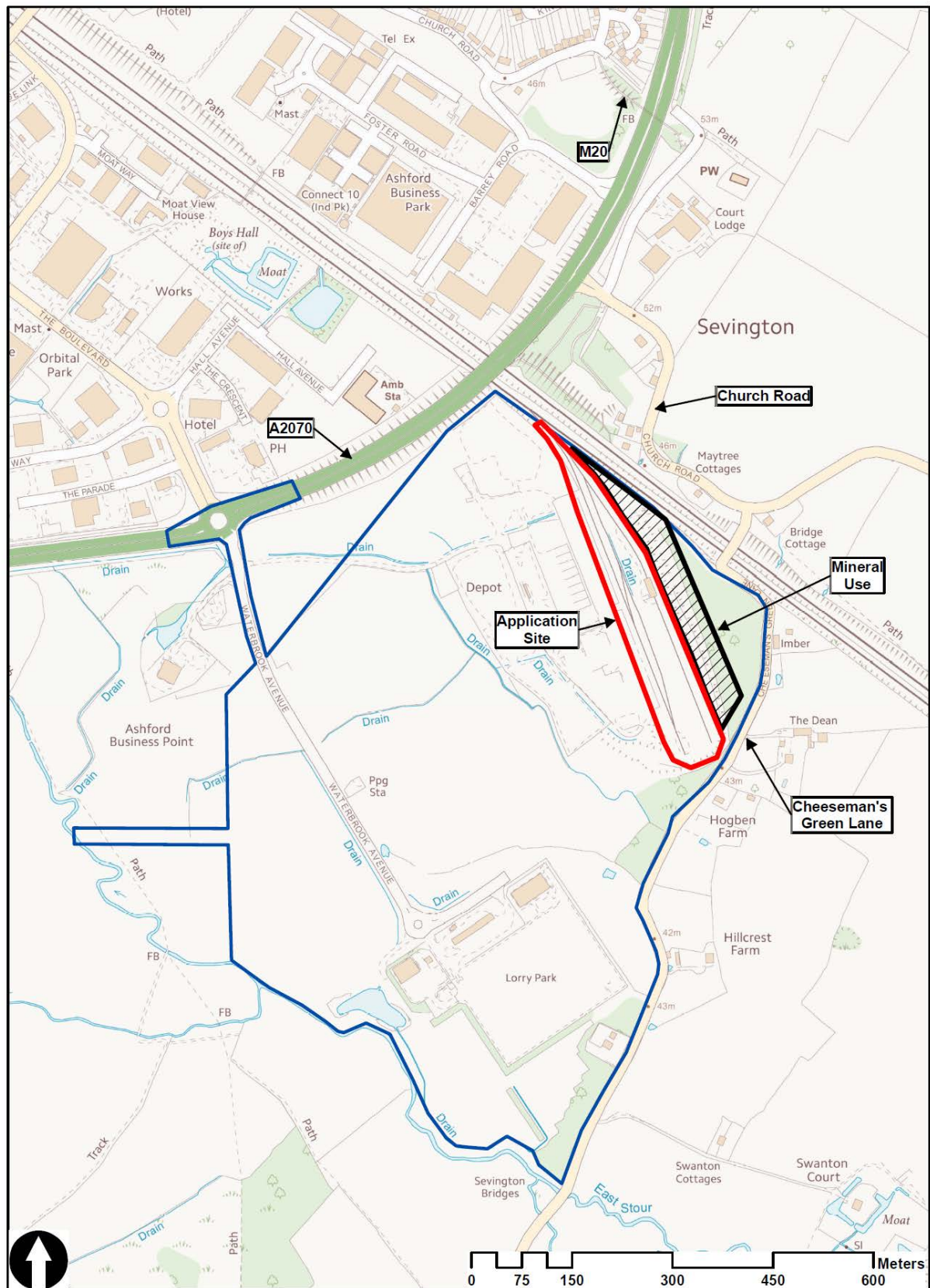
1. The site of some 3.7 hectares lies approximately 3 miles to the south east of Ashford Town Centre and 1 mile south west of junction 10 of the M20. It forms part of the existing railhead which was originally developed in 1987 to provide aggregates and aggregate products for the construction of the Channel Tunnel. The site is accessed off a roundabout on the Southern Orbital Road (A 2070) along Waterbrook Avenue off which a purpose built access road has been built. (See General Location Plan 1)
2. The nearest housing lies some 80 metres off the north eastern and south eastern site boundaries along Church Road and Cheesemans Green Road which are screened from views directly into the site by an existing belt of trees. Those properties along Church Road are further segregated by the main London to South Coast rail line and HS1 whose 4.5 metre high wooden sound barrier also serves to help screen the site along this boundary.

## Background

3. As mentioned above the site was originally established in connection with the construction of the Channel Tunnel. The original permission was granted on a temporary basis (Ref. AS/87/802) with a requirement for the site to be restored by the end of 1993. However, in recognition of the important role the site could play in providing a strategic location for the importation of construction aggregates by rail to serve the local market, further permissions have subsequently been granted extending the life of the site. In May 2008 the County Council granted two separate permissions (Ref AS/06/4 & 5) to Robert Brett & Sons Limited for both the permanent development of a rail aggregate importation terminal (*the minerals permission*) along with the development of an adjoining waste transfer station for the receipt, bulking and onward transfer of domestic waste collected within the borough of Ashford (*the waste permission*).

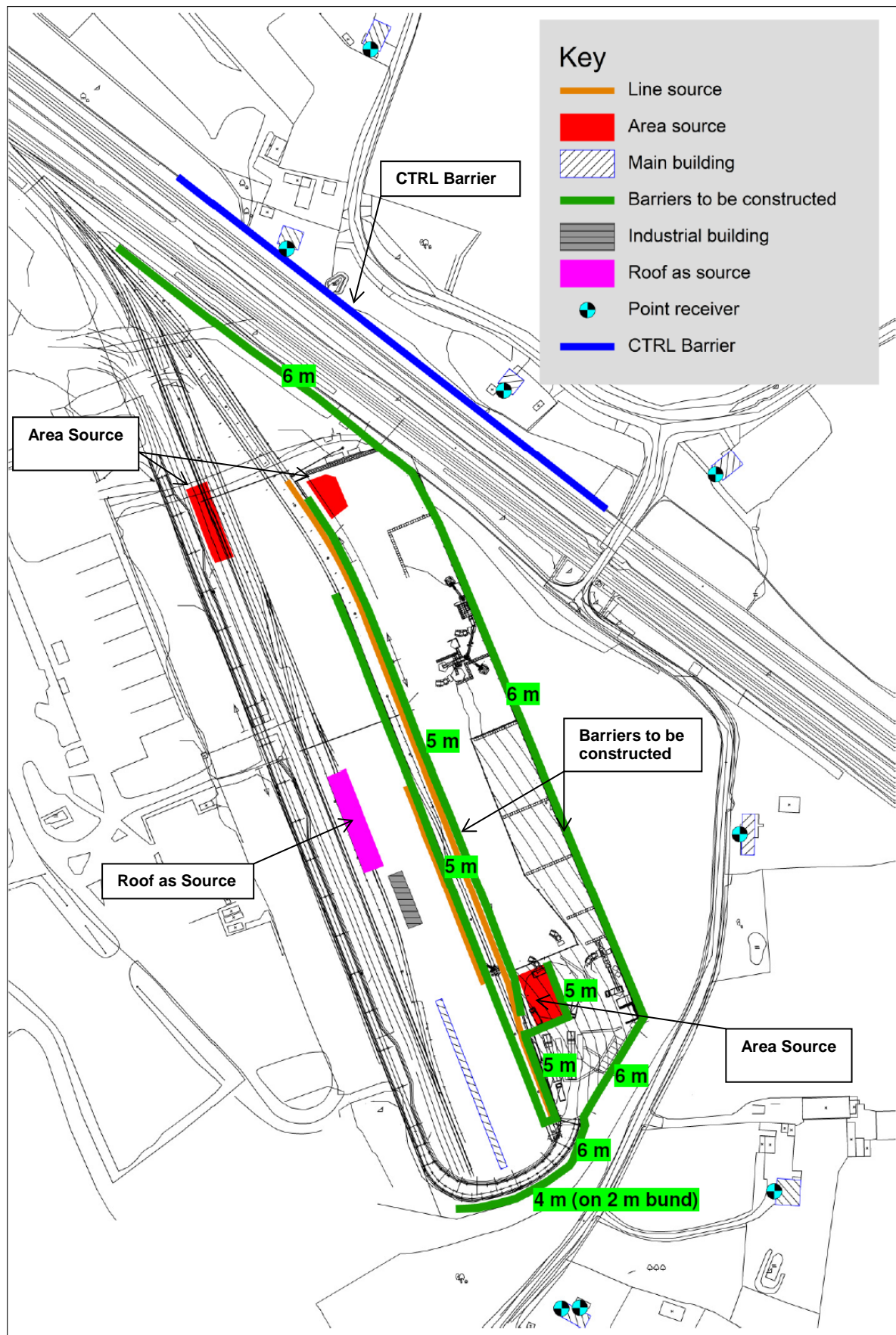
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## General Location (Plan 1)



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## Site Layout (Plan 2)





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4. Each application covered not only the immediate area of their respective development footprints but also the remodelling of a much larger adjoining area to the south west extending as far as Waterbrook Avenue. This larger area forms land on which permission has been granted to GSE for general industrial and commercial development along with adjoining areas identified for future housing.
5. Whilst both the mineral and waste permissions have been implemented they have not been fully built out. The waste development has been delayed as a consequence of changes to the contractual arrangements of the local waste collection authority and it is now unlikely to be developed for waste transfer in the foreseeable future. Brett has therefore been actively considering what alternative use this area of the site could be put which could take advantage of the expanse and location of the site and its connection to the main railway network.

### Recent Site History

6. In June 2016 permission was granted (Ref. AS/16/600) by Kent County Council to Network rail for the temporary use of the waste site as a High Output Operating Base (HOOB), including storage and loading onto train of track ballast, maintenance activities and erection of temporary accommodation. The permission facilitated the use of the site as an operating base to carry out track maintenance on the local rail network and also took advantage of the existing Brett minerals permission who, as part of the operations offloaded and recycled the spent track ballast.
7. The HOOB permission allowed the temporary use of the site between 5 August to 30 September 2016 during which time operations were required to be monitored by the applicant in order to assess whether noise restrictions imposed were able to be met or whether any additional mitigation measures were required which would then form part of an application for the permanent use of the site as a HOOB.

### Proposal

8. Having operated the site on a temporary basis, during which time activities were monitored to assess any adverse effects from noise on nearby noise sensitive receptors (NSRs), Network Rail are now seeking to establish a permanent facility at the site.
9. The High Output Ballast Cleaning train (HOBC) is a large train used to clean and recycle ballast within a worksite. It typically consists of 2 locomotives and 2 power cars either end, 20 wagons loaded with new ballast, 20 empty wagons for spent ballast, a barrier wagon and the main cleaning unit in the middle. It works by picking up existing ballast from the track bed, cleaning it and recycling it back into the track bed where possible. Where ballast cannot be reused on the track it goes through a conveyor system on the train into the empty wagons. The track is then topped up with new ballast from the loaded wagons. Generally the train will leave the application site loaded with new ballast and arrive back with mostly used ballast.
10. In addition to Brett undertaking the spent ballast offloading and recycling operations, Network Rail would also import new ballast to the site on other trains and store it on the application site before reloading it on to the HOBC for onward transportation to the work sites.

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11. The complexity and length of the train (some 600m) means that it cannot be stabled on the network during the day and must return to base after each shift. In general its movements must be scheduled to take account of the time of the last passenger train on the network at night and first train in the morning. The train would typically arrive back to the application site from its work site between 0500 and 0800 hours. It would then take around 60 minutes for it to be marshalled into the yard and broken down in readiness to be offloaded, re-loaded and maintained. Loading of new ballast and unloading of spent ballast would generally take place between 0600 and 2000 hours although this activity would usually be undertaken first to leave the rest of the day free for maintenance. Typical maintenance activities include:
  - Clearing parts of ballast dust
  - Engine repairs
  - Conveyor repairs
  - Brake tests
  - DTS ( Dynamic Track Stability) bank tests
  - Cutter chains tests
  - Checking horns (not frequent)
  - Vibration plate tests (not frequent)
12. At the end of each day the train is re-formed ready to go out and pre-departure checks are undertaken. This would take around 90 minutes starting anytime between 1800 to 2030 hours, with the train departing from the site for its works site generally between 2000 and 2300 hours.
13. In summary there would be 3 main activities associated with the operations and the timings required for each would be:

### **Train movements-HOBC train only:**

- 0500-2300 hours Monday to Friday
- 0500-1300 hours Saturday & Sunday
- 2000-2300 hours Saturday & Sunday

### **Train movements-clean ballast importation train**

- These trains would arrive at times consistent with the hours of operation permitted under the existing Brett minerals permission (i.e. 0600 to 1800 hours Mondays to Fridays and 0600 to 1300 hours Saturdays; unloading activities associated with a laden train shall only take place between 0600 to 2000 hours Mondays to Fridays and 0600 to 1300 hours on Saturdays). There would be no ballast trains on Sunday.

### **Loading/offloading (both bulk ballast replenishment service & HOBC):**

- 0600-2000 hours Monday to Friday and 0600-1300 hours on Saturdays
- 0600-1300 hours on Sundays

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### **Maintenance:**

- 0800-1800 hours Monday to Friday
  - 0800-1300 hours Saturday & Sunday
14. Generally there would be approximately 24 members of staff working on site at a given time.
  15. The application is supported by a Noise Assessment Report (NAR) which was originally submitted in support of the temporary operation. Following complaints from nearby local residents and in response to comments made by Ashford Borough Council in respect of the temporary operations, two further reports have been produced following noise monitoring undertaken at the nearest NSRs to assess whether the maximum noise limits which were set were being met as required by condition under the terms of the temporary permission. This involved source measurements being carried out of the various elements of the operations. Observations were also made as to how the site operated in practice under the temporary consent and how this would be reflected in the future when the site is fully configured.
  16. The activities carried out at the site which were seen as having the potential to cause noise disturbance were as follows:
    - Train idling in sidings prior to arrival on site
    - Train arrivals/departures
    - Unloading trains (with self-unloading conveyor and 360 degree grab moving material)
    - Maintenance activities (high and low revs)
  17. The latest NAR report sets out baseline sound monitoring taken at the nearest NSRs which consist of residential properties located off the north eastern and south eastern site boundaries. Specific noise emissions from the site in respect of the individual activities and the levels of noise they would each generate have been predicted at the NSRs having regard to additional mitigation measures proposed to be installed in the form of a combination of earth bunds and solid wooden barriers placed along certain boundaries of the site. This would include a 6m bund/barrier at the eastern perimeter of the site, with a 4m barrier on raised ground (2m) to the south. A 5 m barrier would also be placed around the perimeter of the railway sidings themselves. The location of the barriers including the existing barrier which was erected as part of the noise mitigation for HS1 are shown on Site Layout Plan 2.
  18. In addition to the noise barriers proposed to be installed at the site, the permanent facility also makes provision for a number of buildings to be erected as part of the main HOOB operations. These consist of separate mobile units finished in dark grey including a staff canteen and offices incorporating a meeting room, and a workshop which forms the largest of the enclosed buildings measuring some 27.4m x 6.3m x 3.66m high to eaves. There would also be three separate dry store buildings each measuring some 9.75m x 3m x 3.66m abutted to each other. Finally a covered pit and canopy for inspecting and maintaining rail wagons would be constructed above the track measuring some 50m long x 7.34m wide x 6.3m high. However, none of the buildings proposed are greater in height or scale than the waste transfer building which was to be erected on site in association with the existing Brett waste permission.

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19. The applicant considers that the site represents an important strategic location in terms of providing the key facilities necessary to meet the future demand for aggregates for the necessary maintenance of the railway infrastructure in the south east region. They state that the importance of the site for the importation by rail for onward distribution into the local area is recognised in existing development plan policies which includes the recently adopted Kent Mineral and Waste local Plan 2013-2030.

### Planning Policy

20. The most relevant National policy, Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:
21. **National Planning Policy Framework (NPPF) March 2013:** came into force on 27 March 2012 and should be read in conjunction with National Planning Practice Guidance (NPPG) (March 2014). The NPPF sets out the Government's planning policies and its aim to secure sustainable development in a timely manner. The role of the planning system is seen as contributing towards sustainable development which creates 3 overarching mutually dependant roles on the planning system namely economic, social and environmental. In this context the NPPF sets out 12 core land-use principles which should underpin both plan-making and decision taking. Of particular relevance this should include being genuinely plan-led, encouraging the re-use of existing resources and making the fullest possible use of public transport. In facilitating the delivery of these roles and objectives the NPPF requires that local planning authorities should look for solutions rather than problems. Local Planning Authorities are therefore expected to work proactively with applicants to secure development that improves the economic, social and environmental conditions of the area in a sustainable manner.

Local Planning Authorities should therefore now approach decision-making in a positive way to foster the delivery of sustainable development with decision-takers at every level seeking to approve applications for sustainable development.

22. **National Planning Practice Guidance (NPPG) (March 2014):** The minerals section of the NPPG states that minerals make an essential contribution to the country's prosperity and quality of life. Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to ensure that sites for these purposes are available should they be needed. It adds that planning authorities should consider the possibility of combining safeguarded sites for storage, handling and transport of minerals with those for processing and distribution of recycled and secondary aggregate.'

### Development Plan Policies:

23. **Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (July 2016):** Policy CSM 1 establishes a presumption in favour of sustainable development in the County Council's approach to mineral developments. Policy CSM 6 recognises the importance of the need to safeguard existing Wharves and Rail Depots to enable the on-going supply of essential minerals. Sevington Rail Depot is one of a number of such sites specifically identified. Policy DM 1 requires that proposals for minerals and waste development are designed amongst other matters, to maximise the re-use or recycling

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of materials. Policy DSM 12 establishes the need to take into account the cumulative impacts of individual elements of a proposal to ensure there are no unacceptable adverse impacts on the environment or local communities. Policy DSM 13 requires minerals and waste development to demonstrate that road traffic movements are minimised as far as practicable by preference being given to non-road modes of transport. Policy DSM 14 seeks to provide safeguards which satisfactorily protect the interests of any Public Rights of Way affected by proposed developments.

24. **Ashford Core Strategy (July 2008):** Has no specific designations relating to the site.
25. **Ashford Draft Local Plan to 2030:** Draft Policy S16 relating to Waterbrook Park excludes the existing railhead site. It requires that detailed proposals are developed in accordance with an approved masterplan that includes amongst other matters:
  - a) A re-located 600 space lorry park on the eastern part of the site, adjacent to the existing railhead facility.
  - b) Provides up to 300 dwellings on the western and southern parts of the site.
  - c) Provides a minimum of 20 hectares of commercial development.
  - d) Ensures the proper segregation of uses within the site through the provision of substantial landscaping and screening based on a strong landscape framework for the site.
  - e) Provides suitable mitigation to deal with noise, visual impact and artificial lighting to restrict the impact of the new development on the new residential properties to be developed on the site and the existing properties along Cheeseman's Green Lane.

### Consultations

26. **Ashford Borough Council:** Initially raised objection on the grounds that the proposed development was contrary to national policy and development plan policies on the basis that the temporary operation caused noise and dust nuisance to local residents. Therefore considers the current application to be premature in the absence of an updated noise survey which should be provided to accurately assess the impact on the neighbouring amenity. Also drew attention to the fact that the surrounding Waterbrook Park is identified as being suitable in principle for residential development in the emerging Ashford Borough Local Plan 2030 under policy S16 - Waterbrook.

Also raised objection to additional information submitted in respect of site drainage on the grounds that it did not address comments made by the County Council's Flood and Water Management Team SUDS.

In response to additional drainage details provided together with the submission of a further updated NAR, maintain their objections. Consider the drainage details are not sufficient to determine whether the proposals adequately control on-site or off-site flood risk in a sustainable manner. However, on the basis of further discussions proposed between the applicant and the County Council's Flood Management Team SUDS, provided SUDS are ultimately satisfied the Borough Council would no longer wish to maintain their objection on drainage grounds.



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With regard to noise, notwithstanding the comments made by the County Council's Noise Advisor Amey on the latest NAR, considers that some of the methodology used to predict noise impacts remains insufficient and that further clarification is required in order to provide more accurate modelling. However, in the event that the County Council are minded to grant permission, would request that a condition be imposed requiring the installation and maintenance of the proposed noise mitigation measures.

27. **Mersham with Sevington Parish Council:** Object on the grounds of noise and light pollution. Should the application be permitted, request that conditions be imposed on working hours, sound proofing, screening to avoid light pollution and a 250m limit to the nearest residential properties.
28. **Amey (Noise):** On reviewing the latest NAR notes that it includes new sound power levels to determine noise levels at the nearest NSRs. Also notes that the predicted noise levels at the NSRs takes into account proposed noise barriers along certain boundaries of the site and around the perimeter of the railway sidings, which should be required by condition.
29. The latest NAR concludes that the impact of noise from activities is expected to be low and that the level of noise would be below the Lowest Observed Adverse Effect Level (LOAEL). Considers that the methodology of the noise assessment is appropriate and the noise levels used in the modelling are credible. Therefore would propose to retain the planning conditions from the temporary site which are:
  - The noise rating level calculated and measured in line with BS 4142:2014 at the closest sensitive receptors shall be at or below 42 dB LAr for any 15 minute period between 5am and 7am.
  - The noise rating level calculated and measured in line with BS 4142:2014 at the closest sensitive receptors shall be at or below 52 dB Lar for any 1hour period between 7am and 11pm.
30. **Environment Agency:** No objection subject to the imposition of conditions including measures to address any contamination found present at the site, all foul drainage shall be contained within a sealed watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. Also informatives covering drainage and fuel and chemical storage.
31. **Southern Water:** There are no public surface water sewers in the immediate vicinity of the site. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on site. The applicant is advised to consult with the Environment Agency directly regarding the use of a cess pit to ensure its long term effectiveness.
32. **The County Council's Flood and Water Management Team (SUDS):** Raised initial concerns over the lack of sufficient information on the management of surface water drainage. Following the receipt of further information from the applicants in respect of site drainage SUDS maintained their objection which in their opinion remained insufficient to demonstrate whether the proposals would adequately control on-site or

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off-site flood risk and therefore required further detailed calculations to be provided to address these concerns.

As a result of SUDS maintaining their objection the applicants submitted a second Drainage Calculation Report and confirmed that the intention was to dispose of surface water to a private water drainage system which in this particular case would be GSE's drainage system, in the absence of any known watercourses close to the site or any surface water sewers. The applicant has stated that GSE had confirmed the right for the applicants to connect to their drainage system when Brett acquired the site.

In order to address the issues raised by SUDS, the applicants and their consultants subsequently met with them, following which further information was submitted including calculations for predicting future post-development surface water discharge rates from the site. As a result SUDS removed their objection to the application subject to the imposition of conditions requiring the submission of a detailed surface water drainage scheme for the site, no buildings to be occupied until such times as a detailed drainage scheme as may be approved has been implemented and that there is no infiltration of surface water into the ground unless other than with the express written consent of the Local Planning Authority.

33. **Public Rights of Way:** Public Right of Way AE350 passes through the proposed site which is recorded on the Definitive Map as a Restricted Byway. AE350 is currently subject to a diversion application which would alter the alignment of the railway crossing point. At present the Diversion Order has not been certified or legally taken effect and therefore remains on its current alignment. If permission is granted recommend conditions be imposed to safeguard its route until such times as it may be formally diverted to an agreed standard.
34. **Kent County Council Biodiversity:** Are satisfied that the proposed development is unlikely to impact protected/notable species.

### Local Member

35. The local County Member Andrew Wickham was notified of the application on 1 August 2016. No comments have been received to date.

### Publicity

36. The application was publicised by the posting of a site notices, an advertisement in a local newspaper, and the individual notification of 11 residential properties.

### Representations

37. In response to publicity, 9 letters of representation have been received with 3 of the individual authors each writing in twice. The key points raised can be summarised as follows:
  - Unacceptable impacts from dust during the applicants temporary operations which will need to be properly addressed should any permanent permission be granted
  - Unacceptable hours of working.
  - Previous soundproof measures should be renewed and maintained.

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- The temporary use caused disturbance and therefore noise impacts should be properly assessed before consideration is given to granting permanent permission at the site supported by evidence such as a report from consultants. The area already suffers from noise pollution caused by the A2070, HS1 the local rail network and the HGV lorry park.
- No weekend work should be permitted.
- The application is contrary to the NPPF.
- Housing to the south west of Waterbrook Park is currently being developed along with future areas planned for housing in the vicinity which will be affected by the proposal.
- Byway AE350 is much used and a new route must be found to accommodate the proposal.
- The noise levels increased in respect of the temporary operations after the noise monitoring equipment was removed.
- The site is located close to residential properties and should not therefore be used to process aggregates.
- The countryside surrounding the site is used for recreational purposes and supports several species of wildlife that would be destroyed if the application is approved.
- The land bordering onto Cheesemans Green Lane is not appropriately maintained causing flooding on the road surface and overgrowing vegetation which creates a dangerous situation for drivers and cyclists. It is therefore unacceptable that the application should be considered under current proposed terms.

### Discussion

38. In considering this proposal regard must be had to those Policies outlined in paragraphs 23 to 28 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 Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised under the following headings:

- Noise
- Drainage
- Dust
- Other matters

### Noise

39. During the period over which operations took place earlier this year in August and September, the applicants point out that the site was very much in an open state. However, once fully developed which would include the provision of a number of buildings along with proposed noise mitigation barriers, in their view this would serve to satisfactorily mitigate any adverse impacts at the site from noise. Should members be minded to grant permission for the permanent development of the site as now proposed, I would recommend that a condition be imposed requiring that all acoustic protection measures including the installation of the proposed noise barriers together with the erection of the various structures associated with the HOOB operations, be

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completed prior to the operation of the site.

40. Under the terms of the temporary permission, operations were required by condition to be monitored in order to ascertain whether noise restrictions imposed during specified hours of operation were able to be met when measured at the nearest NSRs. This was in order to assess whether any additional noise mitigation measures would be required in order to allow the establishment of a permanent facility at the site without causing any adverse effects from noise.
41. In response to the current application objections have been raised by both Ashford Borough Council and the local Parish Council together with a number of local residents whose properties lie off the north eastern and south eastern boundary of the site along Church Road and Cheeseman's Green Road. Their objections are founded on the disturbance that was caused during the temporary operation of the site, particularly from the noise arising out of the various activities involved including trains idling in sidings prior to entering the site, train arrivals/departures, trains being unloaded/loaded and the sounding of the train horn.
42. During the temporary operations, as a result of the complaints received concerning noise, I took the opportunity to visit the site arriving at 0530 hours with the prime aim of monitoring the HOOB train operations which had been a particular source of complaint. Upon my arrival I was informed by site security that trains were not allowed to enter the site until 0600 hours. However, because it had to be clear from the main line in order to allow passenger trains to access the network, it was held in a loop system just to the northwest of the site where it sat idling for up to an hour. Unfortunately, this in itself caused noise problems given that the front engine sat near or under a bridge causing an echo chamber effect. I understand that it is not possible for the train engines to be switched off due to otherwise having to re-charge the breaking system, which site security explained generates higher levels of noise than when it is in idle mode. I also noticed upon my arrival the sound of what appeared to be a diesel generator used to power flood lighting at the site and which was clearly audible at close range before the train arrived on site.
43. The train entered the site at 0600 hours and I witnessed it being de-coupled. The noise from both trains at either end produced a high pitch pulsating sound, particularly when both were stationary, which easily drowned out the noise from the diesel generator used for the flood lighting. I remained at the site for a further 15 minutes during which time no further activities took place at the site apart from the trains which were left idling.
44. Upon leaving the site I then drove along Cheeseman's Green Lane to monitor noise levels at the nearest properties to the site. Firstly, I sat outside adjacent to Hogben Farm and The Dean which are located immediately to the south of the site. At that time at this particular location, there did not appear to be any audible sounds from the Network Rail site. I then drove back along the lane to Church Road and sat firstly outside Maytree Cottages and then Orchard Cottage. At both locations noise from the idling train could clearly be heard above the background noise which was mainly caused by the build-up of traffic travelling along the M20 and A2070. The noise levels from the site were particularly audible at Orchard Cottage.
45. My visit to the site prompted me to subsequently write to the applicant drawing attention to comments at that time which had been made by the County Council's

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Noise Advisor Amey, who had requested further information in relation to the noise generated by the train, including impulse noise levels. I also indicated that following my visit to the site, in my opinion there was a clear need for additional mitigation measures to be put in place in order to prevent any adverse impacts on the nearest local residents to the site. I asked whether, once the train had been de-coupled, the train engines could then be turned off which in my view would help make a significant reduction in the noise levels being generated. I also suggested that some form of physical noise barrier would also serve to mitigate noise both from the train itself and also during unloading/loading operations.

46. As a consequence of my site visit and subsequent letter to the applicants, they responded confirming that during the operation of the temporary facility they had also raised doubts with their own noise consultants over the baseline data used and also the extent of the operations captured during their early monitoring of the site. As a result further monitoring was considered necessary along with the need to make any specific recommendations following the results of the monitoring. A further NAR was subsequently provided which included a cumulative assessment of both the HOOB operations and the adjoining permitted Brett mineral operations. The latest NAR also recommended specific noise mitigation measures. The recommendations include:
  - All necessary acoustic protection being implemented on site prior to the operation of the facility. (i.e. as set out under paragraph 17 above, this includes the provision of bunds/barriers along certain boundaries of the site together with a barrier being placed around the railway sidings themselves).
  - A reduction in the period during which trains are left to idle on site.
  - Performing maintenance activities within or behind the proposed built development at the site.
  - The avoidance where possible of trains idling outside the site before entering and no longer sounding their horns upon entry.
47. With the benefit of the above recommended noise mitigation measures the NAR concluded that the combined noise levels from the permanent HOOB and the Brett mineral permission would meet those limits previously set under the permission for the temporary operations and therefore in their opinion the proposed development should be acceptable and therefore there are no overriding grounds for objecting on noise.
48. The County Council's Noise Advisor Amey has advised that in their opinion the methodology used in the latest Noise Assessment Report is appropriate and the noise levels used in the modelling credible. In order to ensure that the mitigation measures considered necessary in the latest noise assessment are put in place, they recommend the inclusion of a planning condition requiring the construction of the noise barriers prior to the commencement of the operation of the HOOB, as shown on the site layout Plan 2 where a 6m high bund, noise barrier or combination of bund and noise barrier is proposed to be constructed along the eastern and southern perimeters of the site together with a 5m high noise barrier installed along the perimeter of the railway sidings.
49. With regard to the concerns raised by Ashford Borough Council over the methodology used to predict noise impacts at the NSRs, Amey consider that, whilst the latest NAR may be missing some of the reporting information required by BS4142:2014, *'the proposed noise conditions limiting the night-time noise to a noise rating level calculated in line with BS4142:2014 of 42dB LAR, 15 min and the daytime to a noise*

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*rating level of 52dB LAR, 1h would cover any small inaccuracy that the noise assessment could include. Therefore, further clarification on any of the points raised by Ashford Borough Council would not change our conclusions and proposed planning conditions.'*

50. During the period over which the temporary operations took place at the site earlier this year, I received a number of complaints from local residents along with objections from Ashford Borough Council to the current application, on the grounds of adverse effects from noise caused by the various activities taking place at the site. During that time I also monitored operations at the site and can confirm that at certain locations surrounding the perimeter of the site noise levels were such that in my opinion, there was a clear need for additional mitigation measures to be put in place in order to prevent any adverse effects on nearby local residents.
51. The previous application submitted for the temporary operations was in order to allow an assessment of the extent to which additional noise mitigation measures may be required in order to ensure that the noise limits imposed at that time could be met on any future application for the permanent use of the site. In support of the current application two further NARs have been submitted which, based on monitoring at various locations surrounding the site of the baseline noise levels comparing those noise levels generated from the individual noise sources of the various elements of the operations, assessed the extent of the mitigation measures necessary to ensure there would be no adverse effects from noise. These assessments identified the need for a number of measures to be incorporated including the provision of physical noise barriers along with various changes in operational practices at the site.
52. The temporary operations led to complaints from local residents and objections from the Borough Council to the current application on the grounds of prematurity in the absence of further information to assess potential noise impacts. However, I am satisfied that the temporary exercise served a useful purpose in allowing noise monitoring to be carried out during those operations in order to identify any mitigation measures considered necessary to ensure that there would be no unacceptable impacts from noise from the proposed permanent facility. In addition to those conditions recommended by Amey and Ashford Borough Council, I would also recommend the inclusion of a condition requiring further noise monitoring to be carried out upon the commencement of operations and the results submitted to the County Planning Authority in order to demonstrate whether the noise limits are being met. In the event that any of the limits are exceeded, operations would be required to cease until such times as additional mitigation measures are put in place and the results of subsequent further monitoring are submitted to the County Planning Authority which demonstrate that the noise limits are being met. In my opinion the noise mitigation measures proposed in the application together with the imposition of the conditions referred to above, would ensure that there would be no adverse effects from noise. Accordingly, I do not consider there are any overriding objections to the application on noise grounds.

### **Drainage**

53. In response to the application the County Council's Flood and Water Management Team SUDS raised initial concerns over what they considered to be a lack of information on the management of surface water at the site and how this would be satisfactorily controlled.



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54. The applicants subsequently provided further information in the form of a Drainage Calculation Report confirming that the intention was for surface water from the site to drain into a private water drainage system which in this particular case would be the existing system owned by GSE and which forms part of their development permitted on the remaining Waterbrook Park Site for general industrial and commercial development. They also pointed out that GSE had previously confirmed the right to connect to their network and that the right to discharge surface water from the Brett owned site is set out in the Transfer Agreement when Brett acquired the site. Therefore, in their opinion the obligation to deal with any consenting arrangements to manage water from the site leaving the GSE site is clearly their responsibility, not Bretts or Network Rail. Given that Brett, or its Tenants have the legal right to discharge surface water from the application site they consider this is therefore not a matter for consideration in determining the Network Rail planning application.
55. SUDS subsequently confirmed that they were satisfied that the right to connection exists and can be demonstrated. However, they pointed out that their objections were on flood risk and sustainability grounds, (i.e. ensuring that the Network Rail site manages the surface water on site appropriately and discharges it into the network at the rate it was designed to accept from the parcel of land). This is to ensure that flood risk both on site and off site is not exacerbated by the development, and that the discharge from the site does not present a risk of pollution to downstream watercourses. This view was also shared by Ashford Borough Council.
56. In order to seek to resolve the drainage issues raised, a meeting was held between the applicants and the SUDS team, following which further information was submitted which included calculations for off-site surface water discharge rates. The applicants also confirmed that any polluted waters would be directly discharged to the foul water drainage system as opposed to the surface water drainage infrastructure.
57. In response to the additional proposed surface water drainage information provided by the applicant following their meeting with the SUDS team, SUDS consequently confirmed in writing that they were able to remove their previous objection to the proposed development subject to the imposition of appropriate conditions as referred to under paragraph 33 above.
58. Having regard to the advice received from the SUDS team together with comments made by Ashford Borough Council that provided SUDS are ultimately satisfied with the proposed measures to address off-site surface water discharge, they would not wish to maintain their objection on surface water drainage grounds, in my view there are no overriding objections to the proposal on drainage grounds.

### **Dust**

59. During formal consultations and following the publication of the application, I received a complaint from a local resident over the adverse effects from dust being generated at the site, who claimed it was escaping and being deposited on parked cars. They alleged that the dust was being jointly caused by the Network Rail and Brett operations, emphasising that it was not in their opinion caused by the adjoining operations on the GSE site.
60. I subsequently contacted a representative from Brett who confirmed that Ashford Borough Council Environmental Health Officers (EHOs) had also received complaints about dust from a local resident and as a consequence had recently visited their site

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who they claimed were satisfied that suitable measures were in place on the Network Rail and Brett sites to effectively suppress any dust nuisance from their operations, which included the use of a sprinkler system when necessary. However, contrary to the assertion made by the complainant that the dust was not being created by GSE, they claimed that the EHOs were able to witness at first hand for themselves that operations on adjoining land involving the creation of a platform for the future GSE development, were creating significant volumes of dust. They alleged the dust was being caused from vehicles traversing across the site importing engineering fill materials which were then being spread across certain areas.

61. Soon after receiving the complaint I also took the opportunity to visit the site unannounced around mid-afternoon on 8 September 2016, within the period during which the Network Rail temporary operation was permitted to operate. When I arrived on site, as expected given the time of the day there was very little activity on the Network Rail/Brett site. However, on the land immediately adjoining to the south I witnessed operations taking place on the GSE site which involved HGVs transporting loads of soil across the site which was then being deposited in the far eastern corner of the GSE land immediately opposite where Hogben Farm and The Dean are located off Cheesemans Green Lane. This activity was creating a significant amount of dust both from vehicles traversing across the site and also where it was being tipped. At the time, the wind was blowing in a westerly direction taking the dust clouds away from the direction of Hogben Farm and The Dean. Whilst on site I also met a representative from Brett who was of the firm view that the GSE activities were the source of the dust complaint. On the basis of what I witnessed on site during my visit, I have no reason to doubt this.
62. Following my visit to the site, in order to ensure whether the complaint I received was justified and properly directed towards the offending operations, I subsequently contacted the EHOs in question to relay my findings, who confirmed that they had paid a recent visit to the site and who asked whether I would be happy for my observations to be passed on to a GSE representative. As a consequence I was contacted by a representative from Thanet Waste Services (TWS) who are the contractors employed by GSE to carry out the earthworks on their behalf. The TWS representative confirmed that they had previously received a complaint from Ashford Borough Council via GSE that a close neighbour to the site had complained about the level of dust being generated from vehicle movements on site. He confirmed that he then also visited the site later the same day and could see the issue for himself which had been made worse by the high level of wind during that period. He confirmed that the following day he arranged for a 2000 gallon towable water bowser to be delivered to the site. He indicated that since that time they had been damping down the haul road throughout the day in an attempt to keep the dust to a minimum although unfortunately they seemed to be experiencing the driest summer for a long time which was turning the soils to a fine powder where it was being driven over continuously which was what was causing the dust.
63. Since receiving the original complaint I have not received any further complaints relating to dust, neither am I aware of any further complaints being made direct to Ashford Borough Council. I therefore remain satisfied on the basis of the evidence available that the most probable cause of the complaint was directly attributable to the GSE activities and not those connected with the Network Rail/Brett operations. Given the nature of the proposed HOOB, whilst it is unlikely to be a major source of potential pollution from dust, as referred to under paragraph 61 above, the applicant has

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installed a comprehensive sprinkler system above the track where the trains would operate. Similarly the existing permission under which Brett would operate also has its own dust mitigation measures. In order to ensure there are adequate controls in place on site to prevent any dust nuisance I would recommend the imposition of a condition on any future permission requiring that dust controls are implemented in accordance with those measures set out in the application. On this basis I am satisfied that there are no overriding objections to the application on the grounds of adverse impacts from dust.

### Other matters

64. Ashford Borough Council draw attention that the land surrounding Waterbrook is identified under policy S16 in the emerging Ashford Borough Local Plan as being suitable for residential development. Policy S16 states amongst other matters that ‘*Land at Waterbrook is proposed for a mix of residential and commercial development together with a re-located and extended commercial lorry parking facility*’ and that ‘*detailed proposals for this site shall be developed in accordance with an approved masterplan that amongst other matters:-*’
  - *Ensures the proper segregation of uses within the site through the provision of substantial landscaping and screening based on a strong landscape framework for the site;*
  - *Provides suitable mitigation to deal with noise, visual impact and artificial lighting to restrict the impact of the new development on the new residential properties to be developed on the site and the existing properties along Cheesemans Green Lane;*
65. I have noted the concerns raised by the Borough Council in relation to the potential impacts from the proposed development on the future housing development identified for land at Waterbrook in their emerging Local Plan. However, I am satisfied that the Local Plan Policy Framework as referred to above, will ensure that suitable mitigation measures would be incorporated into any future applications required to be assessed under policy S16 in order to avoid not only any adverse impacts from the existing and future developments on the existing Waterbrook Park railhead site, but also those other future developments identified under policy S16 including the re-located 600 space lorry park.
66. Finally, whilst the Local Parish Council have requested that should permission be granted, conditions be imposed including a 250m limit to the nearest residential properties, this would require the re-location of the existing rail sidings further south. The existing rail sidings already have the benefit of extant permissions allowing their use for minerals and waste related operations and which are subject to safeguarding policies set out in the recently adopted Kent Minerals and Waste Local Plan 2013-30 (July 2016). Furthermore, their re-location would also conflict with the emerging Ashford Borough Local Plan which identifies the remainder of the Waterbrook site under policy S16 for a mixture of commercial, industrial and residential developments and which has already the benefit on part of the area identified under policy S16 of an extant permission granted to GSE which is currently being developed and which adjoins the south western boundary of the existing railhead.

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### Conclusion

67. The Sevington Railhead at Waterbrook Park has represented an important strategic location in the county providing a means for the importation of bulk materials by rail for onward distribution into the local market and which significantly reduces road vehicle mileage consistent with the objectives of sustainable development along with helping meet the challenges of climate change. The site has been utilised for a number purposes since it was originally established in 1987 in connection with the construction of the Channel Tunnel. The site currently has the benefit of two permanent permissions which were originally granted to Robert Brett & Sons in May 2008 for the use of the site as both a rail aggregate importation terminal and also a waste transfer station. The importance of the site as a strategic location for minerals is recognised in the recently adopted KMWLP 2013-30 (July 2016) where, under Policy CSM 6, it is safeguarded from other developments taking place. This is also reflected in the emerging Ashford Borough Local Plan whereby, notwithstanding the borough council's aspirations for the future development of the Waterbrook Park site which is seen as representing a key development opportunity for a mixture of industrial, commercial and residential uses, the Sevington Railhead is specifically excluded from the draft policy S16 site area.
68. Earlier this year, given it is unlikely that the Brett waste permission will be developed for such purposes in the foreseeable future, permission was granted to Network Rail, the applicant for the current application, for the temporary use of the site for a HOOB. Whilst allowing for operations to be monitored during this period in order to assess what mitigation measures may be necessary to allow the operation of a permanent facility at the site, it also provided a means to carry out urgent ongoing repair works to the local rail network which are necessary in order to minimise any disruption to the local rail service.
69. Given the complexity and length of the train necessary to carry out the maintenance works, the Sevington Railhead at Waterbrook Park is seen by the applicant as an ideal site which provides a rare opportunity where rail infrastructure already exists of a sufficient scale and nature located off the mainline route network and which could also take advantage of the adjacent Brett mineral site permission.
70. Whilst the previous impacts from the temporary operations has attracted objections to the current application for a permanent facility at the site, I am mindful that it now includes additional mitigation measures which seek to satisfactorily address those impacts, including additional noise mitigation measures. I am satisfied on the basis of the mitigation measures proposed, having regard to comments and advice provided by consultees together with the conditions recommended as discussed above, that the proposal represents an acceptable form of sustainable development consistent with the principles set out in the NPPF along with other government advice and would also comply with the relevant development plan policies against which the application is required to be considered.

### Recommendation

71. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
  - Implementation of the permission within 3 years of the date of the permission

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- The development being carried out in accordance with the approved details and drawings set out in the application
- Prior to the commencement of the HOOB noise mitigation measures shall be put in place. These shall include the erection of the various buildings and structures associated with the development, along with the provision of a 6m high bund, noise barrier or combination of both along the eastern and southern perimeters of the site together with the construction of a 5m high noise barrier around the perimeter of the rail sidings, as shown on Figure 5 of the RPS Noise Assessment Report dated October 2016. Barriers to be maintained thereafter.
- The noise rating level calculated and measured in line with BS 4142:2014 at the nearest noise sensitive receptors shall be at or below 42 dB Lar for any 15min period between 5a.m. and 7a.m. The noise rating level calculated and measured in line with BS 4142:2014 at the nearest noise sensitive receptors shall be at or below 52 dB Lar for any 1hr period between 7a.m. and 11p.m.
- Upon the commencement of the HOOB operations noise monitoring shall be carried out at the nearest noise sensitive receptors in order to demonstrate whether the noise limits specified are being met and the results submitted to the County Planning Authority within one month; in the event that the levels measured are above those specified, operations shall immediately cease until such times as additional noise mitigation measures are put in place; thereafter upon the re-commencement of the HOOB operations further noise monitoring shall be carried out and submitted to the County Planning Authority within one month in order to enable an assessment to be made as to whether further additional noise mitigation measures are required in order to comply with the noise limits set.
- Submission of remediation strategy in the event of the discovery of any ground contamination during site construction.
- No infiltration of surface water into ground except where it can be demonstrated that there is no unacceptable risk to groundwater.
- All foul drainage to be contained within a sealed cesspit.
- Submission and approval of a detailed surface water drainage scheme prior to commence to commencement of the development.
- No occupation of any buildings until implementation of the approved surface water drainage scheme.
- Submission and approval of detailed design plans of the proposed diversion of Public Right of Way AE350.
- Retention of the existing Public Right of Way AE350 on its current route until such times as the Diversion Order securing its diversion has been certified.
- No obstruction of either the current Public Right of Way AE350 or its diverted route throughout the duration of the HOOB operations.

Case Officer: Mike Clifton	Tel. no: 03000 413350
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Background Documents: see section heading
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