

Item C2

Section 73 application to vary the wording of condition 9 of planning permission CA/15/2375 to increase the permitted tonnage at Plots D & E, Lakesview Business Park, Hersden, Nr Canterbury – CA/17/335 (KCC/CA/0030/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 19 April 2017

Application by Ling UK Holdings Ltd for a Section 73 application to vary the wording of condition 9 of planning permission CA/15/2375 to increase the permitted tonnage at Plots D & E, Lakesview Business Park, Hersden, Nr Canterbury, Kent, CT3 4GP – CA/17/335 (KCC/CA/0030/2017)

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr A. Marsh

Classification: Unrestricted

Site

1. The application site lies within the Lakesview Business Park at Hersden, approximately 5km (3.1 miles) to the north east of Canterbury. The Business Park, which lies on land previously occupied by the former Chislet Colliery, is located to the south of the A28 (Island Road) and north of the Canterbury to Margate railway line and is accessed from a dedicated roundabout on the A28. The application site is bounded to the north and east by other units within the Business Park and to the south and west by those within the Canterbury Industrial Park. The site lies approximately 200m to the north of the River Stour and associated Stodmarsh Valley Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. The nearest residential properties are located approximately 200m to the north west of the application site on the A28 ("The Villas") and to the east of the access road leading to the Canterbury Industrial Park ("Westbere Court"). The application site and key features referred to in this report are identified within the drawings below.
2. The application site is an existing waste facility with a permanent planning permission and is safeguarded by Policy CSW16 of the Kent Minerals and Waste Local Plan 2013-30 Adopted July 2016.
3. Lakesview Business Park is also safeguarded for employment use by Policy ED1 of the Canterbury City Local Plan (2006) and is proposed to be safeguarded for employment use by draft Policy EMP4 of the Canterbury District Local Plan Publication Draft (2014).
4. The application site, which is occupied by Ling (UK) Holdings Ltd following its relocation from Parham Road in Canterbury, is largely covered by a concrete pad. The existing planning permissions allow for the development of a number of independent buildings to house the various waste operations permitted on site as well as office and welfare facilities; not all of the permitted buildings have been constructed to date.

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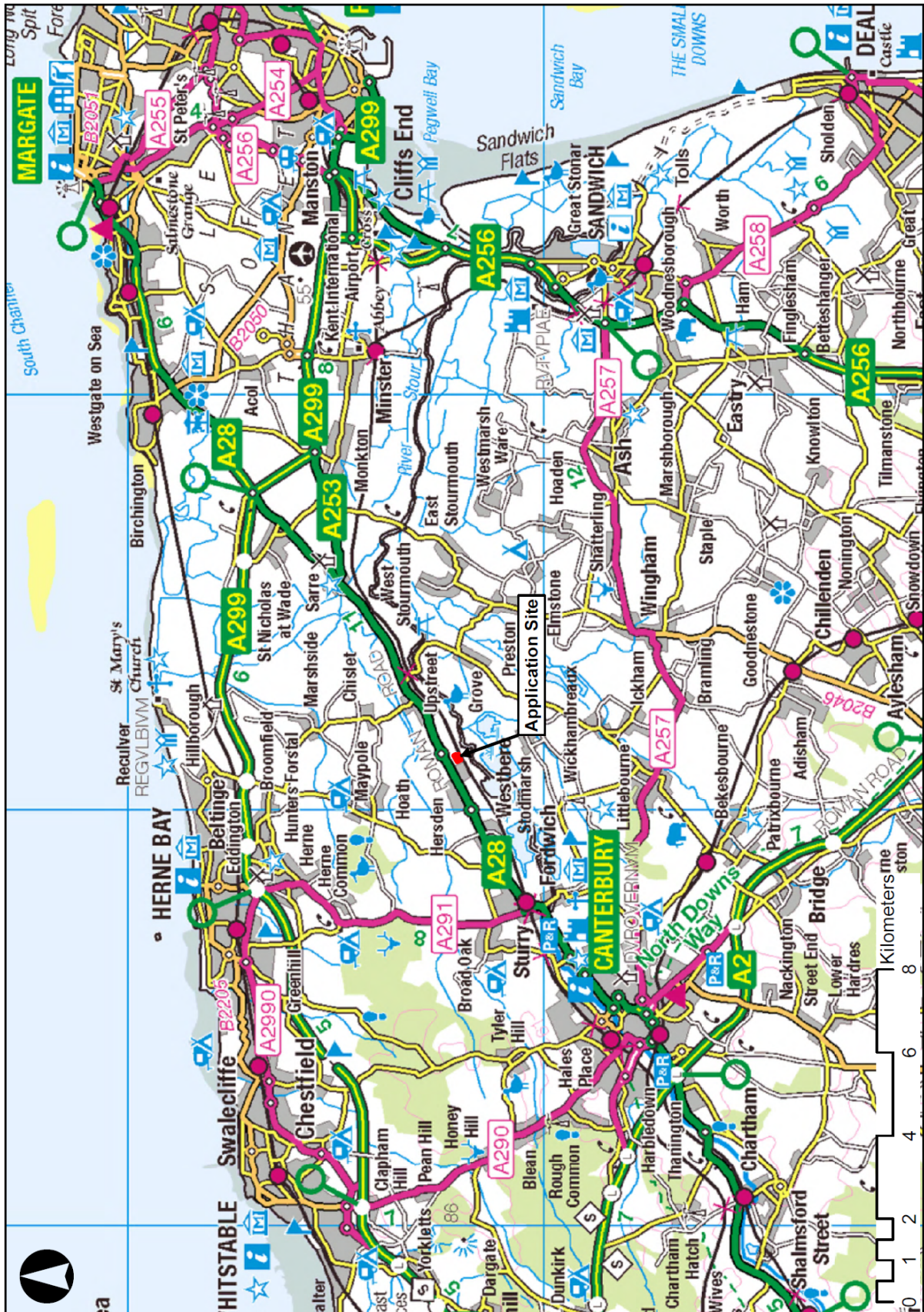
5. Existing development on site includes a waste transfer building (in the north east corner of the site), a non-ferrous waste building and an end of life vehicle (ELV) building (in the southern part of the site), a car bailer, engine pit, drainage pit and associated structures (in the south western part of the site) and weighbridges and a weighbridge office (in the centre of the site). The site also contains a number of temporary buildings used for site offices and associated facilities, which will remain until the main site offices are constructed. An area in the north-west corner of the site has yet to be surfaced and currently contains a mound of surplus soil and construction material that needs to be removed to enable the permitted materials recycling facility (MRF) to be built. A further area in the south east corner will accommodate the main site office building and associated car parking once completed. The development benefits from significant areas of open yard space for the manoeuvring and the temporary parking of vehicles within the site.
6. The entire site is surrounded by a palisade fence (between 2.1 and 2.4m high) and parts of the western and southern boundaries are reinforced with concrete divisions to provide “push-walls” (between 3 and 3.5m high).

Background

7. Outline planning permission (CA/98/0224) was granted by Canterbury City Council on 5 May 2000 for use of land at the former Chislet Colliery site as a business estate (Classes B1 (business) and B8 (storage and distribution)). This also provided for the roundabout that now serves Lakesview Business Park. A number of more recent planning permissions have been granted by Canterbury City Council that include B2 (general industrial) uses on land to the south and east of application site (i.e. towards the rear of the business park).
8. Planning permission (CA/09/607) was granted for the development of a metal and vehicle recycling and transfer centre together with a materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles on 17 November 2009, following a resolution of the County Council’s Planning Applications Committee on 3 November 2009. The 2009 permission (which contained 27 conditions) was intended to enable the applicant to relocate its metals recycling business from its former site at Parham Road, Canterbury, and to develop a range of other waste recycling operations. The main elements of the permitted facility were a pre and post treated waste storage building (43.6 x 27 x 14m), a materials recycling facility (MRF) building (65.1 x 27 x 14m), a shredded tyre storage shed (17 x 5 x 7m), a battery and redundant electrical items storage shed (27.8 x 5 x 7m), a two-story office building (15 x 10 x 7.6m), a two-storey non-ferrous building with canteen (19 x 12 x 7.4m), two weighbridges and weighbridge office (5 x 2.9 x 3.3m), a scrap metal processing area and parking for staff and visitors.

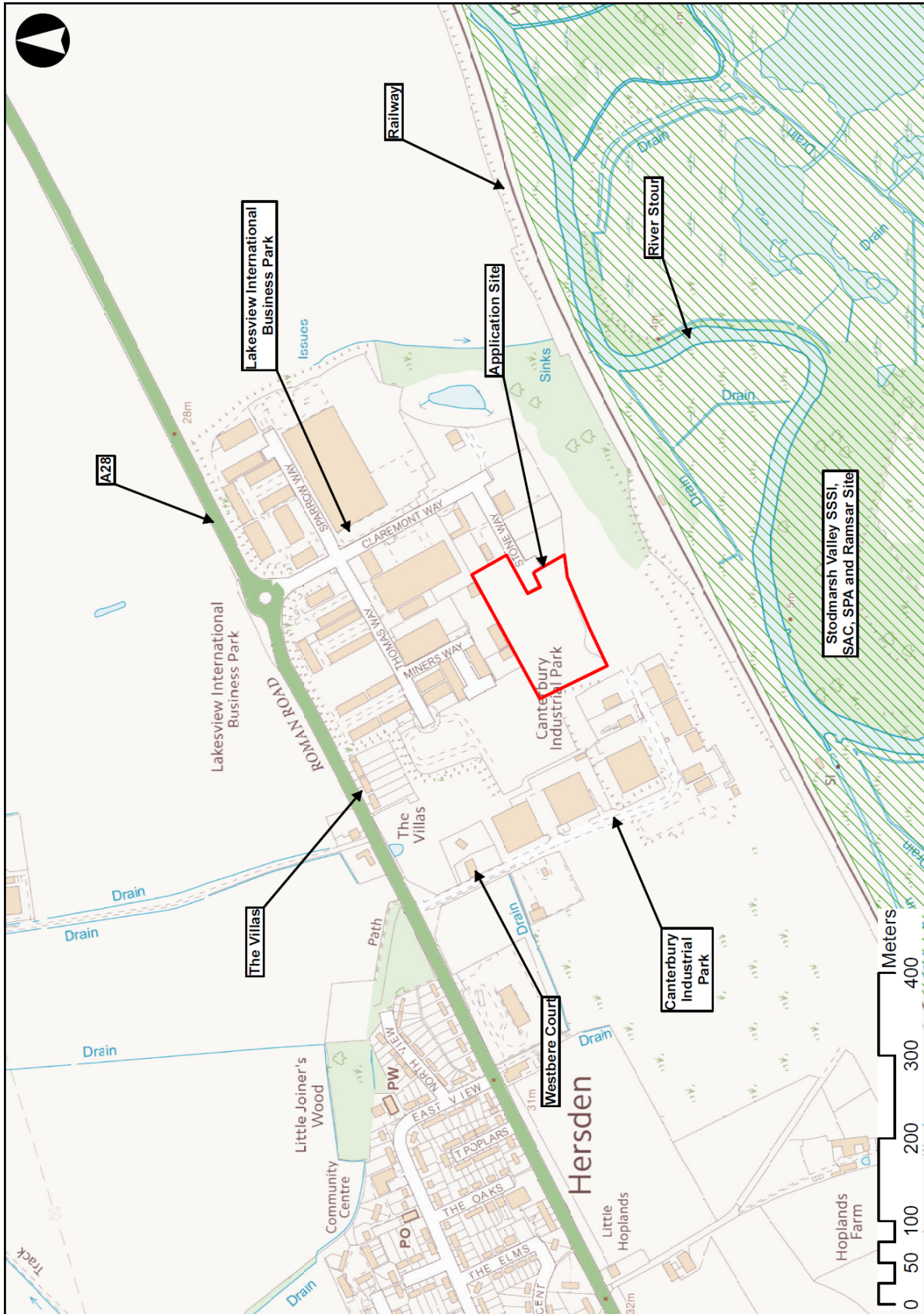
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General Location Plan



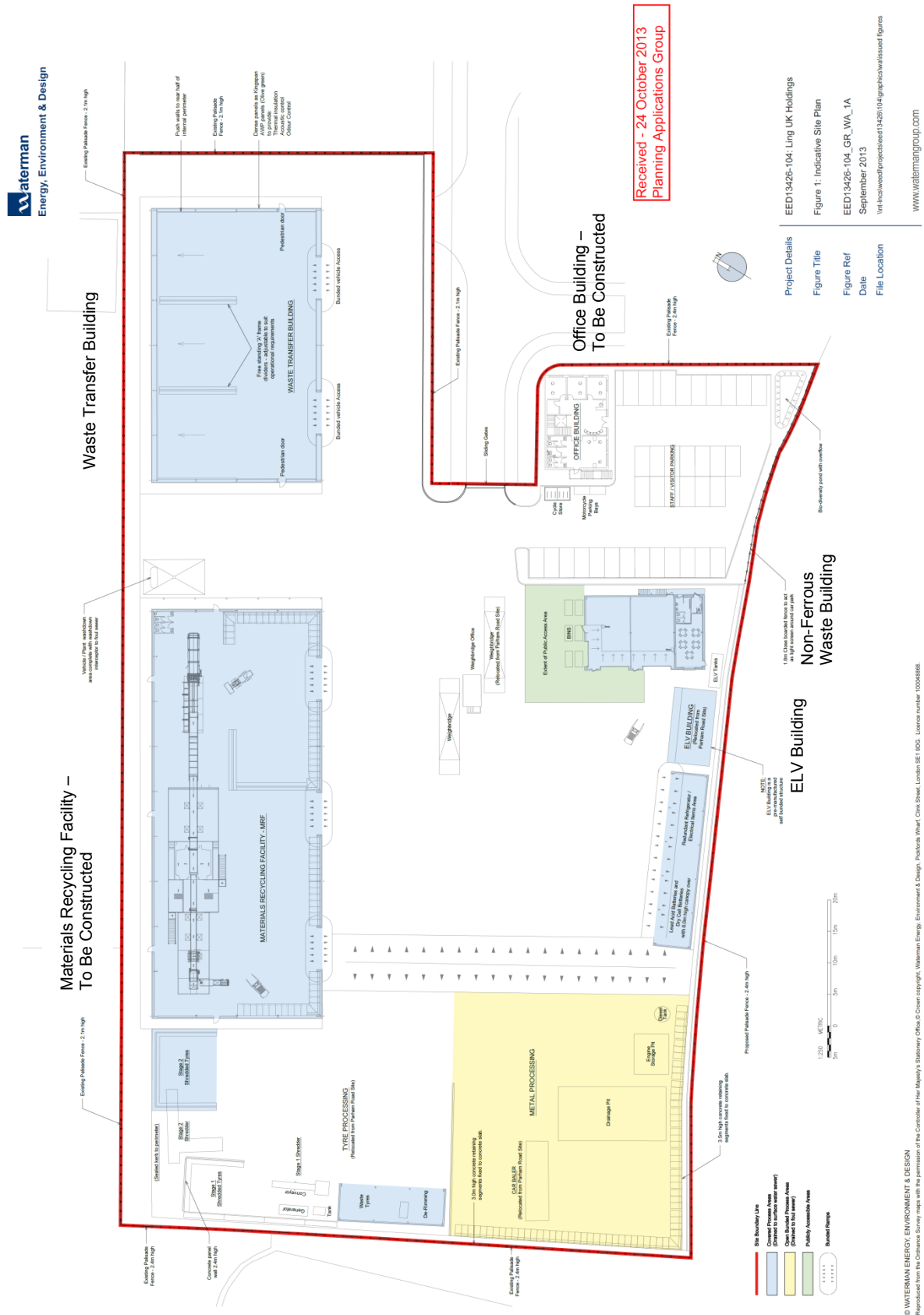
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Site Location Plan



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Approved Site Layout Plan (Included For Reference Purposes Only)



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9. Planning permission (CA/10/285) was granted to amend condition 18 of planning permission CA/09/607 on 2 August 2010, following a resolution of the County Council's Planning Applications Committee on 27 July 2010. This 2010 permission (which contained 29 conditions which were largely identical to those included in 2009) additionally allowed recovered abandoned vehicles to be delivered to the site at any time and for permitted waste types to be delivered from Civic Amenity sites and for members of the public to bring electrical / recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours only. Those conditions attached to the 2010 permission that required the submission to and approval of further details by the County Council were approved or discharged on 8 August and 20 December 2012.
10. Planning permission (CA/13/18) was granted to allow a change of use of the waste facility to allow all of the waste streams mentioned above plus domestic ("black bag") waste and source-separated food waste on 15 April 2013, following a resolution from the County Council's Planning Applications Committee on 10 April 2013. At the time the application was determined, the development platform had been partially completed and the pre and post treated waste storage building (by that time constructed as a waste transfer building) and areas of concrete hardstanding had been completed. Planning permission CA/13/18 served to regularise a number of minor changes to the building to accommodate the handling of "black bag" and source-separated food waste (e.g. double doors with fast-action inner fabric doors, an odour suppression system and internal layout) and provided associated development (e.g. a vehicle wash-down area, foul drainage and a cesspool).
11. Approval (CA/13/18/R) was given on 27 November 2013 for a non-material amendment to planning permission CA/13/18. This amended (amongst other things) the size and orientation of a roll-over bund (which separates the car dismantling area from the rest of the site), the external design and internal layout of the non-ferrous building and the main vehicular access gate and provides for the installation of vehicle and engine storage pits.
12. Planning permission (CA/13/2209) was granted to amend conditions 8 and 9 of planning permission CA/13/18 to allow for the acceptance of commercial and industrial waste from commercial, industrial and institutional premises from sources in and external to the Canterbury District and source segregated fractions from waste collections from domestic properties in the Canterbury District in addition to existing waste streams and without exceeding the existing (established) 82,000 tonnes per annum limit previously imposed on the site. Planning permission (CA/13/2209) was granted on 17 February 2014, following a resolution from the County Council's Planning Applications Committee on 12 February 2014.
13. Planning permission (CA/15/2375) was granted on 26 January 2016, following a resolution from the County Council's Planning Applications Committee on 20 January 2016 to remove the locational restriction on waste sources and to amend the hours of operation.
14. The key controls imposed on permission CA/15/2375 include (amongst other matters):-
 - The permitted waste types, including batteries, end of life vehicles (ELV), scrap metal, tyres, electrical waste (including fridges), dry recyclables (from commercial and industrial sources), domestic ("black bag") waste, source-separated food waste,

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separately collected fractions (excluding green / garden waste) and bulky domestic waste and municipal wastes, arising only from commercial, industrial and institutional sources;

- A maximum volume of waste permitted to enter the site for treatment, processing or recycling of 82,000 tonnes per annum (tpa) of which no more than 58,200tpa may be domestic (“black bag”) waste, source-separated food waste, separately collected fractions, bulky domestic waste or municipal waste, arising only from commercial, industrial and institutional sources;
- No more than 324 HGVs (162 in / 162 out) shall enter / leave the site each day;
- With the exception of waste sorting activities permitted in the MRF and the delivery of abandoned vehicles to the site, no activities on site or deliveries to or from the site shall take place except between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays;
- Waste materials collected from Civic Amenity sites may also be delivered and members of the public may also take electrical / recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours;
- Abandoned vehicles can only be delivered and off-loaded at the site between 07:00 and 23:00 hours;
- Domestic (“black bag”) waste, source separated food waste, bulked domestic waste and similar municipal waste shall only be deposited, handled, stored and transferred within the Waste Transfer Building;
- Noise from fixed and mobile plant to not exceed 52dB at residential properties;
- Provision of an odour suppression system within the Waste Transfer Building;
- Domestic (“Black Bag”) waste to be removed from site within 48 hours.

Proposal

15. The application proposes the variation of condition 9 of planning permission CA/15/2375.
16. Under condition 9 of CA/15/2375 the site is already afforded planning permission to receive domestic (“black bag”) waste, source separated food waste, separately collected fractions (excluding green / garden waste) and bulky domestic waste. The current application seeks to vary this condition to allow a maximum of 120,000 tonnes of any of the permitted waste types, into the site in any one year.
17. Condition 9 of planning permission CA/15/2375 currently reads as follows:-
 - (9) No more than 82,000 tonnes of waste shall enter the site in any one year and of this no more than a combined total of 58,200 tonnes shall be:
 - a. domestic:
 - i. “black bag” waste;
 - ii. source separated food waste;
 - iii. separately collected fractions; and
 - iv. bulky domestic waste; and
 - b. municipal waste, arising only from commercial, industrial and institutional sources, including separately collected fractions from those sources.

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

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

(9) No more than 120,000 tonnes of waste shall enter the site in any one year.

Reason: To ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Mineral and Waste Local Plan 2016 Policies DM11 & DM15.

19. No other changes are proposed to the conditions imposed on planning permission CA/15/2375, including the controls placed on the hours of use and the maximum number of HGV movements each day, amongst other matters. The applicant has stated that any potential further increases to the waste tonnages permitted would likely require alterations to the built development of the site.

Planning Policy

20. The Government Policy and Guidance and Development Plan Policies summarised below are particularly relevant to the consideration of this application:

21. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012) and the associated Planning Practice Guidance (PPG) and National Planning Policy for Waste (NPPW). National Planning Policy and Guidance are all material planning considerations.

22. **Kent Minerals and Waste Local Plan 2013-30 Adopted July 2016 (KMWLP):** Policies include: CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM15 (Safeguarding Transport Infrastructure), DM16 (Information Required in Support of an Application) and DM20 (Ancillary Development).

23. **Canterbury City Local Plan (2006) (Canterbury LP) Saved Policies:** the most relevant saved policies include ED1 (Safeguarding existing employment sites and premises), BE1 (High Quality Design and Sustainable Development), NE1 (Biodiversity), C1 (Transport), C39 (Air Quality), C40 (Potentially Polluting Development), and C41 (Waste Management).

24. **Emerging Policy - Canterbury District Local Plan Publication Draft (2014) (draft Canterbury DLP)** – Draft Policies include: SP1 (Sustainable development), SP7 (Habitat Regulations mitigation measures), EMP4 (Protection of employment sites), T1 (Transport Strategy), CC12 (Water Quality), DBE1 (Sustainable Design and Construction), LB5 (Sites of International Conservation Importance), LB6 (Sites of

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

25. **Kent Joint Municipal Waste Management Strategy Adopted April 2007 (Refreshed 2012/13)** – This document is a material consideration and includes Policy 20, of the adopted strategy, which states that the transfer station network will be improved across Kent to promote efficient transport of wastes for treatment, recovery and disposal. It also includes a number of other policies intended to assist in increasing recycling rates.

Consultations

26. **Canterbury City Council:** objects to the application on the following grounds:

The proposal will result in a significant increase in the levels of waste being brought to the site and is likely to cause a significant increase in the levels of odour emanating from the facility. It is considered that this would significantly change the character of the operation carried out from the application site and would have an unacceptable impact on the businesses within the Lakesview Business Park and the locality as a whole, including dwellings in the wider locality. The proposal will therefore have a significantly detrimental impact on the amenity of the surrounding area.

The proposed significant increase in the levels of waste being brought to the site is likely to result in an increase in the levels of vermin in and around the facility. It is considered that this would have an unacceptable impact on the Lakesview Business Park itself, including the businesses operating from the business park, as well as the areas of wildlife interest adjacent to the site.

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

- Very concerned that this application has the potential to significantly increase the quantities of more malodourous waste types (including black bag waste and food waste).
- Waste has to be delivered to the site to be processed. Coupled with this, the vehicles used to transport the waste are large and noisy. Increasing the tonnage permitted to travel from the source to the site results in increased traffic congestion, increased air quality and pollution, wasted energy and additional fuel costs.
- Concerns about additional vehicle movements and the potential for increased congestion on A28, including in terms of traffic travelling via the Sturry level crossing.
- Concerns about the amenity impacts of HGV movements.
- Concerns about the proper and timely management of waste, odour, vermin, dust, surface water runoff, environmental impacts.
- There are more residential properties in the area now, with a further potential for approximately 1200 more houses in the future – just in Westbere and Hersden alone.
- 1200 houses generate in excess of 3000 additional vehicular movements (over above current traffic) using the A28. There is also massive tentative planned housing at Thanet which will give rise to even more vehicle movements all increasing problems of air pollution.

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- Concerns about possible adverse effects on the adjacent Stodmarsh SSSI and Ramsar sites and on the health and well-being of the residents of Westbere, Hersden and Sturry.
- The repeated 'variation' planning applications since the 2013 permission are a gradual erosion of the conditions imposed to protect local residents. These conditions were set for valid reasons and should be upheld.

The Parish Council also requested clarification of the throughput of waste and the number of vehicle movements generated by the permitted operations on site. This information was provided to them.

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

29. **Sturry Parish Council:** raises no objections.

30. **Environment Agency:** raises no objections to the application but states that the proposed amendments will require an application to vary the existing Environmental Permit. A full assessment will be made at the permit application stage to consider the risks associated with the proposed activities. The EA cannot guarantee that agreement to the proposed amendments will be given.

Fugitive emissions from the increase in throughput of potentially odorous waste streams will need to be carefully considered and appropriate measures employed to control and manage the risks. This may require improvements to infrastructure.

31. **Kent County Council Highways and Transportation:** raises no objections.

32. **Natural England:** raises no objections.

33. **Kent County Council Ecological Advice Service:** raises no objections.

34. **Kent County Council Waste Management:** The Waste Disposal Authority has a statutory duty to seek provision for dealing with domestic waste disposal arisings in Kent. Although our input to this facility is currently low, the additional proposed waste handling capability for residual MSW and separately collected food waste, which constitutes a key component of the waste stream, is to be welcomed.

In principle therefore, the Waste Disposal Authority would support the additional handling and processing capacity for these categories of waste.

Local Member

35. The local County Member for Herne and Sturry, Mr Alan Marsh was notified of the application on 13 February 2017.

Publicity

36. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 59 nearby properties.

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Representations

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

Discussion

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

39. The main issues to be considered are:

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

Principle of development / sustainable development / need

40. The application site benefits from planning permission as a waste management facility, allowing for the receipt, storage, recycling and transfer of a number of different waste streams. The permitted waste streams include: batteries; end of life vehicles (ELV); scrap metal; tyres; electrical waste (including fridges); dry recyclables; municipal wastes, arising from commercial, industrial and institutional sources and domestic (“black bag”) waste, source-separated food waste and bulky domestic waste. The site is safeguarded by Policy CSW16 of the Kent MWLP as a permitted waste facility that forms part of the County’s waste infrastructure. Canterbury LP Saved Policy ED1 and draft Canterbury DLP Policy EPM4 seek to protect the site for employment use in support of the economic strategy for the District. Amongst other matters, these policies include support for in-situ expansion of existing businesses, provided that there are no significant environmental, amenity, landscape, transport or other adverse impacts.

41. National Policy within the NPPF and NPPW, as well as policies within the Kent MWLP support the location of waste management facilities within or adjacent to existing waste sites or within established industrial estates.

42. The NPPF, Policies CSW1 and CSW2 of the Kent MWLP and Policy SP1 of the draft Canterbury LP all include a presumption in favour of sustainable development, which includes economic, environmental and social dimensions. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Government legislation indicates that, unless material considerations indicate otherwise, proposals that accord with the development plan should be approved without delay. The NPPW seeks delivery of sustainable development and resource efficiency, through provision of modern waste infrastructure, associated local employment opportunities and wider climate change benefits by driving waste management up the waste hierarchy.

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Government Policy seeks to ensure that waste management is considered alongside other spatial planning concerns, recognising the positive contribution that this can make to the development of sustainable communities, helping to secure the re-use and recovery or disposal of waste without endangering human health and without harming the environment.

43. The NPPW requires local Waste Planning Authorities to work collaboratively in groups with other waste planning authorities and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management. Government Policy highlights the need to plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.
44. Policies CSW4 and CSW7 of the Kent MWLP require the development of waste management capacity to manage waste arising in Kent. Policies BE1 and C41 of the Canterbury LP and Policy QL13 of the draft Canterbury DLP all identify the need for the development as a material consideration. Kent Joint Municipal Waste Management Strategy specifically identifies the need to improve the waste transfer station network to facilitate transport of materials to the recycling, composting, treatment, recovery and disposal infrastructure provided across the County. The Strategy recognises that the waste transfer station network delivers reduced environmental impacts, cost-effective and efficient transport, and efficiencies for collection services by facilitating the separation and bulking up of materials close to its source.
45. The proposed development would add 38,000 tonnes per annum (tpa) of additional capacity to the waste transfer network. The proposed changes to the controls placed on the existing permission would increase the flexibility of the site to cater for waste streams arising in east Kent, in particular by removing the current cap of 58,200tpa on black bag and food waste and enabling the sustainable transfer of waste materials onwards to appropriate treatment and recovery facilities elsewhere in the County, and where necessary further afield by bulking the waste much closer to its source, in east Kent. I note also that KCC Waste Management supports the principle of the development as the waste disposal authority.
46. Furthermore, as stated by Westbere Parish Council, the continued development of new residential properties within the vicinity of the site and more widely within Canterbury and east Kent puts an increased strain on the road network; however, it will also put increased pressure on the waste disposal process. There is a clear sustainability argument for waste to be transferred and bulked for onward treatment, as close to its source as possible and in this regard the proposal would be compliant, in principle, with development plan policies and should be supported given the overriding principle for the development has already been approved.
47. Taking account of the broad policy support, the site's allocations within the Development Plan and the permitted waste uses, the proposed development would be considered acceptable in principle, subject to its consideration in the context of other relevant Development Plan Policies, Government Guidance and other material planning considerations. Whilst there is an established need to improve the waste transfer station network to facilitate more sustainable transport of materials, it is not possible to establish whether the proposed development is acceptable or whether it represents

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sustainable development until all other development plan policies and material considerations have been assessed.

Local amenity (including air quality, odour, noise and health)

48. NPPW requires that new or enhanced waste management facilities should be considered against physical and environmental constraints on development. This includes existing and proposed neighbouring land uses and the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential. Policies CSW6, DM11 and DM12 of the Kent MWLP, Policies BE1, CE39, CE40 and C41 of the Canterbury LP and Policies DBE1, QL11, QL12 and QL13 of draft Canterbury DLP all require development that is compatible with existing land uses, that preserves local amenities and include suitable controls on noise, dust, odour and other emissions, amongst other matters.
49. The proposed variation to condition 9 seeks an amendment to increase the permitted tonnage of waste allowed into the site from 82,000 to 120,000tpa, and to remove the current maximum of 58,200tpa of domestic and municipal waste. All other conditions would remain the same. The applicant has stated that they are currently operating at approximately 90% of the 58,200tpa limit. The proposed amendment would principally involve the delivery of additional capacity for domestic and municipal wastes to the site. Material would then be sorted and bulked up within the buildings and yard for onward transportation to treatment and processing facilities elsewhere in the County, as is currently permitted.
50. Westbere Parish Council and Canterbury City Council have raised objections to the application on the grounds that, amongst other matters, the proposed development would give rise to local amenity concerns for residents and nearby businesses, including increased noise, dust, odour and emissions, vermin and additional vehicle movements resulting from the proposed increase to the permitted tonnages of waste entering the site.
51. I note that the existing planning permission already allows for a Materials Recycling Facility (MRF) (yet to be implemented) to operate, and for the delivery of abandoned vehicles, during Saturday afternoons.
52. In considering the potential impacts of the increase in waste permitted to enter the site, it is worth noting that the nearest residential properties are located approximately 200m to the north west of the application site on the A28 (“The Villas”) and to the east of the access road leading to the Canterbury Industrial Park (“Westbere Court”), on the far side of the Lakesview Industrial Estate. The industrial estate also benefits from a direct access onto the primary road network (A28), which does not require vehicles accessing the estate to travel past residential properties until they are well out onto the main road. No objections to the proposal have been received from nearby residential properties or from any businesses within the Lakesview Business Park. The potential for an increased impact on visual or residential amenity is low given the operations are already taking place on site in the same manner and these issues were examined in the original application and deemed to be acceptable. There is the potential for a minor impact on residential amenity due to the increase in vehicle movements based on the current

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situation but given the vehicle movement figures would not exceed what has already been permitted I do not consider this to be significant.

53. The issue of the potential for noise from operations on site was considered in detail as part of the previous applications, including other permitted operations that could take place beyond the standard hours and during Saturday afternoons. The existing permissions include controls that seek to ensure noise attributable to the operation of plant and machinery on site is maintained at an acceptable level and does not exceed 52dB at any residential property. There would likely be additional HGV movements associated with this proposal compared to the current situation, however, the overall number of vehicle movements would remain within the number already permitted and as such would not represent an additional noise concern to that already considered. No other aspect of the operation of the facility would alter as a result of this proposal and therefore would not result in a significant change in the noise associated with the development. I recommend that the existing controls, including the noise condition, be re-imposed on any new consent.
54. I can appreciate why some respondents might believe that the proposed amendments may lead to an increase in odour and dust emissions; however the more malodorous waste types may only be deposited, handled and transferred within the existing Waste Transfer Building (WTB). The WTB is purpose built to accept malodorous waste types; it is equipped with fast action roller shutter doors which close immediately after every vehicle enters/exists and an odour abatement system. Internally the building includes concrete bay walls and a concrete floor; all emergent fluids from the deposited waste are captured by a drainage system and tankered off site. All internal areas of the WTB that are in contact with waste are pressure washed down when clear of waste, this happens every 1-2 days, along with ad hoc cleaning when necessary. Waste is not permitted to be stored in the building for more than 48 hours (condition 24 of CA/15/2375), nor wherever possible from midday Saturday to Monday morning. Condition 5 of CA/15/2375 also requires the malodorous waste types to only be deposited, handled, stored and transferred within the WTB, both of these conditions would be re-imposed should this application be approved.
55. Managing of the time that waste spends in the WTB is strictly controlled by the applicant, whereby it can accept or decline deliveries depending on the capacity of the WTB at that particular time, and subsequently transfers waste from the site as quickly as possible. The whole premise of the operation is to receive waste, bulk it, and transfer it off site as swiftly as possible; there is no benefit, financial or otherwise, for waste to remain any longer than is absolutely necessary, thus decreasing the potential for odours to exacerbate. It is therefore unlikely that the proposed increase in waste would pose any greater risk to increased odour than the current time, providing the building is operated in accordance with the current planning conditions. In addition it is worth noting that whilst the proposal seeks to remove the sub-limit on condition 9 regarding particular waste types, this is not to say that the whole 120,000 tonnes would be passing through the WTB. The 120,000 tonnes per annum would relate to all waste received at the site including batteries, end of life vehicles (ELV), scrap metal, tyres, electrical waste (including fridges), and dry recyclables of which the potential for odour and dust concerns is low.
56. Westbere Parish Council's comments concerning the potential for an increase in the impacts from noise, dust, odour and emissions appear to be based on the assumption

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that there would be a corresponding increase in vehicle movements associated with this application. For the avoidance of doubt, the proposed development does not seek to change the existing controls imposed on the development, beyond the above-mentioned increase in throughput. The existing controls imposed on CA/15/2375 would largely remain unchanged. These include the nature of the waste materials that could be accepted on-site and the maximum number of vehicle movements of 324 HGV movements (162 in and 162 out) each day.

57. The Waste Planning Authority has previously concluded that this type of activity is acceptable and the existing planning permissions are subject to a number of conditions that seek to control operations to safeguard local amenity and minimise the impact of the development on the local environment. I do not consider that the proposed changes would significantly change the character of the operation. These conditions include, amongst other matters, the provision of buildings to contain operations on site, the use of fast action doors within the Waste Transfer Building, odour suppression systems, noise controls, dust suppression measures and limits on the length of time putrescible waste can be retained on site (48 hours). As a waste use, the site is also subject to monitoring and control by the Environment Agency through the Environmental Permitting regime. The applicant would be required to obtain a new permit to operate at the increased capacity from the Environment Agency. The Environmental Permit would ensure effective controls continue to be in place over matters concerning odour and vermin.
58. In response to Westbere Parish Council's enquiry, the applicant has confirmed that the site is currently operating at approximately 80% of the annual tonnage limit and is generating approximately 72% of permitted daily limit on HGV movements. This equates to 65,600 tonnes of waste per year and approximately 234 HGV movements each day (117 in / 117 out). The extent of activity on site is well within the permitted maximum levels that are there to protect highway safety, local amenities and environment, both in terms of throughput of waste and the number of vehicle movements.
59. Taking the above into consideration, subject to the re-imposition of those conditions relating to noise, odour and dust contained in planning permission CA/15/2375, I am satisfied that the proposed development would continue to be satisfactorily controlled (both through the planning and environmental permitting regimes) and would accord with the Government Policy and the relevant Development Plan Policies in terms of local amenity considerations.

Highways and transportation

60. The NPPW requires local authorities to consider the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, seeking when practicable and beneficial to use modes other than road transport.
61. Policies DM13 and DM15 of the Kent MWLP require waste management proposals to be acceptable in terms of highway safety and capacity. Canterbury DLP Policies C1 and C41 and draft Canterbury DLP Policies T1 and QL13 require that the level and environmental impact of vehicular traffic be taken into account when considering the location of development. Policies CSW6 and DM13 of the Kent MWLP require waste development to minimise road transport as far as possible. Where there are no practicable alternatives to road transport, the above policies, require development to be

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well located in relation to Kent's Key Arterial Routes, with safe and appropriate access, ensuring that traffic generated is not detrimental to highway safety nor has an unacceptable impact on highway capacity, the environment or local communities.

62. As indicated above the applicant does not propose to amend the current restriction on the maximum number of HGV movements, which would remain at the permitted level 324 movements per day (i.e. a maximum of 162 in / 162 out). The applicant is currently operating to around 72% of the current permitted number of vehicle movements. The original planning application (CA/09/607) foresaw a business model structured around deliveries from cars, commercial light goods vehicles (LGVs) and commercial heavy goods vehicles (HGVs). Since the time of the original application trading conditions have changed, primarily to the scrap metal industry, the original application foresaw around 74 vehicle movements each day into the site carrying a few tonnes of scrap metal each. However, over the intervening period the number of secondary industries in the locality has declined, commodity prices have been volatile and the scrap metal industry has contracted. Consequently the tonnages of scrap metal and associated vehicle movements are well below that which was original expected.
63. The proposed increase from 82,000 to 120,000tpa is an approximate change of 46% in overall tonnage capacity, based on the current tonnages passing through the site there is about 28% of vehicle movement capacity remaining. The applicant does not consider a 1% change in input tonnage to be equivalent to a 1% change in vehicle movements. The trend the applicant sees is for higher payload vehicles operated by hauliers with the primary concern for maximising the logistics of waste collection and disposal. The logistics of running the haulage operation include sequencing the routes to collect from (waste collection) and minimising the distance to travel to the disposal point (waste disposal at end of route), whilst all the time seeking to ensure that refuse collection vehicles arrive at the disposal point as heavily laden as possible; driving the efficiency of the operation as a whole. Increasingly the applicant's customer base is composed of these types of collections rather than ad hoc deliveries by LGV. To date this has enabled the applicant to comfortably remain within its daily vehicle movement's limit and would continue to do so going forward should the amendment to condition 9 be approved.
64. The catchment of most sites, including the non-domestic waste streams permitted to be received by the application site, are influenced by the market, with fuel costs and time swaying the decision to haul waste in small volumes over longer distances. The provision of transfer stations at strategic locations around the County (such as this site) enables waste to be sorted and bulked up for onward transportation in greater volumes, which represents the most sustainable way of moving waste by road. Whilst it is appropriate for these facilities to be located close to the waste sources, the NPPW makes it clear that facilities will need to serve catchment areas large enough to secure economic viability. For the avoidance of doubt, whilst the waste received at transfer stations is sorted and bulked up, which helps to drive the material up the waste hierarchy towards a more sustainable solution, the transfer station is not the final destination. Final processing and treatment facilities are located elsewhere in the County or further afield in the case of some recyclables.
65. The Local Highway Authority has considered the proposed development and raised no objection to the application, given that the application proposes no increase in the permitted maximum number of vehicle movements. It should be noted that the site is

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well related to the primary road network with direct access onto the A28. The existing planning permissions have established that the permitted number of vehicle movements is acceptable, such that operations on site at the permitted maximum level would not have an unacceptable impact on congestion, highway safety or the local amenity given the surrounding environment and highway network.

66. I note Westbere Parish Council's concern about the direction of travel resulting from the proposals and that this would affect congestion at the Sturry level crossing. The current planning permission is not subject to any specific routing arrangements, with vehicles able to approach the site from either direction along the A28. The good access to the primary highway network means that vehicle routing has not been justifiable in the original planning permissions and remains the case now. Given the application does not propose an increase to the overall vehicle numbers already permitted, I do not consider that the proposed development would have a detrimental impact on congestion at the Sturry level crossing.
67. The current planning permission restricts the number of vehicle movements to and from the site to 324 (162 in/162 out) per day. The suitability of this site and its location has previously received full consideration in terms of highway access and capacity. The applicant states that there would be no change to those restrictions as a result of this proposed variation. On the basis that there would be no increase in vehicle movements to or from the site and that KCC Highways and Transportation has raised no objection to the proposals, I am satisfied that the proposed development would accord with the policies set out above and see no reason to refuse the application on highways and transportation grounds, subject to existing conditions relating to these matters being included as part of any new permission.

Biodiversity and other matters

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

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

72. Given the site would continue to be subject to an Environmental Permit issued and monitored by the Environment Agency and as the proposed changes to the maximum volume of waste would have a negligible impact on biodiversity interests or the water environment, I am satisfied that the proposed development accords with the above policies and that there is no reason to refuse permission on biodiversity or drainage grounds, subject to the re-imposition of conditions imposed on planning permission CA/15/2375.

Conclusion

73. The application seeks to increase the tonnages of waste permitted to be received at the site from 82,000 to 120,000 tonnes per annum and removing the lower limit of 58,200 tonnes of domestic/municipal waste per annum. All of the other existing conditions on the planning permission would remain the same and notably there would be no increase in HGV vehicle numbers over that which is currently permitted. There is strong policy support at national and local levels for ensuring the delivery of sustainable waste management and for improving the waste transfer network. This facility would enhance the capabilities of an existing site that serves Canterbury and the surrounding districts without creating any additional burden of the highway network. On the basis of consultee responses together with the re-imposition of the conditions from CA/15/2375, I am satisfied that the site would be able to operate without causing adverse effects on the environment, local residents or nearby businesses. The proposal is in my opinion consistent with the principles of sustainable development as set out in the NPPF and should therefore be supported.
74. In conclusion, I am of the opinion that, subject to the re-imposition of all other conditions imposed on CA/15/2375, the proposed variation to condition 9 would represent sustainable development, would not give rise to any material harm and would accord with relevant Government and Development Plan Policies. I am satisfied that there are no other material considerations that indicate the decision should be made otherwise. I therefore recommend that the proposed amendment to condition 9 of permission CA/15/2375 be granted, subject to conditions (as indicated below).

Recommendation

75. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO:
- condition (9) being amended to allow no more than 120,000 tonnes of waste to enter the site in any one year.
 - the re-imposition of all conditions previously imposed on permission CA/15/2375 updated and amended as necessary; these conditions include, amongst other matters, the provision of buildings to contain operations on site, the use of fast action doors within the Waste Transfer Building, hours of operation, stockpile heights, HGV movements, odour suppression systems, noise controls, dust suppression measures and limits on the length of time putrescible waste can be retained on site (48 hours).

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Background Documents: see section heading