

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Wood recycling to produce biofuel together with ancillary power production at Former KCC Waste Transfer Station, Fernfield Lane, Hawkinge, Kent, CT18 7AW – DO/18/00034 (KCC/DO/0339/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 11 July 2018

Application by Flisher Energy Ltd for wood recycling to produce biofuel together with ancillary power production at Former KCC Waste Transfer Station, Fernfield Lane, Hawkinge, Kent, CT18 7AW – DO/18/00034 (KCC/DO/0339/2017)

Recommendation: Planning Permission be GRANTED subject to conditions.

Local Member: Mr G Lymer & Ms S Carey

Classification: Unrestricted

Site and surroundings

1. The application site is located some 3.1 km from the northern edge of the built-up area of Folkestone. It is north of the A20 and east of the A260. The site is 225m from the north-eastern edge of the residential curtilage of Hawkinge, within the District of Dover and wholly within the Kent Downs Area of Outstanding Natural Beauty (AONB), and also the Alkham East Kent Downs Landscape Character Area. The wider area is a mixed landscape of farms, west is Fernfield Farm, to the east of the site is Stombers Farm, to the north is agricultural land and woodland and close by to the south and east is Hawkinge Allotments, with residential development to the south of these.
2. The site is approximately 0.3 ha and comprises existing buildings (the former KCC waste transfer station and incinerator building and chimney) and associated surrounding yard (including weighbridge) and parking areas. Two of the three Combined Heat and Power (CHP) units are within the building whilst the third is located outside immediately adjacent to the southern elevation of the building. The site has a direct gated access from Fernfield Lane and is securely fenced around its perimeter. The road frontage has a good tree belt either side of the access which obscures views into the site from the road.
3. HGV's visiting the site use a private road (part of which is a public footpath) which gives direct access to the A260 from Fernfield Lane. The road adjacent to Fernfield Farm runs north-east for a short stretch before turning sharp left and heading south-east join the main road just before the roundabout. The road is gated and locked when not in use.

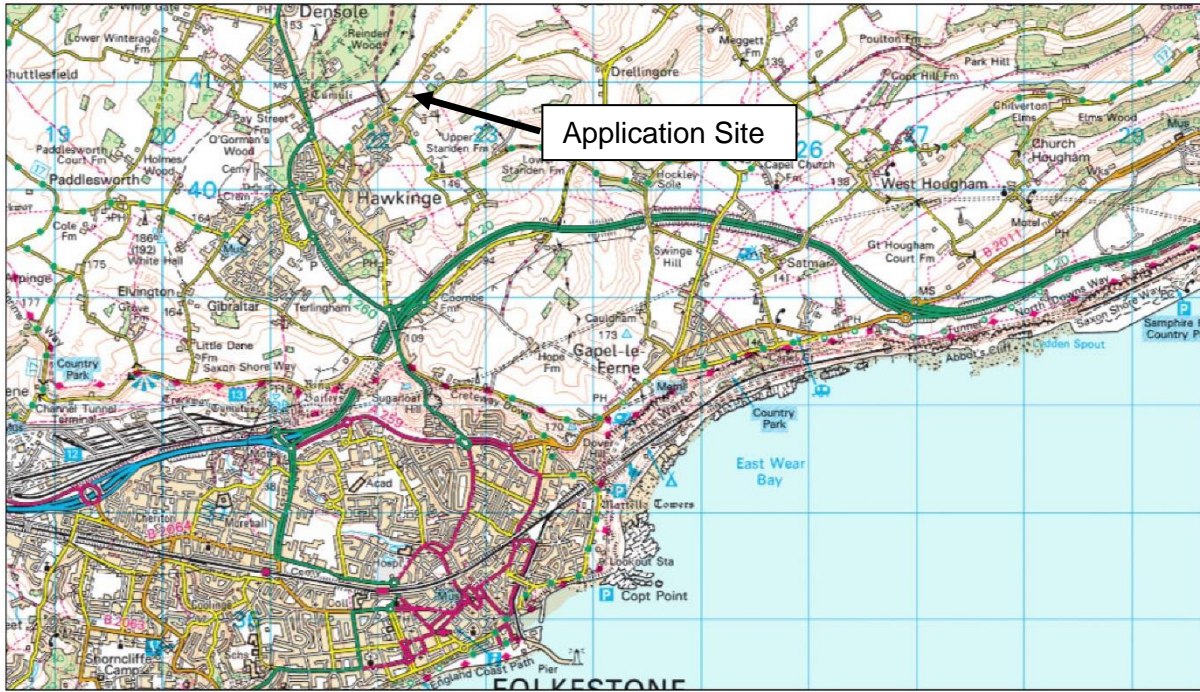
4. A public footpath crosses from Fernfield Lane to Stombers Lane just over 100 metres to the north.
5. The application site lies within a groundwater Source Protection Zone 2 (SPZ 2) where the Environment Agency (EA) consider the risk of pollution and suggest prevention measures if appropriate.

Background and Recent Site History

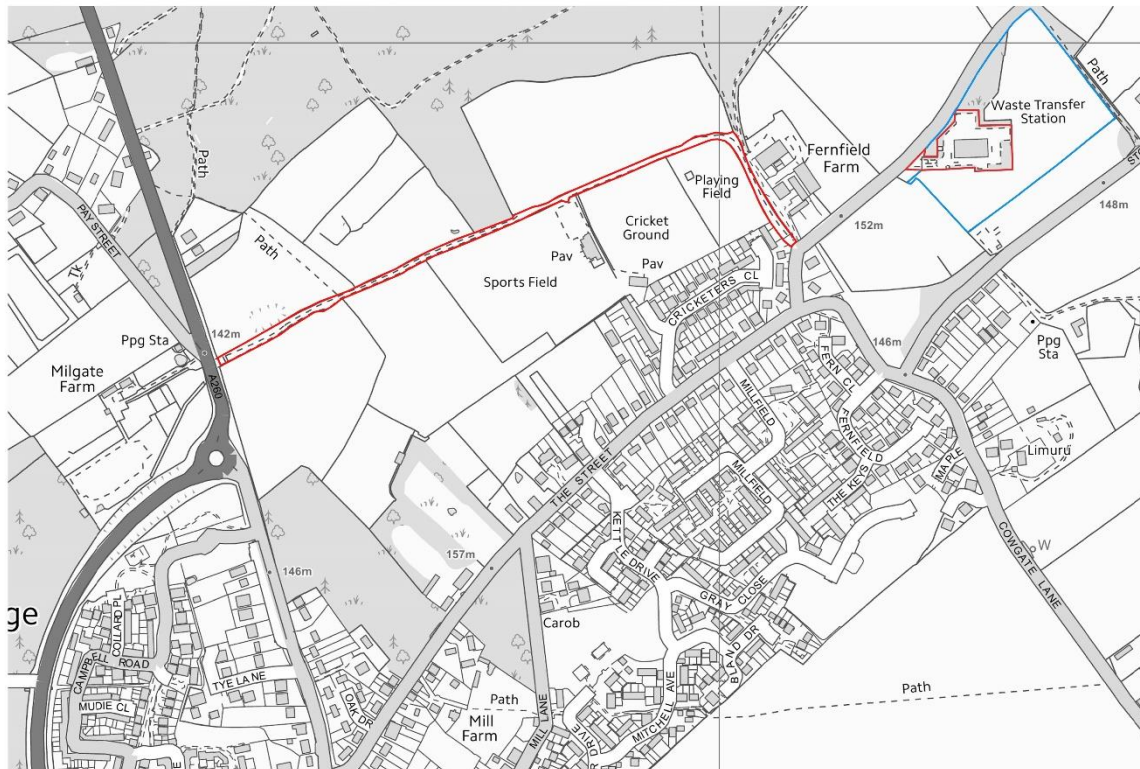
6. Historically the site was a former brickworks served by associated clay pits in the surrounding area. Planning permission for an incinerator on the site of the former brickworks for household refuse disposal was granted on appeal on 16 July 1970. More recent relevant planning applications have been received as follows:
 - DO/80/1191 - Modification of refuse incinerator plant for use as a waste transfer station – Deemed permission 12 March 1982 (Reg. 4 Town & Country Planning General Regulations 1976 – This consent was solely for the benefit of the County Council). *This permission allowed for the conversion of part of the incineration plant into waste transfer for household waste whilst retaining the ability to burn waste if the need were to arise in the future.*
 - DO/92/1099 – Continued use of KCC Waste Transfer Station by direct operation of the facility transferred to a third-party contractor and proposed householders waste and recycling centre - Permission granted 25th January 1994.
 - DO/92/1099R2 – Installation of new fuel tank – granted permission 5 January 2004.
 - DO/92/1099R2 – Variation of the hours of operation – permission granted on 13 May 2004.
 - DO/92/1099R6 - Installation of enclosed stairwell and crane control cabin - Permission granted 4 May 2006
 - DO/94/1172 – Extension to site area to improve vehicle manoeuvring space – Temporary planning permission granted on 13 March 1995 until 31 March 2003.
 - DO/94/1172R1 - Continued use of extended manoeuvring area up **until 31 October 2022** – Permission granted 13 March 2003.
7. To the south east of the application site, beyond a field owned by the applicant, is an area of land owned by Folkestone and Hythe District Council which was granted permission for 40 allotments in August 2009.

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General Location Plan



Site Location Plan



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Proposal

8. This is a retrospective application for the use of the site in the production of a high-grade wood chip fuel for sale and use in offsite, largely commercial, boilers. The throughput is up to 10,000 tonnes per annum (tpa) of waste wood from forestry operations and 10,000 tpa of waste wood from offsite construction and demolition waste and commercial and industrial waste streams. A proportion of the shredded waste wood is fed, as a fuel, into the onsite CHP boilers which in turn produce hot air for drying the woodchip, and electricity which is used for on-site operations with any surplus (approx. 10%) being fed into the National Grid.
9. The wood waste is brought to site by HGV and deposited into wood storage areas which primarily lie within the area that was granted a temporary consent for vehicle manoeuvring until 31 October 2022. Wood is then taken to the screener if the load needs separation from other contaminants and or the shredder, being loaded using a telehandler.
10. Once it has been run through the shredder, the chipped wood is then deposited in the drying containers which are connected by ducting and pipework to one of the three CHP units. As set out above these power units supply the hot air for drying as well as the electricity to run the facility. Approximately 20% of the processed wood from the shredder is used to fuel the boilers with the remainder being dried to produce the high-grade woodchip for sale off site. Two of the CHP units (1x Binder RRK 1200-1650 biomass boiler and 1x Heizomat RHK-AK 850 biomass boiler) together with the wood chip storage for fuelling are located within the existing building whilst the third CHP unit (1x Heizomat RHK-AK 850 biomass boiler) and its associated fuel store are housed within two separate containers adjacent to the southern façade of the existing building. Only the Binder boiler is required to have a waste permit and it is authorised to burn both Grade A (untreated, clean wood) and Grade B (non-hazardous mainly from construction and demolition activities, recycling centres and civic amenity sites) waste wood. The Heizomat's burn only solid wood and are not required to have waste permits. The operation of the screener and shredder are the subject of an environmental permit exemption from the Environment Agency.
11. The proposal includes the installation of an acoustic barrier on the eastern and part of the northern boundary of the site.
12. A small amount of ash is produced in the boilers and this is stored in a covered waste bin along with any non-compliant wood or other materials (principally nails). The container is taken off site for disposal of the contents to an appropriately licensed waste disposal site.
13. The site employs 7 staff and whilst the power generation and drying process operates continuously the noisier shredding and other external plant activity occurs during the hours 07.30 - 16.30 Monday - Friday and 08.00 - 13.00 hours on Saturdays only.

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Planning Policy

14. **National Planning Policy Framework (NPPF) (March 2012)** sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.
15. The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 1 (Building a strong, competitive economy), 3 (Supporting a prosperous rural economy), 4 (Promoting sustainable transport), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) are of particular relevance.
16. The NPPF seeks local planning authorities to look for solutions rather than problems and to approve sustainable development that accords with the development plan, unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, the Framework seeks that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF policies.
17. A draft revised NPPF (March 2018) has recently been out to consultation. Many of the proposed changes reflect the current position with regard to EU legislation references and add more emphasis for the support for the delivery of new housing. The basic principles of sustainable development, building a strong competitive economy, supporting a prosperous rural economy and promoting sustainable transport remain as do meeting the challenge of climate change, flooding, as well as conserving and enhancing the natural environment, especially Areas of Outstanding Natural Beauty (AONB).
18. **National Planning Policy Guidance (NPPG) (March 2014 (as updated))** supports the NPPF including guidance on planning for air quality, climate change, flood risk and coastal change, light pollution, natural environment (landscape and AONB), noise, transport and waste (amongst other matters). The waste section of NPPG advises that the aim should be for each Local Planning Authority to be self-sufficient in dealing with their own waste in the context of the 'proximity principle'. It requires waste planning authorities to plan for sustainable management of waste.
19. **National Planning Policy for Waste (NPPW) (October 2014):** The NPPW should be read in conjunction with amongst other matters the NPPF and Waste Management Plan for England (WMPE) 2013. It recognises the need to drive the management of waste up the 'Waste Hierarchy' and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country's waste ambitions through amongst other matters helping to secure the recovery of waste without endangering human health and without harming the environment.

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20. **Waste Management Plan for England (WMPE) 2013:** The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero-waste economy as part of the transition towards a sustainable economy. It also promotes the waste hierarchy as a guide for sustainable waste management. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and last of all disposal (landfill).

Development Plan Policies:

21. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (July 2016):** As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. Policy CSW1 gives support where, when considering waste development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by National Policy.
22. Policy CSW2 recognises that to deliver sustainable waste management solutions for Kent any proposal should demonstrate how they will help drive waste up the waste hierarchy whenever possible.
23. Policy CSW6 guides the location of built waste management facilities. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the waste hierarchy.
24. Policy DM1 requires that proposals for waste development are designed amongst other matters, to maximise the re-use or recycling of materials. Policy DM2 of the KMWLP states that proposals for waste development must ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. Particularly relevant is the protection afforded to AONB's where significant weight is given to conserving the landscape and scenic beauty of these areas in which the conservation of wildlife and cultural heritage are important considerations. Policy DM3 of the KMWLP states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that should secure measures to mitigate any adverse impacts and the securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity.
25. Policy DM10 seeks to protect the water environment and embraces issues of flood, groundwater, SPZ's and the protection of waterbodies. Policy DM11 requires waste developments to demonstrate that they are unlikely to generate unacceptable adverse impacts from noise, dust, odour, vibration, emissions, bioaerosols, illumination, visual

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intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 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 DM13 requires waste developments to demonstrate that road traffic movements are minimised as far as practicable by preference being given to non-road modes of transport. Policy DM14 seeks to provide safeguards which satisfactorily protect the interests of any Public Rights of Way affected by proposed developments.

26. **Dover District Council Core Strategy 2010** – Policies DM3 (Commercial Buildings in the rural area), DM12 (Road Hierarchy and Development), DM15 (Protection of the Countryside), DM16 (Landscape Character – including AONB)), DM17 (Groundwater Source Protection) also apply.

Consultations

27. **Dover District Council** - No objection – Would like to request that the proposed landscaping, including the new sections of native species planting, and the sound attenuation wall shown on the drawings, be secured by condition in order to preserve or enhance the surrounding open countryside and AONB and in the interests of residential amenity. We would also request that other noise attenuation measures which could further mitigate the noise from the wood chipper should be explored due to the high level of noise that is generated by this process and the site being situated within the AONB.

Folkestone and Hythe District Council (FHDC) - Have made a detailed representation on the planning application; they are the neighbouring authority (through which the private road passes) but also own an area of open space to the south of the application site and the neighbouring allotments along Stombers Lane (although both these are within Dover District Council's administrative area). FHDC have submitted an outline planning application for a small housing development (19 dwellings) on the area of open space within their ownership. The indicative layout shows the nearest plot to be about 50 metres at its closest point to the wood recycling facility. FHDC do not object to the principle to the change of use but would wish to ensure that any planning permission granted would not affect the amenity of local residents and the development potential of the FHDC owned land. They commissioned their own noise report which responds to the noise assessment included with this application. They comment that should permission be granted it should be subject to a condition to restrict the location of the wood chipper to that upon which an acceptable noise assessment and mitigation strategy has been based as well as requiring any proposed mitigation measures to be provided. They also comment that the noise assessment ignores the impact on the users of the allotments and further consideration should be given to mitigation measures by which the overall noise impacts of the wood chipper can be reduced and a further noise assessment of those measures carried out.

Hawkinge Town Council – State no objection in principle but object to the road being included. Further subsequent comments are as follows:

- To register the concerns: The impacts of current plant on the proposed development.

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- To consider the neighbours and the different impacts it will have locally.
- To consider traffic in addition to the current activities which are already on site and using the transfer road not Fernfield Lane.
- To consider restriction times on the movement of traffic in-wards bounds and out-wards bounds to consider the local neighbour's.
- To consider the level of noise which the operations will create during the production.
- To consider production restriction times, e.g. not running the equipment through the night.
- To consider the impact on the air pollution

Alkham Parish Council – No response received

Environment Agency – No objection. The applicant states that the operational area of the site is constructed of an impermeable continuously kerbed surface and the proposed development does not involve any construction which would require this surface to be punctured. It is also stated that all surface water is collected with pollution prevention controls and drains (with foul water) to mains foul sewer. The EA is satisfied with these proposals. Care should be taken to ensure that all fuels, lubrication oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to the ground.

Sustainable Drainage – No objection. The development is regarded as having a low flood risk.

Kent County Council Highways and Transportation – No objection subject to following being secured by condition:

- Provision and permanent retention of the vehicle loading/unloading, turning and parking facilities shown on the submitted plans.
- Access for all import and export of wood to be via the private road between the A260 Canterbury Road and Fernfield Lane only, with the operation of the gates to be in accordance with that described in the Planning Statement submitted.
- Maximum yearly import of wood to be no greater than 20,000 tonnes.

Kent County Council Landscape Consultant (Amey) – The proposed landscape mitigation associated with the planning proposals for change of use appear to be broadly appropriate although greater detail is required in terms of plant groupings, proposed plant protection, plant numbers and percentages of the chosen hedge mix species and semi mature trees. Thought should be given to the location of the evergreen elements of the hedging to ensure that there is not a fully deciduous width to the hedge in winter months. There is an opportunity for wildflower seeding during reinstatement and ground preparation works. The tree planting appears to be appropriate although detail is required as to the numbers and spacing of trees and species grouping in addition to the proposed tree pits and staking. Bearing in mind the maturity of the proposed trees to create an instant significant screen ground preparation and appropriate planting technique is vital. Clarification in regard to all plant material provenance is required as all material should have UK provenance with a preference for local provenance if possible.

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Kent County Council Noise (Amey) – The noise reports which accompany the application conclude that the proposals are acceptable in noise terms in principle and that view is supported. However should planning permission be granted it is recommended that an appropriate condition restricting the use of the shredder to certain areas of the site only and requiring further details of the 4m high absorptive noise barrier .

Kent County Council Air Quality & Odour Consultant (Amey) – Following the submission of further information we are satisfied that emissions from the CHP units are within appropriate limits and that with good housekeeping, dust and odour emissions will not be significant, but maintain that dust migration controls should be formally adopted by condition.

Kent Downs AONB Unit – No objection. Taking into account the previous use and extant permission of the site and the proposed significant reduction in vehicular movements, together with the proposed production of woodchip fuel which is supported by Kent Downs AONB Management Policy WT9 the AONB unit has no objection subject to the Landscaping Strategy as set out in Drawing No. 0040/B/3 being secured to any planning permission issued.

Kent County Council Biodiversity – No objection. The site is predominantly hard standing with limited potential for protected species. The building shows negligible potential for roosting bats. We note that the surrounding vegetation is being retained and improved with additional native planting which has the potential to provide ecological enhancements.

Public Rights of Way (East Kent PROW Team) - No objection. It is noted there is a gated access to restrict and monitor vehicle movements along the private road know as 'Pavilion Road'. HE197 runs along this road allowing members of the public rights on foot. If a condition could be considered to allow traffic to give way to members of the public it would be most appreciated. This can be easily done as the route is opened for deliveries etc. Following that regard, there is unlikely to be a significant impact to the footpath.

Public Health England - As the site will be subject to a part B environmental permit, with provisions for the control of emissions to air, we do not have any comments to make.

Civil Aviation Authority – No reply received.

Local Member

28. The local County Members Mr Geoff Lymer and Ms Susan Carey have been notified of the application, but no views have been received to date.

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Publicity

29. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 53 residential properties.

Representations

30. Five letters of representation have been received, one confirming no objection to the application, two from the same residence objecting to the proposals, a further letter of objection from a local resident and one from the Hawkinge Allotment Society. The following comments are made:

- The Street is very narrow and not built for large vehicles which take up the whole width.
- The old access road previously by council lorries could be used and a weight and size restriction put on The Street.
- The private access road is much used by pedestrians and children, opening it up makes it available as a rat-run and is completely unsuitable for the increased number of HGV's
- Concerned about air quality, dust and noise in what is a very quiet and clean environment at the moment.
- The noise and rumbling from the turbines continues late into the night.
- The users of the allotments want to enjoy peace and quiet away from the stresses and noise of everyday life.
- The site has occasionally had unpleasant bonfires.
- The production of biofuel so close to residential properties must be a health and safety issue. It threatens increased noise. Pollution and traffic congestion and offers no benefit to local residents other than a few jobs. It is inappropriate in current form and should not be allowed to expand.

Discussion

31. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs 20-25 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 by the following headings:

- Need and sustainability
- Traffic and Transport
- Noise, Dust & Air Quality
- Landscape and Visual Impact
- Drainage
- Other Issues

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Need and Sustainability

32. This former brickworks site was granted planning permission (on appeal) for a small household waste incinerator activity in 1970. In 1974 as a result of Local Government reorganisation the County Council took over responsibility of the site and operation of the incinerator. I understand that the incinerator was closed in 1982 and the site converted to operate as a waste transfer station through a deemed planning consent (solely for the benefit of the County Council). As a result of legislative changes in 1990 the operation of the waste facility was transferred from direct operation by the County Council to a private contractor and it was therefore necessary to seek planning permission to allow operation of the site by a third party private contractor. Planning permission DO/92/1099 granted in January 1994 allowed the continued use of the waste transfer station by a third-party contractor and also established a small householder's waste and recycling centre within the existing site.
33. The site handled trade and domestic waste (including construction and demolition waste) until 2013 when the applicant took over the site, the wood recycling operations began in 2015. The original incinerator which was still in the building in 2013 has since been removed. This application is seeking retrospective planning permission for the wood recycling operations as set out in paragraphs 8-12 above.
34. It is clear that the site has had a long history of waste activity, albeit that the present activities are currently unauthorised. The presence of this waste management facility in its rural location is already established and it is proposed to carry out similar recycling activities to those previously permitted, with a lower throughput and less traffic. The proposed activity offers the additional sustainable benefit of producing power to run the drying operations on site and exporting excess energy to the national grid, as well as enabling a new use for the wood waste.
35. Policy CSW1 of the Kent Minerals and Waste Local Plan (KMWLP) presumes in favour of sustainable development and requires that waste development that accords with the development plan should be approved without delay, unless material considerations indicate otherwise. Policy CSW2 supports the movement of waste up the hierarchy and the recycling of the wood for re-use follows that principle. The application site whilst in a rural area and within the Kent Downs Area of Outstanding Natural Beauty (AONB), has a history of waste use and offers existing buildings, infrastructure and security, and accords with Policy CSW6. (Further consideration of the landscape impacts will be dealt with later in my report). Policy CSW16 safeguards existing waste management facilities from being developed for non-waste management uses and in this regards the proposal retains a waste management activity on the site.
36. In principle I am satisfied that there is policy support for this waste management activity in this location on a site where the principle of waste management has been established for nearly 50 years. The retrospective application seeks to regularise the operations which have been on-going since 2015. The wood recycling allows for a more efficient re-use of a waste product, whilst producing sufficient energy to run the facility as well enabling export of the excess to the national grid. It represents sustainable development in accordance with the policies contained in the development plan.

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Traffic and Transport

37. The wood waste is delivered to site using on average 20t HGV's which based on a throughput of 20,000 tpa imported to site and 16,000tpa of product exported equates to 1800 HGV movements per annum. Assuming 274 working days per year this would equate to 7 movements per day (i.e. max 4 HGV 's per day).
38. It is proposed that the vehicles delivering to the site would continue to use the private road from the A260 to Fernfield Road, following the arrangements set up for the previous waste uses at the site. The gates of the private road are locked at either end when the road is not in use however the gate adjoining the A260 is opened at 7.00am each morning to allow access for other users. The gate at Fernfield Lane is locked until a driver advises that they have arrived and needs the gate to be opened. Once a delivery is made the gate is locked. Vehicles exporting the processed wood chip would leave via the same route.
39. The Highways Officer comments that the numbers of associated traffic are unlikely to have a significant impact on the highway network, especially bearing in mind the movements that could be generated by the previous use of the site as a waste transfer station and household waste site which had permitted throughput of 100,000 tonnes and up to 300 HGV movements per day were experienced. He has no objection to the proposals subject to conditions to secure provision and permanent retention of the vehicle loading/unloading, turning and parking facilities shown on the submitted plans; access for all import and export of wood to be via the private road, with the operation of the gates as set out in the planning statement and maximum yearly imports to no greater than 20,000 tonnes.
40. Part of the private road is a public footpath and as such the drivers are required to give way to pedestrians. As stated above the road was used over many years in association with the waste transfer station when volumes of traffic were significantly higher. This activity will generate a maximum of 7 HGV movements per day and I therefore consider that an informative to remind the Applicant to ensure all drivers visiting the site and using the private road are aware of the requirement to give way to pedestrians would be reasonable in this instance.

Noise, Dust and Air Quality

41. The site has been in a waste related use for several decades. The wood recycling activities have been taking place at this site since 2013, albeit without the benefit of planning permission. It is therefore appropriate to consider the potential impacts that arise because of the use that is now being applied for. In general, it is important to ensure that the waste industry does not adversely impact upon the health and amenity of the surrounding environment and community. Appropriate suitable mitigation measures should be used to reduce the risk of unacceptable adverse impacts occurring. Policy DM11 of the KMWLP supports waste development if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts.
42. Noise – A noise assessment has been carried out in accordance with British Standard (BS) 4142:2014 'Methods for rating and assessing industrial and commercial sound', and the assessment report accompanies this application. It identified the nearest noise

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sensitive receptors and concluded that the proposals are acceptable in noise terms in principle. However, it was accepted that for that to be the case there would need to be a degree of attenuation to the shredder for the identified noise sensitive receptors which could be provided by locating it to the north of the substantial waste building.

43. It became apparent upon submission that the noise report had overlooked the bungalow at Stombers Farm which is approximately 160m to the north east and so additional surveys and assessments have been carried out. As a result, it is proposed to mitigate noise by erecting a 4m high absorptive barrier along the majority of the northern and all of the eastern boundary of the site. The amended acoustic report concludes that with this measure the noise emissions from the operations would be acceptable at all noise sensitive receptors. It would be essential that the location of the mobile shredder is restricted so that it can only be operated in a location which benefits from the proposed screening and to the north of the large waste handling building. Furthermore, it is proposed to limit, by condition, the maximum noise level at which the shredding equipment can operate (112 dBA) as well as requiring the final details of the noise limiting qualities of the acoustic barrier. The Applicant has indicated that he is happy to accept such conditions.
44. In response to the concerns regarding noise levels at the allotments it is suggested that the noise sensitive hierarchy considers gardens as being more sensitive than allotments as they can be seen as being a direct extension to a dwelling. Allotments are invariably remote from residences and in many cases can be found in urban or semi urban locations often subject to some extraneous noise such as road traffic or industrial. Based on the predicted noise contours, the Stombers Lane allotments would be experiencing noise ranging from around 40 to 56 dB when the shredder were operational which is not considered unacceptable by my noise advisor. It should also be borne in mind that a waste activity (household waste site and transfer station) was already taking place on the site before planning permission for the allotments was granted in August 2009. It is stated that the shredder and any other external plant activity would only be operational during the hours of 07.30-16.30 Monday to Friday and 08.00 to 13.00 hours on Saturdays and as such the proposed site activities would not result in a significant adverse effect on the amenity of the allotments. It would be appropriate to condition the above hours of activity so that the impact can be minimised. One complaint about noise back in 2015 made to the District Council was not substantiated and could not be confirmed as linked to Flisher Energy.
45. Dust and Air Quality – The application is accompanied by a dust assessment report and it is acknowledged that the waste wood activities promoted through this application have the potential to result in impacts upon the environment from a number of sources. Wood storage itself is not considered to be a dust source. The screening and chipping process, though likely to produce dust, is not considered to be in sufficient quantities to cause adverse impact and is categorised as 'not significant' in the dust assessment. The operation of the Binder CHP unit is subject to a waste permit and it is concluded that if operated in accordance with the permit that emissions from the unit would be adequately controlled and the risk to human health low as a result. An update of the monitoring of emissions from the Heizomat boiler in the container are considered not to exceed the emission limit values in statutory guidance for combustion of waste wood (Process Guidance Note 1/12 (13) – DEFRA July 2013), this is also the case for the second Heizomat boiler inside the waste building and my air quality advisor considers

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these results to be robust. The bottom ash from the boilers is stored in a covered waste bin and then collected by a specialist waste handler who takes it to an appropriately licensed landfill site. The risk of amenity impacts from this operation are considered minimal based upon the ash being transported in covered vehicles. There have been no complaints about dust or odour from the site since these wood recycling operations have been taken place over the last 3 years.

46. It is concluded that with good housekeeping, dust and odour emissions will not be significant, in fact a reduction in traffic levels from those associated with previous waste uses results in some benefit to the local environment. However, it is recommended that the mitigation controls set out in the dust assessment are subject to an appropriate condition to ensure good management and appropriate action should dust issues arise.

Landscape and Visual Impact

47. The site is located in the Kent Downs Area of Outstanding Natural Beauty (AONB) within Alkham:East Downs Landscape Character Area in the Landscape Assessment of Kent Landscape. The site is screened by the existing topography, hedgerows, scrub and mature trees. However, the site is visible from some view points to the south and east (from the allotments and residential properties further afield). A number of containers (2.5-3m high) used for drying the wood chip are located around the perimeter at the eastern end of the site, as is the screener which measures 5m in height. However, the largest structure on the site by far remains the original waste handling building, which now houses 2 of the 3 CHP units. The boundary of the site was extended in 1995 to improve vehicle manoeuvring space to accommodate the larger waste vehicles visiting the KCC waste transfer site. Temporary permission was renewed in 2003 and currently is allowed until 2022. The tree screen around this additional area has developed well over the years and views of the yard area at this point are limited. If planning permission is granted the use of this area of land as an intrinsic part of the waste operations would become permanent as it currently provides storage space for the waste wood awaiting processing as well a vehicle manoeuvring area.
48. The landscape strategy submitted with the application proposes to address the inadequate screening on the boundaries by felling existing non-native Sycamore and Eucalyptus trees to reduce the seeding of these invasive species and replanting with native species. A range of native species of trees of varying height is proposed along with a six-row native hedge mix with a high mix of evergreen material to provide a dense lower storey of vegetation below the tree canopies. The proposals have been designed to provide visual screening from the allotments to the south and east and views from the public footpath to the north east. In addition to the screening characteristics of the proposals the planting has been designed to enhance biodiversity and foraging corridors around the site, this is welcomed by my Biodiversity officer.
49. My landscape advisor is generally satisfied with the proposed approach to provide additional screening subject to final agreement on details of species, plant provenance plant groupings and protection measures. Detailed suggestions for matters to be included for submission pursuant to a landscaping condition are set out in his comments and for assistance I recommend that this be added as an informative to any planning permission granted.

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50. The site has been in a waste related use for many years and this proposal offers the opportunity to improve the screening of the site and associated activities. As such the impact of the development upon the landscape quality of the AONB would be reduced by the improved screening offered by the proposed additional planting which could be secured through an appropriate condition.

Drainage

51. The site is located within a Source Protection Zone 2, located upon a principal aquifer and within a drinking water protected area for groundwater safeguard zone. Initially the Environment Agency objected to the planning application as the applicant had not supplied adequate information to demonstrate that the risk to groundwater from the development could be adequately managed. The Applicant submitted some additional drawings showing the existing drainage arrangements for the site and undertook a CCTV inspection of the system. The whole operational area of the site is constructed of an impermeable continuously kerbed surface which would not be disturbed (punctured) by the development being applied for. All surface water flows directly to a foul water public sewer as has been the case for many years and whilst previous waste uses have been taking place. Based on the additional information the EA were satisfied the information was sufficient to enable them to remove their objection. They comment that care should be taken to ensure that all fuels, lubrication oils and any other potentially contaminating materials should be stored to prevent accidental/unauthorised discharge to ground, an appropriately worded condition would secure this.
52. The County Council's Sustainable Drainage team as Lead Local Flood Authority reviewed the application and additional information and regard the development as low risk and have no objection.

Other Issues

53. Folkestone and Hythe District Council (FHDC) have questioned the use of what they argue are newly cut tree trunks as falling outside the definition of recycled wood. As such they take the view that their processing should be subject to a planning application to the District Council for a non-waste based industrial process. It is true that virgin timber may not be a waste, and this might include trees and branches, shavings and sawdust, removed during forestry, woodland or riverbank management. However, the Environment Agency confirm that the Applicant does not describe the wood stream as 'virgin timber' and so it cannot be considered as such. Furthermore at least 50% of the material coming into the site is from construction and demolition streams and as such it is appropriate for the County Council to deal with the planning application as a waste management proposal.
54. FHDC owns a parcel of land to the south of the application site for which they have applied for outline planning permission from Dover District Council (DDC) for 19 dwellings. The application was submitted in December 2016 and has yet to be determined. They have not objected in principle to this waste application but have commented that they would not wish the development potential of this land to be affected by any planning permission granted.

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55. I acknowledge the aspirations of FHDC for the adjoining site but at this point in time no planning permission exists for residential development and DDC may or may not grant permission, depending upon their housing needs and the material considerations relating to that application. When they are in a position to determine the application, they will have to take account of whatever development is permitted in the area. FHDC comment that if KCC are minded to grant permission it should seek to ensure, via condition, that the location of the wood chipper is in a fixed location to north of the main waste transfer building as the ability to move the chipper around the site would have the potential to adversely affect the amenity of local residents and noise levels would not have been assessed. I agree with this point and as such am recommending a condition to secure the location of the chipper when it is in operation (see noise section of report). Furthermore, if this waste application is granted, then consideration of the potential amenity afforded to the new dwellings would have to be accommodated within the proposed housing layout with any noise mitigation designed in as appropriate. My noise advisor considers that limiting the noise emissions from the chipper and restricting its location along with appropriate measures designed into the proposed housing proposals would allow noise impacts to be adequately addressed and as such it is not considered that the development potential of the FHDC site would be restricted.

Conclusion

56. The application seeks retrospective planning permission for the use of the site for waste wood recycling activities which have been taking place over three years. The site has a very long history of waste uses and so the principle of waste related development at this sensitive AONB location is already established. The level of HGV traffic is considerably lower than the previous waste use and the access routes to and from the site secured by the previous use have been and will continue to be used. This involves directing the HGV's visiting the site to use the private access road from Fernfield Lane to the A260 so as to avoid travelling through Hawkinge. Noise, dust and air quality impacts upon the site and surrounding areas have been considered through the application and found to be minimal; and with appropriate mitigation (secured by conditions) there are no objections from consultees. Existing drainage arrangements have been surveyed and tested and found to offer appropriate safeguarding to the groundwater environment to the satisfaction of the Environment Agency.
57. It is not considered there would be any cumulative or combined impacts associated with other developments.
58. I am satisfied the proposed development complies in all relevant aspects with the NPPF to which the presumption in favour sustainable development therefore applies. It is concluded that the proposals comply with the adopted KMWLP 2016 and the relevant policies of the Dover District Council's Core Strategy 2010
59. There have been no substantiated noise complaints about the activities at the site since it began operations in 2015 and no reports of dust. Based on the considerations set out above I am satisfied that the proposals represent a sustainable waste management activity which would not result in any significant impacts upon the sensitive landscape area or the amenity of the residential properties and other land uses beyond.

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60. I recommend that planning permission be granted for these proposals.

Recommendation

59. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The development to be carried out in accordance with the approved plans.
- Waste wood awaiting processing shall be stored only in the area identified on the plans.
- No additional containers shall be brought onto the site.
- No more than 20,000 tonnes of wood waste per annum shall be imported to the site.
- The shredder shall only be located as shown on the layout drawing 324/101 rev A.
- Noise limit for shredder (112dBA as set out in table 4.1 in the noise report).
- The shredder and other external plant to be operated 07.30-16.30 Monday-Friday and 08.00-13.00 on Saturdays only, none of these activities shall take place on Sundays or Bank Holidays.
- Prior to the installation of the acoustic barrier details of the acoustic qualities of the barrier and long-term maintenance plans to be submitted for approval.
- Submission of detailed landscaping scheme.
- Maintenance of approved planting scheme.
- Submission of a dust management plan.
- No more than 7 HGV movements per day.
- Use of private access for import/export of wood including operation of the gates.
- The areas identified for parking, turning and manoeuvring shall be kept available for such use
- Storage of oils, fuels and lubricants to be appropriately contained to prevent spillage and impact on groundwater.

61. I further recommend that an informative be added advising the matters for inclusion in the landscaping scheme to be submitted pursuant to the landscape condition above, and a further informative that the Applicant remind drivers visiting the site using the private road that pedestrians have right of way.

Case Officer: Andrea Hopkins

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Background Documents: see section heading
