SECTION C
MINERALS AND WASTE MANAGEMENT

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 other documents as might be additionally indicated.

Item C1

Change of use of land from an existing aggregate recycling facility to a waste transfer station for the acceptance, storage and treatment of non-hazardous household, commercial and industrial wastes at Omni Recycling Ltd, North Farm Lane, Royal Tunbridge Wells, Kent TN2 3EE TW/19/2511 (KCC/TW/0182/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 4th December 2019.

Application by Omni Recycling Limited for the Change of use of land from an existing aggregate recycling facility to a waste transfer station for the acceptance, storage and treatment of non-hazardous household, commercial and industrial wastes at Omni Recycling Ltd, North Farm Lane, Royal Tunbridge Wells, Kent TN2 3EE (KCC/TW/0182/2019)

Recommendation: Permission be granted, subject to conditions

Local Member: Mr Barrington-King Classification: Unrestricted

Site

1. The application site is located at land off North Farm Lane at the north eastern edge of Tunbridge Wells. It is located within the industrial area which contains a number of other waste management facilities including metal recycling to the north east and a Household Waste Recycling Centre at the southern end of North Farm Lane. To the immediate north is a concrete batching plant, to the south west is a wastewater treatment plant, to the immediate south west is the rear of a B&Q store on Great Lodge Retail Park.

2. The application site measures 0.45 hectares and is currently part of an existing aggregates recycling facility (ARF) that also includes land to the east. The proposed access to the site is via the existing entrance off North Farm Lane and the access road that currently serves the aggregates recycling facility.

3. The nearest residential properties are at The Avenue, approximately 570m from the site beyond the retail park and industrial uses on Longfield Road. Residential properties at Juniper Close and Hornbeam Avenue are approximately 600m to the south west of the site. The site is not subject to any environmental designations and does not host any mature trees or semi-natural habitats. Part of the site is within Flood Zone 3 with an annual probability of fluvial flooding of 1% or greater. A Flood Risk Assessment accompanies the application and is considered further in the discussion section of this report.

Waste management facility at Omni Recycling, North Farm Lane, Royal Tunbridge Wells (KCC/TW/0182/2019)

Background / Recent Site History

4. The application site currently operates as part of an aggregate recycling facility granted consent in April 2016 by permission TW/15/509988 (KCC/TW/0337/2015). The permission is subject to 10 conditions including:
   - Condition 8 limiting operations to between 07.30 and 18.00 Monday-Saturday, with no operations on Sundays or Bank Holidays.
   - Condition 9 limiting HGV movements to 40 per day (20 in / 20 out)

5. The permission required the development to be carried out in accordance with, among other things, an approved Dust Management Plan, Traffic Management Plan, Flood Risk Assessment, and Noise Management Plan submitted in support of that application. It also included a s106 agreement requiring the applicant to pay £20,000 Highways Contribution towards traffic modelling or highway works within one mile of the site within a year of commencement of the development.

6. The majority of the application site is within this existing waste and minerals management (aggregates recycling) site. However, the boundary of the extant permission is slightly different (smaller) to that included in the site location and site layout plans submitted with this application and included in this report, with part of the application site not within the area that benefits from planning permission for the aggregates recycling facility.

Proposal

7. The application is for change of use of land from part of an existing aggregates recycling facility to a waste transfer station for the acceptance, storage and treatment of non-hazardous household, commercial and industrial wastes. An existing office and weighbridge, and parking area is included within the application site but will also continue to be shared with the aggregates recycling operation which will continue on the land to the immediate east.

8. The proposal is for installation of hardstanding and mobile machinery to provide for the acceptance, storage and mechanical treatment of mixed, dry, non-hazardous household, industrial and commercial (HIC) wastes. The planning application is supported by site location and layout plans, and technical reports, including:

   - Planning, Design and Access Statement
   - Transport Statement
   - Dust Management Plan
   - Odour Management Plan
   - Noise and Vibration Management Plan
   - Flood Risk Assessment
   - Surface Water Drainage Plan

9. The applicant states that no hazardous, liquid or clinical wastes will be accepted at the site and strict identification and quarantine procedures will ensure any non-conforming wastes are dealt with appropriately and without risk to human health or the environment. The site operator has an Environmental Permit which has been issued and regulated by the Environment Agency to ensure the site is operated with due consideration for the environment and the amenity of the surrounding area. The

Environmental Permit is accompanied by an Odour Management Plan, Noise and Vibration Management Plan, and Dust Management Plan and requires operation to be in accordance with these.

10. The proposed development is set out in the Proposed Layout Plan (drawing reference 001/2021/03 REVC) and would comprise:
    - A new concrete hardstanding area: This would measure approximately 1,500m^2 for the acceptance, storage and treatment of HIC waste, storage bays and vehicle turning area during operational hours. The area would drain to a perimeter trench then discharge to the foul sewer on North Farm Lane incorporating measures to attenuate the rate of discharge;
    - A mobile mechanical treatment plant comprising a hopper, trommel, blower, overband magnet and enclosed picking line, with associated conveyors to transport waste and hook-loader skips for collection of sorted materials, located on the concrete hardstanding (I note that part of the area in which the plant is proposed is outside of the site boundary of the extant ARF planning permission);
    - Site office: The existing two-storey modular cabins serving the existing ARF would be retained in their current location within this site. The existing modular cabin which is used by drivers for welfare would be retained;
    - Weighbridge & wheelwash: The existing weighbridge and wheelwash would be retained adjacent to the offices at the site entrance;
    - Staff parking: The site will retain existing parking and create additional parking spaces to the southern boundary of the site, totalling 19 spaces (I note that the area in which the spaces are located and proposed is outside of the site boundary of the extant ARF planning permission);
    - Legio block reception and storage bays (3.2 metres height)**:** To be used for reception of delivered waste and storage of recycled materials arising from the treatment plant prior to removal to onward destination sites. Existing bays along the northern boundary of the site would be used for storage of recycled materials prior to export;
    - Dust/litter netting 2 metres above the existing palisade fencing on the southern and western boundaries of the site (so up to 4.4m height in total).

11. On-site mobile machinery used for loading, initial sorting and moving material would include a loading shovel, a 21 tonne 360^o excavator and a 13 tonne 360^o excavator.

12. The site would be operated as a recycling separation facility for the skip waste inputs. Recyclables such as plastics, wood, metals, paper and cardboard would be separated both by hand and by the proposed plant, stored and sent on to other reprocessing facilities. Inert waste would be separated for use as recycled aggregate and soil. Following initial sorting, the mechanical treatment plant and picking line will further separate the mixed waste which can be bulked up and sent to a suitably permitted site for further processing. Storage of materials would be up to 3 metres height within bays of 3.2 metres height.

13. The typical process for the reception and processing of waste delivered to the site would be:
    - Once a load is accepted, the contents of the delivery vehicle would be unloaded into the waste reception area (south west corner of the site);
    - The waste in the reception area would be crudely sorted into recyclable materials such as paper/ cardboard, plastics, wood/timber, metals and green waste and transferred into the appropriate recycling skips;

- Loads containing predominantly inert waste would be directed to relevant storage bay for storage prior to further recycling on or off site (adjacent ARF);
- The mixed material from the reception area is then loaded into the hopper using the loading shovel or 360^{o} grab for mechanical sorting;
- The waste would then transfer directly into a trommel where <75mm fines are separated in the trommel and discharged via conveyor to the ground. The larger material then travels along a separate conveyor where the light waste is transferred to a steel cage via a fan blower;
- The resultant material would then divert 90^{o} via the conveyor where recyclables would be hand- picked via a picking line and deposited into a bay below;
- The remaining waste should then consist of either bulky waste or scrap metal. Scrap metal will be collected via an overband magnet and deposited in the bay below and the bulky/inert waste will drop off at the end of the conveyor;
- Recyclable wastes, following deposit in the bays, will then be transferred to larger recycled product storage bays eastern part of the site) to await onward distribution to an appropriate recycling/recovery facility.

14. The proposed throughput of the site is 45,000 tonnes of HIC waste per annum. Based on this figure it is proposed that the site would accept up to 30 loads in any one working day (maximum), which equates to 60 vehicle movements in total (30 in/ 30 out). The applicant claims that this figure would be the maximum in the event of busy periods and it is likely movements would range between 40 and 60 per day for the skip hire/waste transfer business.

15. Waste would be delivered to the site using the applicant's own vehicles which consist of 8-wheeled skip wagons carrying 4, 6, 8 and 12 cubic yard skips and smaller commercial transit vans for small domestic clearance jobs.

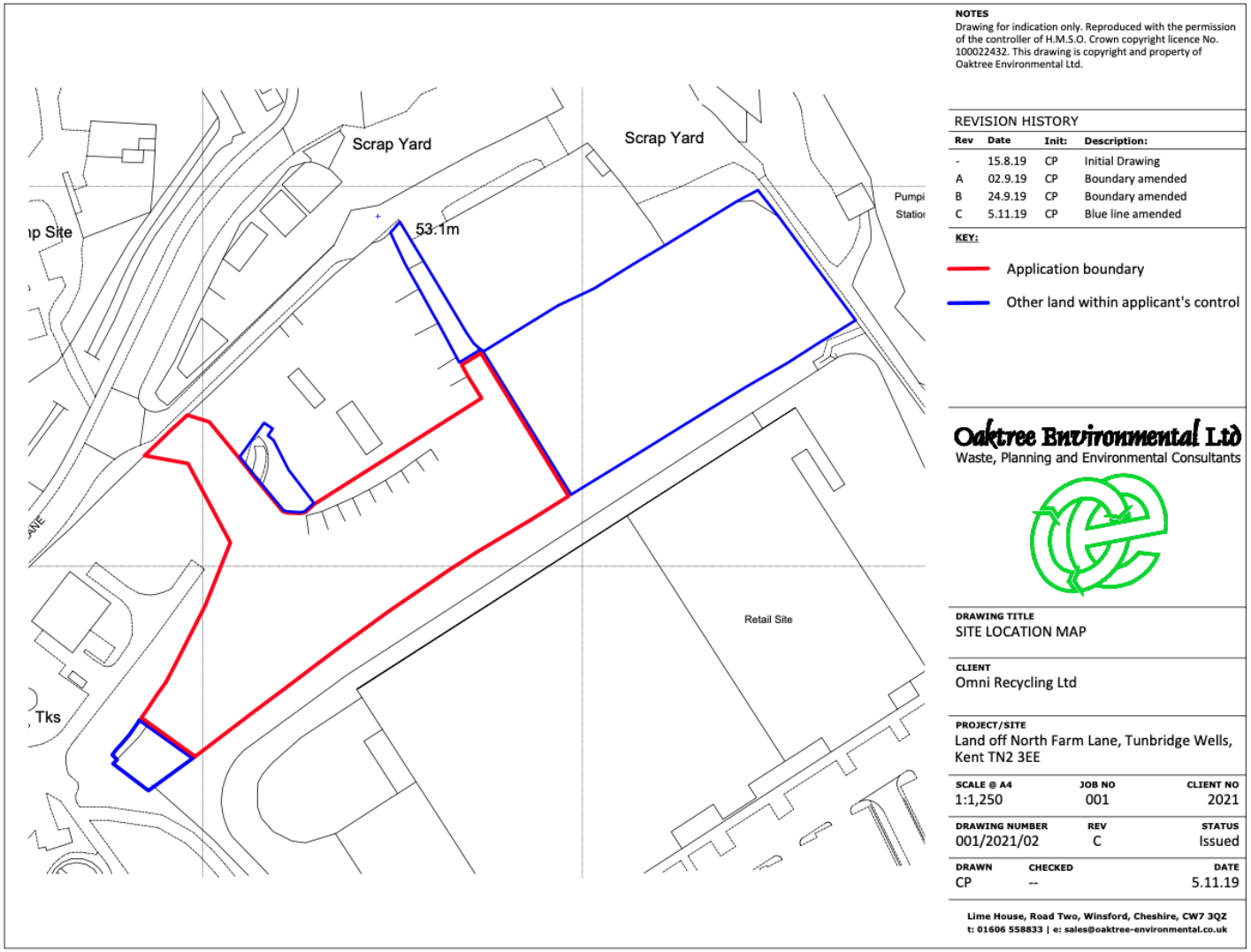
16. The proposed vehicle movements associated with the proposal would be in addition to the existing movements associated with the ARF which would continue to operate on the adjacent site to the east. There would be a small number of movements between the ARF and the proposed recycling facility.

17. The applicant currently operates a skip hire business using two standard skip lorries and a van. These vehicles are parked at the site overnight and then depart during operational hours. The vehicles collect waste in skips, bags or loose and deliver the waste to North Farm Lane and tip into the adjacent facility (operated by *We Load and Go*) to the North, which can number 40 two-way movements per day.

18. Access to the site is from North Farm Lane to the north as shown on Drawing No. 001/2021/03 (Site Layout Plan). The proposed development will continue to use this access allowing a flow of vehicles around the site for collection/delivery vehicles which will the applicant claims will improve efficiency and safety at the site. A 20m diameter turning circle and waiting area has been proposed on the application site, which together with retaining the office building away from the entrance and re-orientating the staff welfare building, is proposed to help to avoid queueing of vehicles on North Farm Lane.

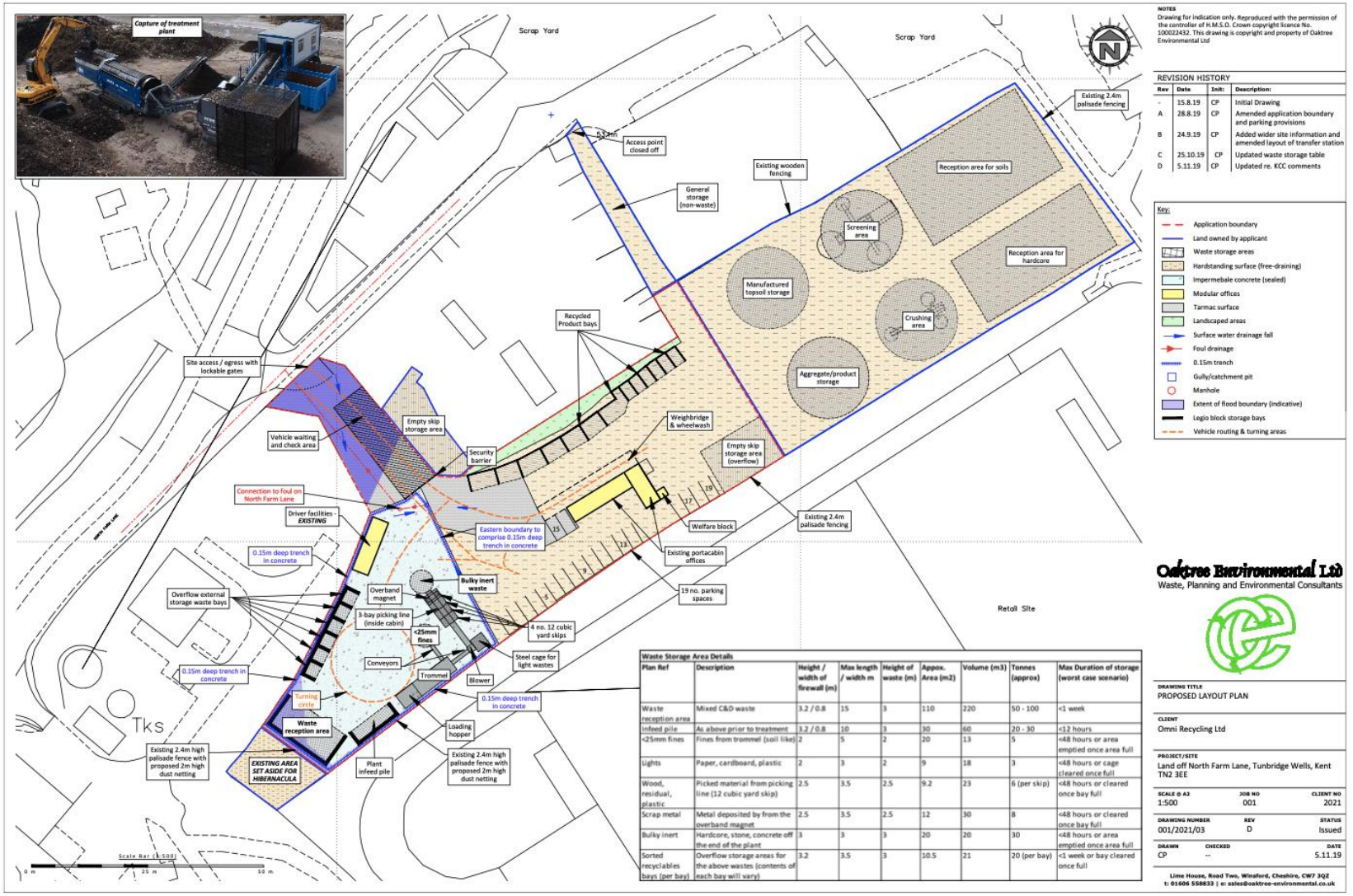
19. As an existing operational inert waste management and aggregates recycling site, it already benefits from an existing 2.4m palisade steel perimeter fence, lockable gates and 24 hour CCTV.

Waste management facility at Omni Recycling, North Farm Lane, Royal Tunbridge Wells (KCC/TW/0182/2019)



Site Location Plan

Waste management facility at Omni Recycling, North Farm Lane, Royal Tunbridge Wells (KCC/TW/0182/2019)

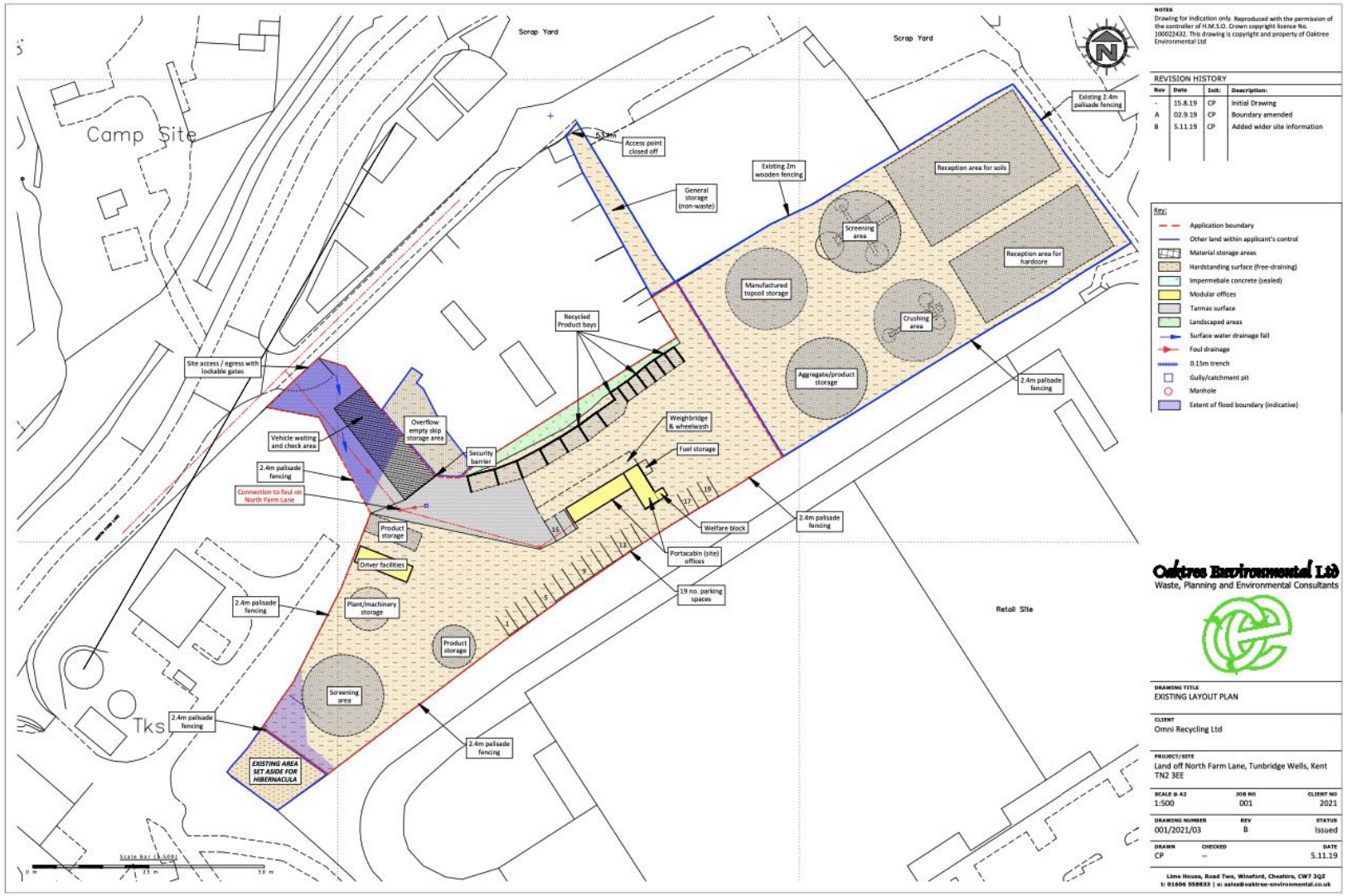


Waste Storage Area Details

Plan Ref	Description	Height / width of firewall (m)	Max length / width m	Height of waste (m)	Appox. Area (m2)	Volume (m3)	Tonnes (approx)	Max Duration of storage (worst case scenario)
Waste reception area	Mixed C&D waste	3.2 / 0.8	15	3	110	220	50 - 100	<1 week
Infeed pile	As above prior to treatment	3.2 / 0.8	10	3	30	60	20 - 30	<12 hours
<25mm fines	Fines from trommel (soil like)	2	5	2	20	13	5	<48 hours or area emptied once area full
Lights	Paper, cardboard, plastic	2	3	2	9	18	3	<48 hours or cage cleared once full
Wood, residual, plastic	Picked material from picking line (12 cubic yard skip)	2.5	3.5	2.5	9.2	23	6 (per skip)	<48 hours or cleared once bay full
Scrap metal	Metal deposited by from the overband magnet	2.5	3.5	2.5	12	30	8	<48 hours or cleared once bay full
Bulky inert	Hardcore, stone, concrete off the end of the plant	3	3	3	20	20	30	<48 hours or area emptied once area full
Sorted recyclables bays (per bay)	Overflow storage areas for the above wastes (contents of each bay will vary)	3.2	3.5	3	10.5	21	20 (per bay)	<1 week or bay cleared once full

Proposed Site Layout Plan

Waste management facility at Omni Recycling, North Farm Lane, Royal Tunbridge Wells (KCC/TW/0182/2019)



Existing Site Layout

20. The proposed hours of operation, including delivery and receipt of waste, depositing, sorting, moving, storing and removing materials, are 07.30-16.30 Monday to Saturday, with no operation on Sundays or Bank Holidays. The applicant confirms that 7 people would be employed at the site.

PLANNING POLICY

21. The most relevant Government Guidance and Development Plan Policies are summarised below and are essential to the consideration of this application:

22. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (2019) (NPPF), National Planning Policy for Waste (2014) (NPPW) and the associated Planning Practice Guidance (PPG). Other documents include Clean Air Strategy (2019), Our Waste, Our Resources: A Strategy for Waste (2018) and Noise Policy Statement for England (2010) (NPSE). Government policy and guidance are material planning considerations.

23. **Kent Minerals and Waste Local Plan 2013-30 (July 2016) (KMWLP)** – Policies: CSW 1 (Sustainable Development); CSW 2 (Waste Hierarchy); CSW 3 (Waste Reduction); CSW 4 (Strategy for Waste Management Capacity); CSW 6 (Location of Built Waste Management Facilities); CSW 7 (Waste Management for Non-hazardous Waste); CSW 16 (Safeguarding of Existing Waste Management Facilities); DM 1 (Sustainable Design); DM 2 (Environmental and Landscape Sites of International, National and Local Importance); DM 3 (Ecological Impact Assessment); DM 5 (Heritage Assets); DM 8 (Safeguarding Minerals Management, Transportation Production and Waste Management Facilities):DM 10 (Water Environment); DM 11 (Health and Amenity); DM 12 (Cumulative Impact); DM 13 (Transportation of Minerals and Waste); DM 15 (Safeguarding of Transport Infrastructure) and DM 16 (Information Required In Support of an Application).

24. **Emerging – Partial Review of the Kent Minerals and Waste Local Plan 2013-30 (November 2018 - Pre-Submission Draft) (EPRMWLP) -** the Partial Review proposes changes to (amongst other matters) Policies CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-hazardous Waste), CSW8 (Other Recovery Facilities for Non-hazardous Waste) and DM8 (Safeguarding Minerals Management, Transportation Production & Waste Management Facilities). One of the reasons for the Partial Review was to update the assumptions about waste management capacity underlying Policies CSW7 and CSW8 and the consequent impact on the need for a Waste Sites Plan. The EPRMWLP was submitted to the Planning Inspectorate in May 2019 and was subject to Public Examination hearings in October 2019.

25. **Tunbridge Wells Core Strategy 2010 -** Policies Core Policy 1 (Delivery of Development), Core Policy 3 (Transport Infrastructure), Core Policy 4 (Environment), Core Policy 5 (Sustainable Design & Construction), Core Policy 7 (Employment Provision) and Core Policy 9 (Development in Royal Tunbridge Wells).

26. **Tunbridge Wells Local Plan 2006 (Saved Policies) –** Policy EN1 (General Development Control Criteria), Policy EN 16 (Protection of Groundwater and other watercourses), Policy EN18 (Flood Risk), Policy ED3 **(**Economic Development) and Proposals Map Inset 1, Policy TP4 (Access to the road network).

27. **Tunbridge Wells Site Allocations Local Plan 2016 –** Policy AL/RTW27 (Key Employment Areas – North Farm/Longfield Road).

Consultations

28. **Tunbridge Wells Borough Council (Planning) – No objection** subject to consultees being satisfied with the proposals submitted.

29. **Tunbridge Wells Borough Council Environmental Health Officer –** no comments

30. **Kent County Council Highways and Transportation – No objection –** initially raised a number of questions over the operation of the site in relation to the existing operation and associated transport movements and parking provision, including requesting clarification on the total trip generation proposed. In addition, it raised concerns over the access and parking that was initially proposed and identified that alternative arrangements were required to avoid congestion at the site entrance and queueing onto North Farm Lane, particularly with regard to ensuring a portacabin proposed near the entrance.

31. In response, the applicant submitted revised Site Layout Plans and swept path analysis and amended TS which sought to address these issues as well as responding to other queries concerning the number of HGV movements raised by myself and KCC Highways & Transportation. The applicant confirmed that the site would use vehicle tracking technology and have an on-site transport manager at all times which would enable management of vehicles in real time and reduce risk of congestion. The applicant also proposed further amendments to the layout to retain the office in its current location away from the entrance. Conditions are recommended to limit the number of HGV movements per day as set out in the TS (100 in total, 50 in and 50 out) and also ensure that the additional parking is provided as shown on the revised plans.

32. KCC Highways & Transportation subsequently confirmed that with regard to traffic generation associated with the development it would result in the order of 10 additional trips, of which 8 will be HGV's, in both the am and pm peak periods and on this basis the highway authority would not seek to raise objection. It also considered that the proposals would not have an impact on the network to such a degree, that a further contribution to the North Farm Masterplan would be requested. With regard to the revised layout provided, it concluded that the retention of the site office and weighbridge in its existing location would improve access to the site.

33. **Environment Agency (Kent Area): Flood risk – No objection** subject to inclusion of a condition requiring the development to be carried out in accordance with the submitted flood risk assessment (ref.001-2021-F v1.1) and the following mitigation measures it details:
    - No plant, machinery or containers will be placed in areas designated as Flood Zone 3 at any time, as stated in section 2.5.1 of the Flood Risk Assessment.
    - Site layout should be as set out as shown in the Proposed Layout Plan ref: no. 001/2021/04 Date: 15 August 2019. Note that the site layout plan was amended 23rd September 2019, and again 24th October (to provide clarity.
    - Offices that are partially located in the flood zone are to be raised up to avoid any reduction in flood storage (see section 2.5.2 of the Flood Risk Assessment).

- A flood and evacuation plan should be in place as detailed in section 3 of the Flood Risk Assessment.

  These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

34. **Environment Agency (Kent Area): Groundwater and Contaminated Land – No objection**

35. **Kent County Council's Ecological Advice Service – No objection** - the proposed development has limited potential to result in ecological impacts and as such we are satisfied that there is no requirement for an ecological survey to be carried out. The site is already in commercial use, lacks features of potential ecological interest, i.e. no vegetation, and has poor habitat connectivity. Our comments are also based on the assumption that the existing mitigation area (situated adjacent to the south-west boundary) and the hedgerow/trees along the southern boundary will be retained.

36. **Kent County Council's Air Quality and Odour Consultants (Amey)** provided the following advice:

Air Quality and Dust – Provided the mitigation set out in the Dust Management Plan accompanying the application is implemented effectively, these measures will ensure that dust emissions are managed and the risk of impact to neighbouring facilities would be low (not significant). There are clear procedures outlining how complaints should be dealt with, how investigations are carried out and responsible persons identified. Amey initially sought clarification on the impact of increased traffic volumes on the A26, which runs through the town centre of Royal Tunbridge Wells, due to the Air Quality Management Area (AQMA) status, and the need to ensure that the Institute of Air Quality Management's criteria for an assessment of HGV movements is not breached (25 trips). In addition, they recommended that the applicant provides details regarding air quality in the construction phase of the development, particularly dust and emissions associated with construction vehicles. The applicant provided additional information in response to these comments including a routeing plan avoiding the town centre with just 6 skip lorry movements per day through Tunbridge Wells and confirmation that routeing will be managed using software in each vehicle and in the site office. Amey subsequently confirmed that if assurance could be provided that traffic would be routed and spread as proposed, resulting in 6 HGV movements per day through this part of the A26 AQMA (so below the threshold), would overcome the concerns.

Odour - The applicant has confirmed that the residual waste will not be stored on site for longer than 48 hours and confirm that high volumes of putrescible waste will not be processed at the facility. In line with definitions provided by the Institute of Air Quality Management (IAQM), neighbouring facilities are classed as industrial and, therefore, are assigned a low sensitivity classification. Sensitive receptors have been identified at residential and small retail blocks to the south and north west. The odour Management Plan provided by the applicant specifies potential sources, release points, the procedure for dealing with complaints and how a complaint can be raised and handled. Amey confirmed that they are satisfied that the risk to neighbouring facilities from air quality and odour exposure are low.

37. **Kent County Council's Noise Consultants (Amey) –** provided the following advice: The site is located within an existing industrial area which contains a number of other waste management facilities along with more general industrial operations. The nearest noise sensitive receptors are approximately 550 metres to the south of the application site, this being a school. Other receptors, predominately dwellings are between 570 and 880 metres distance. The Noise & Vibration Management Plan accompanying the application is considered appropriate as a Noise Management Plan for the proposed operations. The applicant will need to provide a noise assessment to ensure the potential impact from what is actually being applied for is identified and where necessary mitigated. The applicant subsequently provided additional information on noise levels generated by the machinery proposed in the application, along with comparison with the existing consented machinery associated with the ARF. Amey confirmed that the noise emission data for the proposed waste transfer operations and the basic noise assessment to determine the level at the nearest noise sensitive location confirms that lower levels of noise would occur from the WTS in comparison to the aggregate recycling operations currently permitted. Therefore, they are satisfied that the concerns have been adequately addressed and the proposals are acceptable in noise terms.

38. **Kent County Council Flood and Water Management – No Objection -** initially issued a holding objection pending further details on drainage and discharge of water from the site including details as to attenuation or flow controls. As the proposal consists of draining additional surface water into the foul sewer, Southern Water should be consulted to determine that sufficient capacity exists and whether any reinforcement works maybe required. In response the applicant provided additional information on the proposed drainage scheme including calculation of the volume of run-off that would be generated by the concrete pad, taking account of extreme events and climate change, and of the storage volume required to attenuate the discharge. As a result, the drainage scheme incorporates installation of an 29.6m^3 volume attenuation tank and orifice plate to restrict discharge to the sewer. KCC, as Lead Local Flood Authority, subsequently confirmed that no condition would be required to secure a drainage strategy, but that a verification report to confirm its implementation and installation of the structures proposed should be subject to a condition.

39. **Southern Water – No objection** but make the following comments: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. They request that should this application receive planning approval, an informative is attached to the consent explaining the need to apply for connection to the public sewerage system, and requirements for design and maintenance of SuDS. In addition, Southern Water requests that the following condition is attached to any consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Local Member

40. The local County Member for Tunbridge Wells, Mr Paul Barrington-King.

41. Councillor Frank Williams (Tunbridge Wells Borough Council - Sherwood) raised concerns over highways impacts, particularly the 7.5 tonne limit along Birken Road

and Liptraps Lane and the need for HGV movements to avoid these and be routed to and from the site from the A21.

Publicity

42. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 31 nearby properties.

Representations

43. In response to the publicity 5 letters of objection (including three from one objector and 2 from another) to the application have been received.

The key points raised can be summarised as follows:

Site and Location

- The site is inadequate in size to accommodate the proposed throughput of waste and storing of skips;
- The site is not allocated for waste use in the development plan;

Transport and HGV movements

- The increase in vehicle movements associated with the development is under-estimated in the Transport Statement accompanying the application; The tonnage each vehicle would carry means that a greater number of vehicles would service the site than the applicant suggests;
- A separate Technical Note, produced on an objector's behalf by a transport consultant and including a critique of the Transport Statement, is included which estimates that HGV movements would be 170 additional two-way movements per day (based on an assumption each vehicle would carry a smaller load than the applicant assumes, and that the applicant has under-counted export movements);
- The increase in vehicle movements (as proposed in the application, and an additional amount calculated by the objector) would lead to congestion of North Farm Lane and potentially Dowding Way; This would interfere with free flow of traffic and the proposed development would not comply with the development plan (Policy DM13 of KMWLP and Policy TP4 of the Tunbridge Wells Local Plan);
- The associated turnaround (arrival and departure) would not be able to be accommodated on the site and so would cause congestion at the site entrance and access track, impeding the operation of the existing businesses, and so the proposed development would not comply with the development plan (Policy DM13 of KMWLP and Policy EN1 of the Tunbridge Wells Local Plan) and policy that requires existing uses are safeguarded (Policy DM8 of KMWLP);
- The cumulative impact on the local highway network would be contrary to the Policies DM12 and DM12 of KMWLP and the National Planning Policy Framework;
- There would be congestion and potential hazard of lorries queueing on North Farm Lane and poor visibility. No Road Safety Audit has been provided, and the proposed development would not comply with the development plan (Policy DM13 of KMWLP and Policy TP4 of the Tunbridge Wells Local Plan);

Loss of aggregate recycling capacity/safeguarding of existing minerals management, transportation, production and waste management facilities

- The proposed development would result in loss of an existing aggregates recycling facility, and the requirements of KMWLP Policy DM8 (safeguarding of existing facilities) are not met

Noise

- Lack of noise assessment and no evidence that it would be unlikely to generate unacceptable adverse impacts from noise, and so would not comply with development plan policy (Policy DM11 of KMWLP);

Odour, litter and pests

- The potential for odour and pests arising from acceptance, storage and treatment of non-hazardous waste;
- The potential for litter/light waste to be blown into neighbouring land and contaminate aggregate used in concrete manufacture.

Operation

- The operation would be unlikely to contribute to achieving higher levels of recycling and diversion from landfill as the waste is recycled elsewhere. The site is providing an alternative location for recycling;
- One objector's site is a safeguarded waste site and its operation could be threatened;
- A larger proportion of incoming waste could end up as trommel fine material that would need to be disposed of;
- Movement of vehicles between the retained ARF and the recycling facility will lead to congestion and affect operational capacity;
- The site layout (as revised) with the 'vehicle waiting and check area' at the site entrance and weighbridge at its current location would obstruct vehicle movement onto and around the site;
- The site is too small for the proposed operation

General

- Lack of policy case for the development and the proposal is not consistent with the development plan;
- The site boundaries do not appear to match those covered by the extant planning permission (TW/15/509988);
- Scale of the proposed development is marginally below thresholds for Environmental Impact Assessment (EIA) and that with the existing Aggregate Recycling Facility a full EIA may be required.

Discussion

44. The application proposes the change of use of an area of land, which currently forms part of an existing aggregates recycling facility, to a waste transfer station for the acceptance, storage and treatment of non-hazardous household, commercial and industrial wastes.

45. The proposal is for installation of hardstanding and machinery to provide for the acceptance, storage and mechanical treatment of mixed, dry, non-hazardous

household, industrial and commercial (HIC) wastes. The planning application is supported by site location and layout plans, and technical reports, including:

- Planning, Design and Access Statement;
- Dust Management Plan
- Transport Statement
- Odour Management Plan
- Noise and Vibration Management Plan
- Flood Risk Assessment
- Surface Water Drainage Plan

46. The application is being reported to the Planning Applications Committee as a result of objections received from two neighbouring business.

47. In considering this proposal regard must be had to the Development Plan Policies outlined in the Planning Policy section above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal needs to be considered in the context of the development plan policies and other material planning considerations, including national planning policy and those arising from consultation and publicity summarised above.

48. In accordance with Government guidance, the Waste Planning Authority has engaged with the applicant and other interested parties to address issues arising during the processing of this planning application to ensure Members are appropriately informed when the Committee makes its decision.

49. In this instance, the key material planning considerations in this case can be summarised by the following headings:

- Policy / Need / Location, and potential effect on safeguarded waste and aggregates recycling facilities;
- Highways and access;
- Air emissions, including dust and odour;
- Noise;
- Protection of water quality and resources and flood risk management; and
- Visual and other amenity considerations

Policy / Need / Location

50. Paragraphs 7 – 14 of the NPPF sets out national policy on achieving sustainable development, including the three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways. The presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

51. Paragraphs 182 - 183 require planning decisions to ensure new development can integrate with existing business and community facilities. Where there are significant adverse effects the applicant should be required to provide suitable mitigation as part of the development. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes, as in this case). Planning decisions should assume that these regimes will operate effectively.

52. Paragraph 1 of the NPPW states that positive planning plays a pivotal role in delivering the country's waste ambitions through:
- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of in line with the proximity principle; and
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, amongst other matters.

53. Paragraphs 4 – 5 of the NPPW requires waste planning authorities to consider new waste management facilities in appropriate locations, including industrial sites, the re-use of previously developed land, employment uses, and redundant agricultural and forestry buildings. Assessing the suitability of the site against the extent to which it would be supported by other policies in the NPPW; the physical and environmental constraints, including existing and proposed neighbouring uses and factors (including the water environment, landscape and visual impacts, nature conservation, historic environment, traffic and access, air emissions, odours, noise, light and potential land use conflict); transport infrastructure; and the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including significant adverse impacts on environmental quality, social cohesion and economic potential.

54. Paragraph 7 states that in determining applications, Waste Planning Authorities (WPAs) should:
- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan.
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B (see sub-sections below);
- ensure waste management facilities are well-designed, so that they contribute positively to the character and quality of the area; and
- concern themselves with implementing the planning strategy and not with the control of processes which are a matter for the pollution control authorities.

55. Policy CSW1 and CSW2 of the KMWLP reflect the national requirements on sustainable waste development, including driving waste management up the waste hierarchy. Policy CSW4 states that the strategy for waste management in Kent is to provide enough waste management capacity for at least the equivalent of the waste

arising in Kent, plus some residual non-hazardous waste from London. It is also, as a minimum, to achieve the targets for recycling and composting, re-use and landfill diversion identified in the Kent Joint Municipal Waste Management Strategy. The Kent Waste Needs Assessment (Sept 2018 Update): Non-Hazardous Waste Recycling/Composting Capacity Requirement concludes that the combined consented recycling/composting capacity would be enough to meet the overall recycling/composting targets associated with the management of non-hazardous waste over the KMWLP period as proposed in the revision to Policy CSW4. Therefore, net self-sufficiency in recycling/composting capacity could be achieved in Kent without provision for additional capacity. The preamble to Policy CSW4 (as amended by EPRMWLP) reflects this conclusion.

56. Notwithstanding the above, Policy CSW7 and the associated preamble (taking into account both the adopted MWLP and the amendments proposed by the EPRMWLP) seek to allow provision of new waste management capacity recognising the need to drive waste up the hierarchy. The supporting text (para 6.7.4) makes it clear that, in terms of additional waste management capacity, there is no intention to restrict the amount of new capacity for recycling or preparation of waste for reuse or recycling. The MWLP indicates this approach will reduce the amount of Kent waste going to landfill and so conserve existing non-hazardous landfill capacity for any waste that cannot be reused, recycled, composted or recovered.

57. Policy CSW 6 of the MWLP (and the EPRMWLP) requires waste development that (amongst other matters):
    - does not give rise to significant adverse impacts upon national and international designated sites, local wildlife sites, AQMAs and groundwater resources.
    - is well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road.
    - avoids Groundwater Source Protection Zone 1 or Flood Risk Zone 3b.
    - avoids sites on or in proximity to land where alternative development exists/ has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site.
    - takes account of the ability of the landscape to accommodate built development after mitigation.

58. Taking the above into account, subject to no '*unacceptable'* adverse impact on the environment and communities and where such uses are compatible with the development plan: CSW6 supports waste development within or adjacent to existing mineral development or waste management uses, within existing industrial estates, other previously developed, contaminated or derelict land not allocated for another use. Policy CSW16 provide safeguarding of existing waste management facilities. The application site is currently used for construction, demolition and excavation waste processing and production of recycled aggregates and soils, this activity will be maintained on the eastern part of the site, with the proposed development providing new capacity for management of mixed dry non-hazardous household, industrial and commercial wastes.

59. The KMWLP (and EPRMWLP) policies seek to drive a major change in the way that waste is managed in Kent in accordance with national policy. Helping to enable a change in perception of waste from being something that must be disposed of, to something that can be used as a resource.

60. The application proposes to provide new waste management capacity for the initial sorting and bulking-up of recyclable and reusable wastes for the onward transportation to suitable processing facilities and would provide additional capacity to deal with local waste. The above policy considerations establish that the adopted KMWLP (and further supported by emerging policy in the EPRMWLP) seeks to encourage additional waste capacity in the County under the right circumstances. The proposed location is in the main an existing operational waste site within an existing industrial estate so would receive in principle support from the NPPW and Policy CW6 of KMWLP.

61. The site is not subject to environmental or protective planning designations. Part of the site is at the edge of a Mineral Safeguarding Area (MSA) for sub-alluvial river terrace sand and gravel, to which KMWLP Policy DM7 applies. As a relatively small site with an existing permitted waste use affecting a very small part of the MSA, located in an industrial estate allocated for employment use in the Local Plan (Tunbridge Wells Site Allocations Local Plan and Saved Policies), with proximate retail and utility development I consider that the amount of mineral potentially sterilised is not of economic value and that it is very unlikely its extraction would be viable or practicable, meeting the tests set out in the policy.

62. The site is within an industrial estate in proximity to Tunbridge Wells, close to the strategic road network. Core Policy 1 of the Tunbridge Wells Core Strategy prioritises release of previously developed land, while Core Policy 7 safeguards for employment use areas in existing employment use that are well located. Core Policy 9 provides more detail on development in Tunbridge Wells including maintenance of existing employment in Key Employment Areas (including North Farm/Longfield Road Industrial Area).

63. Saved Policy ED3 of the Tunbridge Wells Local Plan provides for general industrial uses within the Economic Development Areas as defined on the Proposals Map which includes the North Farm Lane area and the site. The supporting text recognises that general industrial uses may cause disturbance if located in residential areas, depending on the level of associated noise, vibration, smell, fumes or other emissions, and may be capable of being satisfactorily located in the Economic Development Areas, as defined on the Proposals Map, subject to its environmental impact on the locality. The Tunbridge Wells Site Allocations Plan Policy AL/RTW27 also designates North Farm/Longfield Road as a Key Employment Area to which Saved Policies ED1, ED2 and ED3 of the Local Plan apply and where employment uses are to be retained.

64. Thus, the site has general support from the relevant Tunbridge Wells Local Plan Policies in terms of its general location.

65. The site has previously been accepted as suitable for part of an inert waste processing and transfer (as an Aggregate Recycling Facility), with planning permission granted by the Waste Planning authority in April 2016, which is a material consideration when assessing the acceptability or otherwise of this current location.

66. Three representations from the same neighbouring business raise objections to the proposed development, including questioning the suitability of the site and the proposed facility for recycling HIC waste, and whether it would be effective in moving waste management up the waste hierarchy and avoiding landfill largely on the grounds that sufficient capacity exists elsewhere. It also claims that this development would

reduce the capacity of the existing ARF facility and result in congestion on North Farm Lane and resultant disruption to the neighbouring operations. The applicant responded to these objections and provided additional information which I consider satisfactorily addressed the concerns raised, including demonstration of the suitability of the site and the machinery to undertake the management of waste that is proposed.

67. As discussed above, while there may be capacity elsewhere, including on neighbouring property, the KMWLP emphasises that there is no intention to restrict the amount of new capacity for recycling or preparation of waste for reuse or recycling. The proposed development would mechanically sort skip waste containing plastic, wood, metal, soil and concrete (HIC waste) and the separated material would then be stored before export to facilities for further recycling, which the applicant claims would result in approximately 90% of waste received being sent for recycling. It would thus accord with the development plan in terms of providing additional capacity.

68. I consider that the proposed site layout demonstrates that the site is of adequate size and arrangement to accommodate the facility proposed and enable safe and efficient access, turning and egress of vehicles.

69. The 'in principle' support for new waste capacity in an industrial location, described above, is subject the development being in accordance with other relevant Development Plan Policies considered in more detail below (including any conflicts with existing land uses or the local environment in terms of traffic and access; emissions to air, noise, landscape and visual impacts, water quality (ground conditions), ecology and archaeology.

70. Another neighbouring business has objected on the grounds that the proposed development would result in the loss of the Aggregate Recycling Facility (ARF), contrary to KMWLP policy DM 8. The applicant has stated that they intend to maintain the throughput of the aggregates recycling facility and concentrate this operation in the eastern part of the existing permitted site. The existing HGV movements associated with this use, and associated inputs of material, will be maintained. The application site includes the existing office, weighbridge, and parking that will be shared with the ARF, and I consider that the facilities would operate in a complimentary way through enabling treatment of different fractions of mixed loads. The area which would be lost from the permitted ARF would constitute approximately 1,500m^2 (the area of the new concrete slab) which represents a third of the application site area, and approximately a sixth of the current ARF area. Therefore, I consider that the proposed development would not result in a loss of capacity of the ARF and so would not be incompatible with safeguarding of minerals management or waste management facilities, and so would be in accordance with KMWLP Policy DM8.

Highways and access

71. Paragraphs 108 - 109 of the NPPF states development should promote sustainable transport modes, taking account of the type of development and its location; ensure safe and suitable access; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. It states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 7 of the NPPW states that consideration

should be given to the likely impact on the local environment and on amenity against the criteria set out in Appendix B of that document. In terms of highways and access, Appendix B states that considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.

72. Policy CSW6 of the KMWLP states that planning permission will be granted for uses identified as appropriate to the sites allocated in the Waste Sites Plan providing such proposals (amongst other things) are well located to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road. Emerging Policy CSW6 of the Partial Review of the Kent MWLP removes any reference to the need for a Waste Sites Plan but retains the same criteria for decision making in respect of this application.

73. Policy DM13 of the KMWLP states that (amongst other matters) proposals will be required to demonstrate that: the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the development, and the highway network is able to accommodate the traffic flows that would generated and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community. Policy DM15 states that development will be granted planning permission where it would not give rise to unacceptable impacts on road transport or where these impacts are mitigated.

74. Core Policy 3 of the Tunbridge Wells Core Strategy requires development proposals with significant transport implications to be accompanied by a transport assessment and travel plan, and where transport infrastructure is not available provision or contributions towards measures to address inadequacies will be sought. Saved Local Plan Policy TP4 requires the road hierarchy and routes to have adequate capacity, proposals to have safely located access with adequate visibility, and traffic generated to not significantly worsen traffic conditions, not compromise safe and free flow of traffic or safe use of road by others. Where highway improvements are deemed necessary, the developer will be required to meet the costs where these are related to the development. Saved Policy EN1 of the Tunbridge Wells Local Plan also requires development proposals to avoid significant harm to amenity or character of the area in terms of excessive traffic generation.

75. The development management policies of the KMWLP have similar objectives and requirements. Policy DM11 requires development that would increase travel demand to be supported by a suitable travel / highway assessment. Policy DM12 requires development proposals to be assessed based on suitable access to the highway network and seeks to prevent proposals that would result in a significant increase in the risk of crashes of traffic delays unless these can be mitigated. Policy DM 13 requires development to include appropriate parking provision.

76. Access to the site is via an un-named track off North Farm Lane to the north-west of the site. The access point with North Farm Lane provides 7.3m width to allow two HGVs to pass in free flow. The access point also serves neighbouring We Load and Go and Mid Kent Metals waste recycling sites.

77. The Transport Statement (TS), as amended, accompanying the application includes details of the access arrangements, reproduced below. This indicates that with

relocation of parking away from the access track and relocation of the weighbridge and portacabin office adequate space exists for the largest type of tipper vehicle to access and exit the site, illustrated in the swept path drawings.

78. North Farm Lane itself serves a number of industrial uses to the north of the site, and has a carriageway width of approximately 6.8m and benefits from a footway, a designated cycle path and street lighting on the north western side of the road. The entire length of North Farm Lane is protected by double yellow 'No Waiting at Any Time' traffic regulation orders so as to prevent employees of the industrial estate from parking on the highway. North Farm Lane is subject to a 30mph speed limit.

79. North Farm Lane connects with Dowding Way 1.5km to the south east of the site, which then connects to Longfield Road and on to the A21 some 1.5km to the east of the site. The Dowding Way / North Farm Lane junction is a priority-controlled junction with Dowding Way forming the major arm and North Farm Lane the minor arm. The Dowding Way / North Farm Lane junction benefits from a ghost island right turn and a pedestrian refuge for pedestrians crossing the minor arm of the junction. The Transport Statement identifies that one slight traffic accident has occurred at the junction between North Farm Lane and Dowding Way over the last 5 years, indicating there would not be significant concerns over safety that may be affected by the proposed development.

80. The application seeks planning permission for a throughput of up to 45,000 tonnes per annum with associated HGV movements of 60 per day (30 In / 30 Out). This would include all deliveries and removals from the proposed waste management facility. The majority of waste will be delivered in fixed body 8-wheeled tipper vehicles carrying a maximum payload of 20 tonnes. The applicant currently tips skip waste at a neighbouring site, and the proposed development would enable these loads to be tipped and processed at the application site instead. The applicant estimates current tipping at the neighbouring site accounts for up to 40 two-way trips, which would be transferred to the application site.

81. HGV movements associated with the existing permission for the ARF are restricted by condition to 40 HGV movements per day (20 in / 20 out). It is proposed to maintain the existing movements associated with the ARF and so the proposal involves an additional 60 HGV movements per day, with a combined total of 100 movements per day (50 in, 50 out) using North Farm Lane and the access track into the applicant's site. There would also be 2-3 movements between the ARF and the proposed transfer station each day, which would be on-site and not affect the public highway.

82. The TS considers the additional HGV movements associated with the development which are presented in terms of overall movements, as described above, and as hourly rates. An amended TS was provided by the applicant on request following initial consultation with County Council Highways, in order to clarify the HGV movements associated with the development. The amended TS estimates that based on a 9 hour day, an additional 60 HGV movements per day are likely to generate an additional 8 trips per hour, equating to an additional HGV movement per 7-8 minutes although as highlighted above, this would include movements associated with loads currently tipped at the neighbouring waste site. When combined with the current permitted movements associated with the ARF the total HGV movements to and from the site would be 14 per hour (7 in and 7 out) based on a 9-hour working day. The applicant

has stated that the maximum proposed increase in HGV movements would likely to occur over 3-5 years as the business develops.

83. The TS concludes that this increase in HGV movements would not be considered significant or have a material effect on the operation or safety of the local highway network.

84. The proposed development is expected to employ 7 staff, which are estimated to generate 14 two-way movements per day. An additional 7 staff parking spaces are proposed which would be located on the southern boundary of the site together with 12 relocated existing parking spaces, providing parking for employees of both the proposed recycling facility and the ARF (totalling 33 staff). The TS estimates that staff movements would result in two arrivals per hour in the morning, and two departures per hour during the afternoon (assuming no arrivals in the afternoon and no departures in the morning) which combined with HGV movements totals an additional 10 two-way movements during morning and afternoon peak hours (8 of which would be HGVs), equivalent to one additional vehicle movement every 6 minutes in peak hours.

85. Additional supporting information provided by the applicant also concerns the routeing of vehicles to and from the site. The applicant states that all of the HGV movements would be via North Lane Farm and Longfield Road, heading east to the A21 with approximately 45% travelling north on the A21 and 55% travelling south. This would result in vehicles largely avoiding the A26 through Tunbridge Wells and the Air Quality Management Area, with an estimated 6 tow-way vehicle movements per day. The County Council's technical air quality advisor (Amey) is satisfied that this level of additional vehicle movements would be below Institute of Air Quality Management guidelines (25 Annual Average Daily Traffic count) that would trigger a requirement for a detailed assessment of effects on the AQMA.

86. Initially, KCC Highways and Transportation (Kent Highways) raised a number of issues in its response to consultation and contents of the Transport Statement, including seeking clarification over the number of vehicle movements, location of parking and the office, and associated potential for congestion at the site entrance. These were addressed by the applicant in in the amended Transport Statement and subsequent correspondence, and provision of an amended Site Layout Plan.

87. The applicant highlighted that a swept path analysis contained in the TS illustrated that the largest tipper trucks expected to service the site can pass safely at the site access road. In addition, the applicant has advised that he holds a FORS (Freight Operator Recognition Scheme) accreditation with drivers using electronic devices and software which give live traffic information, route scheduling and instant notification of any delays ahead. Vehicles have trackers and the site office has a live map displaying the location and status of all the vehicles, and also enables monitoring of driver behaviour. This ensures the applicant has complete control of movements in and out of the site and, if needed, the HGV can be redirected from site to avoid an accumulation of vehicles on North Farm Lane. There is also a transport manager on site during all operational hours who ensures all vehicles manoeuvre safely around the site. This also enables management and monitoring of HGV routeing.

88. Three representations objecting to the application were received (including one representor making three related objections – see 'Representations' section above), focusing on the increase in HGV movements proposed and asserting that these are

under-estimated, and on the potential effect on their businesses through increased congestion and free flow of traffic on North Farm Lane and potentially Dowding Way, as well as at the shared site entrance off North Farm Lane. A particular concern is of vehicles having to queue to access the site, as a consequence of under-estimation of movements and site layout), resulting in congestion and poor visibility on North Farm Lane.

89. In response to the objections the applicant provided a breakdown of vehicle movements estimated to be generated by the 45,000 tonnes per annum throughput of the site, based on average loads likely to be delivered to the site (reflecting current tipping weights at the neighbouring site). While the majority of deliveries may be in tipper trucks (up to 20 tonnes), based on a scenario where deliveries were in skips with an average load of 6 tonnes, the applicant calculates that 30 deliveries per day (30 x 6 = 180 tonnes) over a week (x 5.5 days = 990 tonnes/week) would provide for delivery of over 50,000 tonnes in a year.

90. Having reviewed the data, I consider that the estimates of vehicular movements provided by the applicant and subject to assessment in the Transport Statement appear to be realistic and reasonable and can be controlled through use of a condition on a planning permission limiting the number of daily movements. Kent County Council Highways and Transportation are also satisfied with the clarification of the anticipated vehicular movements provided in the revised Transport Statement.

91. If permission were to be granted my recommendation below includes the following highway conditions: no more than 100 HGV movements (50 in / 50 out) per day (to account for total movements to site as a whole, including the 60 additional movements proposed in this application); records to be maintained of all HGV movements and made available to the Waste Planning Authority upon request; all loaded HGVs entering or leaving to be enclosed, covered or sheeted.

92. The provision of additional capacity for sorting and processing for onward recycling of of household, industrial and commercial waste capacity would help contribute to moving management up the waste hierarchy. Given the local Highway Authority's comments, subject to the conditions recommended above, I am satisfied that the application would not have an unacceptable impact on the highway network. The proposals would have a safe and suitable access to the public highway and would not result in any significant capacity, congestion or safety concerns. I am satisfied that the site has good access to the arterial / primary road network and that the network has capacity to accommodate an increase of 60 HGV movements per day.

93. The applicant has demonstrated to my satisfaction that the site layout (as amended) provides suitable space for access, waiting, turning and egress of vehicles so that queueing at the entrance, access track or on North Farm Lane would be unlikely to arise. I am also satisfied that the proposed machinery is suitable for the purpose intended. The use of vehicle tracking and monitoring technology, already employed by the applicant in its vehicles and on the ARF site, would further help to ensure that congestion and delay at the site entrance and approach would be avoided as it is in their commercial interest to avoid such issues arising and causing delay. In addition, the use of the technology would enable vehicle routeing to be managed to avoid adverse effects on the AQMA.

94. I therefore consider there to be no highways grounds for not approving the application and I am satisfied that the application would accord with the relevant Development Plan Policies relating to highways and access, including those set out above.

Air emissions, including dust and odour

95. The proposed development has the potential to generate dust, odour and litter through the delivery and processing of mixed, dry waste and the storage and export of sorted material. This potential is exacerbated by the facility being open air and not contained within a building.

96. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution and that development should, wherever possible, help to improve local environmental conditions such as air and water quality. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 181 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking account of the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones (CAZs), and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

97. Paragraph 183 states that the focus should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively.

98. Paragraph 7 of the NPPW states that consideration should be given to the likely impact on the local environment and on amenity against the criteria set out in Appendix B. Appendix B states that the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions (including odour) can be controlled using appropriate and well-maintained and managed equipment and vehicles, should form part of the decision process.

99. The NPPG on Air Quality indicates consideration should be given to whether development would introduce a new point source of pollution, would expose people or biodiversity to pollutants and if there would be significant effects on traffic both in the immediate vicinity and further afield, including congestion, changes in volume, vehicle speed or significantly altering the traffic composition on local roads. The NPPG seeks local planning authorities to work with applicants to consider appropriate mitigation to ensure that new development is appropriate for its location and unacceptable risks are prevented.

100. The Government's recently published Clean Air Strategy (2019) acknowledges that transport is a significant source of emissions of air pollution. The strategy seeks to minimise the impact of petrol and diesel vehicles in the short term by ensuring that the cleanest conventional vehicles are driven on our roads, whilst working towards the

Road to Zero Strategy, which sets out plans to end the sale of new conventional petrol and diesel cars and vans by 2040.

101. Policy DM11 of the MWLP seeks development that does not generate unacceptable adverse impacts from dust, odour, emissions, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Waste development should ensure that there is no unacceptable adverse impact on other land uses. Policy DM12 states that waste development should not result in an unacceptable adverse, cumulative impact on the environment or communities. Policy DM13 seeks development that demonstrates emissions associated with road transport movements are minimised as far as practicable, including emission control and reduction measures (where relevant), such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours.

102. Policy CSW 6 of the MWLP (and the EPRMWLP) requires waste development that (amongst other matters):
    - Does not give rise to significant adverse impacts upon national and international designated sites, local wildlife sites, AQMAs and groundwater resources.
    - Avoids sites on or in proximity to land where alternative development exists/ has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses.

103. Core Policy 5 of the Tunbridge Wells Core Strategy expects all new development to manage and seek to reduce air, light, soil and noise pollution levels. Saved Policy EN1 of the Tunbridge Wells Local Plan sets out criteria that development proposals must satisfy, including compatibility with neighbouring uses and that significant harm to amenity or character of the area would not be caused in terms of noise, smell, health impacts or excessive traffic generation.

104. No objections to the application have been received specifically on grounds of dust or odour, although concerns were raised in one objection from a neighbouring waste business.

105. The applicant holds and Environmental Permit for the site, issued and enforced by the Environment Agency, which includes the operation of a household, commercial and industrial waste transfer and treatment facility. This requires the site to operate in accordance with an approved Fire prevention Plan, Odour Management Plan and Dust Management Plan, as well as surfacing and drainage details.

Air Quality

106. The County Council's Air Quality Consultants (Amey) requested that the Transport Statement considers potentially increased traffic volumes on the A26, which runs through the town centre of Royal Tunbridge Wells, due to the Air Quality Management Area (AQMA) status, to ensure that the Institute of Air Quality Management's criteria for an assessment of HDV movements is not breached (25 trips), and that details regarding air quality in the construction phase of the development, particularly dust and emissions associated with construction vehicles.

107. The applicant provided a routeing plan illustrating that all of the HGV movements would be via North Lane Farm and Longfield Road, heading east to the A21 with

approximately 45% travelling north on the A21 and 55% travelling south, this avoiding the A26.

108. Considering the recommendations of Amey, I am satisfied that the development would not have an unacceptable impact on air quality, subject to a condition limiting the development to 100 HGV movements (50 In / 50 Out) incorporating the additional 60 movements associated with the proposed development, and securing a Traffic Management Plan to ensure all but a small number of vehicles are routed away from Tunbridge Wells and the AQMA as proposed.

Dust

109. The proposed development has the potential to generate dust and particulates during its operation from vehicle movements and operations on site particularly waste tipping, operation of mechanical treatment plant, storage and loading of wastes, and manoeuvring vehicles on site. In terms of the construction phase which would involve laying of the concrete slab, the scale of activity would be small and its duration limited. The surrounding area and uses are industrial including other types of waste management, and the rear and service areas of the adjoining retail park, and so of low sensitivity.

110. The application is supported by a Dust Management Plan in which the applicant identifies dust generating activities and proximate receptors that could be affected. The closest potentially sensitive receptors are residential properties 570 metres south and 630 metres west of the site, and a primary school 550 metres south of the site.

111. The Dust Management Plan sets out measures that would be implemented to control dust originating from operation of the site. These include:

- Staff training: Using only trained operators of equipment, and daily site inspections to ensure good housekeeping and to monitor dust and debris;
- Boundary fencing/containment:
  - Delivery of waste into 3-side legio block bay (3.2m height) and storage of waste restricted to 3m height in dedicated bays or sealed skips;
  - Installation of 2-metre-high dust/debris netting to the west and south perimeters above the boundary fencing (so to a height of 4.4m).
- Site surfacing and drainage: Sealed concrete surface draining into the foul sewer to reduce risk of airborne debris and dust from mud and stones being tracked around the site.
- Site surfaces and vehicle movements:
  - Permanent water supply to use for dust suppression/dowsing;
  - Mechanical sweeping of surfaces daily;
  - Vehicle speed restricted to 5mph;
  - Manual checking of vehicles before they leave site;
  - All incoming and outgoing delivery vehicles to be sheeted;
  - Mud or dust on the public highway to be monitored and cleaned by operatives when necessary
  - Use of mobile water bowser to be used constantly in periods of dry and windy weather or if otherwise required;
- Storage of waste:
  - Stockpiles not stored higher than 3 metres and their storage bay or container (3.2 metre height);

- Stockpiles sprayed during dry and windy conditions or if otherwise required including prior to loading
- Drop heights kept to a minimum;
- Storage of sorted/separated waste in dedicated bays with suitable freeboard to prevent waste exceeding height of bay;

- Loading and unloading of vehicles:
  - Directing vehicles to position and location to reduce wind whipping of loaded material during dry and windy weather;
  - Damping of stockpiles prior to loading if necessary;
  - Drop heights kept to minimum

112. The Dust Management Plan includes a risk assessment that considers the consequences, effect and probability of a dust hazard occurring and takes into account the measures proposed to mitigate this risk. It concludes that with these measures implemented the risk of dust hazard occurring is low. It also includes monitoring and reporting procedures. Monitoring will involve staff continually visually assessing the site to prevent dust arising. During periods of high wind speed (over 30mph) sorting, processing and treatment of wastes likely to be blown around site will cease, and in the event of very high wind speeds the site may close temporarily. Complaints will be logged and investigated, with records available to the Environment Agency or Local Authority upon request.

113. It should be noted notes that the development would operate under an Environmental Permit, which would ensure air quality, dust and odour are controlled and not identified beyond the site boundary.

114. The County Council's technical adviser Amey confirm that the mitigation measures proposed in the Dust Management Plan, if implemented effectively would ensure that dust emissions are managed and the risk of impacts to neighbouring facilities would be low and not significant. There are clear procedures outlining how complaints should be dealt with, how investigations are carried out and responsible persons identified, and they are satisfied that risk to neighbouring facilities from air quality exposure is low.

115. Subject to a condition securing implementation of the development in accordance with the Dust Management Plan, I am satisfied that the mitigation measures proposed in the Dust Management Plan and through operating in accordance with the Environmental Permit, would afford sufficient control to ensure that the development would not result in an unacceptable impact from dust emissions. I am therefore content that the proposals are in accordance with the development plan policies relating to dust emissions.

Odour

116. The proposed development has the potential to generate odour, through management of household, industrial and commercial wastes. Although it is proposed that putrescible and potentially odorous waste (mixed paper and packaging, biodegradable, market and street- cleaning waste), would be excluded from the site as separate loads, which would reduce the potential for odour, there could be such materials in mixed skip deliveries. In addition, odour could be released due to excessively hot, dry or windy weather, machinery breakdown or human error.

117. An Odour Management Plan accompanying the application sets out measures to reduce the potential for odours including:
    - no separate loads of odorous waste accepted to site – these would be rejected and removed from site within 12 hours;
    - all waste tipped and stored inside concrete bays and not stored for excessive periods (no more than 48 hours);
    - following mechanical treatment only non-odorous waste deposited in lights cage and emptied within 48 hours or sooner when full;
    - all other external waste bays only contain metal, paper and hardcore;
    - odorous waste (food waste, black bag) to be rejected for treatment and consigned to sealed and covered skip for removal within 48 hours.

118. The Odour Management Plan includes a risk assessment identifying the closest receptors and their sensitivity, sources of odour and the effectiveness of pathway to the receptors, and the likely odour effects. In addition to implementing the measures described above, it identifies that low storage volumes and rapid (within 12 hours) turnaround of wastes reduce the risk of odorous emissions. With these measures implemented, a 'slight adverse' likely odour effect on the surrounding industrial and commercial uses is identified. A 'negligible' risk and effect on other receptors, including the closest residential properties and Skinners' primary school to the south of the site, due there not being an effective pathway for odour to reach these areas.

119. The Odour Management Plan also sets out arrangements and responsibilities for implementation, monitoring and reporting of odour control and management, as well as contingency plans to deal with instances where monitoring indicates a potential odour source is not completely under control, meteorological conditions are unfavourable, or that adverse impact has occurred.

120. The County Council's technical adviser (Amey) note that the odour assessment has been carried out in accordance with IAQM guidance. They do identify that the Odour Management Plan an risk assessment principally focuses on individual's level of amenity rather than the potential impact on manufacturing process or storage facilities, but are satisfied that risk to neighbouring facilities from odour exposure is low.

121. Subject to a condition securing implementation in accordance with the Dust Management Plan and given that the site would be covered by the provisions of the Environmental Permit, I am content that the proposed development would not result in significant or unacceptable odour concerns and would be in accordance with the development plan policies.

Noise

122. Paragraph 170 of the NPPF seeks development that prevents new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 180 of the NPPF states that new development should be appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. It states that development should: mitigate and reduce to a minimum potential adverse impacts resulting from noise – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and identify and protect tranquil areas.

123. Appendix B of the NPPW requires consideration of the proximity of sensitive receptors. It states the operation of large waste management facilities can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed, particularly if night-time working is involved.

124. Policy DM11 of the MWLP states waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise and illumination, amongst other matters. Policy CSW 6 of the MWLP (and the EPRMWLP) requires waste development that (amongst other matters): avoids sites on or in proximity to land where alternative development exists/ has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site.

125. Core Policy 5 of the Tunbridge Wells Core Strategy expects all new developments to manage and seek to reduce noise pollution levels. Saved Policy EN1 of the Tunbridge Wells Local Plan sets out criteria that development proposals must satisfy, including compatibility with neighbouring uses and that significant harm to amenity or character of the area would not be caused in terms of noise, smell, health impacts or excessive traffic generation.

126. The proposed development has the potential to generate noise through the movement of waste/recyclable materials to and from the site by up to 60 additional HGV movements per day, and the operation of mobile machinery to unload and load, move and sort materials (shovel and excavators), and further sort and process materials on site particularly the use of a trommel, picking line and conveyors.

127. The application is accompanied by a Noise and Vibration Management Plan that identifies the closest receptors, the noise sources associated with the proposed development, and the existing noise climate on and around the site. It considers the consequences of noise pollution affecting receptors and sets out a range of measures to reduce and manage noise from each activity:

<u>Delivery and tipping of waste</u>

- Waste tipping into concrete reception bay;
- Only one vehicle depositing waste at a time , with engines off
- Access road maintained to prevent noise generation (rattling etc);
- Applicant's lorry fleet fitted with chain socks to prevent bangs and rattles and with white noise reversing alarms

<u>Loading waste into plant or containers</u>

- Drop heights minimised;
- Operatives trained to avoid scraping loading shovels on floor and minimise plant movements.

128. The Noise and Vibration Management Plan also includes details of responsibilities for its implementation and procedures for logging and dealing with and investigating complaints.

129. An objection has been received from a neighbouring business on grounds of the potential impact on amenity caused by noise and lack of a noise assessment against which to consider compliance with KMWLP Policy DM11. No objections were received from other neighbouring businesses or local residents.

130. The County Council's technical adviser (Amey) noted that the site is located within an existing industrial area which contains a number of other waste management facilities along with more general industrial operations, with the nearest noise sensitive receptors (the primary school) approximately 550 metres to the south of the application site and other receptors, predominately dwellings, between 570 and 880 metres away. Taking this into account, it considers the Noise Management Plan as appropriate for the proposed operations but in its initial comments raised concerns over the absence of a noise impact assessment that identifies the noise levels associated with the proposed development and their mitigation.

131. In response the applicant provided details of the plant and equipment to be used on the site, namely the trommel and picking line. This demonstrated that the noise levels these would generate would be significantly lower than by the equipment currently used on site as permitted by the existing planning permission, namely a concrete crusher and screener. The resultant reduction in noise 10 metres from the site would be up to 30dB lower (at 47.5-63.9dB) than noise levels generated by the existing operational equipment (screener 72-77.6dB). In terms of potential impact on the closest receptors, taking account of the distance and screening provided by buildings, this is likely to result in a reduction in noise experienced at the nearest residential properties and the primary school, and so have no adverse noise impact. It was also highlighted that the facility will operate in accordance with the Environmental Permit and associated Noise and Vibration Management Plan.

132. Following receipt of this additional information, Amey confirmed that lower levels of noise would occur from the proposed Waste Transfer Station in comparison to the aggregate recycling operations currently permitted and are satisfied that their concerns had been adequately addressed and that the proposals are acceptable in noise terms.

133. Taking account of the County Council's noise consultants (Amey), and subject to a condition securing implementation in accordance with the Noise and Vibration Management Plan, I am satisfied that the impact of the development on noise levels during the hours proposed would not have an adverse or unacceptable impact and is in accordance with development plan policies, including those outlined above.

Protection of water quality and resources and flood risk management

134. Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) preventing new and existing development from contributing to unacceptable levels of soil or water pollution and that development should wherever possible help to improve local environmental conditions, such as water quality. Paragraph 178 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination (including risks arising from former activities such as mining). Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location

considering the likely effects (including cumulative effects) of pollution on the natural environment. Paragraph 183 states that the focus should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively.

135. Paragraph 7 of the NPPW states that when determining waste planning applications Waste Planning Authorities should consider the likely impact on the local environment and on amenity against various locational criteria and other matters relating to protection of water quality and resources and flood risk management. Key locational considerations set out in Appendix B of NPPW, include the proximity of vulnerable surface and groundwater or aquifers, and the suitability of locations subject to flooding, with issues relating to the management of potential risks posed to water quality from waste contamination requiring particular care. Paragraph 7 also re-iterates that waste planning authorities should concern themselves with implementing the planning strategy and not with the control of processes which are a matter for the pollution control authorities.

136. Policy CSW6 of the Kent MWLP states that planning permission will be granted for uses identified as appropriate to the sites allocated in the Waste Sites Plan providing (amongst other things) the proposals do not give rise to significant adverse impacts on groundwater resources and avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b. Draft (modified) Policy CSW6 of the Early Partial Review of the Kent MWLP removes any reference to a Waste Sites Plan but retains the same criteria for decision making. Policy DM1 states that minerals and waste proposals should demonstrate that they have been designed to incorporate measures for water recycling where possible and utilise sustainable drainage systems wherever practicable. Policy DM10 states that permission will be granted for minerals and waste development where it does not: result in the deterioration of the physical state, water quality or ecological status of any waterbody; have an unacceptable impact on groundwater Source Protection Zones; or exacerbate flood risk.

137. Core Policy 5 of the Tunbridge Wells Core Strategy expects all new developments to be located in accordance with the sequential test and generally to be outside of high risk flood zones, produce no negative effects on existing flood patterns, and where necessary apply mitigation and adaptation measures to reduce potential flood risk. Saved Policy EN16 of the Tunbridge Wells Local Plan requires development to have no unacceptable effect on groundwater or water quality, and in appropriate locations to incorporate sustainable drainage systems for disposal of surface water. Saved Policy EN18 of the Local Plan requires development in areas at high risk of flooding to contain effective flood protection and mitigation measures including to prevent the risk of flooding elsewhere.

138. The application is accompanied by a Flood Risk Assessment (FRA) that identifies that as the development is proposed in an area of consented Class B2 / B8 development and the current aggregates recycling facility use, it is not necessary to apply to the development proposals the sequential test which applies only to new development. It identifies that parts of the site are within Flood Zone 3 which is defined in the National Planning Policy Framework (NPPF) and associated PPG in respect of Flood Risk and Coastal Change respectively as land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding. These include the site access, 10m^2 of the proposed office, 30m^2 of the weighbridge and wheelwash, and a small part of the external waste

reception area (south west corner of site). It also identifies that there are no recorded flood events at or adjacent to the site, and its elevation indicates risk of sewer flooding is unlikely to be significant, so there is no significant risk of flooding from non-fluvial sources.

139. The FRA proposes mitigation and avoidance measures including no plant or machinery to be within areas of Flood Zone 3 and for the office to be on a raised base. An emergency and evacuation plan is proposed, setting out measures that will be taken in the event of flood warnings being received. The proposed development would not result in changes to ground levels within Flood Zone 3. It concludes that the proposed development would not increase flood risk at the site or elsewhere.

140. In terms of surface water management, the proposed concrete area would have a drainage trench on its perimeter draining to a catchment pit prior to discharge into the foul sewer.

141. The Environment Agency raise no objection to the application on grounds of flood risk or groundwater and contaminated land, subject to a condition requiring the development to be carried out in accordance with the FRA and the mitigation measures it includes (summarised in para 116 above) to be implemented prior to occupation. Southern Water (foul drainage provider) responded to the application advising an application for connection to the public sewerage system is required, and I understand that the applicant has submitted an application. I note that it would be for the applicant to agree any approach directly with the water company and have been informed by the applicant that this is underway.

142. Kent County Council Flood and Water Management initially recommended that the drainage system should be re-designed to include attenuation measures to restrict run-off discharge in line with greenfield rates where possible. The applicant provided further information, including the impermeable nature of the site, its current use, and underlying geology resulting in a very low infiltration rate which is unlikely to be affected by the proposed laying of the concrete pad. In order to reduce run-off the applicant subsequently proposed installing a flow control device and storage tank to attenuate run-off rates including in the event of a 1 in 100 year rainfall event plus an allowance climate change. The County Council Flood and Water Management subsequently agreed to this approach being appropriate if subject to a condition requiring verification report confirming installation of the drainage scheme and structures proposed.

143. Subject to the conditions recommended by the EA, and additional condition requiring submission of a surface water drainage system verification report, I am content that the proposed development could be made acceptable in terms of flood risk, surface and ground water protection. There are no concerns about flood risk implications from the development, particularly given the attenuation measures proposed to reduce the rate of surface water runoff, which would be directed to the mains sewage system. Consequently, the application is considered to be in accordance with the development plan policies referenced above.

Nature conservation

144. Paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 175 states that (amongst other

matters) local planning authorities should seek opportunities to incorporate biodiversity improvements in and around developments. Paragraph 7 of the NPPW states (amongst other things) that Waste Planning Authorities should consider the likely impact of a development on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of nature conservation, Appendix B seeks to protect ecological networks and protected species. Policies DM1, DM2 and DM3 of the KMWLP seek to protect and enhance biodiversity interests or mitigate and if necessary, compensate for any predicted loss. Core Policy 9 of the Tunbridge Wells Core Strategy requires development within Tunbridge Wells to conserve and enhance biodiversity.

145. The application site is an existing operational waste site with no vegetation or nature conservation interest. To the immediate south west of the site is a dedicated reptile hibernacula required under permission TW/15/509988. Kent County Council Ecological Advice Service confirm that the proposed development has limited potential to result in ecological impacts and there is no requirement for ecological surveys, on the assumption that the hibernacula area will not be affected.

146. Based on the above, the application is considered acceptable in terms of nature conservation and would accord with the relevant development plan policies.

Other considerations

Litter and vermin

147. Appendix B of the NPPW states that some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds and can also cause concern about litter. It states that the primary aim is to guard against new or increased hazards caused by development whilst taking account of the proximity of sensitive receptors. Policy DM11 of the MWLP states that waste development will be permitted if (amongst other matters) it can be demonstrated that they are unlikely to generate unacceptable adverse impacts on quality of life and wellbeing to communities and the environment, including neighbouring land uses.

148. As described above under the discussion of odour, the proposed development is for a waste transfer station to deal with household, commercial and industrial wastes. The facility would not accept separate loads of biodegradable and putrescible waste, including food waste, but there is the potential for such waste to be contained within mixed skip loads. The applicant has submitted an Odour Management Plan which sets out measures to control and manage odorous materials, which are also the most likely to attract vermin, including that such material would be separated and stored in a sealed skip prior to export to a suitable facility within 48 hours, and in the Design and Access Statement accompanying the application, states that daily inspections will be undertaken for the presence of vermin.

149. Given the limited space within the site it is in the applicant's interest to process material as quickly as possible once on site to free up space and skips. The regular throughput of material would serve to reduce opportunities for vermin and the escape of litter. The above measures plus good housekeeping, and regular inspections should help to minimise the potential for any impacts. In the unlikely event vermin become a problem the applicant has confirmed it would employ a specialist pest

control subcontractor. The control of pests and vermin is also required by provisions of the Environmental Permit for the site.

150. As the site is open-air and not contained within a building (although the picking line would be enclosed) and given the nature of wastes that would be accepted (light wastes including paper and card), there is a risk of lighter material escaping the site and resulting in litter. The greatest risk would occur during windy conditions. The risk of light waste being blown from the site and causing littering and contamination of aggregates stockpiles on neighbouring land has been raised in objections from neighbouring businesses. The Design and Access Statement sets out measures that the applicant would implement to control and manage litter and aim to reduce the risk to low/negligible levels. This includes installing 2-metre-high dust netting above the existing 2.4 metre palisade fencing on the south and west boundaries of the site to ensure material remains within the site. Daily inspections would be undertaken by site staff and litter collected and put in skips. The proposed treatment plant includes a blower directing the light fraction of waste into a cage for collection, and an enclosed picking line.

151. The Dust Management Plan accompanying the application sets out measures that would also control and manage the risk of litter arising from the operation. I consider that the measures proposed by the applicant, which would be secured through suitable conditions on any permission, provide adequate measures to ensure the risk of littering is managed and minimised.

Visual Impact

152. Appendix B of the NPPW identifies that landscape and visual impacts are a consideration when determining planning applications for waste facilities, particularly where these may affect landscape character or protected landscapes, neither of which are relevant to this location and application. Policy DM11 of the KMWLP provides for development to be permitted if it is unlikely to generate unacceptable adverse impacts including from visual intrusion. Policy EN1 of the Tunbridge Wells Local Plan requires avoidance of significant harm to amenities ad character of an areas.

153. As discussed previously, the site is an existing inert waste management use and on an industrial estate. There is limited visibility into the site from the highway (North Farm Lane) and from the neighbouring retail park (the rear loading and storage area of B&Q). No new buildings are proposed as part of the development (the existing office buildings will be retained in their current position), although new legio block bays would be constructed to a height of 3.2 metres around the edge of the site in which waste and sorted material would be stored prior to export. Waste and sorted materials would be stored below the height of the bays, in line with the Dust Management Plan.

154. Therefore, I consider that the site is suitable in principle for waste management and has low sensitivity in terms of its landscape value or visibility. The proposed development would not be prominent or noticeable, particularly in terms of the change from the existing use for aggregates recycling, and so would not result in an adverse visual impact and would thus be in accordance with development plan and national policy.

Environmental Impact Assessment

155. Concern has been raised regarding the potential need for the application to be accompanied by an Environmental Statement. The application has been considered in accordance with the requirements of the Environmental Impact Assessment legislation and I am satisfied that the application does not need to be accompanied by an Environmental Statement.

Conclusion

156. The application proposes a change of use of land from part of an existing aggregates recycling facility to a waste transfer station for the acceptance, storage and treatment of non-hazardous household, commercial and industrial wastes. This includes the installation of hardstanding storage bays and machinery to provide for the acceptance, storage and mechanical treatment of mixed, dry, non-hazardous household, industrial and commercial (HIC) wastes.

157. The development proposes to process up to 45,000 tonnes per annum of inert / semi inert non-hazardous waste. This would generate a maximum of 60 HGV movements per day (30 In / 30 Out) which would be in addition to 40 movements associated with the aggregates recycling facility which would continue to operate on the land to the east of the site and share the same entrance and access road. The application proposes hours of operation between 0730 and 1630 Monday – Saturday, with no working on Sundays or Bank Holidays. These are slightly shorter than those permitted under the current permission for the aggregates recycling facility currently operating on the site (0730 - 1800).

158. The majority of the application site has been granted planning permission by the Waste Planning Authority for a waste management use (aggregates recycling). During the processing of this application, negotiations have taken place between the applicant, KCC officers and technical consultees in an attempt to secure a sustainable development. This has resulted in clarification of a number of issues that have enabled initial concerns to be addressed satisfactorily.

159. The development plan and national planning policy and guidance establishes support for waste sites that seek to improve capacity to sought waste to help encourage reuse and recycling and divert residuals from landfill. The location, within an industrial estate and an existing waste use on land at the edge of Tunbridge Wells, with good access to the primary and strategic road networks, also receives policy support.

160. The application would result in a net increase in HGVs over the existing permitted arrangements of 60 movements (30 In / 30 Out) per day. Kent Highways and Transportation were involved in the negotiations referenced above and are content that the application would not have unacceptable impacts on highway safety, capacity or congestion, subject to the conditions discussed above.

161. The Environment Agency and the County Council's technical consultants on air quality (including dust and odour) and noise, have all considered the implications of the development as proposed. Subject to conditions that are reflected in the recommendation below, the technical consultees are content that the application would be acceptable and raise no objections.

162. Whilst I note the objections received from two neighbouring businesses, having considered the evidence submitted with the application and additional information provided by the applicant during my consideration of the application, and the recommendations of the technical consultees, I am satisfied that the application would represent sustainable development and could be controlled by the imposition of conditions and operation of the Environmental Permit, such that it would not have unacceptable or significant impacts on the local land uses, including residential development. Any residual impacts would not be dissimilar to those experienced in connection with the established industrial estate that surrounds the site. I am satisfied that, subject to the conditions included in my recommendation below, the application accords with the Development Plan and there are no material planning considerations that indicate the application should be refused. I therefore recommend planning permission be granted.

Recommendation

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

- The development shall be commenced within 3 years.
- The development shall be carried out and completed in accordance with the submitted details, documents and plans.

Throughput
- Maximum throughput of 45,000 tonnes of mixed, dry, non-hazardous household, industrial and commercial (HIC) wastes per annum.

Highways and access
- No more than 100 HGV movements/day to site as a whole (50 in / 50 out).
- Securing a Traffic Management System and Plan to be maintained and implemented to ensure that HGVs to be routed east to the A21 via Longfield Road so that the IAQM Guideline figure of 25 Annual Average Daily Traffic threshold for the AQMA is not exceeded. Records shall be maintained of all HGV movements and the information made available to the Waste Planning Authority.
- Measures shall be taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway.
- All loaded HGVs entering or leaving the site shall be enclosed, covered or sheeted.
- No delivery of waste to the site by members of the public.
- Areas shown for vehicle access, parking, turning, manoeuvring, loading and unloading to be provided and retained.
- Measures to prevent the discharge of surface water into the public highway.
- Fleet management measures proposed to ensure no queuing on the public highway shall be implemented and maintained.

Hours of operation
- Core operating hours – 07:30 – 16:30 hours Monday to Saturday and nil on Sundays, Bank and Public Holidays.

Land use
- Use of facility restricted to waste use.

Waste types

- Waste types restricted to those applied for – mixed, dry, non-hazardous household, industrial and commercial (HIC) waste and to exclude residual (putrescible) and black bag waste, unless in contaminant quantities.
- Any putrescible (residual) waste received shall be removed from site to an authorised waste disposal facility within 48 hours.
- No materials shall be stockpiled or stored at a height greater than 3 metres when measured from adjacent ground level and shall then only be in the locations identified on site layout plan

Dust, Odour and Litter Control

- Construction and operation to be undertaken in accordance with the submitted Dust Management Plan
- Stockpiles to be no greater than 3m in height
- The development to be carried out in accordance with the submitted Odour Management Plan.

Ground and surface water protection

- Development to be undertaken in accordance with the submitted Flood Risk Assessment
- Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
- Submission of a Drainage Scheme Verification Plan prior to the first use of the development

Noise Controls

- Construction and operation of the development to be undertaken in accordance with the Noise Management Plan submitted with the application
- Noise generated shall not exceed 60dB(A)LAeq, 1hr at the closest office building

Other Operational Controls

- A copy of the permission and the approved plans to be made available in the operator's site office.
- Withdrawal of permitted development rights.
- All vehicles, plant and machinery to be maintained and serviced and fitted with closed engine covers and effective silencers.
- No external floodlighting lighting to be installed without approval.

Construction Phase

- Construction or demolition operations restricted to 0730 - 1630 Monday to Saturday, with no operations on Sundays and Bank Holidays unless approved.

Informatives

I FURTHER RECOMMEND that an informative be added that:

- Explains that the 100 HGV movements referred to in the condition above incorporates the additional 60 movements associated with the proposed development and the 40 HGV movement associated with the existing Aggregates Recycling Facility.

Case Officer: Mr David Payne	Tel. no: 03000 413468

Background Documents: see section heading