

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 to allow an increase in site throughputs and vehicle movements, hours of operation and changes to the site's drainage arrangement at McAleers Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9 July 2025.

Application by G McAleer Contracts Limited for a Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 to allow an increase in site throughputs and vehicle movements, hours of operation and changes to the site's drainage arrangement at McAleers Yard, Caesars Way, Folkestone CT19 4AL.

Recommendation: Permission be GRANTED subject to conditions.

Local Member: Mr John Baker

Classification: Unrestricted

**Site**

1. The site comprises an area of approximately 1 hectare (ha) of industrial land situated at the end of Caesars Way at the north western end of Shearway Business Park at the northern edge of Folkestone. The M20 motorway (between junction 12 and 13) lies to the immediate north of the site with the Shearway Business Park to the east, industrial and warehouse uses to the south, and Crosskeys Coaches to the immediate south west. To the west of the site will be a mixed use development approved by Folkestone & Hythe District Council, which will include industrial and residential development, also accessed from Caesars Way.
2. The site is generally flat, clear of vegetation and partly paved with concrete and hardcore hardstanding. The site is currently operating in accordance with planning permission FH/20/1590 as a recycled aggregate production facility. The site is surrounded by security fencing and gates at the site entrance. A concrete retaining wall runs along the south western perimeter of the site.
3. Access to the site is via Caesars Way off Biggins Wood Road and Tile Kiln Lane. The closest residential dwellings are located approximately 150m to the south west at Elventon Close. These are separated from the site by Centurion Business Park and associated industrial buildings.

**Background / Recent Site History**

4. The site was historically in various types of industrial uses, including a brickworks at the turn of the 20<sup>th</sup> Century and unspecified 'works' including a conveyor (suggesting minerals use) in the 1960s, but that there has been little change to the site and its surroundings for the last 20 years.

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

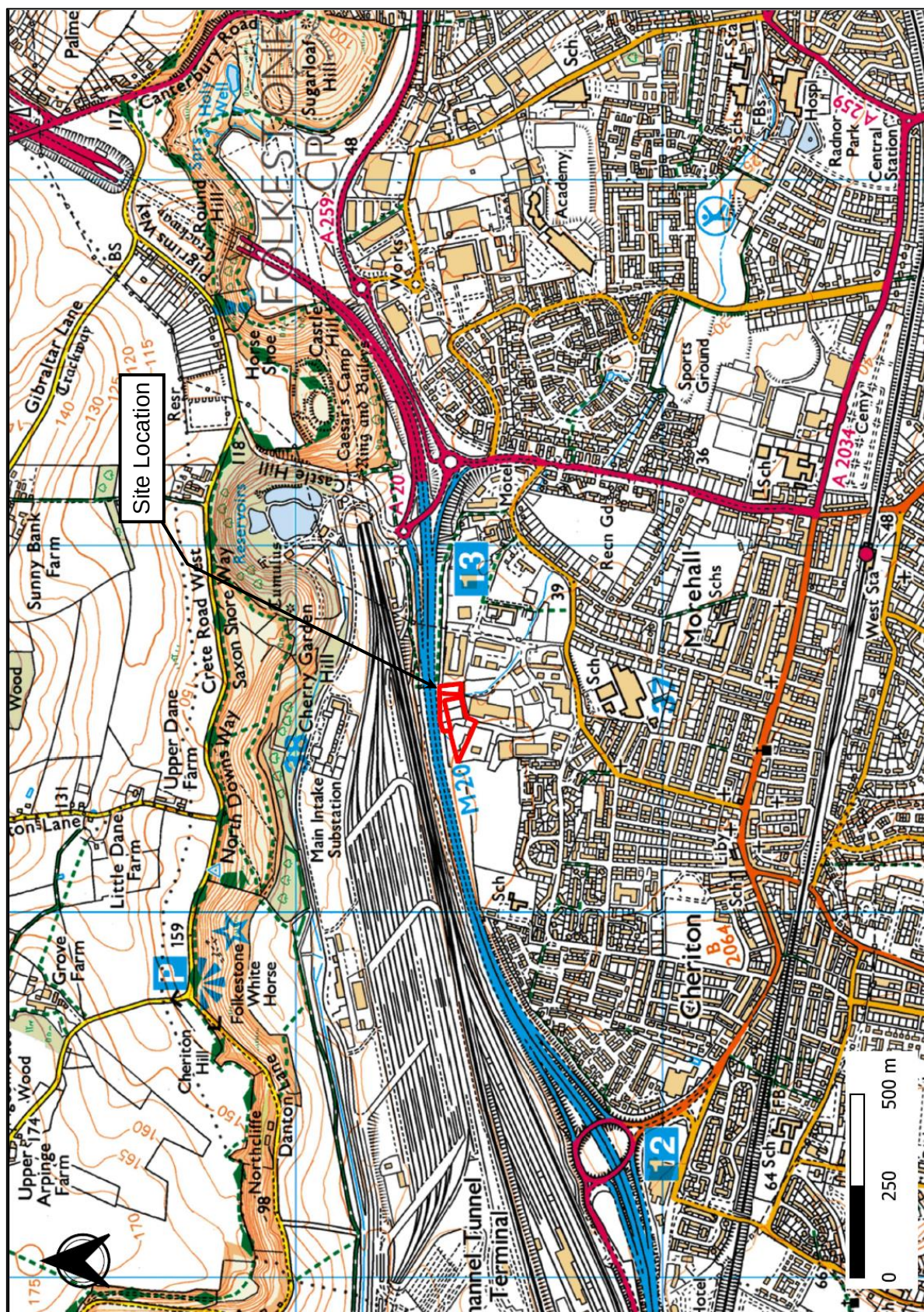
---

5. Most recently the planning history for the site is as follows:
  - **SH/87/1382** Replacement of existing ready mixed concrete plant by a new plant (Approved May 1988, with conditions)
  - **SH/88/0658** Erection of concrete batching plant together with ancillary facilities (Approved August 1988, with conditions)
  - **89/1218/SH** Installation of a silo for the storage of readymix concrete (Approved November 1989)
  - **SH/89/1420** Installation of plant machinery in connection with production of readymix concrete (Approved June 1990, with conditions)
  - **91/1052/SH** Erection of building for storage use for Multi Mix Concrete (Approved February 1992, with conditions)
  - **95/0094/SH** Retention of a concrete batching plant and mobile office building (Approved by Shepway District Council, April 1995, with conditions including that the buildings be removed and the land restored to its former condition on or before 30<sup>th</sup> April 1998)
  - **Y14/0066/SH** Retrospective application for the continued use of the land as an over-night lorry park (withdrawn) - covering the eastern part of the application site.
  - **FH/0044/2019** Concrete recycling facility and concrete batching plant, storage area, with associated hardstanding, fencing, drainage, parking and lighting, site office and controlled site access (withdrawn)
  - **FH20/1590** Recycled Aggregate Production Facility with associated hardstanding and storage, gatehouse and site office, security gates and lighting, fencing, drainage, and parking (part retrospective).
  - **FH/25/86** Aggregate washing plant and erection of a workshop/office building to replace the existing open-sided shelter and removal of temporary office/welfare portacabins – **Yet to be determined.**
  
6. The mixed use development of commercial/industrial and residential property referred to in paragraph 1 was granted permission on the land to the west of the site (Folkestone & Hythe DC reference outline permission Y13/0024/SH, and subsequent applications for details pursuant to the outline planning permission Y16/0065/NMC, Y16/0403/SH and Y17/0888/SH). It includes a 'green mitigation area' (including for reptile translocation) retained in the area to the immediate north of the site next to the M20. The commercial components (light industrial) of this development would be approximately 40m from the site boundary to the west, with the nearest residential property approximately 110m from the site boundary to the south west.
  
7. Members will note from paragraph 5 that planning application reference FH/25/86 for an aggregate washing plant and the erection of a workshop/office building is currently awaiting determination. This washing plant operation would supplement the existing recycled aggregate production that takes place at the site, which is controlled by planning permission FH/20/1590. FH/20/1590 sets out a number of planning controls over matters that include the throughput of waste, vehicle movement numbers, hours of use and drainage matters. In order for the aggregate washing plant to operate, a number of changes would need to be made to the site's operational practices, and that is what is being applied for in the application before Members. No material planning objections have been received in relation to the aggregate washing plant (FH/25/86) application, however its implementation is intrinsically linked to this S73 application (FH/25/222) and effectively it would be unable to operate unless this application is deemed to be acceptable. All the changes to the operational practices relating to throughputs of waste, vehicle movement numbers, hours of use and drainage related matters, are covered in this application and it is these matters that have attracted objections.



**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

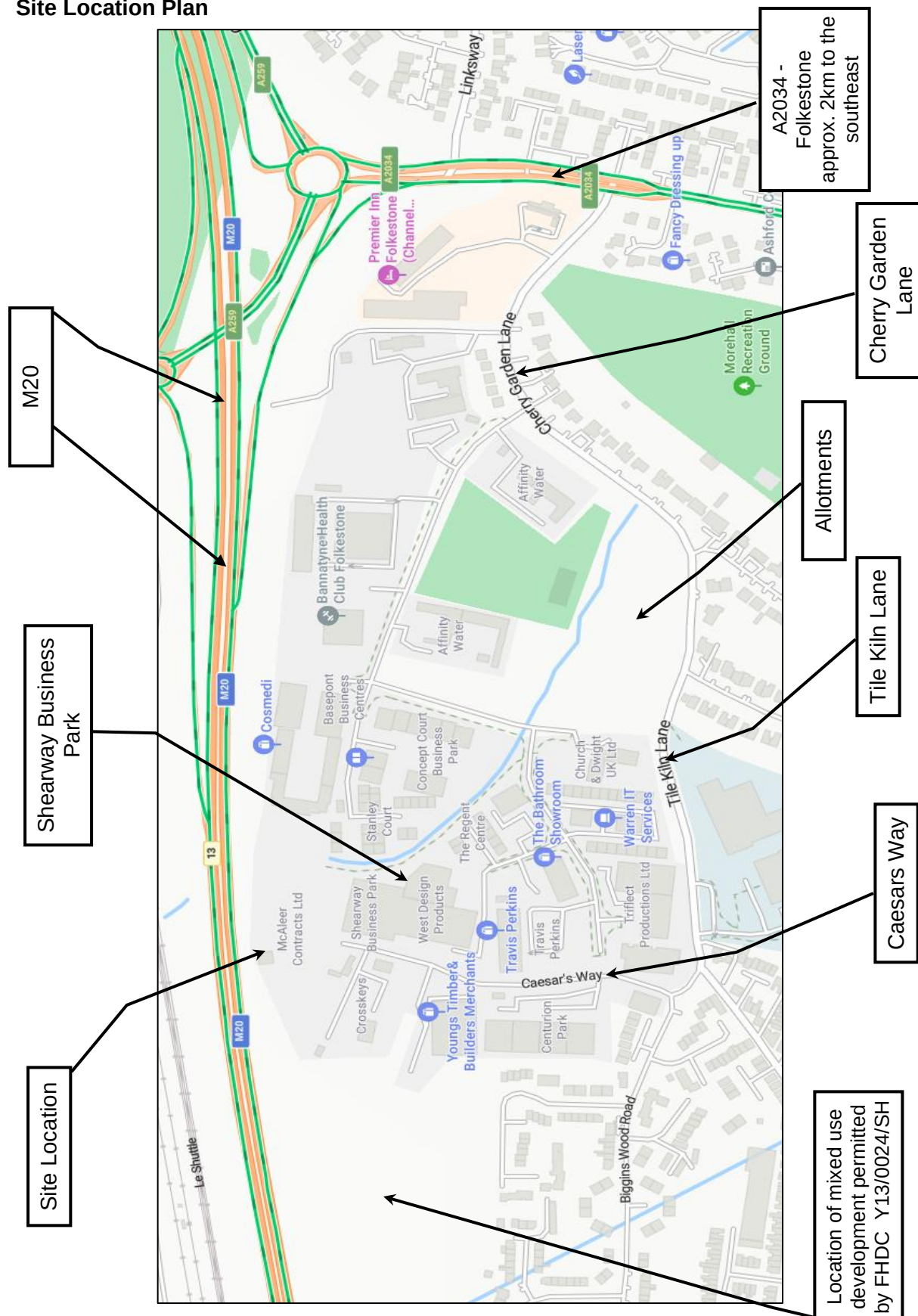
Location Plan





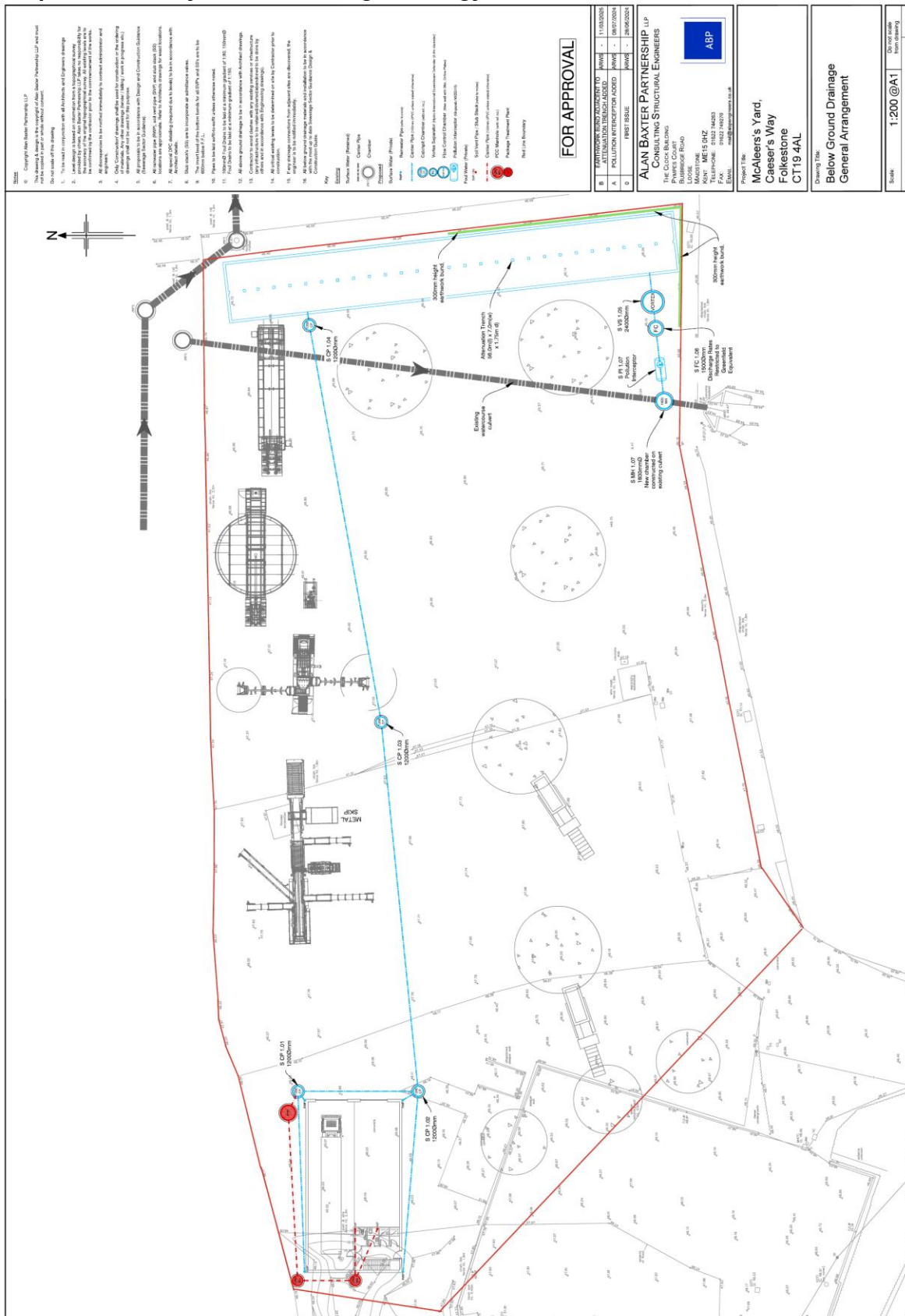
**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

Site Location Plan



### Item C2

## Proposed Site Layout and Drainage Strategy



**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

**Proposal**

8. The application is submitted on behalf of G McAleer Contracts Limited and seeks to vary conditions 2, 5, 7, 10 and 19 of FH/20/1590 which relate to:
  - Condition 2 – approved plans;
  - Condition 5 – annual throughputs of waste (in tonnes);
  - Condition 7 – number of vehicle movements;
  - Condition 10 – hours of operation; and
  - Condition 19 – drainage details.
9. Specific details of the variations to these conditions will be set out later in the report, however, the application is necessary in order to allow the accompanying planning application (reference FH/25/86) for an aggregate washing plant at the same site, to operate appropriately. Planning application FH/25/86 has not yet been determined as it is dependent on the outcome of this application. It has not attracted any objections.
10. As a result of the proposed aggregate washing plant consent is sought to increase the total construction and demolition annual wastes processed on the site to approximately 320,000 tonnes per annum (tpa), an increase of 245,000tpa. This increase would primarily be comprised of overnight delivery deposits of up to 200,000tpa. The applicant has set out that this is in response to the need of the local and regional construction sector and would reduce the quantities of muck-away sent to landfill and reduce transportation in the region by creating a facility in Folkestone. The operations overnight would just be for the deposit of waste, no other site operations would take place on site.
11. The proposed aggregate washing facility could process up to 640 tonnes per day of recycled aggregate which, with the existing recycled aggregate operations, would result in up to 64 HGV movements in total (32 in / 32 out) per day, an increase of 16 HGV movements per day from the current permitted daytime operations. Consent is sought for this increase and in addition to this the applicant is also seeking permission for overnight deliveries of waste deposits which would allow up to a maximum of 40 HGV movements (20 in / 20 out) per night.
12. Condition 10 of FH/20/1590 controls operating hours. The proposed hours of operation of the existing operations along with the new aggregate washing facility are proposed to remain as approved under the original permission FH/20/1590. Revised hours of operation are being sought solely in relation to the delivery of waste to site, which is proposed between the hours of 19:00 and 07:00 on Monday to Saturday. As a result of the changes to the site layout by the proposed aggregate washing plant, changes to the plans approved under condition 2 of FH/20/1590 are also required. As part of these wider changes to the site layout, changes to the approved drainage scheme are also being sought by this application (see plan on page C2.5 and Appendix A).

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

**Planning Policy**

13. The most relevant national planning policy and guidance, and development plan policies, to the determination of this application are summarised below:
14. **National Planning Policies** – the National Planning Policy Framework (2024) and National Planning Policy for Waste (2014) are material planning considerations. Further advice on implementation of national policy is provided in Planning Practice Guidance, including for waste developments.
15. **Kent Minerals and Waste Local Plan 2024-39 (Adopted March 2025)** - Policies: CSM1 and CSW1 (Sustainable Development); CSM8 (Secondary and Recycled Aggregates); CSW2 (Waste Hierarchy); CSW3 (Waste Reduction); CSW4 (Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements); CSW6 (Location of Built Waste Management Facilities); DM1 (Sustainable Design); DM3 (Ecological Impact Assessment); DM10 (Water Environment); DM11 (Health and Amenity); DM12 (Cumulative Impact); DM13 (Transportation of Minerals and Waste); DM14 (Public Rights of Way); DM16 (Information Required in Support of an Application).
16. **Folkestone & Hythe Places and Policies Local Plan (2020)** – Policies: UA11 (Affinity Water, Shearwater Road, Cheriton); E1 (New Employment Allocations, which includes Shearway Business Park (picture 6.11) including the application site); E2 (Existing Employment Sites); T2 (Parking Standards); T4 (Parking for HGVs); NE2 (Biodiversity); NE3 (Protecting the District's Landscapes and Countryside); NE5 (Light Pollution and External Illumination); NE7 (Contaminated Land); CC3 (Sustainable Drainage Systems); and HW2 (Improving health and wellbeing).
17. **Folkestone & Hythe Core Strategy Review 2022** – Policies: SS1 (District Spatial Strategy); SS2 (Housing and Economic Growth Strategy); SS3 (Place-shaping and Sustainable Settlements Strategy); and SS4 (Priority Centres of Activity Strategy).

**Consultations**

18. **Folkestone & Hythe District Council** - raises no objection but makes the following comments:

Although the application site is located within an industrial estate setting, where other industrial and commercial activities are commonplace, it is observed that there are also a number of residential and noise sensitive neighbours to the site, that are in close proximity and may be affected by the proposed changes sought.

The revised hours relate only to deliveries to site and deposits which are proposed between the hours of 19:00 and 07:00 Monday to Saturday, in addition to the already permitted hours.

This is essentially proposing deliveries 24 hours a day.

Given these are major increases, FHDC raises concern that the proposed changes would have the potential to cause harm to the residential amenities of nearby properties. We would ask that KCC is satisfied that the proposal would not negatively

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

impact on the amenities of neighbouring uses, as well as result in the need for further supporting infrastructure on site that may also cause harm (such as lighting).

Should KCC be minded to grant approval, FHDC requests that the following conditions are imposed on any planning permission granted:

- Noise mitigation, including use of noisy mechanical machinery
- Details of any proposed outdoor lighting

19. **Folkestone Town Council** – raises objection and makes the following comments: The Committee recommends that consideration of the application be postponed until such time as the relevant documents and any comments from residents are available and accessible to the public (given that the relevant KCC page is currently unavailable). One of the critical issues is drainage, since one of the streams that feeds into the Pent Stream passes immediately to the east of the site. Since none of the documents are accessible, it is impossible to judge whether the drainage plan is acceptable. Before any expansion of the site is permitted, the Committee recommends, if this has not already been done, the current activities at the site should be subject to an Environmental and Health and Safety Assessments.

[all application documents have been publicly available online for viewing since 4 February 2025 when the application was validated. When additional documents were received in support of the application these were also made available online. Folkestone Town Council have raised no objection to application reference FH25/86 for the aggregate washing plant]

20. **KCC Highways and Transportation** – raises no objection providing the conditions on the planning permission are updated to reflect the revised waste throughputs and HGV movements.
21. **KCC Flood and Water Management (as Lead Local Flood Authority)** – no objection.
22. **Public Rights of Way (East Kent PROW Team)** – no objection.
23. **Environment Agency (Kent Area)** - no objection subject to the inclusion of the following informative:

Connection to mains foul drainage not feasible (no foul drainage assessment submitted)

The application indicates that a permit to discharge may be required. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order: 1. Connection to the public sewer 2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation) 3. Septic Tank Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold



**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not. Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development. Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit. Further advice is available at: Septic tanks and treatment plants: permits and general binding rules

24. **National Highways** – raises no objection subject to the inclusion of a condition requiring the submission of an Operational Management Plan to include the following matters:
- Operational routing plans;
  - Permitted operational traffic arrival and departure times;
  - Management of loose loads;
  - Management of water spray and dust from the aggregate wash facility; and
  - Cleaning of operational vehicles on-site.
25. **Kent County Council Ecological Advice Service** - no comments received.
26. **High Speed 1** - no comments received.
27. **Kent Downs National Landscape** – no comments to make on the application.

**Local Members**

28. The former local County Member for Folkestone West, Dylan Jeffrey, and adjoining Member for Cheriton, Sandgate & Hythe East, Mr Rory Love were notified of the application on 4 February 2025 and responded as follows:

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

**Dylan Jeffrey – Former County Member for Folkestone West**

**1. Traffic**

The application seeks variation to an existing agreement, which I cannot support. Concerns have already been raised by local residents about potential breaches to existing conditions regarding the movement of materials.

Residents have been advised to log number plates and take videos of times and dates. I understand that KCC officers also spoke to the company about vehicles moving outside of the permitted hours of operation. Given the previous issues with complaints about vehicles not adhering to the already agreed restrictions, the increase in vehicle numbers would bring misery to local residents with added noise and vibration from the vehicles as they travel through the night and is unacceptable.

It should be noted that the existing conditions allowing 48 heavy goods vehicle movements during permitted hours already concern local residents. Therefore, seeking a variation to increase vehicle movements (\*overnight) will cause further nuisance to local residents. Residents reported vehicles shaking their residences due to vibrations from heavy loads or vehicles speeding along Cherry Garden Lane and Tile Kiln Lane. I was also concerned about the weight of the vehicles along this stretch causing the vibrations and potential damage to the road surfaces, which are already in less than pristine condition. The report also does not address the issue of movement of vehicles in nearby roads as they seek access to the site and thereby also causing noise and vibration issues to local residents in those roads. The proposal seeks a huge increase in the volume of the total construction and demolition annual wastes processed on the site. Given the concerns already raised and expressed about the existing work on the site it is inconceivable that permission should be given to increase it to such a level at this time. The application also seeks to have overnight deliveries that would potentially add up to 200,000t/annum of deposits to site. Again, this will cause unnecessary harm and distress to local residents due to noise and vibration from vehicles along roads which are also residential.

**2. Dust**

Residents have raised issues about dust being emitted from the site through airborne particles. Firstly, the barriers at the site are felt to be insufficient in height and further barriers or shields are required to mitigate against this problem. It was felt that barriers should be to a height which completely obscures the highest point of any waste or buildings on the site. Secondly, it has been observed that there is insufficient dampening down of loads on vehicles at the site or on the site itself which causes problems not just at the site but along the routes used to access the site. The dust mitigation and management measures are essential to have in place, monitored and enforced where needed to avoid this huge potential unnecessary inconvenience to local residents nearby.

**3. Water**

Concerns have been raised about the increase in the volume of water required and concerns have been raised that it is essential to maintain the cleanliness of the stream and mitigation is required for any excess run off water from the site. However, I remain unconvinced that the application is in the best interest of local residents and, therefore, oppose it. This is too close to a residential area for such an increase as proposed to be viable without extreme mitigation.

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

**Rory Love – Former County Member for the adjoining Division of Cheriton, Sandgate, and Hythe East**

There are two areas of potential impact on my Division;

(1) Traffic attending the site potentially gaining access via Ashley Avenue and other unauthorised routes, and

Traffic in the previous planning application, FH/20/1590 (KCC/FH/0209/2020), a condition was applied to ensure no HGVs would access the site via Ashley Avenue. Condition 9 - No vehicles over a gross vehicle weight of 7.5 tonnes transporting material to or from the site shall use Ashley Avenue. I recognise that this latest application is for variations to different conditions, but may I ask that Condition 9 is formally and specifically reaffirmed, as the increase in the quantity of material to be processed could give rise to a request to enable access from different routes, so as to reduce the impact on the authorised route. In addition, may I ask that Biggins Wood Road and Weymouth Road are formally added to this condition, or its replacement. I note that para 3.1.4 of the applicant's Transport Statement specifically draws attention to vehicles not being permitted to use Biggins Wood Road, so it would appear that this should not be problem. I recognise that there is a short section of Biggins Wood Road with a traffic regulation order preventing vehicles over 7.5T, but it would do no harm to reinforce the message for users of the site. Were a vehicle to seek to access the site from Weymouth Road, it is too late for the Biggins Wood Rd restriction to prevent a nuisance in Weymouth Road and the early part of Biggins Wood Road.

(2) Reports of airborne particles emitted from the site to the surrounding areas.

Dust Mitigation I have heard some concerns from local residents about airborne particles emitted from the site. I make no judgement about any evidence of this, because I have not been in a position to see any evidence. However, the concerns are sensible and rational, and the risks were recognised in the original planning application. So may I ask that Condition 15 (Dust mitigation and management measures) in the previous planning consent is formally and specifically reaffirmed in any new planning consent.

- 29. Following the County Council elections in May 2025 a further round of consultations with the newly elected Members was carried out.
- 30. The new local County Member John Baker (and neighbouring Member Tim Prater) were notified of the applications on 21 May and have responded as follows:

**John Baker - County Member for Folkestone West**

Following contact from local residents, particularly those living on Cherry Garden Lane, I have now been made aware of concerns regarding noise, air quality, heavy vehicle movements, and vibration impacting neighbouring properties. There's a strong feeling among residents that their quality of life is being adversely affected, and that their views have not been adequately considered in the assessment process to date. Given this, I would appreciate it if their objections could be reflected clearly in the Committee report. I also support further scrutiny of the extended operating hours, vehicle traffic, and the drainage and air quality implications as part of the planning



**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

determination process.

I welcome your efforts to resolve the outstanding highways and rights of way issues and would be grateful for any updates on these ahead of the Committee meeting.

Mr Baker also forwarded some further comments and videographic evidence received from local residents – detail of which is include below in paragraph 32.

**Tim Prater** - County Member for the adjoining Division of Cheriton, Sandgate, and Hythe East

I wish to object on the basis of loss of amenity to residents along the approach to the site, the majority of which falls in Folkestone West division.

I oppose the amendment of Condition 10, where they seek to remove the conditions around overnight deliveries to the site.

"The revised hours relate only to deliveries to site and deposits which are proposed between the hours of 19:00 and 07:00 Monday to Saturday, in addition to the already permitted hours."

The lorry route directly passes residential housing at the end of Ashley Avenue at the junction with Tile Kiln Lane, at the end of Surrenden Road also at the junction with Tile Kiln Lane, and facing directly onto Tile Kiln Lane and Cherry Garden Lane on the route to the M20.

Condition 10 was in place to protect their overnight residential amenity, and was imposed relatively recently in recognition of the impact that would have.

The statement in support of the variation says:

"The implementation of overnight operations would facilitate a more efficient and sustainable management of highway recycling materials across Kent, with minimal impact on the local highway network (as concluded in the report produced by Charles & Associates)."

Actually, what it would do is put up to 40 additional lorry movements every night (up from zero allowed now) past residential dwellings as discussed above.

I do not feel that meets in any way the spirit of the original planning agreement, will be detrimental to the amenity and health (sleep patterns have a clear impact on mental and physical long term health) of residents on those lorry routes, and the condition should not be varied to allow night-time movements.

**Publicity**

31. The application was publicised by the posting of a site notice, and an advertisement in a local newspaper (Folkestone & Hythe Express, 12 February 2025).

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

**Representations**

32. Four letters of objection have been received (two from the same person) and the main points of objection can be summarised as follows:
- Noise and amenity impacts from the introduction of overnight vehicle movements;
  - Vehicles parking on Tile Kiln Lane on the approach to the site;
  - The persistent noise from engines, braking, and loading/unloading is not suitable for a residential setting;
  - Traffic safety impacts;
  - Air pollution;
  - Vibration impacts;
  - Poor conditions of Cherry Garden Lane will only get worse;
  - Impacts on the Pent Stream; and
  - The applicant's vehicles already operate out of hours.

**Discussion**

33. 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. Therefore the proposal needs to be considered in the context of the Development Plan Policies, the National Planning Policy Framework, National Planning Policy for Waste and other Government Policy and any other material planning considerations. In considering this proposal the planning policies outlined in paragraphs 14-17 above are particularly relevant.
34. The proposed development is seeking to vary conditions 2, 5, 7, 10 & 19 of FH/20/1590 in order make changes to the approved site layout, the annual throughput to the site, number of vehicle movements, the hours of operation and changes to the site's drainage in order for an application for an aggregate washing plant on the site to operate in accordance with the permission for the existing recycled aggregate production facility. The site has a long history of use for concrete batching, other industrial uses and more recently as a facility for the manufacturing of recycled aggregate.
35. KMWLP Policies CSW1, CSM1 and the National Planning Policy Framework (NPPF) reflect sustainable development objectives and provide for applications for mineral or waste development that accord with the development plan to be approved without delay, unless material considerations indicate otherwise.
36. The application has also been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017 and it was concluded that the development as proposed, due to nature, size and location would not give rise to significant effects in EIA terms and therefore does not need to be accompanied by an Environmental Impact Assessment. The reports and assessments received with the application have been assessed and considered appropriate to enable the Planning Applications Committee to determine the application.

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

37. The key material planning considerations in this case include:

- Principle & Need;
- Transportation Matters;
- Amenity Matters; and
- Water Environment.

**Principle & Need**

38. 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 85 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.
39. The NPPF requires 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 and before the development is completed. 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 where an Environmental Permit would be monitored and enforced by the Environment Agency). Planning decisions should assume that these regimes will operate effectively.
40. Policy CSW1 of the adopted KMWLP sets out that when considering waste development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
41. The application documents set out that the principle of the proposed development is to reduce landfill waste by re-using, recycling or recovering construction waste materials and therefore limit the landfill waste by reducing the level of primary production of aggregates and sands to preserve the depleting natural resources. The Caesars Way yard is sustainably located near to the strategic highway network, reducing the carbon footprint of transportation. The closest recycled aggregate production facility is located in Sandwich (over 20 miles away), as such the augmentation of this existing facility would continue to reduce the transportation for many construction sites in this part of southeast Kent and improve the quality and type of recycled aggregate produced.
42. The applicant also seeks to meet the emerging demand for the recycling of highways materials, specifically life-expired asphalt and concrete which arise from overnight renewal work on the National Highways network. In the vicinity of Folkestone, this includes the M20/A20 corridor and the M2/A2 corridor. There are already sites in Kent which can recycle these types of material but the closest sites to Folkestone are located in Allington, Aylesford and Manston, some considerable distance, so it can be

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

considered that this location provides a sustainably located site and would enable improved facilities on an already existing site, which is supported by policy.

43. Policy CSW2 of the adopted KMWLP requires developments to help drive waste to ascend the Waste Hierarchy whenever possible to aid the delivery of sustainable waste management solutions for Kent. Policy CSW2 also requires proposals for waste management to demonstrate how the proposed capacity will ensure that waste to be managed at the facility will be managed at the highest level of the waste hierarchy as practicable.
44. The application of the Waste Hierarchy is a legal requirement under the Waste (England and Wales) Regulations 2011. It seeks to ensure that waste is managed sustainably and ranks waste management options according to what is best for the environment. In the UK, the waste hierarchy prioritises waste management options as follows:
  1. Prevention: Avoid creating waste in the first place.
  2. Preparation for re-use: Reuse products and packaging.
  3. Recycling: Recycle materials.
  4. Other Recovery: Use waste for energy recovery.
  5. Disposal: Landfill as last resort.
45. The premise of the operation is to drive waste up the waste hierarchy and it would enable an improved recycled aggregate product to be produced, which is supported by both national and local planning policy. The proposal would provide for a management solution to recycle and recover material keeping them in productive use for longer and helping to meet circular economy principles. The proposed development is in waste hierarchy terms considered to be intrinsically linked with the existing operations on site and the proposed aggregate washing operations.
46. Policy CSM8 of the KMWLP (Secondary and Recycled Aggregates) provides for maintenance of processing capacity to allow the production of at least 2.7 million tonnes per annum of recycled and secondary aggregates throughout the plan period. Proposals for additional capacity for secondary and recycled aggregate production including those relating to the expansion of capacity at existing facilities that increases the segregation and hence end product range/quality achieved, will be granted planning permission if they are well located in relation to the source of input materials or need for output materials, have good transport infrastructure links and accord with the other relevant policies in the development plan.
47. The National Planning Policy for Waste (NPPW) recognises that when determining planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative need for new waste management facilities where proposals are not consistent with an up-to-date Local Plan.
48. Condition 5 of the approved planning permission FH/20/1590 limits the import of the construction and demolition wastes to site to 75,000tonnes per annum (tpa). The proposal would increase this number to approximately 320,000tpa, it is projected that 200,000tpa of this increase would take place overnight as part of the proposed importation of highways recycling material. The totality of operations during daytime hours would not alter significantly to that which currently takes place, further detail on



**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

this point is covered in the transportation section below. It is considered that the 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. The proposed development is considered to be in line with national and local planning policy and is in terms of both principle, need and sustainability and considered to be acceptable.

49. Given that there is no requirement in KMWLP policy or national planning policy to demonstrate need for additional capacity, and KMWLP policy is enabling of new capacity, I consider that the proposal would be in accordance with KMWLP Policies CSM8, CSW2 and CSW4, through contributing to and maintaining provision of capacity for production of recycled aggregate and move waste management up the waste hierarchy. I therefore give this significant weight. Should Members approve the application I recommend that, save for conditions being varied, all the existing controls of FH/20/1590 be reimposed, however, it is still necessary to assess the application in terms of the transportation, amenity matters and the water environment.

**Transportation Matters**

50. The site is accessed via Caesars Way which also serves a number of premises (Crosskeys Coaches, units in Centurion Park, Youngs Timber and Builders merchants, Kidz Planet) and terminates at the entrance to the site. Public Right of Way (PROW) HF61 runs around the south east perimeter of the site, then heading north under the M20, and also east as PROW HF67 south of the M20.
51. At its southern end, Caesars Way bends to the east, and continues into a priority junction with Tile Kiln Lane/Cherry Garden Lane. Approximately 800m to the east, Cherry Garden Lane forms a signalised junction with the A2034 Cherry Garden Avenue, which in turn leads north to the M20 motorway (Junction 13). Ashley Avenue runs west from Caesars Way to a priority junction with the B2064 Cheriton High Street, leading west to the M20 motorway (Junction 12) approximately 2km from the site. The local access routes are presented in Figure 1 below. Condition 9 of FH20/1590 restricts vehicles weighing over 7.5 tonnes from transporting material to or from the site from using Ashley Avenue, this condition would not change in the event that this planning application is approved.
52. KMWLP Policy DM13 requires proposals for minerals and waste development to demonstrate that emissions associated with road transport are minimised, and where road transport is required that: (1) they demonstrate that access arrangements are safe and appropriate and traffic is not detrimental to road safety; (2) that the highway network can accommodate traffic flows, that traffic doesn't have an adverse effect on the environment or community; and (3) emission reduction measures are taken including scheduling movements to avoid peak hours. The site is not in, or in close proximity to, an Air Quality Management Area (AQMA).
53. The access to the site via Caesars Way is separate to the rest of the business park to the east which is accessed via Shearway Road and Pent Road. However, the permitted mixed-use development (reference Y13/0024/SH and associated applications for details pursuant to the outline permission) will be serviced by a new access off Caesars Way to the south of the Cross Keys Coaches site, and so traffic

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

associated with the proposed development would be in addition to that likely to be generated by the mixed use development to the west.

54. The main eastern part of Shearway Business Park and the majority of the business premises on the Park are accessed via Shearway Road and Pent Road off Cherry Garden Lane to the east.



**Figure 1** Local access routes to the Site

55. The current permission at the site covering the recycled aggregate production facility has a condition restricting the number of HGV movements to 48 per day (24 in / 24 out) and a condition restricting the hours of operation on site (including vehicle movements) to between the hours of 07:00 and 19:00 Monday to Friday, 07:00-14:00 on Saturdays, with no operations taking place on Sunday, Bank or Public Holidays. Whilst some of the representations received have stated that they have seen vehicle movements taking place outside of these hours, I am mindful that no complaints have been received, by the County Planning Authority, since the aggregate production facility was approved, in relation to any operational activity, including HGV movements.
56. This application is seeking a variation to increase the overall throughput of waste to the site and consequently is also requesting an increase to the number of permitted HGV movements each day, from the current 48 per day (24 in / 24 out), to 64 (32 in / 32 out) an increase of 16 HGVs per day (8 in / 8 out) or equivalent to 1.3 vehicles per working hour across a standard 12 hour weekday.
57. The application also seeks to introduce overnight vehicle movements of up to 20 HGVs (20 in / 20 out movements) during an overnight period (19:00 - 07:00 Monday to

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

Saturday). This would represent a waste case scenario and is not anticipated to be an operation that would take place every night. It is proposed to assist in delivering short term contracts, based on operational needs, and to minimise day time working on the public highway, where the material arises. During the consultation process, and as a result of representations received, discussions took place with the applicant, to see if it would be possible to include some additional restrictions on overnight vehicle movements in order to mitigate against impacts on residential amenity.

58. Further discussions with the applicant took place and it was evident that the additional 20 HGVs nighttime movements is very much anticipated to be a maximum and unlikely to occur continuously every operational night of the year. Furthermore the applicant has advised that as an example of the enquiries they have received in relation to nighttime highways works, that the following hypothetical scenarios demonstrate a realistic example of the likely type of operations:
  - a) Smaller highways project on a local A road - anticipated that this could lead to 3 deliveries over 2 nights;
  - b) Medium scale project on a larger A road - 7 nights work of up to 10 deliveries per night;
  - c) Larger scale road works on a local dual carriageway/motorway - up to 14 days with 20 deliveries per night.
  
59. As such it is not anticipated that the operation would be running the full 20 HGVs every night continuously, as this level of work and need, does not regularly exist. Therefore as a result of these additional discussions, the applicant has set out that they would be prepared to accept additional restrictions to apply to nighttime operations in order to allay any overriding concerns that may be held around the introduction of nighttime delivery operations. This would balance amenity impacts locally, against the wider economic and public benefits of the waste management operation. Should Members be minded to approve the application I therefore recommend a new condition be included to cover the following:
  - Nighttime deliveries shall take place on no more than 60 working nights in any 90 day period.
  
60. The proposed aggregate washing facility could process up to 640 tonnes of aggregate per day. As a worst case scenario the proposed daily HGV movements assume that all raw material would be delivered and all output products removed in 20 tonne vehicles, which would result in up to 32 arriving and 32 departing HGV movements per day. In practice though, some larger 32-tonne vehicles would be used and some backloading would occur, which would both reduce the number of daily vehicle movements.
  
61. The proposed aggregate washing facility would complement and enhance the existing recycling activities on the site and the introduction of overnight works would allow for more effective and sustainable handling of highways recycling materials within Kent, albeit by introducing a new overnight activity to the site. Members should note that the overnight activities would consist of vehicles entering the site, depositing the waste and leaving again, no other operations would take place overnight. The additional activity on the site would result in an increase in HGV movements, but it would not result in a severe impact on the local highway network.

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

62. The application site benefits from reasonable access by non-car modes. Safe and suitable access can be achieved via the existing arrangement on Caesars Way which is within a predominantly industrial area. The existing restrictions on HGV access would continue to apply and appropriate parking for staff and visitors would be provided within the site.
63. Kent County Council Highways & Transportation were consulted on the application and do not object or raise concerns about vehicle movements or highways safety. This also complies with Policies T2 and T4 of the Folkestone & Hythe Places and Policies Local Plan.
64. National Highways were consulted on the application given the site's proximity to the M20 motorway and have raised no objection subject to the inclusion of a condition requiring the submission of an Operational Management Plan to include the following matters:
- Operational routing plans;
  - Permitted operational traffic arrival and departure times;
  - Management of loose loads;
  - Management of water spray and dust from the aggregate wash facility; and
  - Cleaning of operational vehicles on-site.
65. Folkestone & Hythe District Council, local County Members and local residents have raised concerns regarding the increase in vehicle movements, specifically overnight, however, I am mindful that the impacts as such are in relation to potential amenity impacts of this change, not regarding the totality of the change in highways terms. The amenity impacts will be discussed later in the report.
66. Initial comments were received from KCC Highways and Transportation and KCC Public Rights of Way objecting to the proposed development on the grounds that there was no pedestrian footpath for the final part of Caesars Way closest to the site entrance. This has the effect that users of the footpath HF61 exit the footpath adjacent to McAleers Yard and then have to share the road with vehicular traffic until the pedestrian footpath restarts further along Caesars Way. Upon further investigation, KCC Highways colleagues have discovered that there was a pedestrian footpath in this location that had fallen into significant disrepair, responsibility for these repairs lie with KCC as the Highway Authority and as such an objection to the proposals on the grounds of lack of footpath provision is not justifiable.
67. Given the relatively low increase in vehicle movements, and the lack of objection from KCC Highways & Transportation and Highways England on highway safety and capacity grounds, I consider that the proposed access arrangements are safe and appropriate, and that the highway network is able to accommodate these traffic flows. In addition, the number of movements would not have an unacceptable adverse impact on the environment, and the potential impacts on highway safety would not be unacceptable, and residual impacts on the road network would not be severe. Regarding impacts on highway safety, the NPPF states that development should only be 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.

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

68. Therefore, I consider that the proposed development would be in accordance with KMWLP Policy DM13 and consistent with the locational criteria of KMWLP Policy CSM8 and Policy CSW6 and KMWLP Policy DM11 in terms of unacceptable adverse impacts on road safety or congestion from traffic. It would also be consistent with National planning policy for waste (NPPW) and the locational criterion (f) regarding suitability of the road network.

**Amenity Matters**

69. KMWLP Policy DM11 provides for minerals and waste development where it is demonstrated that there are unlikely to be unacceptable adverse impacts from dust and emissions to air and from noise and vibration.
70. The wider operations proposed in the form of an aggregate washing plant, is very much akin to the operations that are already permitted at this site, i.e. the open air crushing and screening, and production of recycled aggregate. Indeed the augmented processes of washing the aggregate, would lessen the potential impact from air borne emissions. I am also satisfied that given the site's existing use, its position within an industrial estate, adjacent to the M20 motorway and the existing controls in place in terms of hours of operation and the mitigation measures set out in the approved Dust and Noise Management Plans, that there would be no discernible change or impact on amenity to the nearest sensitive receptors, including the nearest residential properties on Elventon Close approximately 160m to the south west of the site boundary.
71. The main remaining potential amenity impact would be in terms of the introduction of overnight vehicle movement operations, primarily to those residential properties located on the route into the site along Cherry Garden Lane and Tile Kiln Lane. Members will note the objections received from local residents on this matter. The properties most likely to notice the vehicle movements are those located on the most easterly part of Cherry Garden Lane as these front onto the road itself, however, I am mindful that these properties are also closest to the A2304 Cherry Garden Avenue (located just to the east) which is one of the arterial routes to and from the M20 and Folkestone, and so will receive a certain degree of background related traffic noise at all times. These properties also benefit from some quite large areas of grass verge, in front of their driveways, so are not located immediately adjacent to the public highway. These properties are also approximately 200m south of the M20 itself and are also closest to Shearway Avenue which is the main access route into the Shearway Business Park, which is occupied by a significant number of industrial/business units, which do not all have night time delivery restrictions.
72. There are other properties which abut Tile Kiln Lane and are closer to Caesars Way, but these do not face onto the road directly as they are situated on Surrenden Road which extends southwards away from Tile Kiln Lane. These closer properties are oriented in an east/west manner and do not directly face the road upon which the vehicles would be travelling and as such I do not consider that there would be a significant adverse impact as a result of the vehicles travelling along Tile Kiln Lane towards the site. I am also mindful that in amenity terms the condition on the existing planning permission restricting vehicles from using Ashley Avenue would remain in place should this planning application be approved.



**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

73. I am satisfied that the additional aggregate washing operations on the site itself, would have no additional impact on residential amenity, and I am also satisfied that the introduction of overnight vehicle movements would not be sufficient to justify refusal of planning permission on amenity grounds. Whilst I acknowledge that there are residential properties located along the route into the site, I am also mindful that this area is also the main access point into the Shearway Business Park and the industrial activities further along in Caesars Way, and these uses are longstanding. Given the industrial uses nearby; the proximity to the arterial road network and the M20; that the overnight vehicle movements would take place on a campaign basis and are not anticipated every night; that there would be a limit on waste importations, overnight HGV movements and the number of nights that movements can take place, I am satisfied that there would be enforceable measures in place to ensure these restrictions are adhered to and as such am satisfied that the application accords with national and local development plan policies in terms of amenity.
74. Members will note that comments have been received about concerns of delivery lorries stopping and idling on the approach to the site, during overnight hours. However, I am mindful that there is a Traffic Regulation Order in place from approximately the junction of Shearway Road on Cherry Garden Lane, heading towards the site, that prevents vehicles weighing above 7.5 tonne from stopping overnight, which will mitigate the risk of this taking place.
75. I recommend that the existing conditions in relation to the site operating in accordance with the Noise and Dust Management Plans are reimposed in order to ensure the proposed development is in accordance with KMWLP Policy CSM8, Policy CSW6, and Policy DM11. It would also be consistent with National planning policy for waste (NPPW) locational criterion (g) in that potential adverse dust emissions can be controlled through use of appropriate and well-maintained equipment and vehicles. I consider that the proposed development would not generate unacceptable adverse impacts from noise or dust as a result of the increase in vehicle movements and so would be in accordance with KMWLP Policy DM11. It would also be consistent with National planning policy for waste (NPPW) locational criterion (j) in that potential adverse effects of noise and vibration on receptors can be avoided.

**Water Environment**

76. The NPPF states that permitted operations should not have unacceptable impacts on the natural environment or on the flow and quantity of surface and groundwater or give rise to contamination. Policy DM10 of the Kent MWLP states that permission will be granted where it does not result in the deterioration of physical state, water quality or ecological status of any waterbody (e.g. rivers, streams, lakes and ponds); have an unacceptable impact on groundwater Source Protection Zones; and exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future.
77. Whilst this application proposes no built development itself that would affect drainage matters, it does require drainage conditions attached to FH/20/1590 to be varied in order to amend the previously approved drainage scheme to allow the proposed aggregate washing plant to operate. As such the proposed drainage scheme for aggregate wash plant application reference FH/25/86 has also been submitted for approval by this application.

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

78. The wider development works involve the erection of a two storey workshop and welfare building, including a small kitchenette plus toilet and shower facilities. Externally, an aggregate washing facility would be installed, made up of a modular network of external machines / plant equipment. The development area currently has no formal surface water drainage, with all runoffs flowing overland to the low point in the southeast corner of the site.
79. The southeast corner of the site lies within Flood Zone 2, the majority of activities on site pose little or no risk to the site, however, the available mapping for flooding due to surface flow does indicate flows across to the southeast of the site and out to the Pent Stream watercourse and adjacent industrial estate. The applicant sets out that this ties in with the situation noticeable on site, but considers that the proposed surface water drainage strategy for the scheme would mitigate and control this risk and concludes that the proposed development would actually reduce flood risk both on and off site by the implementation of the mitigation set out in the submitted drainage strategy.
80. Surface water from the roof of the proposed workshop would be collected via a series of gutters and rainwater pipes before being conveyed through a gravity network into an attenuation trench sited parallel to the eastern boundary (see drainage strategy plan at Appendix A). Surface water flows from the open yard area would then flow into the attenuation trench (with a heavy duty grated cover). As well as the attenuation purpose, the trench would have a sump to facilitate the settling out of the silts within the water (present due to the nature of the work undertaken on site). The grating would be removable in order to facilitate the removal of the accumulated silt as necessary. The discharge flows from this tank would pass through a vortex separator in order to remove any remaining silt, before passing through a flow control chamber, then pollution interceptor. The surface water network would discharge into the Pent Stream by means of a new chamber constructed on the existing culvert passing through the site, subject to receiving the required approvals from the appropriate bodies. Foul wastewater from the workshop would be conveyed under gravity into a package treatment plant, before discharging into the adjacent surface water system, and eventually into the Pent Stream to the south, again this will be subject to receiving the required approvals from the appropriate bodies.
81. Initial consultation with KCC's Flood Risk Project Officer highlighted that the modelled flood levels, were above the cover level of the attenuation trench at the lowest part of the site, albeit by no more than a few millimetres, as a result the applicant adjusted the design to include a 300mm high earthwork bund around the lowest part of the site. This would contain any exceedance flows within the development, protecting adjacent land from overland flows from the site. Following this amendment to the scheme KCC's Flood Risk Project Officer removed their concerns on drainage grounds providing the proposed bund is created prior to the operation of the aggregate washing plant, as they agree with the applicant, that the bund would contain exceedance flows arising from the attenuation tank during the most extreme events (climate adjusted 100-year scenarios).
82. The Environment Agency has also been consulted and raises no objection.
83. I note the objections received on drainage grounds, particularly those received from Folkestone Town Council, however, as stated above during the assessment of the planning application and consultee responses received from the Environment Agency

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

and KCC's Flood Risk Project Officer, I am satisfied that subject to the implementation of the proposed drainage strategy referred to above, there is no justification on drainage grounds to warrant refusal of the application.

84. With regard to groundwater protection, the proposed use is considered unlikely to result in an increased risk of pollution as no significant excavation is proposed (apart from where necessary to implement the Drainage Strategy). In the absence of any objections from key technical consultees, including the Environment Agency and KCC's Flood Risk Project Officer, I am satisfied that the development proposed by this application does not present an unacceptable risk to groundwater or surface water quality and would not exacerbate flood risk and therefore, accords with the NPPF, KMWLP Policies CSW6 and DM10 relating to the water environment. The implementation of the attenuation trench would also comply with Folkestone & Hythe Places and Policies Local Plan Policy CC3.

**Conclusion**

85. The site is on the edge of the Folkestone settlement boundary and immediately adjacent to the M20 to the north, with open storage use (Crosskeys Coaches) to the immediate south west and Shearway Business Park to the east. The site has a long history of use for concrete batching, brick making and currently as a site for the production of recycled aggregate. It is largely flat and open, aside from the existing operation's buildings, structures and plant.
86. The application seeks to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 to allow throughputs of up to 320,000tpa, increase the number of HGV movements to 64 (32 in / 32 out) per day, allow overnight deliveries of waste deposits to include up to 40 HGV movements (20 in / 20 out) per night and make changes to the site's drainage.
87. The development plan and national planning policy and guidance support waste and minerals development on previously developed land and sites including industrial estates. The location, within an industrial estate on previously developed land at the edge of the urban area of Folkestone, with good access to the primary and strategic road networks, also receives policy support. Given that there is no requirement in KMWLP policy or national planning policy to demonstrate need for additional capacity, and KMWLP policy is enabling of new capacity, I consider that the proposal would be in accordance with KMWLP Policies CSM8, CSW2 and CSW4, through contributing to and maintaining provision of capacity for production of recycled aggregate and move waste management up the waste hierarchy. Should Members approve the application I recommend that, save for conditions being varied, that all the existing controls of FH/20/1590 be reimposed, as set out in paragraph 94 below.
88. A number of existing businesses are accessed via Caesars Way, and the permitted mixed use development to the west of the site will also be accessed off Caesars Way. No objections were received from Kent County Council Highways & Transportation and National Highways on highway safety grounds or on impacts to the road network. Therefore I consider that the highway network is able to accommodate the traffic flows and access is safe and appropriate to the scale of movements, I recommend that a condition requiring an Operational Management Plan is prepared and approved to reflect the advice received from National Highways.

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

89. The proposed development has the potential to affect the amenity of some residential properties situated on Cherry Garden Lane and Tile Kiln lane through the generation of noise as a consequence of overnight HGV deliveries. Whilst this is finely balanced, I am satisfied that, given these are located on an access route to the Shearway Business Park and their close connection to the arterial road network that it is not unreasonable for the roads to be utilised at night for deliveries. There are traffic restrictions in place that prevent HGVs from stopping on the approach roads so this prevents impacts on residential properties through the parking up and idling of vehicles in their vicinity. Existing vehicle movement restrictions on Ashley Avenue would also be reimposed should this application be approved. Therefore I am satisfied that the additional operations on the site itself, would have no additional impact on residential amenity, and I am also satisfied that the introduction of overnight vehicle movements would not be sufficient to justify refusal of planning permission on amenity grounds, subject to the reimposition of all the controls previously imposed and conditions to limit the vehicle movements. Members will also note the additional restriction that has been agreed with the applicant to further limit the overnight vehicle movements to ensure that operations take place on no more than 60 working nights in any 90 day period.
90. Dust generation and potential emissions would be controlled adequately through the continued implementation of the approved Dust (and Noise) Management Plans which contain extensive mitigation measures.
91. The applicant satisfactorily addressed the concerns that were initially raised over drainage which demonstrated to my satisfaction and that of the relevant technical consultees that the proposed development would be acceptable and in accordance with development plan policies, subject to conditions being applied to the planning permission. I am satisfied that this addresses the concerns raised surrounding the potential impact on the Pent Stream.
92. 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, such that it would not have unacceptable or significant impacts on the local land uses, including residential development.
93. 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. KMWLP Policies CSW1 and CSM1 apply, and I therefore recommend planning permission be granted and the relevant conditions of FH/20/1590 be varied in order to facilitate the operation of the aggregate washing plant for which planning permission is being sought under application reference number FH/25/86.

**Recommendation**

94. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the reimposition of the existing conditions from permission reference FH/20/1590 and the highlighted changes to conditions 2,5,7,10 &19 covering (amongst other matters) the following:

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

(Amended or new conditions in **bold**)

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission. Written notification of the actual date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. **The development hereby permitted shall be carried out and completed in all respects in accordance with the submitted details, documents and plans referred to in Schedule 1 (attached) and as stipulated in the conditions set out above and below, together with those further details required to be submitted for approval. No variations or omissions shall take place without the prior approval in writing of the County Planning Authority.**
3. A copy of this permission and the approved plans and other details shall be available in the operator's site office at all times during the operational life of the site. Any subsequent approved amendments shall also be displayed.
4. The buildings erected on the site as components of the development hereby permitted shall be used solely for the purposes specified in this planning permission.
5. **No more than a total of 320,000 tonnes per annum of construction and demolition (C&D) wastes shall be imported to and processed to produce recycled aggregate at the site in any calendar year; and no more than 200,000 tonnes per annum (of the overall 320,000tpa) shall be imported during overnight operational hours. Records detailing the quantities and nature of waste imported, (including differentiating between daytime and nighttime imports) to the site shall be maintained for the life of the facility hereby permitted and shall be made available for inspection at any reasonable time following a request from the Waste Planning Authority.**
6. Only inert construction and demolition waste (as specified in the application) shall be imported to, stored and processed to produce recycled aggregate at the site.
7. **No more than 64 HGV movements (32 in / 32 out) per day associated with the import and export of materials to and from the development hereby permitted shall take place in any one day. No more than 40 HGV movements (20 in / 20 out) per operational night shall take place. Records shall be maintained by the site operator of all vehicle movements and be made available to the Waste Planning Authority on request.**
8. There shall be no deliveries of waste to the site by members of the public.
9. No vehicles over a gross vehicle weight of 7.5 tonnes transporting material to or from the site shall use Ashley Avenue.
10. **With the exception of the operation of the screener and crusher plant, operations on site shall only take place between the hours of 07:00 - 19:00 Monday to Friday and 07:00-14:00 on Saturdays. The screener and crusher plant shall only be operated between the hours of 07:00 and 18:00 Monday to Friday. Overnight deliveries of waste shall only take place between the hours of 19:00 - 07:00 Monday to Saturday and no other site operations shall take place during these overnight hours. No operations shall take place on Sunday, Bank or Public Holidays.**
11. A Travel Plan shall be submitted to and thereafter approved by the Waste Planning Authority within two months of the date of the planning permission

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

- hereby granted which shall set out measure to promote vehicle movements outside of peak periods of 07:30-09:30 and 16:30- 18:30.
12. Measures shall be taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway. Such preventative measures shall include site floor cleaning, the use of wheel and chassis cleaning equipment and the netting/sheeting or enclosure of loaded vehicles to and from the site.
  13. No vehicles associated with the development hereby permitted and operation of the site shall park or wait on Caesar's Way at any time.
  14. The noise mitigation and management measures set out in the Dust and Noise Management Plan shall be fully implemented and adhered to at all times during the development hereby permitted.
  15. The dust mitigation and management measures set out in the Dust and Noise Management Plan shall be fully implemented and adhered to at all times during the development hereby permitted.
  16. The height of recycled aggregate or other material stockpiles shall not exceed 0.5 metres below the height of the retaining walls of the aggregate storage bays (as set out in Drawing PL10 P10).
  17. Plant and machinery shall only be operated from ground level and shall not be undertaken from stockpiles
  18. All vehicles, plant and/or machinery and shall be maintained and serviced in accordance with the manufacturer's specification at all times and fitted with closed engine covers and effective silencers.
  - 19. The development hereby permitted shall be undertaken in accordance with the Flood Risk Assessment and Drainage Strategy. No water run-off that may arise will be accepted into the M20 highway drainage systems and there shall be no connections into those highway drainage systems.**
  20. The development hereby permitted shall be undertaken in accordance with the approved Surface Water Drainage Scheme and it shall be fully implemented and adhered to at all times during the development hereby permitted.
  21. A Drainage Scheme Verification Plan shall be submitted to and approved by the Local Planning Authority within 6 months of the date of the planning permission hereby granted. The Report shall contain information and evidence (including photographs) of implementation of the drainage scheme.
  22. The development hereby permitted shall be lit in accordance with the lighting details shown in drawings PL10 Rev P10 and PL14 Rev P1. No lighting structures other than those shown in these drawings shall be installed closer to the M20 boundary fence than 1.5 times the column height nor be directed towards the M20 unless approved in writing by the Waste Planning Authority who shall consult National Highways.
  23. Unless otherwise approved beforehand in writing by the Waste Planning Authority, no piling or other foundation works using penetrative methods shall take place at the site.
  24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Waste Planning Authority. The remediation strategy shall be implemented as approved.
  25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015, no additional buildings, fixed plant or



**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

machinery shall be installed on site without prior permission in writing by the Waste Planning Authority of their siting, design and external appearance.

New Conditions

26. Nighttime waste delivery operations shall take place on no more than 60 working nights in any 90 day period.
27. Submission and approval in writing of an Operational Management Plan to include the following matters:
- Operational routing plans;
  - Permitted operational traffic arrival and departure times;
  - Management of loose loads;
  - Management of water spray and dust from the aggregate wash facility; and
  - Cleaning of operational vehicles on-site.

I FURTHER RECOMMEND that the following INFORMATIVE be imposed as requested by the Environment Agency:

Connection to mains foul drainage not feasible (no foul drainage assessment submitted)

The application indicates that a permit to discharge may be required. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order: 1. Connection to the public sewer 2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation) 3. Septic Tank Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not. Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development. Where the existing non-mains drainage system is covered by a permit to discharge then an application to

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

---

vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit. Further advice is available at: Septic tanks and treatment plants: permits and general binding rules

|                                |
|--------------------------------|
| Case Officer: Adam Tomaszewski |
|--------------------------------|

|                       |
|-----------------------|
| Tel. no: 03000 410434 |
|-----------------------|

|                                           |
|-------------------------------------------|
| Background Documents: see section heading |
|-------------------------------------------|

**Section 73 application to vary conditions 2, 5, 7, 10 & 19 of planning permission FH/20/1590 at McAleer's Yard, Caesars Way, Folkestone CT19 4AL - FH/25/222 (KCC/FH/0003/2025)**

[illegible]