

PLANNING APPLICATIONS COMMITTEE

Wednesday, 11th September, 2024

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 11th September, 2024, at 10.00 am
Council Chamber, Sessions House, County Hall, Maidstone

Ask for: **Emily Kennedy**
Telephone: **03000419625**

Membership

Conservative: Mr A Booth (Chairman), Mr H Rayner (Vice-Chairman), Mrs R Binks, Miss S J Carey, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Mr O Richardson and Mr C Simkins

Labour: Ms J Meade

Liberal Democrat: Mr I S Chittenden

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Apologies
2. Declarations of Interest
3. Minutes (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

1. CA/24/380 - (KCC/CA/0 235/2023) - Retrospective application for the erection of a Materials Recycling Facility and associated works. Shelford Farm Estate, Shelford Waste Management Facility, Broad Oak Road, Canterbury, Kent CT2 0PU (Pages 5 - 42)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 43 - 44)
2. County Council developments (Pages 45 - 46)
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 47 - 48)
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 49 - 50)

F. KCC RESPONSE TO CONSULTATIONS

1. F1 - Fawkham Neighbourhood Plan – Regulation 16 Consultation (Pages 53 - 56)
2. F2 - Sandhurst Neighbourhood Plan (2022-2038) - Regulation 14 Consultation (Pages 57 - 62)

G. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 3 September 2024

(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber on Monday, 15 July 2024.

PRESENT: Mr H Rayner (Vice-Chairman), Mrs R Binks, Miss S J Carey, Mr I S Chittenden, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Ms J Meade, Mr O Richardson and Mr C Simkins

ALSO PRESENT: Mr N Chard

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications), Ms S Bonser (Solicitor), Mr D Joyner (Transport & Development Planning Manager – West Kent), Andrea Hopkins (Principal Planning Officer), Adam Tomaszewski (Principal Planning Officer), James Bickle (Principal Planning Officer) Douglas Lewis (Amey - Geotech), Mike Ashley (Amey – Drainage) and Ms E Kennedy (Clerk)

UNRESTRICTED ITEMS**1. Apologies**

(Item A1)

Apologies were received from Mr Booth and Mr Harman.

2. Declarations of Interest

(Item A2)

There were no declarations of interest.

3. Minutes

(Item A3)

RESOLVED that the minutes of the meeting held on 17 April 2024 were correctly recorded and that they be signed by the Chairman.

4. General Matters

(Item B1)

Sharon Thompson, Head of Planning Applications, advised the committee about the revised National Planning Policy Framework (NPPF) for which there was going to be a consultation.

5. Item C1 - Stabilisation and restoration of Covers Farm Quarry using imported engineering materials to restore the site to grassland, including landscape planting and an ecological receptor area together with a temporary road and ancillary buildings at Covers Quarry, Westerham, Kent – SE/18/3435 (KCC/SE/0495/2018)

(Item C1)

- 1) Mrs Thompson, Head of Planning Applications Group, outlined the report.
- 2) Ms Cowan addressed the committee in opposition to the application on behalf of Keep Westerham Green.
- 3) Cllr Williams addressed the committee on behalf of Chevening Parish Council.
- 4) Cllr Robson addressed the committee on behalf of Westerham Town Council.
- 5) Mr Chard addressed the committee as Local Member.
- 6) Mr Accleton spoke in reply on behalf of the applicant, Morants Promotion Ltd.
- 7) It was proposed by Chair and seconded by Mr Dendor:

That the officer's recommendation be adopted, namely:

PERMISSION BE REFUSED on the following grounds:

1. The proposed development would be inappropriate development in the Green Belt which by definition would be harmful to the openness and character of the Green Belt, contrary to the National Planning Policy Framework and Policy DM4 of the Kent Minerals and Waste Local Plan and the Emerging Kent Minerals and Waste Local Plan 2024-39.

2. The proposed development would be contrary to Emerging Kent Minerals and Waste Local Plan 2024-39 Policy CSW11 as it does not represent the minimum quantity of waste necessary to achieve the benefit sought and therefore does not represent sustainable development contrary to Policy CSW1 of Kent Minerals and Waste Local Plan.

- 8) Further to debate, the motion was put to the vote and declared CARRIED.

6. County matter applications

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the meeting on 17 April 2024 relating to:

E1 County matter applications.

7. County Council developments

(Item E2)

RESOLVED to note matters dealt with under delegated powers since the meeting on 17 April 2024 relating to:

E2 County Council developments.

8. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

(Item E3)

RESOLVED to note matters dealt with under delegated powers since the meeting on 17 April 2024 relating to:

E3 - Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

9. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
(Item E4)

RESOLVED to note matters dealt with under delegated powers since the meeting on 17 April 2024 relating to:

Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

10. F1 - Consultation on planning application EDC/22/0168 - Proposed development at Land adjacent to Ebbsfleet International Railway Station, Thames Way, Ebbsfleet
(Item F1)

RESOLVED to note Kent County Council's response to:

F1 - Consultation on planning application EDC/22/0168 - Proposed development at Land adjacent to Ebbsfleet International Railway Station, Thames Way, Ebbsfleet

11. F2 - KCC Government Consultation Response on an Accelerated Planning System April 2024
(Item F2)

RESOLVED to note Kent County Council's response to:

F2 - KCC Government Consultation Response on an Accelerated Planning System April 2024

12. F3 - Canterbury City Council Local Plan Regulation 18 Consultation
(Item F3)

RESOLVED to note Kent County Council's response to:

F3 - Canterbury City Council Local Plan Regulation 18 Consultation

13. F4 - Dover District Local Plan 2040 – Main Modifications Consultation
(Item F4)

RESOLVED to note Kent County Council's response to:

F4 - Dover District Local Plan 2040 – Main Modifications Consultation

14. F5 - Consultation on the Draft Royal Tunbridge Wells Town Centre Plan – Vision 2040
(Item F5)

RESOLVED to note Kent County Council's response to:

F5 - Consultation on the Draft Royal Tunbridge Wells Town Centre Plan – Vision 2040

15. F6 - Consultation on the Draft Wealden (Regulation 18) Local Plan
(Item F6)

RESOLVED to note Kent County Council's response to:

F6 - Consultation on the Draft Wealden (Regulation 18) Local Plan

16. F7 - Consultation on planning application 21/503914/EIOUT - Proposed development at land south and east of Sittingbourne
(Item F7)

RESOLVED to note Kent County Council's response to:

F7 - Consultation on planning application 21/503914/EIOUT - Proposed development at land south and east of Sittingbourne

17. F8 - Consultation on planning application 21/503906/EIOUT - Proposed development at land to the west of Teynham, London Road, Teynham
(Item F8)

RESOLVED to note Kent County Council's response to:

F8 - Consultation on planning application 21/503906/EIOUT - Proposed development at land to the west of Teynham, London Road, Teynham

18. F9 - Written Statement to the Tunbridge Wells Local Plan Examination – Stage 3 Matters, Issues and Questions
(Item F9)

RESOLVED to note Kent County Council's response to:

F9 - Written Statement to the Tunbridge Wells Local Plan Examination – Stage 3 Matters, Issues and Questions

19. F10 - Consultation on planning application 24/00372/PA – Proposed development of land to west of Hermitage Lane and East of Kiln Barn Road
(Item F10)

RESOLVED to note Kent County Council's response to:

F10 - Consultation on planning application 24/00372/PA – Proposed development of land to west of Hermitage Lane and East of Kiln Barn Road

SECTION C
MINERALS AND WASTE MANAGEMENT

Background Documents - the deposited application documents; views and representations received as referred to in the reports and included in the application file for each case; and other documents as might be additionally indicated.

Item C1

Retrospective application for the erection of a Materials Recycling Facility and associated works at the Shelford Farm Estate, Shelford Waste Management Facility, Broad Oak Road, Canterbury, Kent CT2 0PU – CA/24/380 (KCC/CA/0235/2023)

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2024.

Retrospective application by Valencia Waste Management Limited for the erection of a Materials Recycling Facility (MRF) and associated works on land at the Shelford Farm Estate, Shelford Waste Management Facility, Broad Oak Road, Canterbury, Kent CT2 0PU – CA/24/380 (KCC/CA/0235/2023).

Recommendation: Permission be granted subject conditions.

Local Members: Mr Robert Thomas

Unrestricted

Site description

1. This application relates to the existing Shelford Landfill site, located within the wider Shelford Farm Estate, operated by Valencia Waste Management Ltd. Shelford Landfill is located on Shelford Farm Estate off Shalloak Road, 2.5 miles northeast of Canterbury. The site does not lie within a sensitive area although the West Blean and Thornden Wood Site of Special Scientific Interest (SSSI) is approximately 440 metres (m) to the north and part of the Tyler Hill Medieval Pottery and Tile Industry Scheduled Ancient Monument lies some 1.7km to the west. The site is within a locally designated Area of High Landscape Value (AHLV) and Canterbury Cathedral, St Augustine's Abbey, and St Martin's Church World Heritage Site lies around 2.2km to the south west.
2. A vehicle inspection centre and industrial unit are the nearest commercial receptors to the site, bound by the landfill's permit boundary on all but its south side and sharing the same site entrance road. There are other commercial developments located approximately 140m to the south and along Broad Oak Road. A railway line is located approximately 220m to the south of the site and forms the southern boundary of Valencia's landholding. A public right of way is located around the boundary of the site and access to the landfill is from Shalloak Road.
3. The nearest residential properties are located approximately 200m to the south off Broad Oak Road/Shalloak Road. Residential properties are also located approximately 300m south off Vauxhall Road, 550m to the east of the site at Broad Oak Lodge and 800m to the west, adjacent to the western boundary of the wider landfill site. Land-use to the south is mixed residential, commercial and industrial.

Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

- The Canterbury Retail Park, which houses a number of retail and industrial units lies to the south of the site on Vauxhall Road. There are further residential properties to the south on Sturry Road, with a community park and play space 750m southeast of the proposed facility.

Site Location Plan – Shelford Landfill



Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

Elevations

Notes

1. Building information provided by Valencia Waste Management Ltd.
2. All work to be done above Ordnance Datum Mean Sea Level.
3. Do not scale from this drawing.
4. All dimensions are in millimetres unless otherwise stated.
5. MRF Building Plan Code 9623837.

B	Updated Building Layout	LE	CA/24/380	18.03.24
A	Updated Building Layout	LE	CA/24/380	11.02.23
Rev	Modification	By	CA/24/380	Date

egrid
 Egrid Consulting Limited
 Unit 7, Ash Grove, Forest Hill,
 Canterbury, Kent, CT12 6DP
 Tel: 01226 333333
 Email: info@egrid.co.uk

Valencia Waste Management Ltd

Shelford Landfill Site

Building Elevations

Drawn	Checked	Approved
23.01.2023	23.01.2023	23.01.2023
23.01.2023	23.01.2023	23.01.2023
23.01.2023	23.01.2023	23.01.2023

Drawing Number: **ECL-9592-D01.004**

Revision: **B**

North Elevation
 West Elevation
 East Elevation
 South Elevation

Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

Planning History and Background

5. The site has a long planning history dating back to the 1970s, initially for extraction of sand, with a variety of landfill and other waste uses since. These are summarised below:
- 06/70/190 – dated 05/07/71 - Change of use of land from extraction of sand to controlled tipping of domestic & trade waste;
 - CA/81/47 – dated 07/05/81 - Tipping of non-toxic liquid waste on to existing domestic waste disposal site;
 - CA/86/21 – dated 20/07/88 - Extension of existing sand quarry, infilling with approved waste and extending waste disposal site onto adjacent land. Plus additional variations to opening hours;
 - CA/93/436 – dated 13/07/93 - Weighbridge and office;
 - CA/94/180 – dated 23/05/94 - Temporary storage of solids and overburden;
 - CA/95/755 – dated 12/10/95 - Variation of condition XV of CA/86/21 (hours of operations);
 - CA/95/405 - dated 15/02/96 - Temporary storage of soils and overburden;
 - CA/96/794 - dated 27/10/97 - Extension existing landfill operations incorporating Materials Recycling Facility (MRF) & restoration;
 - CA/98/1186 – dated 09.09.1999 - (Part) – Permanent storage of clay;
 - CA/98/1189 (Part) – Permanent storage of clay;
 - CA/99/665 – dated 29/03/2000 - Construction & operation of green waste composting facility for the production of horticultural compost;
 - CA/00/1085 – dated 21/07/2001 - Revised Gravity fed drainage scheme for the western sector & modified eastern landform including landfilling;
 - CA/02/93 – Earth modelling/screening and planting;
 - CA/02/27 - Construction and use of temporary waste sorting area to separate recyclable materials from site;
 - CA/03/62 - Construction and use of a temporary in vessel composting facility for the recycling of garden waste;
 - CA/07/290 – dated 13/08/2007 - Deepening of remaining cells and phasing, restoration and landscaping;
 - CA/08/01 – dated 10/03/08 - New office adjacent to weighbridge;
 - CA/08/1/R17A - dated 26/03/2013 - Non-material amendment to the plant and equipment sited within the landfill gas compound pursuant to condition (17) of planning permission CA/96/794;
 - CA/00/1085/R4 - dated 12/08/2015 - Details of revised leachate treatment facility pursuant to condition 4 of planning permission CA/00/1085;
 - CA/19/1019 – dated 26/07/2019 - Proposed temporary change of use of land from a green waste composting facility to a bin storage facility;
 - CA/96/794/R17 - dated 16/06/2020 - Non-material amendment to planning permission CA/96/794/R17A - Amendment to the plant and equipment sited within the landfill gas compound; and
 - CA/96/794 - dated 03/08/2020 - Non-material amendment of planning permission CA/96/794 for the placement of a storage container on existing hardstanding.
6. Various other approvals have also been given pursuant to most of these permissions.

Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

7. In July 2024 a screening opinion pursuant to the Environmental Impact Assessment Regulations (EIA) 2017 was adopted by KCC under the reference number KCC/SCR/CA/0188/2023 and it was determined that a proposed solar array development on part of the restored Shelford Landfill would not constitute EIA development.
8. There are no other planning permissions for large-scale development in the immediate area that need to be considered in terms of cumulative impact.

Proposal

9. This application proposes to regularise in planning terms the development of a Materials Recycling Facility (MRF) that has been substantially erected at Shelford Landfill.
10. The wider landfill is consented to operate until 2036 under the planning permission CA/07/290. Currently the landfill operations do not benefit from front-end treatment or recycling of the waste that enters the site. To that end the purpose of the proposed facility is to intercept and extract recyclable materials from the commercial and industrial waste and construction and demolition wastes that would ordinarily be directed straight to landfill. As such only commercial/industrial waste and construction, demolition and excavation waste types would be accepted to the facility and no putrescible food waste or municipal/household wastes would be processed through the MRF.
11. Recyclable materials sorted at the MRF would then be removed from site for recycling/re-use/recovery by third parties elsewhere. The MRF would also be able to separate any construction/demolition/excavation waste and much of this material would be segregated into recyclables and any soils/rubble that can be used as engineering materials would be used for daily cover on the landfill. Any putrescible waste would bypass the MRF directly to landfill as per current arrangements.
12. The built development would comprise a building measuring 65.6m by 65.6m with an eaves height of approximately 10m and a ridge height of around 11.5m. The building would be steel clad with a steel portal frame on a breeze block plinth with internal breeze-block push walls.
13. A combination of Shredder, Long-Part Separator (removes long items from the process), Incline Magnet (removes ferrous metals), Combi-Screen (removes fines), Eddy Separator (removes non-ferrous metals) and picking lines (to remove wood and plastics) would be used within the building to extract recyclables and inert materials.

The process would typically sort the inputs into composition (% by weight) of:

- Hardcore 30% - to be used on site for engineering, daily cover and capping;
- Fines 15% - to be landfilled or recovered as a Refuse Derived Fuel (RDF) elsewhere;
- Wood 10% - to be recycled;
- Metals 5% - to be recycled;
- Plastics 5% - to be recycled;
- Residue 10% - to be landfilled; and
- Light wastes 25% - to be landfilled or recovered.

Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

14. The proposed MRF would be able to process a maximum of 150,000 tonnes of material per annum (tpa) however, the proposed development would not result in an increase in volumes, or changes of waste types, to that which already enters the site under the extant landfill permission. It would just see existing waste that enters the site go through a new level of processing to allow material to be recycled instead of going directly to landfill as per the current process. All waste received by the proposed MRF would be managed and enclosed within the purpose-built building. The proposed development would involve mitigation measures to manage the materials in accordance with the risk, which would include sealed drainage, fast-action doors, and separate storage areas within the buildings for the incoming waste, different waste types and waste to be quarantined prior to removal. No incoming waste for the MRF would be stored outside. The development would generate up to 12 FTE employees.
15. Operations carried out in relation to the MRF would be controlled and monitored through an Environmental Permit regulated by the Environment Agency, as is the current situation with the landfill operations.

Planning Policy ContextNational Planning Policies

16. The most relevant National Planning Policies are set out in the National Planning Policy Framework (December 2023), National Planning Policy for Waste (October 2014) and the associated National Planning Practice Guidance on Air Quality (2019).

Kent Minerals and Waste Local Plan 2013-30 (as amended by Early Partial Review) (Adopted September 2020)

17. Policies CSW1 (Sustainable development), CSW2 (Waste Hierarchy), CSW3 (Waste reduction), CSW 7 (Waste Management for Non-hazardous Waste), DM1 (Sustainable design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological impact assessment), DM5 (Heritage Assets), DM10 (Water environment), DM11 (Health and amenity), DM12 (Cumulative impact), DM13 (Transportation of minerals and waste), DM15 (Safeguarding of transportation infrastructure), DM16 (Information required in support of an application) and DM20 (Ancillary Development).
18. In considering the Development Plan, be advised that the Kent Minerals and Waste Local Plan (as amended by the Early Partial Review) 2020 is the adopted Mineral and Waste Local Plan for Kent. However, the County Council submitted its Draft Kent Minerals and Waste Local Plan 2024-2039 for examination to the Planning Inspectorate in May 2024. It is therefore a material consideration for the purpose of determining applications post May 2024. Policies from the existing plan are pulled through and updated in line with the latest national policy and guidance as well as reflecting the priorities of the County Council.

Canterbury District Local Plan (Adopted July 2017) - Local People Places Prosperity

19. Policies SP1 (Sustainable Development), EMP4 (Protection of Employment Sites), T1 (Transport Strategy), T9 (Parking Standards), CC4 (Flood Risk), CC11 (Sustainable Drainage Systems), CC12 (Water Quality) and LB2 (Areas of High Landscape Value).

Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

Consultations

20. **Canterbury City Council** – Raises no objections but makes the following comments:

We understand from the application documents that the building subject of the application would introduce a recycling facility on the site, where recyclable materials would be intercepted and extracted from commercial and industrial waste heading for the landfill. This material would then be removed from site for recycling/re-use/recovery by third parties elsewhere.

It is also understood from a recent consultation by the Environment Agency that an application to vary the existing environmental permit has been submitted. This is for an additional 150,000 tonnes of waste per year to be received on-site and treated through an on-site waste treatment plant. Careful consideration will need to be given to the potential increase in dust, odours and noise from the operation of the recycling facility and the possible impacts of this on the living conditions and health of occupiers of nearby properties.

There is also the possibility of additional surface water runoff, which could have a potentially polluting impact on receiving watercourses. Given the proximity of the site to the Great Stour and Stodmarsh European protected site, there is the potential for impacts on water quality at those nearby designations. Any pollution pathways will need to be identified and the necessary mitigation identified prior to any consent being granted.

The highway impacts of additional vehicle movements to and from the site will also need to be carefully considered, as well as the potential impacts on ecology (it is noted from the Preliminary Ecological Appraisal that further survey work is required to establish the level of impact and inform any necessary mitigation).

The site has consent for landfilling until 2036, after which time the land is required to be restored to a combination of agriculture and nature conservation with public access - this requirement should also include the land on which the new building has been constructed.

21. **Hackington Parish Council** – No comments received.
22. **Sturry Parish Council** – No comments received.
23. **Environment Agency** – Raises no objections but makes the following comments:

Environmental Permit

The Materials Recycling Facility (MRF) has been constructed within the permitted boundary of environmental permit EPR/XP3434HX. An application has been submitted to the Environment Agency to vary the environmental permit to include the MRF. The application to vary the permit is currently being determined by the Environment Agency. If the variation is issued, the Environment Agency will regulate compliance with the conditions of the permit.

NB: This Permit application has now been approved, reference number: EPR/XP3434HX

Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

Disposal in the Landfill

The Odour Impact Assessment notes that the waste received in the proposed development will not be putrescible, and that any putrescible wastes will bypass the facility and be directly tipped in the landfill. The operation of the MRF will potentially continue longer than the operational life of the landfill, so the operating techniques should include actions to be taken when the landfill has ceased accepting waste for disposal.

Drainage

Some of the waste types that could be received at the site, such as food and drink packaging, could have organic putrescible contamination. Suspended solids, grits and physical or chemical contamination could also be present and potentially be tracked by vehicles or blown out of the MRF building. The application should ensure that appropriate measures are in place to manage surface water drainage if it becomes contaminated. This could include additional infrastructure or changes to the layout of the surface water attenuation lagoon. The Drainage Strategy report section 3.1.4 refers to a full retention interceptor potentially being required prior to discharging into the surface water system in the unlikely event that there will be residual water arising from incoming waste (within the building). This contradicts elsewhere in the application where the building drainage is a sealed tank and removal of contaminated water to an appropriately permitted facility. The measure used to contain contaminated water from within the building should be relevant for the contamination present.

A further round of consultation with the EA took place in July 2024 upon receipt of revised drainage information. The following comments in response to this have been received:

This technical note, as it adds to and amends the drainage proposals in relation to the MRF, satisfactorily addresses the Environment Agency concerns (see above) about the impact of the new activity on water quality. This will be subject to satisfactory construction, management and monitoring of the surface water discharge which drains into the Western Surface Attenuation Lagoon at Shelford Landfill. The additional infrastructure proposed in the technical note should now be installed. Although it would be ideal for it to be in place before the use of the MRF commences, as it relates to areas external to the MRF we do not necessarily require it to be installed prior to waste being accepted in the MRF. However it should be installed as soon as possible and preferably within 3 months so it is in place before the highest annual rainfall period.

24. **KCC Highways and Transportation** – No objection subject to conditions including the provision and permanent retention of the vehicle parking spaces shown on the submitted plans to be completed prior to the use of the site commencing; provision and permanent retention of an Electric Vehicle charging facility; and the provision and permanent retention of secure, covered cycle parking facilities.
25. **KCC Flood and Water Management** – No objection subject to conditions including the submission, approval in writing and subsequent implementation of a detailed sustainable surface water drainage scheme for the site; and no building shall be operational until a Verification Report has been submitted and approved. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved.

Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

26. **Natural England** – No objection. Natural England consider that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
27. **KCC Ecological Advisory Service** – No objection subject to a condition requiring the submission, written approval and subsequent implementation of an Ecological Enhancement Plan, within 3 months of planning permission being granted.
28. **KCC Public Rights of Way** – No comments to make on the application.
29. **Canterbury City Council Environmental Health Officer** – No comments received.
30. **National Gas Transmission** – No objection.

Representations

31. The application was publicised by the posting of a site notice and an advertisement in the Kentish Gazette newspaper.
32. In response to the publicity, 19 letters/emails objecting to the application and 2 letters/emails commenting on the application have been received. It should be noted that a significant number of the objections make reference to matters involving the existing landfill operation which are not relevant to the application being determined by Members.
33. Submission of a petition entitled “Demand Investigation and Public Disclosure of Shelford Landfill Valencia Waste Management” signed by 476 people (as of 3 September 2024 at 11:30). The petition is included at Appendix 2 and relates to the proposed development, along with general commentary about the existing landfill. The latter comments regarding the landfill is not considered to be material to the determination of the application before Members.
34. The key points raised in the letters and emails can be summarised as follows:
 - Odour impacts – existing and as proposed;
 - Noise impacts;
 - Air quality impacts;
 - The landfill should be shut down;
 - Perimeter fences are down;
 - Fire hazards;
 - Untreated waste must not be left in the building over the weekend;
 - Impacts on the River Stour and pollution into the stream running through the edge of the site;
 - Highways impacts;
 - Should be refused for being retrospective;
 - Lack of community engagement/involvement;
 - Effects on local tourism;
 - Quality of life impacts;
 - Ecological impacts; and
 - Inappropriate location for the development.

Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

Local Members

35. County Council Member Robert Thomas (Canterbury North), and adjoining Members Alister Brady (Canterbury City North) and Alan Marsh (Herne Village and Sturry) were notified of the application in February 2024. They commented as follows:

Robert Thomas – No objection – no major concern with the proposal.

Alister Brady – Sought clarification of a number of aspects of the proposal before advising that he is neither supporting or objecting to the proposal and will leave the decision to the Planning Applications Committee.

Alan Marsh – No comments received.

36. Comments have also been received from the County Council Member for Canterbury City South Mel Dawkins:

Would like to make sure that a number of issues are considered at committee and the appropriate responses made. Firstly, many residents and local councillors are disappointed that there was no consultation and the site went up without anyone knowing. There has been previously good engagement, and this has appeared to have been lost. There are many in the community that have been subjected to terrible odours in the past and even though this has generally been rectified there is a worry this will return with the material recycling facility. One main concern is the additional traffic that is coming into the site. It is important that is kept within the cap that is already in place with the original license. Concern with increase in dust, noise. The application includes additionality to cover worst case scenario. What assurances are in place to make sure there is not excessive traffic movement of HGVs. Concerns that the noise will not be mitigated appropriately if the door of the facility is continuously open due to lorries unloading and departing. The risk of vermin and flies.

Ensuring monitoring of run-off from surface water does not reach the nearby river. The need for open / transparent data that is easily accessible to the public on this i.e. easy to find. Have procedures in place to immediately deal with harmful pollutants to the river and surrounding area. That regular checks on the fencing and perimeter of the site are carried out, as have been reports of broken fencing.

How is Valencia taking in to account the impact of the facility on the residents, community and how can this reflect in their long term plan for the site such as opening up the land for recreation, re-wilding. Giving it social value and giving something back? The impacts to residents have been terrible, overwhelming odour and smells that have had huge impact on quality of life for prolong periods. The disruption, noise. The pollutants in the run off and surface water. The impact on wildlife and habitats and general wellbeing of residents. Has this been considered. What measures will Valenica and CANECO taking?

Would like to see better transparency of the monitoring data and for it to be easily accessible to the public and residents.

The EA requests that the site monitors the runoff and pollutants etc and it complies within their guidelines. I believe this is supposed to be monthly.

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Please can you add a condition to the planning proposal, that a community liaison group is set up straight away to continue good engagement, monitoring and review of the site with the local community and partners such as ward councillors and county councillors. This is ensure for example, proper surveillance of the site is carried out so that fences are fixed, monitoring of the run off and contamination of streams and fields, information and data is easily to the public.

Discussion

37. Retrospective planning permission is being sought for a Materials Recycling Facility (MRF) at the Shelford Landfill site capable of processing up to 150,000 tonnes per annum (tpa) of waste that would otherwise be directed straight to the existing landfill. It is being reported to the Planning Applications Committee as a result of objections received from the County Member for Canterbury City South and local residents, including the receipt of a petition. No objections, subject to the imposition of conditions, have been received from any consultees.
38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 17 to 19 above are of most relevance. Material planning considerations include the NPPF and NPPW referred to in paragraph 16, the Kent Minerals and Waste Local Plan policies referred to in paragraph 17 and 18 and the Canterbury District Local Plan policies referred to in paragraph 19. The key determining issues are considered to be the principle/need of the development and the environmental impacts – noise and air quality, highways and transportation, landscape and visual impact, water environment, ecology and heritage matters.
39. Members will note that the application is retrospective and whilst it is regrettable that this is the case, the application is required to be processed and determined in the same way as if the development had not taken place. So on that basis the fact that it is retrospective is not considered a material planning objection and does not automatically trigger consideration by the Planning Applications Committee (PAC), however, irrespective of this, material planning objections have been received, requiring the application to be reported to PAC in any event. The MRF has been constructed to a large extent, it is not operational and whilst, it is recognised that no part of the building should have been erected without the benefit of planning permission, the planning application has received the same level of scrutiny and assessment that it would had it not been retrospective.
40. 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.

Principle & Need

41. Paragraphs 7-14 of the NPPF sets out national policy on achieving sustainable development, including the three overarching objectives (economic, social and

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- 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.
42. Paragraph 193 of 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.
43. Policy CSW2 of the adopted and emerging 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. Emerging Policy CSW2 of the KMWLP 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 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 proposed development would only accept waste that currently is permitted to enter the site and proceed directly to landfill. This waste would proceed through the MRF for sorting and any materials that could be recycled would be removed and processed further off-site, leaving only the non-recyclable materials to enter the landfill. The premise of the operation is to drive waste up the waste hierarchy, which is supported by both national and local planning policy. The management of waste at the Shelford site currently manages waste at the least preferred form of waste management, being landfilled. 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.
46. Policy DM20 of the KMLP states that proposals for ancillary development within or in close proximity to waste developments will be granted planning permission provided that the proposal is necessary to enable the main development to proceed and it has been demonstrated that there are environmental benefits in providing a close link with

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the existing site that outweigh the environmental impacts. Where permission is granted, the operation and retention of the associated development would be limited to the life of the linked waste facility. Policy DM20 of the emerging KMLP states that proposals for ancillary development within or in close proximity to waste developments will be granted planning permission provided that the proposal is necessary to enable the main development to proceed or operate successfully and it has been demonstrated that there are environmental benefits in providing a close link between the ancillary development and the existing permitted uses at the site that outweigh any environmental and community impacts from the proposed development. Where permission is granted, the operation and retention of the ancillary development would be limited to the life of the main mineral or waste facility and shall be removed to enable the agreed site restoration.

47. The proposed development is in waste hierarchy terms considered to be intrinsically linked with the existing permitted landfill operations on site, and as such I am satisfied that the proposal could be considered as ancillary to the existing operations. I am satisfied that the development is therefore in accordance with Policy DM20 of the KMWLP and should Members approve the application I recommend imposing conditions that limit the throughputs of waste to the MRF both in terms of the annual throughput of 150,000 tonnes and only to accept waste that would ordinarily be entering the landfill, and in addition tie the use of the site to the lifetime of the landfill, which in this case is 2036. On cessation of the landfill operations, all aspects of the MRF development would be required to be removed and the site be restored in accordance with the approved restoration plans for the wider site.
48. 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.
49. The proposed MRF is considered to be in line with national and local planning policy and is in terms of both principle and need considered to be acceptable, however, it is still necessary to assess the application in terms of the environmental impacts – noise and air quality, highways and transportation, landscape and visual impact, water environment, ecology and heritage matters.

Previously Approved MRF (CA/96/794)

50. Members will note that under planning permission CA/96/794, a MRF was previously approved at the landfill, alongside plans to extend the landfill. Whilst the landfill extension plans were implemented, the MRF was not constructed. The approved MRF was broadly located in the general vicinity to that which has been constructed now. It was to be located further to the south, closer to the neighbouring businesses and residential properties located off Vauxhall Road. The applicant contends that the existence of the extant MRF planning permission contributed to their error and the confusion around what they were allowed to construct, however, they have acknowledged that they should not have proceeded with the current MRF construction without first securing a new planning permission.
51. Members should also note that the extant planning permission for the original MRF could still be constructed in the event that the current application was refused, should this take place the level of control over the development would be in line with the planning permission reference CA/96/794, which is nearly 30 years old, and would not

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benefit from the same level of regulatory control that would come with a modern planning permission.

Environmental Impacts**Noise**

52. Paragraph 180 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 191 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 impact 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.
53. Policy DM11 of the KMWLP states that development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, amongst other matters. Policy DM11 of the emerging KMWLP states that proposals for waste development will also be required to ensure that there is no unacceptable adverse impact on other permitted land uses on surrounding land (including waterbodies).
54. The proposed development has the potential to generate noise through the operation of the MRF all of which would be within the proposed building, which would have three vehicular access doors and three pedestrian doors. The vehicle doors, which would be fast-action closing, would be required by condition to be closed at all times apart from when delivery vehicles are entering and exiting. The movement of waste into the site already takes place currently so it is not considered that this would have any discernible impact over and above the existing situation, there would be a small number of additional outgoing vehicle movements taking out the recyclable materials but it is not considered that this would represent an increase in activities that would justify a refusal on noise grounds.
55. The application is accompanied by a Noise Impact Assessment (NIA) that looks to determine the key noise sources associated with the proposed development and to assess their impact, if any, upon existing receptors and to specify mitigation measures, where required. Following a site visit taking place it was evident that the building had an additional door that was not noted in the original NIA and at that point the original NIA was updated to the point that we have now reached in this report.
56. Members will note that objections have been received from Mel Dawkins, County Member for Canterbury City South, and local residents in relation to noise impacts from the development.
57. The objectives of the submitted Noise Impact Assessment (NIA) are as follows:
 - Identify, measure and assess the potential impact of any proposed sound sources associated with the development upon existing receptors in the immediate vicinity of the site.

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The report follows current and relevant British Standards to seek to provide a robust assessment.

58. The development includes the construction of a portal frame building to contain the MRF operations, which includes a pre-shredder, conveyors, screens, picking station, drum separator, bulking bays, dust extraction and mobile plant. The key sources of sound associated with the proposed development would be breakout sound from the proposed building impacting upon existing nearby receptors.

Unattended Background and Ambient Sound Survey

59. As part of the NIA an unattended background and ambient noise survey was carried out. The survey was carried out over a 5 day period encompassing both weekdays and a weekend in August 2023. The noise measurement position was located on the southern boundary of the site in a position representative of the existing surrounding residential receptors (see Figure 1 in Appendix 1).
60. The MRF site would only be operational during the daytime period, in line with the existing landfill operations, 07:00 to 18:00 Monday to Saturday with no operations on Sundays or Bank/Public Holidays. The lowest measured background sound level in the daytime was noted to be 41 dB. As such, this was used to inform a worst-case assessment.
61. The following noise levels were recorded at an existing MRF site using the same equipment as being proposed. This information was used to inform the NIA:
- Highest measured internal sound level: 88.2 dB LAeq,T.
 - Highest measured sound level at an open fronted MRF Building: 81.2 dB LAeq,T.
62. The above data was used to calculate area noise sources for the facades and open facade. Two types of area source have been used within the noise modelling. The first was the breakout noise through the fabric of the proposed building. This resulted in a breakout noise level of 60 dB radiating 1m from the façade and 64 dB radiating 1m from the roof.
63. The second area source was to account for a hypothetical open fronted section of building where no sound insulation is provided, and breakout noise is direct from inside the building to outside. These areas source were calibrated to the previously measured data of 81.2 dB of an open fronted MRF building. The proposed MRF would not have any open sided areas, the only possibility of this would be when vehicles are entering and existing the building, but it provides a useful indication of the absolute worst case scenario in noise terms.
64. The above assumptions regarding the sources are assuming operational sound is to be continuous over the full hour period of assessment. In practice the operational noise may not be continuous for 100% of the hour. As such the assessment made can be considered worst case.

Daytime Assessment - 07:00-23:00

65. Figure 2 in Appendix 1 can be used to view the daytime Rating Level at the external amenity areas of five nearby receptors. To inform a worst-case assessment, the

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lowest measured background sound level, 41 dB LA901hr has been used for the assessment at all receptors. This assessment considers the operation of all plant during typical daytime periods.

66. The noise rating levels at all receptors would fall below the lowest measured background sound level. As such, no adverse impact is expected as a result of the operation of the development. Given that the lowest measured background has been used over the typical background sound level, this assessment can be considered robust and worst case.
67. Therefore to summarise, the NIA developed a 3D noise model to assess commercial sound impact associated with the proposed plant. The model was used to predict the noise levels at the existing facades and rear gardens to determine whether the introduction of the MRF building and associated operations would exceed the existing background sound level. The assessment has shown that the rating level would achieve or fall well below the lowest measured background sound level. This demonstrates a clear positive indication that there would be no adverse impact in noise terms. As such, no mitigation measures are considered to be required and sufficient information has been provided in order to consider potential noise impact and it has found that no adverse impact is to be expected.
68. Ordinarily when an application is not retrospective there are considerations to be made in terms of noise generated during construction, however, whilst not finished, the MRF building is substantially completed and as such I would not on this occasion recommend any conditions in relation to construction noise. It is noteworthy that the construction related traffic would have likely been, at times, well in excess of the regular daily traffic to be generated when the MRF would be operational, (traffic movements are discussed later in the report). No complaints, including related to noise, were received in relation to the construction operations that have already taken place, which is to be considered positive in overall amenity terms.
69. Comments were received on the application stating that the Noise Assessment did not include the Green Bridge Park residential area located off Vauxhall Road. The noise from the site, as shown in Figure 2 (Appendix 1) of the NIA primarily spreads north and east. The NIA did use residential receptors that are closer to the site than Green Bridge Park and predicted noise levels at the highlighted receptors are up to 35 dB, which falls below the background sound level by at least 6 dB which is a larger difference than other receptors assessed. As such, no adverse impact is predicted at these receptors.
70. In the absence of any objections from key technical consultees including Canterbury City Council's Environmental Health Officer and the Environment Agency, I am satisfied that the development proposed by this application does not present an unacceptable risk in terms of noise impacts and I accept that there would be no significant adverse impact on amenity or the environment. The NPPF makes it clear that the focus of planning decisions 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). Planning decisions should assume that these regimes will operate effectively. The proposed development is therefore in accordance with the NPPF, Kent Minerals and Waste Local Plan 2013-30 (as amended by Early Partial Review) (Adopted September 2020) Policies DM11 and DM12 and the emerging KMWLP with regards to noise.

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Air Quality Matters – Dust and Odour Management

71. Paragraph 180 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.
72. Paragraph 191 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 186 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. Appendix B of the NPPW states that proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled using appropriate and well-maintained and managed equipment and vehicles, should form part of the decision process.
73. Policy DM11 of the KMWLP seeks development that does not generate unacceptable adverse impacts from dust, emissions, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Development should ensure that there is no unacceptable adverse impact on other land uses. Policy DM11 of the Emerging KMWLP states waste developments will be permitted where it can be demonstrated that the development is unlikely to generate unacceptable adverse impacts from dust, odour, emissions (including emissions from vehicles movements associated with the development), bioaerosols or associated risks to quality of life, the health and wellbeing of local communities and the environment.
74. Policy DM12 states that developments 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. The proposed development is not within an AQMA with the nearest being approximately 700m to the south of the site.
75. The proposed development has attracted a number of objections on air quality grounds. Many of these concerns relate to odour issues associated with the existing landfill operation and the misconception that this proposal would result in additional waste entering the site, over and above the current situation, something that would not take place. The application documents included a detailed Dust Management Plan and a combined Odour Impact Assessment and Odour Management Plan.

Construction Phase

76. As above when an application is not retrospective there are considerations to be made in terms of air quality issues generated during construction, however, whilst not

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finished, the MRF building is substantially completed and as such I would not recommend any conditions in relation to air quality matters during construction. It is noteworthy that the construction related traffic would at times, likely been in excess, of the regular daily traffic to be generated when the MRF would be operational, (traffic movements will be discussed fully later in the report). No complaints, including that related to air quality, were received in relation to the construction operations that have already taken place, which is to be considered positive in overall amenity terms.

Dust Management

77. A Dust Management Plan (DMP) has been provided with the application and this was also submitted in conjunction with the applicant's Environment Agency Permit variation application, which has since been approved. The purpose of the DMP was to show that any dust arising from the new activities would be appropriately controlled. I have set out in paragraphs 1-4 above the proximity to the site of the nearest receptors to the site, including but not limited to the closest environmental and residential receptors. As the majority of receptors are more than 200m away, potential emissions of dust are not expected to cause a nuisance or harm to sensitive habitats or human receptors. The facility has been designed to prevent emissions of dust and minimise potential impacts on nearby sensitive receptors.
78. The site is located at the southern extent of the wider Shelford Landfill site and in relatively close proximity to a number of commercial and industrial operations. In addition to the landfill, there are two other waste operations located within 500m of the proposed MRF, the Household Waste Recycling site off Vauxhall Road, which is sited approximately 100m from the Green Bridge Park residential community previously discussed above in paragraph 69 and the Canterbury Wastewater Treatment Works further to the south on Sturry Road. The Parker Steel Industrial complex also adjoins the southern boundary of Green Bridge Park. Given that there are a number of waste and heavy industrial operations located within the vicinity of the MRF, it is considered likely that the new activities pose limited additional risk to local receptors, nor represent any significant cumulative impacts.
79. During the operational phase, local air quality could be impacted by traffic exhaust emissions as a result of any changes in traffic flows or flow composition as a consequence of the proposed development. The vehicle movement information provided with the application has outlined that there would be a maximum of 1 extra vehicle entering and exiting the site each hour, totalling 8 additional two way movements each workday to the site. The DMP reviewed the available background air quality data and deemed that the likely road pollutant contribution from the development would not have a significant impact on local air quality from transport emissions.
80. The site is permitted as an installation under the Environmental Permitting (England and Wales) Regulations 2016 (EPR 2016) for the disposal of non-hazardous waste in landfill and for the biological treatment of leachate waste. The site would receive up to 500 tonnes of waste a day and the risk of dust emissions would primarily result from the handling and treatment of the waste, as well as from the operation of mobile plant and other vehicles used to transport waste. There would be no external flues (point source) emissions to air resulting from the operations. Waste types to be accepted at the MRF for processing would be commercial/industrial waste and construction, demolition and excavation waste types only, which are anticipated to be at low risk of

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- generating dusty emissions. Wastes consisting of powders or dust are not to be accepted.
81. There is potential for dust to be generated during the delivery and tipping of wastes at the facility. This may be caused by dust generated from the waste being dragged in the wind or released as it is offloaded from the vehicle, this should be limited by tipping only taking place inside the building with the doors shut. Dust may also be released from site roads by vehicle movements.
 82. Some wastes would have the potential to generate dust while undergoing processing, particularly at transfer points between conveyors and during sorting. The fixed plant on site would include conveyors, overband magnet, eddy current separator, fan blower, water bath and two trommels. The building would be naturally ventilated and the walls, roof and roller-shutter doors would provide containment for any dust arising. Therefore any dust escaping from the operation would be fugitive only. A front-end loader would be used within the MRF building to transfer waste into the process and for loading/unloading.
 83. The operator would ensure that emissions of dust and particulates from the MRF facility are controlled in accordance with Best Available Techniques and Appropriate Measures for non-hazardous and inert waste treatment facilities and in accordance with their relevant EA Permit. The Dust Management Plan would form part of the Environmental Management System for the site and compliance would be audited on an annual basis. This would entail not only spot-checks but records of incidents would be reviewed and the plan would be updated as necessary to address any issues. The plan would also be reviewed if an ongoing problem is noted with dust, that is, if breaches are regular or frequent. All staff would be made aware of the Dust Management Plan and their responsibilities to ensure compliance with ongoing training as necessary.
 84. Waste types accepted at the MRF are anticipated to be low risk of generating dusty emissions and would exclude loads consisting of primarily powders or dust. Strict waste pre-acceptance and acceptance procedures would be operated at the site, which would include checks to reduce the risk of excessively dusty loads arriving at the site. At the pre-acceptance stage, waste streams that are allocated to the MRF would be fully characterised and described in the waste information form, so it is apparent to weighbridge staff when the waste arrives on site. Wastes characterised as excessively dusty, such as those consisting of mainly loose powders and fibres, would not be approved for acceptance at the MRF.
 85. Waste arriving at the site would be weighed and inspected at the weighbridge. The transfer note would be checked against the pre-acceptance information and a visual inspection of the waste would be made. If all documentation is in order and the waste appears as characterised (including not appearing excessively dusty), the load would be directed to the MRF waste reception area. Non-permitted and other non-conforming waste types would be returned to the site of origin or re-directed to an appropriately licenced facility. Non-permitted and other non-conforming waste types (including those with the potential to cause excessive dust emissions) would be reloaded immediately, or otherwise quarantined for removal as soon as possible.
 86. All MRF operations, including tipping of wastes and loading vehicles for dispatch would be undertaken within the enclosed MRF building. Waste would be delivered and dispatched in enclosed or sheeted vehicles to minimise emissions during transit. The

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MRF building would be fitted with fast-action roller-shutter doors, which would be opened to allow vehicular access and egress only, and would remain closed during waste loading and unloading to effectively contain emissions to air, and this would be controlled by planning condition. Drop heights would be minimised from loading and unloading to minimise the risk of raising dust. Site roads would be properly maintained and swept as necessary to limit any build-up of dust. The site operates a traffic management plan which specifies a speed limit of 10 miles per hour, further minimising risk of dust being raised.

87. Localised air extraction is provided for the 3 way separator. This would extract air directly from the screener and direct it back into the building via a dust filter. A spray bar would also be provided at the transfer point for light waste coming out of the 3 way separator. Regular visual inspections would be made throughout the day to ensure that no significant dust is leaving the building, particularly whilst waste sorting equipment is in operation. Plant would be switched off when not in use to minimise emissions. All plant would be included in the Preventative Maintenance Schedule and would be serviced in line with the manufacturer's recommendations. Good housekeeping measures would be maintained, ensuring the building and plant is cleaned where necessary to prevent a build-up of dust. All plant would be switched off when not in use and would not be allowed to idle, preventing exhaust fume particulates. All mobile plant would also be included in the preventative maintenance schedule and will be serviced in accordance with the manufacturer's recommendations to avoid excessive emissions.
88. A series of measures are set out in the DMP in order to set out how to break the source/pathway/receptor linkage and minimise the impact of dust. The main method of control is the enclosure of all MRF operations within the building. This provides a barrier breaking the link between the source and the receptor. Water may be used to clean vehicles and for damping down if this becomes needed, for example in hot dry weather. To control water usage, water in the wheelwash will be re-circulated.
89. Dust monitoring would be undertaken throughout the day with staff aware of the need to report any excessive dust so that the cause can be identified and resolved. Formal monitoring would take place at least once a day with an inspection being made around the outside of the building along the site road and at the site entrance. The finding of this inspection would be recorded in the site log. Where dust is noted leaving the site or escaping from the MRF building (paying particular attention to entrances and exits where fugitive emissions are most likely), this will be recorded and immediately reported to the site manager. Steps would be taken to confirm the source of the dust and take remedial action.

Odour Management

90. The NPPF makes it clear that the focus of planning decisions 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). Planning decisions should assume that these regimes will operate effectively. The variation of the Environment Agency's Permit has already been approved on the basis of the same suite of documents that have been provided for the planning application, and thus it is expected that this Permit would serve to control and monitor the activity to ensure it does not result in unacceptable emissions to the environment.

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91. The material delivered to the MRF would be predominantly from businesses and not normally of a similar nature to biodegradable municipal waste. The potential for odorous waste receipt is as such relatively low and no significant change in seasonal odour potential is expected with regard to off-site odour risk.
92. An Odour Impact Assessment (OIA) and Odour Management Plan (OMP) has been submitted with the application which outlines the methods by which the applicant would systematically assess, reduce and prevent potentially odorous emissions from the proposed MRF. It provides an explicit list of 'appropriate measures' required for effective odour management and control and serves to aid the decision-making process on the choice of controls, general site design and operational practice in line with current industry best practice.
93. The OMP is considered a working document with the specific aim of ensuring that:
 - a. all potential odour sources are identified;
 - b. odour impact is considered as part of routine inspections;
 - c. odour is primarily controlled at source by good operational practices, the correct use and maintenance of plant, and operator training;
 - d. all appropriate measures are taken to prevent or, where that is not reasonably practicable, to minimise odorous emissions to air from the installation that may be considered offensive at locations outside of the installation boundary;
 - e. people outside of the site are not exposed to levels of odour that would result in annoyance;
 - f. the risk of unplanned odour releasing incidents or accidents that would result in annoyance is minimised; and
 - g. site developments take into account odour potential and potential impacts from work carried out.
94. The methodologies presented in the OMP take account of Environment Agency (EA) guidance documentation in relation to odour management. The MRF would be steel clad with an impermeable base. The floor will consist of a 200mm thick mesh reinforced concrete slab underlain with a bedding layer, impermeable membrane and Type 1 Granular Sub Base. The walls would be constructed of blockwork concrete and offer secondary containment. The MRF would have three vehicle entrances and exits which would be fitted with fast-action roller doors and maintained in accordance with the manufacturer's instructions. Manual operation of the roller doors would be possible in the case of power failure to ensure containment of odours, dust and noise inside the building.
95. In line with current industry best practice, the odour controls set out below would be used as the 'appropriate measures' to, wherever possible, prevent and minimise odour associated with site operations at the MRF. The site management would have responsibility for ensuring that potentially odorous emissions arising from the installation are minimised. Adequate staffing levels would be maintained at all times to ensure the effective operation of the facilities.
96. The waste management activity undertaken involves the short term, temporary storage of waste delivered into the MRF. It is recognised that this odour potential may be affected by the age of the waste when it is received at the site. Onward transfer of

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wastes would be on a first in, first out basis and within 72 hours of arrival at site, which would be required by planning condition. The premise of the operation would be that waste in the MRF would be kept to a minimum at any one time. Waste storage bays would be entirely emptied of waste during collections, to ensure that old waste is not left within the facility.

97. The MRF waste management activities would always be carried out within the confines of the MRF building. Waste would be discharged from delivery vehicles and loaded into articulated vehicle trailers within the enclosed MRF building. The period of time required for discharge and loading of wastes would be minimised wherever possible. The requirement to use odour neutralising agents around sensitive areas of the installation or during specific activities would be subject to on-going review by the site management team.
98. Where it is necessary to receive potentially odorous materials at the site (such as old/wet putrescible waste on an infrequent basis) the waste would be loaded onto the next available vehicle, ensuring that odorous waste is sent for recovery at an Energy Recovery Facility promptly and thus removing the potential for an odorous emission.
99. Normal storage within the MRF would be around 800 tonnes of all waste types but this may increase to around 1400 tonnes during a bank holiday weekend. Waste transport vehicles removing the waste from site would be loaded and sheeted within the enclosed MRF to create containment of the waste prior to them leaving the MRF building.
100. If it is necessary to undertake planned temporary actions that have an associated high risk of significant off-site odour (e.g. removal of odorous unauthorised waste from site), site management would contact the Environment Agency and any high risk potential receptors prior to such actions commence to advise them of:
 - the operation being undertaken;
 - the reason(s) for doing so;
 - planned additional odour mitigation measures; and
 - timescales for completion.
101. Consideration would be given to the prevailing weather conditions when undertaking such activities in order to minimise any potential off-site odour impact.
102. The site management would ensure that sufficient plant and equipment is maintained at the facility to adequately handle all delivered waste in an efficient and, wherever possible, odour-free manner. All plant and equipment shall be maintained in good working order and in accordance to the supplier's or manufacturer's recommendations. Any defects shall be reported to the site management promptly and rectified as soon as possible. Records will be retained on the operator maintenance check and defect sheets.
103. The MRF building's impermeable flooring would drain to a sealed drainage system. Any potential water generated within the MRF building would be collected by the building's impermeable surface and contained within the MRF drainage system and dirty water tank, although very limited process water or leachate is expected. This water is held in the dirty water tank prior to being taken off site for disposal at a suitably permitted facility and would be of a suitable size and standard to meet the requirements specified in the Fire Prevention Plan Guidance.

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104. Site roads, the yard and the MRF floor would be swept at regular intervals to prevent the accumulation of dusty or muddy material. General housekeeping would be undertaken daily and checks will be carried out to ensure smooth and efficient running of the site. Mobile plant would be subject to regular inspections to ensure waste does not accumulate on the machine. Site infrastructure shall be inspected for damage and wear by the site management or appointed responsible person at pre-defined intervals. In the event that residue of a particularly odorous waste remains on the floor of the MRF, wash down of the affected area would be carried out. Dirty water from the process would be contained in the MRF's contained drainage system and removed to an appropriately licenced facility.
105. All personnel working at the facility would be subject to a formal training programme. Matters relating to site environmental management and control form part of this core training programme.
106. The applicant states that they operate an open-door policy and members of the public are welcome to visit the site to view operations and to discuss any issues with the site management team, this is particularly important in relation to odour and air quality related matters. Members will note that representations have been received which call for planning conditions to require the setting up of a Community Liaison Group, this is not a matter that I can impose via a planning condition but it is considered an important and worthwhile matter and I suggest that an informative be included on any planning permission which encourages the creation of a Community Liaison Group with formal meetings scheduled at intervals agreed with the local community and applicant.
107. All installation personnel are responsible for reporting any odour problems. The site management are notified immediately of any detected odours that are considered to have the potential to give rise to an off-site odour impact. The site management would ensure that routine inspections are made of the MRF during operational periods in order to identify any odour sources and if necessary to establish whether any odours are discernible at the perimeter of the installation.
108. In the unlikely event that the MRF operation gives rise to persistent and repeated off site odour which causes a nuisance to neighbouring sensitive receptors, an inspection programme will be established and would be undertaken as follows:
 1. The responsible person would visit each of the specified installation boundary monitoring locations;
 2. The responsible person would stand still and breathe deeply facing upwind for a period up to 1 minute.
 3. If odour is detected, but can only be detected in this manner, the odour 'intensity' should be recorded as 2 (faint). If odour is detected while walking or breathing normally, the intensity should be recorded as at least 3 (moderate).
 4. The site management would be notified immediately of any detected odours that are assigned an on-site odour intensity >3. This would trigger a supplementary off-site odour survey at any downwind off-site potential receptors.
 5. Observations including time, date, weather conditions, odour type, location, intensity, extent and sensitivity would be recorded on an Odour Survey Log Sheet. 'Abnormal' site operating conditions at the time of the survey e.g. infrastructure installation/refurbishment, etc. should also be recorded.

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109. The following actions would be taken on receipt of an external odour complaint: The responsible person receiving the complaint at the site would initially record the key details on the site's Incident Management System. Key information would be recorded at this time in order to facilitate further suitable investigation. Site Management would be informed of the odour complaint as soon as possible, including the location, time and date of the complaint being lodged (where available). In recognising that odour can be transient and short-lived, timely notification of odour complaints directly from the complainant and/or the Environment Agency is imperative to allow for appropriate investigation. If the odour complaint occurred more than 12 hours before notification is provided to the operator, it may not be possible to fully investigate or substantiate the complaint. They would however, complete and record a complaint investigation, as appropriate. If the complaint is received within 12 hours of the incident, site management (or an appointed representative) would visit the complaint location as soon as practicable in order to subjectively determine odour presence or absence.
110. If an odour is present at the complaint location, the key 'FIDOL' criteria will be assessed as follows: Frequency, Intensity, Duration, Offensiveness, and Location. The site management would subsequently undertake the following further assessment process:
- Review of the operations at the site prior to and at the time of the complaint;
 - Review of the environmental control systems operative prior to and at the time of the complaint;
 - Review of the meteorological conditions (wind speed/wind direction/rainfall/atmospheric pressure) prior to and at the time of the complaint – to establish whether a pathway can be established between the site and the complainant; and
 - Review the previous complaint history at the location identified.
111. In the absence of any objections from key technical consultees including Canterbury City Council's Environmental Health Officer and the Environment Agency and on the basis of the submission of a comprehensive suite of dust and odour management plans I would not raise objections on air quality grounds providing conditions that cover the following matters are included: the MRF operates only in accordance with the approved Dust Management Plan and Odour Management Plan; waste can only be deposited in the MRF when the fast action roller doors are shut; waste only stored within the building and not outside; hours of operation that are tied to the existing landfill operation; and the onward transfer of wastes must be on a first in, first out basis and always within 72 hours of arrival at site.
112. Subject to the further consideration of ecological matters, amongst others, in the sections below, I am satisfied that the proposed development would be in accordance with the NPPF, Kent Minerals and Waste Local Plan 2013-30 (as amended by Early Partial Review) (Adopted September 2020) Policies DM11, DM12 and DM13 relating to dust and air quality and would not therefore warrant refusal on air quality grounds.

Highways and Transportation Matters

113. Paragraph 114 of the NPPF states that in assessing applications, it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity or congestion) or any highway safety can be cost effectively mitigated to an acceptable

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degree. Paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

114. Policy DM13 of the Kent MWLP states that developments will be required to demonstrate that emissions associated with road transport movements are minimised as far as practicable. Where development requires road transport, proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; and (3) emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours
115. Policy DM15 of the KMWLP states that waste proposals will be granted planning permission where development would not give rise to unacceptable impacts on road transport or where these impacts are mitigated. Policies T1 and T9 of the Canterbury District Local Plan seek to ensure that the new development would control the level and environmental impact of vehicular traffic and have regard to local parking standards and cycle parking should be convenient, secure and covered.
116. Objections have been received regarding the potential for highways impacts as a result of the proposed development, particularly regarding the perception that there would be a significant increase in vehicle movements using the local road as a result of the MRF being operational.
117. The MRF would have a maximum annual throughput of 150,000tpa which would be conditioned should permission be granted. Members will note that this is comprised of the waste materials that already enter the site to deliver waste to the landfill. The proposed development would result in a number of vehicles leaving the site with the recyclable materials. The applicant has provided in the supporting information a breakdown of the percentage of recycling (set out above) and stated the removal of recyclable waste from the site would be undertaken by 20 tonne bulker vehicles. It is anticipated that this would result in a maximum of 1 extra vehicle entering and exiting the site each hour, totalling a maximum of 8 additional two way movements in a working day.
118. KCC Highways and Transportation were consulted on the application and have commented that the this level of traffic generation cannot be considered severe and as such would not warrant a recommendation for refusal within the terms of the NPPF. They have further commented that sufficient parking provision has been demonstrated and as such raise no objection subject to the imposition of conditions to cover the following:
 - Provision and permanent retention of an Electric Vehicle charging facility prior to the use of the site commencing;
 - Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing; and

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- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing.
119. As a result of the advice from KCC Highways & Transportation I can conclude that the proposed development is acceptable in highways terms and that a refusal of the proposed development could not be sustained in terms of highway safety and capacity having regard to tests outlined in paragraph 114-117 of the NPPF subject to the imposition of conditions set out in paragraph 118.
120. I note that objections have been received from the local residents and a local Member about traffic issues as a result of the proposed development, however, as stated above during the assessment of the planning application and consultee responses received from KCC Highways & Transportation and National Highways, I am satisfied that there is no justification on highways grounds to warrant refusal of the application. I also note that the consented MRF building that was permitted in 1997 under reference CA/96/794 could be built out without further highway controls.
121. I am satisfied that the proposed development would not have an unacceptable impact on the highway network and would accord with the NPPF, Kent Minerals and Waste Local Plan 2013-30 (as amended by Early Partial Review) (Adopted September 2020) Policies DM13 and DM15 and Canterbury District Local Plan 2017 Policies T1 and T9 relating to highway and transport matters.

Landscape and Visual Impact

122. Policy DM2 of the Kent MWLP states that proposed developments will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function of sites of international, national and local importance and
123. Policy LB2 of the Canterbury District Local Plan 2017 states that development will be considered in relation to the extent to which its location, scale, design and materials would impact on or protect the local landscape character and enhance the future appearance of the designated landscape and its heritage and nature conservation interest. Development proposals that support the landscape character (including settlement character), and have no significant impact upon historic setting, archaeological or nature conservation interests, where relevant, will be permitted. In addition development within the Canterbury AHLV should have particular regard to the historic setting of the City and the World Heritage Site.
124. The MRF building can be considered large, however this is largely driven by requirements of an operation of this scale. It is located within the confines of a permitted landfill operation and its nearest neighbours are industrial type buildings/warehouses. High voltage electricity pylons feature prominently in the landscape in this locality. The boundary of the landfill is largely surrounded with mature trees so from ground level, aside from winter months, there is only minor opportunity for views of the building at all and on that basis alone I consider the impacts in landscape terms to be minimal and do not consider that a refusal on landscape terms could be sustained. The MRF operation, should Members resolve to approve, would be tied to the lifetime of the landfill and so on that basis would be required to be removed as part of the restoration of the wider site and so should not be considered to be a permanent landscape feature, and needs to be considered against the planning benefits of diverting waste away from landfill and moving the management of waste up the waste hierarchy.

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125. Members will also note that the extant permission for the MRF was in a more southerly location to the proposed location now and as such it can be considered that as proposed it is in a more suitable and less intrusive location. Notwithstanding the different amenity impacts associated with the extant MRF location, should that building ever be brought forward it would, in all likelihood, be far more visible, than the building that is being proposed now.
126. Therefore, given no objections were received from technical consultees, I am satisfied that the proposed development would not give rise to any unacceptable landscape and visual effects nor to any landscape related planning designations. Similarly, the proposed development would not give rise to unacceptable cumulative effects on landscape character. Overall, there is no reason why the landscape and visual effects arising from the proposed development should be regarded as unacceptable and I am satisfied that the site is able to comfortably accommodate the proposed development in landscape terms.
127. Moreover in landscape terms I would suggest that the proposed location is superior to the position that is already approved and could be brought forward in the event that this application is refused. I would not raise any objections on landscape and visual amenity grounds. I am satisfied therefore that the proposed development would be acceptable in landscape and visual impact terms and accords with the NPPF, Kent Minerals and Waste Local Plan 2013-30 (as amended by Early Partial Review) (Adopted September 2020) Policy DM2 and Canterbury District Local Plan 2017 Policies LB2 relating to landscape matters.

Water Environment

128. 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.
129. Policies CC11 and CC12 Canterbury District Local Plan states that all new development should include drainage provision that will ensure that surface water is appropriately controlled within the development site, manage flood risk on-site and off-site, and not exacerbate any existing flood risk in the locality; and new development incorporates well designed mitigation measures to ensure that the water environment does not deteriorate during the lifetime of the development.
130. The applicant has submitted a Drainage Strategy Report, Flood Risk Assessment, Soakaway Testing Report, and a Drainage Technical Note alongside a number of further plans, which all set out the proposed approach to managing surface water flows, ensuring adequate control measures to mitigate flood risk to ensure that surface run-off is dealt with at source, any off-site flood risk is not increased and ultimately prevents any form of pollution to the surrounding watercourses including the Great Stour.
131. The suite of documents set out what the proposed new drainage system would include:

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- Enlarged Western Attenuation Pond;
- Improvements to existing detention 'coffers' (essentially short lengths of oversized ditches to form a large informal intercepting detention basin), which would intercept detritus and contaminants within the passing water flow;
- New stilling pond;
- Existing ditch/swale system running eastward at a flat gradient; and
- New bypass separator on the main drainage run from the MRF aimed at trapping detritus and hydrocarbon from trafficked areas/access road.

132. No objections or concerns have been raised by consultees, including the Environment Agency and KCC's Flood Risk Project Officer, subject to the inclusion of conditions on any planning permission requiring the submission of a detailed sustainable surface water drainage scheme for the site that is based on the Drainage Technical Note 1 prepared by Egniol (July 2024) submitted with the application. The detailed drainage scheme should demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; and
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

133. An additional condition requiring that the MRF shall not become operational until a Verification Report, pertaining to the surface water drainage system has been submitted to and approved. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.
134. As a result of the advice from Environment Agency and KCC's Flood Risk Project Officer I conclude that the proposed development is acceptable in principle, in drainage terms, and that a refusal of the proposed development could not be sustained in terms of water management having regard to the requirements of the NPPF subject to the imposition of the conditions set out in paragraphs 132-133.
135. I note that objections have been received from local residents and a local Member about water management and drainage issues as a result of the proposed development, however, as stated above during the assessment of the planning application and consultee responses received from the Environment Agency and KCC's Flood Risk Project Officer, I am satisfied that subject to satisfying the conditions referred to above, there is no justification on these grounds to warrant refusal of the application.

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136. 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, Kent Minerals and Waste Local Plan 2013-30 (as amended by Early Partial Review) (Adopted September 2020) Policy DM10 and Canterbury District Local Plan Policies CC11 and CC12 relating to the water environment.

Ecology

137. Paragraph 185 of the NPPF states that local plans should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations protect and enhance biodiversity. Paragraph 186 states that regard should be given to such matters when determining planning applications and that the planning system should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on biodiversity and providing net gains in biodiversity where possible. Kent MWLP Policy DM3 requires proposals to ensure that they do not result in unacceptable adverse impacts on Kent's important biodiversity assets and demonstrate an adequate level of ecological assessment has been undertaken.
138. Objections have been received regarding the potential for ecological impacts as a result of the proposed development.
139. The site does not lie within a sensitive area although the West Blean and Thornden Wood Site of Special Scientific Interest (SSSI) is sited approximately 440m to the north, on the other side of the landfill. Prior to the erection of the MRF the land previously encompassed existing office buildings, car parking and an area of open grassland.
140. The KCC Ecological Advice Service (KCC EAS) and Natural England were consulted on the application and confirmed that they have no objections to the application.
141. KCC EAS commented that a preliminary ecological appraisal was submitted and it detailed that the site had potential to support breeding birds and reptiles to be present within the site and had the application not been retrospective they would have recommended that a precautionary mitigation approach was implemented as part of the site clearance to avoid a breach of wildlife legislation. In addition, they have stated that they understand that the site will be restored in the future once the landfill site is closed and therefore any enhancements must be designed to ensure that they will not be lost during the future restoration works. As such KCC EAS recommend that if planning permission is granted a condition requiring an ecological enhancement plan be submitted that demonstrates habitat creation/enhancement works and the inclusion of enhancement features within the site. The submission of this application pre-dates the implementation of rules around Biodiversity Net Gain (BNG), however, the requirements of the ecological enhancement plan condition would go some way to still achieving a net gain in this area.
142. In terms of the potential impacts of the proposed development on ecological matters no objections or concerns have been raised by consultees. Natural England, the Environment Agency and KCC's Ecological Advice Service are satisfied that the development is unlikely to have any significant effect on any designated sites.

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Notwithstanding the objections received from local residents I am satisfied the concerns raised are not sufficient to warrant a refusal of planning permission on ecological grounds. In the absence of any objections from key technical consultees, I am satisfied that the proposed development would be acceptable in terms of ecology and the natural environment and would therefore accord with the NPPF, Kent Minerals and Waste Local Plan 2013-30 (as amended by Early Partial Review) (Adopted September 2020) Policies DM2 and DM3 relating to designated sites and biodiversity matters.

Heritage Matters

143. Paragraph 196 of the NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats and paragraph 200 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 203 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
144. Policy DM5 of the Kent MWLP states that proposed developments should result in no unacceptable adverse impact on Kent's historic environment.
145. No objections have been raised by consultees on heritage grounds.
146. In the event that the application had not been retrospective it may have been expected that some degree of archaeological investigation work be undertaken prior to development commencing, however, it is acknowledged that the majority of the site is on land that has already been disturbed either by quarrying operations/landfill or previous buildings, and on that basis whilst, regrettable, I am satisfied that the potential for heritage artifacts to have been lost or damaged as a result of the retrospective nature of the proposal is low.
147. There are no listed buildings, Conservation Areas or Scheduled Ancient Monuments that are in close proximity whose setting would be impacted by the proposed MRF and as such it is considered that impacts resulting from the proposed development would not justify a refusal of planning permission and I am satisfied that this application would not have an overriding negative impact on any heritage assets, and it would accord with the NPPF, Kent Minerals and Waste Local Plan 2013-30 (as amended by Early Partial Review) (Adopted September 2020) Policy DM5 relating to conservation and heritage assets.

Other Matters

148. Members will note the comments made by local residents regarding the EA Permit variation application seeking a higher annual throughput level than that being applied for in the MRF planning application. Whilst the EA Permit (as now approved) does allow for 250,000tpa of waste importations to the MRF, the applicant does not intend to import more than the 150,000tpa, and a planning condition would be imposed limiting the throughputs as such.

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149. Whilst I note that the EA, when commenting on this application, have said that the operation of the MRF would potentially continue longer than the operational life of the landfill, it should be noted that, it is recommended that conditions be imposed on any planning permission that tie the MRF operations to the life of the landfill (i.e. 2036) along with limiting throughputs of waste importations to the MRF to 150,000 tpa. Should the applicant in the future seek to make changes to either of these matters, then they would be required to make a new planning application in order for assessment of the planning merits of any proposed changes to take place.

Conclusion

150. This retrospective application at Shelford Landfill seeks planning permission for a Materials Recycling Facility (MRF) capable of processing up to 150,000tpa of waste that would otherwise be directed straight to the existing landfill. The proposed development would only accept waste that currently enters the site and proceeds directly to landfill. The application proposes that this waste would now proceed through the MRF for sorting and any materials that can be recycled would be removed and processed further off-site, leaving only the non-recyclable materials to enter the landfill. The proposal is in accordance with national and local planning policy that seeks to drive waste up the Waste Hierarchy and to support the principles of the circular economy.
151. The application is accompanied by a wide range of supporting documentation including management plans for noise and air quality emissions which would satisfactorily address amenity concerns. There have been no objections received from technical consultees and the proposed MRF would be subject to pollution control considerations through the environmental permitting regime administered by the Environment Agency. The applicant has recently had their EA Permit variation application approved, which amongst other matters, includes the operation of the MRF.
152. Should Members approve the application I recommend seeking the imposition of conditions that, include, limiting the importation of waste to the MRF to an annual throughput of 150,000 tonnes and tie the use of the MRF to the lifetime of the landfill, which in this case is 2036. Upon which time all aspects of the MRF development would be removed and the site be restored in accordance with the approved restoration plans for the wider landfill site.
153. Members will note that under planning permission CA/96/794, a MRF was already approved at the site. The approved MRF was broadly located in the general vicinity to that which has been constructed now, albeit slightly further to the south, closer to the neighbouring businesses and residential properties located off Vauxhall Road. The original MRF could still be constructed in the event that the current application was refused, and this would not then benefit from the same level of planning regulatory control that I am recommending is imposed by the conditions set out in paragraph 159 below.
154. Overall, I accept the applicant's assessment of the potential impacts from noise and air quality as summarised above, and that subject to the inclusion of the aforementioned conditions, potential negative impacts as a result of these matters would be satisfactorily mitigated.

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155. On highways matters it is considered that the site layout demonstrates that it is of adequate size and arrangement to accommodate the facility proposed and enable safe and efficient access, turning and egress of vehicles. The number of additional vehicle movements to be generated are considered minimal and it is noted that KCC Highways and Transportation have no objections to the development in highway terms.
156. Landscape & visual impacts, water environment and heritage impacts upon the site and surrounding areas as a result of the proposed development are considered to be minimal with appropriate mitigation secured through planning conditions. Similarly, ecology impacts upon the site and surrounding area as a result of the development are considered to be minimal and it is noted that the KCC Ecological Advisory Service have no objections subject to the inclusion of a condition to require the submission of an ecological enhancement plan.
157. I am satisfied the proposed development complies in all relevant aspects with the NPPF to which the presumption in favour sustainable development applies. The proposed development provides a sustainable way to further process the waste already entering the landfill facility, in order to allow the waste materials to be recycled. This allows the waste to further ascend the Waste Hierarchy as required by national and local planning policies, and which is a legal requirement under the Waste (England and Wales) Regulations 2011. Thus it is concluded that the proposals comply with the adopted Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review) (September 2020) and the relevant policies of the Canterbury District Local Plan 2017.
158. Therefore, I am satisfied that the proposed development would be in accordance with the general aims and objectives of the relevant Development Plan Policies, and I am satisfied for the reasons outlined above that there are no material planning reasons for refusing the application. I therefore recommend accordingly.

Recommendation

159. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO:

- (i) conditions covering, amongst other matters:
1. Written notification of the date on which waste importation commences at the MRF shall be sent to the County Planning Authority within 7 days of such commencement.
 2. Carrying out the development in accordance with the submitted plans.
 3. The MRF shall operate only in accordance with the approved Dust Management Plan and Odour Management Plan.
 4. Waste entering the MRF for processing shall only be stored within the building itself and no waste shall be stored outside the building at any time.
 5. Waste must only be deposited into the MRF when the fast action vehicular roller doors are completely closed.
 6. A maximum throughput of waste of 150,000 tonnes per annum only shall pass through the MRF.
 7. Only commercial/industrial waste and construction, demolition and excavation waste types shall be accepted, handled and processed at the Materials Recycling Facility.

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8. The operator shall maintain records as to the origins, number and frequency of loads and quantities of waste which are brought to the site and such records shall be made available to the County Planning Authority upon request.
 9. The MRF shall cease to operate at the same time as the landfill operations (currently 2036) and the site restored in accordance with the approved restoration scheme.
 10. No MRF operations shall be carried out except between 0700 hours and 1800 hours Monday to Saturday, no operations other than environmental monitoring at the site shall take place on Sundays or bank/public holidays.
 11. The onward transfer of processed waste materials must be on a first in, first out basis and always within 72 hours of arrival at the MRF.
 12. Waste importation to the MRF shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the County Planning Authority and thereafter implemented as approved.
 13. No waste importation to the MRF (or within an agreed implementation schedule) hereby permitted shall commence until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted and approved in writing by the County Planning Authority and thereafter implemented as approved.
 14. If, during completion of the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County 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 County Planning Authority. The remediation strategy shall be implemented as approved.
 15. Provision and permanent retention of an Electric Vehicle charging facility prior to the use of the site commencing.
 16. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
 17. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing.
 18. Submission, written approval and subsequent implementation of an Ecological Enhancement Plan, within 3 months of planning permission being granted.
 19. The restriction of permitted development rights condition.
 20. No external lighting shall be installed without the prior written approval of the County Planning Authority. Any external lighting shall be designed, implemented, maintained and used in such a way as to minimise light spill.
 21. All plant and equipment shall be maintained in good working order and in accordance with the supplier's or manufacturer's recommendations.
- (ii) informatives covering the following matters:
1. The applicant is strongly encouraged to set up a Community Liaison Group and hold regular meetings with representatives from the operator and local community representatives.
 2. Standard Highways informative confirming that planning permission does not convey any approval to carry out works on or affecting the public highway.

Case Officer: Adam Tomaszewski

Tel. no: 03000 410434

Background Documents: see section heading

Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

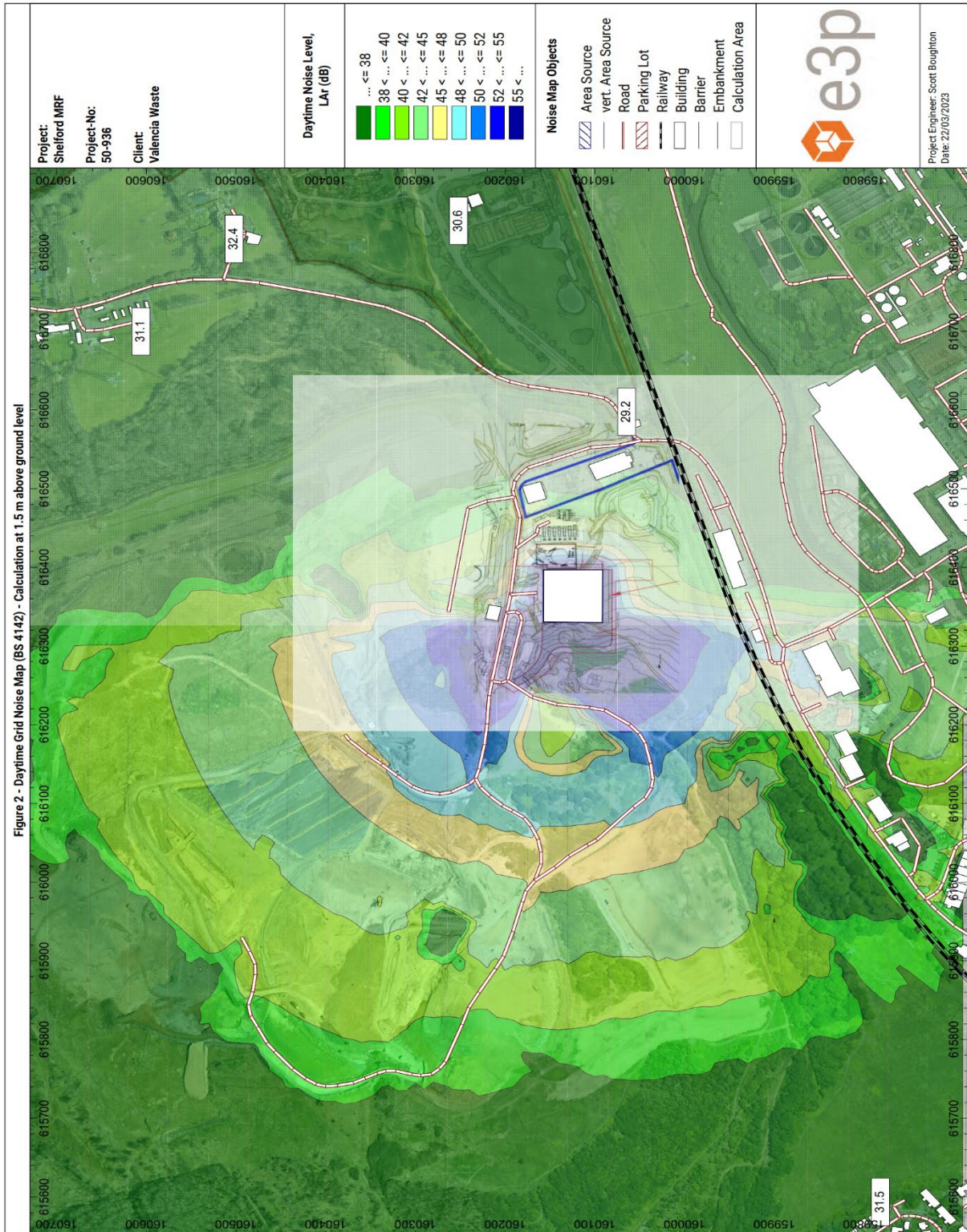
Appendix 1

Figure 1 (Noise Impact Assessment)



Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

Figure 2 (Noise Impact Assessment)



Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

Appendix 2

Petition Signed by 476 names as of 2nd September 2024 (11:30)

The petition states the following:

Demand Investigation and Public Disclosure of Shelford Landfill Valencia Waste Management

We oppose the retrospective planning application from Valencia Waste Management for a Material Recycling Facility MRF at Shelford Landfill Canterbury and associated works. Valencia have built the facility without planning permission or any public consultation. Public health and the environment need to come first.

We insist that Kent and Canterbury Council make public, all EA investigations and compliance documentation of the site so that transparency is maintained with the public at all times.

The planning application is entirely inappropriate as existing commercial landfill site has longstanding emission issues, and the efforts made by Valencia to mitigate these known issues remain ineffective. The plans do not fully consider health implications of pollution from additional lorries, dust, noise, air and water table pollution and potential fire hazards at the site in the evidence it has provided.

The existing issues of longstanding emissions should be the priority, rather than introducing additional new potential hazards with out independent evidence to fully back up. There is a history of complaints about persistent, intense, and offensive odours from the existing site. The Shelford site has presented serious problems for some years, diminishing quality of life by emitting strong odours year-round, that affect the health, wellbeing, and amenity of the population of Canterbury, Broad Oak, and Sturry. The wind direction is unpredictable around the site, as witnessed by residents when stench from the site affected the whole city for months and in recent weeks across a noxious odour has been an issue in wider areas.

The company is currently failing to maintain adequate safety for the public, fences around the site, 200 hundred meters from residents in Hales Meadow, are down. There is no warning signage up and fly tipping is occurring.

We ask this to be investigated, as the company is bound to monitor site emissions monthly around its perimeter? Again, we have grave concerns with the EA letting landfill companies self-report air quality and emissions we ask that this be done independently.

This site is in close proximity to St Stephens Infant and Primary School, The Archbishops School and Kent University. Residential and commercial properties are located close to the proposed MRF location. The site is 100m from a public retail outlet and 200m from residential homes. 200m off Broad Oak Road/ Shalloak Road, 430m Broad Oak Lodge, 630m Sturry Road. 880m from Vauxhall Avenue. A Community Park and play space is 750m southeast of the facility. Hales Place (850m west) and its play park. Stodmarsh wetlands are located approximately 1.9km east, designated as a Natural Nature Reserve, Special area of Conservation, Special Protection Area and Ramsar, a wetland of international importance is 1.7km of the MRF. The site is just west of West Blean and Thornden Woods Site of Special Scientific Interest, where the innovative Wilder Blean Initiative is underway, including the introduction of Bison.

Erection of a Materials Recycling Facility at Shelford Waste Management Facility, Broad Oak Road, Canterbury – CA/24/380 (KCC/CA/0235/2023)

The surface water outflow from the Valencia site, feeds into the Great Stour to the south of the Shelford site. We want all water areas across the site and near it tested for pollution by independent regulators. Water, Air and dust pollution are linked with serious health issues, dementia, and life expectancy. Current regulation is far too limited to reassure. The council and government need to take further action to address this.

Across the UK Valencia Waste Management's track record is concerning with ongoing and current negative press in Derby and Manchester for emission issues, a five-day fire in Dunbar in August last year, as well as being fined £3million last year for the deaths of two workers at separate sites.

The giant MRF building is in a different location, design and height size to any building they had planning for twenty years ago. Documents they provide show they started researching initial research in early 2023 but made no effort to consult the wider community.

It seems no coincidence planning permission was ignored by Valencia in Canterbury, as they face very strong local opposition for a similar MRF facility in its Staveley site Derby by its council and public. Staveley Town Council have objected to an application for an MFR "in the strongest terms on account of the nuisance from flies, noise, smells and lorries coming through."

Valencia Director Grant Scott's cover letter to planning downplays the situation here and at other sites. He writes 'In the meantime, delays to planning at other sites meant that a pre-ordered steel frame building and associated recycling plant and equipment for another site needed to be utilised because if not delivered would have incurred significant cost.' It's clear from his statement that profits are more important to the company than due process.

Canterbury planning office and Canterbury Council needs to demonstrate due regard to residents' health, safety and well-being residents in Hales Place, St Stevens, Sturry and Honor Oak and across Canterbury and beyond and the wider reputation of the city as there is very real prospect of increased pollution, smell, flies, vermin dust and fire issues.

"Seventeen landfills across England are known to be producing a highly toxic liquid substance containing some banned and potentially carcinogenic "forever chemicals", in some cases at levels 260 times higher than that deemed safe for drinking water. " The government has not shared names if Shelford is one, this also needs to be made known? We demand the council along with government take responsibility for ensuring proper regulation and oversight of such facilities to protect their constituents' health, well-being, and quality of life. Due to its proximity to residential homes, schools, and significant environmental sites, the age of the site and its size and the companies national track record to date, this application should not be granted and the commercial activity at the site should be wound down and the area rewilded.

E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

- FH/24/578 Installation of a 250 kilowatt ground mounted solar photovoltaic array with associated infrastructure and biodiversity enhancement.
New Romney Wastewater Treatment Works, Station Approach, Littlestone, New Romney, TN28 8LU
Decision: Permitted
- SE/21/947/R35 Details of a back-up generator pursuant to condition 35 of planning permission SE/21/947.
Land at Dunbrik Depot, Main Road, Sundridge, Sevenoaks, Kent TN14 6EP
Decision: Approved
- SW/24/502239 Proposed construction of a two-storey portacabin onsite providing new welfare facilities: a canteen, drying room and store
Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent, ME9 8FQ
Decision: Permitted
- TM/24/916 Application to vary condition 9 of planning permission TM/22/942 (KCC/TM/0057/2022) to permanently amend the permitted hours of operation to include the 24 hour a day, 7 days a week working arrangements previously permitted on a trial basis by condition 10 of TM/22/942.
London Mining Associates Ltd, Invicta Park, New Hythe Lane, Larkfield, Aylesford, Kent, ME20 7FG
Decision: Permitted

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**E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS
MEMBERS' INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

- CA/23/2108/R6 Details of a photographic survey and updated roof plan pursuant to condition 6 of planning permission CA/23/2108.
St John's CEP School, St. Johns Place, Canterbury, Kent, CT1 1BD
Decision: Approved
- DO/24/3/R4 & R6 Details of an amended Construction Management Plan pursuant to Condition 4 and a specification and timetable for heritage recording of the air raid shelter pursuant to Condition 6 of planning permission DO/24/3.
Langdon Primary School, The Street, East Langdon, Dover, Kent, CT15 5JQ
Decision: Approved
- DO/24/3/R7 & R8 Details of a Bat Survey Report pursuant to Condition 7 and Biodiversity Enhancement Proposals pursuant to Condition 8 of planning permission DO/24/3
Langdon Primary School, The Street, East Langdon, Dover, Kent, CT15 5JQ
Decision: Approved
- DO/24/487 Overclad fascia line to Primary School section of the building with prefabricated aluminium clad semi-circular anti climb bullnose cladding, relocation of existing 2.4m high section of fencing near north east corner and increase height of existing fencing at gate to 3.25m high
The Elms School, Elms Vale Road, Dover, Kent. CT17 9PS
Decision: Permitted
- DO/24/611 Installation of electric bus charging infrastructure, including a new sub-station, LV feeder pillar, 2m high timber fence and the EKO Energetyka Link 450W EV pantograph charger.
Dover Priory Railway Station, Station Approach Road, Dover, Kent, CT17 9SB
Decision: Permitted
- GR/22/0110/R30 Details regarding the proposed community use of the school's indoor sports facilities pursuant to Condition 30 of planning permission GR/22/0110.
Meopham School Wrotham Road, Meopham, Gravesend, Kent, DA13 0AH
Decision: Approved

GR/24/556	<p>Installation of a tarmac pathway linking the main pathway to the pond dipping platform. Shorne Woods Country Park, Brewers Road, Shorne, Gravesend, Kent DA12 3HX Decision: Permitted</p>
MA/24/502767	<p>Replacement of 4no. high-level fixed light windows with white louvre panels. Maidstone Grammar School, Barton Road, Maidstone, Kent, ME15 7BT Decision: Permitted</p>
SE/24/1750	<p>Replacement of the deteriorated office units with new modular office cabins. Kent Highway Depot, The Teardrop Centre, Farningham Hill Road, Swanley, BR8 8TJ Decision: Permitted</p>
SW/21/505738/R9A	<p>Details of archaeological field evaluation works in accordance with a specification and written timetable pursuant to Condition 9 of planning permission SW/21/505738. A249 Grovehurst Road Junction, Sittingbourne, Kent, ME10 2FF Decision: Approved</p>
TM/22/203/R6	<p>Details of a Verification Report pertaining to the surface water drainage system pursuant to Condition 6 of planning permission TM/22/203. The Judd School, Brook Street, Tonbridge, Kent TN9 2PN Decision: Approved</p>
TW/24/1663	<p>Construction of single storey modular building providing two classrooms. Broomhill Bank School (Western Site), Broomhill Road, Tunbridge Wells, Kent, TN3 0TB Decision: Permitted</p>

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
 - *The Government’s Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/SCR/CA/0188 - Request for a Screening Opinion as to whether the proposed development of a Solar Farm requires an Environmental Impact Assessment.
Shelford Landfill Site, Shelford Farm Estate, Broad Oak Road, Canterbury, Kent CT2 0PR
- KCC/DA/0108/2024 - New tunnel and associated road works for bus, cycling and pedestrian access to the east of Bluewater Shopping Centre, to link the Eastern Quarry, being developed as part of Ebbsfleet Garden City, and Bluewater shopping centre through a chalk spine which separates the two former quarries
Land through the chalk spine under the B255 Bean Road, Bluewater Shopping Centre and Eastern Quarry, Dartford, Greenhithe, Kent DA9 9ST
- KCC/TM/0016/2024 - Section 73 application to vary conditions 1, 2, 25 & 30 and remove condition 12 of planning permission TM/20/2400 (the main quarry) to allow an extension of time to extract additional sand reserves identified in the main quarry and to progressively restore the site by 31 December 2030
Borough Green Sand Pit, Maidstone Road, Platt, Sevenoaks, Kent TN15 8JL
- KCC/TM/0017/2024 - Section 73 application to vary conditions 2 & 37 of planning permission TM/22/2292 (the eastern extension) to allow sand extraction to continue in the eastern extension area until 31 December 2025 with all other operations to infill and restore the site to be completed by 31 December 2030
Borough Green Sand Pit, Maidstone Road, Platt, Sevenoaks, Kent TN15 8JL
- KCC/TM/0018/2024 - Section 73 application to vary conditions 1, 3 & 35 of planning permission TM/20/2397 (the northern extension) to allow for an extension of time to extract additional sand reserves identified in the quarry and the site progressively restored until 31 December 2030
Borough Green Sand Pit, Maidstone Road, Platt, Sevenoaks, Kent TN15 8JL
- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None.

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E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None.

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F. PLANNING CONSULTATIONS FOR MEMBERS' INFORMATION

The County Council has commented on the following planning matters. A copy of the response is set out in the papers. These planning matters are for the relevant District/Borough or City Council to determine.

F1 Fawkham Neighbourhood Plan – Regulation 16 Consultation

KCC response to Sevenoaks District Council on the above.

F2 Sandhurst Neighbourhood Plan (2022-2038) - Regulation 14 Consultation

KCC response to Sandhurst Parish Council on the above.

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Growth and Communities

Strategic Planning Team
Sevenoaks District Council Offices
Argyle Road
Sevenoaks
TN13 1HG

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Phone: 03000 415673
Ask for: Francesca Potter
Email: Francesca.Potter@kent.gov.uk

BY EMAIL ONLY

19th July 2024

Dear Sir / Madam,

Re: Fawkham Neighbourhood Plan – Regulation 16 Consultation

Thank you for consulting Kent County Council (the County Council) on the Fawkham Neighbourhood Plan in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, has provided general comments on the Plan itself, as well as commentary structured under the chapter headings and policies used within the document.

Regulation 14 comments and response

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve Public Rights of Way (PRoW) in the county. PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the [Rights of Way Improvement Plan](#) (ROWIP) and the ['Framing Kent's Future' strategy for 2022-2026](#). The County Council intends for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices.

In respect of PRoW matters, the County Council welcomes the consideration shown to its comments at the Regulation 14 consultation and would advise that the following are addressed for the benefit of residents:

Comment 91

PRoW: The County Council notes the response to the suggestion of the creation of Public Bridleways in the parish. The availability of off-road hacking facilities in the parish is positive, but the response suggests such access is via express permission and so not as of public right. The response also suggests such access is not available to cyclists. Therefore, in totality the County Council concludes that the availability of off-road hacking is not widely known by the public. These matters would all be positively addressed with the creation of Public Bridleways. Off road provision for equestrians is limited in Kent, and the County Council would advise opportunities are taken to formalise use. The Parish Council is encouraged to include the creation of bridleways within Appendix 3, with opportunities to be identified and investigated in consultation with the County Council.

Comment 97

PRoW: The County Council considers there should be clarity in the terms used throughout the Plan. This can be achieved with a Glossary. Defining terms such as 'Active Travel' and 'PRoW' will assist people's understanding and ability to interpret and apply the Plan.

Fawkham Neighbourhood Plan (2023-2040) Regulation 15 Version April 2024

Section 5: Neighbourhood Plan Policies

PRoW: It is noted the Natural and Built Environment Objectives (page 16) and Leisure and Wellbeing Objectives (page 57) refer to 'footpaths' and not PRoW, or indeed other modes. The County Council would advise that PRoW are included. Off-road cycling can similarly contribute to walking for residents' and visitors' health, wellbeing, and enjoyment, which would add weight to seeking to create Public Bridleways in the parish. Desire for safe local cycling is exemplified by Comment 124 within the Regulation 14 comments and we would ask that you refer back to this response accordingly.

Biodiversity

Policy FNP4 – Conserve and Enhance Biodiversity

Biodiversity: The County Council notes that FNP4 refers to an appropriate depth buffer as follows:

d) providing an appropriate depth of buffer between the development and a component of the Local Ecological Network. The size of that buffer shall be appropriate to safeguard the significance of that habitat and must itself create, and be maintained as, a suitable complementary natural wildlife haven.

However, it is not clear within the submitted information how an appropriate depth buffer can be identified. The County Council recommends that the Plan should specify how an appropriate buffer can be created/met.

Built Environment

Non-Designated Heritage Assets

Heritage Conservation: The text suggests that the identification of non-designated heritage assets rests with the local planning authority (Sevenoaks District Council). Historic England has explicitly stated that non-designated heritage assets can be identified during the development of a Neighbourhood Plan - '[Local Heritage Listing: Identifying and Conserving Local Heritage Historic England Advice Note 7 \(Second Edition\) \(2021\)](#)' (section 3, paragraph 19). The Parish Council is therefore able to identify heritage assets that it wishes to conserve as non-designated heritage assets if it chooses.

Policy FNP8 – Heritage

Heritage Conservation: The opening sentence of the current text only refers to listed buildings which only comprise a small part of the heritage of the Neighbourhood Plan area. The County Council would suggest this be changed to:

“Fawkham Parish’s heritage sites including archaeological sites and listed buildings and its historic landscape and their settings should be conserved in a manner appropriate to their significance”

The County Council welcomes the opportunity provided in FP18 ‘Creation of a Local List of Non-designated Heritage Assets’. The Historic Environment Record can play a key role in suggesting appropriate sites for such a list and should also be updated with information about the listed assets at its conclusion. The County Council would be happy to assist with the project.

Leisure and Wellbeing

Policy FNP13 – Protection of existing Public Rights of Way and historic routeways

PRoW: Revised Policy FNP13 (formerly Policy FNP14) states: *“The alignment and character of existing public rights of way and historic routeways, as shown on Map 11, will be protected and enhanced unless the alignment causes substantial harm to existing private amenity space by way of overlooking and loss of privacy.”* The policy as worded could be interpreted to not protect PRoW where their alignment causes substantial harm. It is recommended Policy FNP13 is reworded to protect PRoW at all times and support enhancement of all PRoW. PRoW are public highways used by people with a need or purpose and so are deserving of equal consideration and enhancement. Also, it should not be misunderstood that the Neighbourhood Plan serves to identify existing PRoWs where use can adversely affect enjoyment of existing residential properties and can therefore lead to a diversion or extinguishment of the PRoW. This is out of scope of the Neighbourhood Plan and subject to a separate legal procedure, beginning with a formal application to the County Council by an interested party.

The Parish Council is encouraged to revise the stated target of *“No net loss of length or character of Public Rights of Way”* (page 66). Any changes to PRoW alignments can only

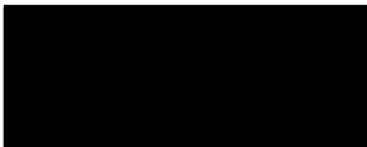
arise from formal legal Orders, made by the County Council or the County Council on behalf of Sevenoaks District Council, and so are outside the scope of the Plan. It is also unclear who would consider any net loss of character.

The County Council welcomes recognition of Nationally Planning Policy Framework (NPPF) paragraph 104 and the aims of the ROWIP to enhance the local PRoW network. The Neighbourhood Plan comments that whilst supporting the aims of the KCC Active Travel Strategy, most local PRoW are used for leisure purposes. It is reasonable to think this may be the result of the local network consisting solely of Public Footpaths, and that being a somewhat elongated parish with undulating landscape that connecting, for example, Fawkham Green to Hartley Green or Longfield, would not be quick or direct. The County Council considers this adds weight to the recommendation made above to create Public Bridleways as part of works under Appendix 3.

Regarding on-going monitoring of PRoW, the Parish Council's on-going support of its local PRoW network through an annual inspection programme is welcomed. Liaison with the Public Rights of Way and Access Service is encouraged to ensure exchange of information, including identification and prioritisation of issues.

KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,



Stephanie Holt-Castle
Director for Growth and Communities



Growth and Communities

Sandhurst Parish Council,
Old School,
Back Road,
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Invicta House
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Maidstone
Kent
ME14 1XX

Phone: 03000 415673
Ask for: Francesca Potter
Email: Francesca.Potter@kent.gov.uk

BY EMAIL ONLY

20 August 2024

Dear Sir, Madam

Re: Sandhurst Neighbourhood Plan (2022-2038) - Regulation 14 Consultation

Thank you for consulting Kent County Council (hereafter referred to as the County Council) on the Sandhurst Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, has provided comments structured under the chapter headings and policies used within the document.

Chapter 3: A Vision for Sandhurst

Public Rights of Way (PRoW): The County Council is keen to ensure that it's interests are represented within the local policy frameworks of the Parishes in Kent. The County Council is committed to working in partnership with Parish Councils to achieve the aims contained within the County Council [Rights of Way Improvement Plan \(ROWIP\)](#). This aims to provide a high-quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

The County Council considers that the Neighbourhood Plan objectives should have specific reference to the PRoW network and the role of the ROWIP. The PRoW network is a valuable resource that provides significant opportunities for outdoor recreation and active travel. The ROWIP can help contribute towards a robust infrastructure that enables development and encourages economic growth leading to regeneration and attraction of new businesses. The Neighbourhood Plan should make specific reference to PRoW and the opportunities offered to health and well-being, tourism, sustainable transport, and access to the environment as advocated by planning policy. The reference to ROWIP in this Neighbourhood Plan is welcomed.

It is requested that the County Council PRoW and Access Service is directly involved in future discussions regarding projects that will affect the PRoW network. The County Council can then advise on the design and delivery of these projects, ensuring that new routes successfully integrate with the existing PRoW network. The County Council would welcome future engagement with the Parish Council to consider local aspirations for access improvements and potential funding sources for the delivery of these schemes.

Chapter 8: Environment and Green Space

Policy S7: Green and blue infrastructure and delivering biodiversity net gain

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, recommends that this section and relevant policies could be strengthened to consider/require the use of Sustainable Drainage Systems (SuDS) as outlined in section 14 of the National Planning Policy Framework (NPPF) for new development proposals. The multiple benefits that SuDS can provide which include additional amenity and biodiversity benefits are well documented and would seem to align with this section of the Neighbourhood Plan.

Chapter 9: Transport and Movement

PRoW: The County Council considers that the draft Neighbourhood Plan could include stronger references to PRoW and to include a map of the PRoW network (the Parish Council should hold a copy of the Definitive Map, if not, please contact the County Council) within the parish to clearly show the benefits and opportunities the asset offers. However, the Parish Council should be aware that the County Council is the Highway Authority for PRoW and its role is to enable successful partnership working by continuing to deliver improvements to the PRoW network in Sandhurst. Joint working can help to ensure significant benefits, whilst its omission could result in loss of access to additional funding opportunities.

Policy S11: Improving safe movement and promoting active modes of travel

PRoW: Policy S11, point 'D' mentions proposals for new bridleways, however, the County Council would request that the PRoW Network be specifically mentioned. Furthermore, the County Council requests the inclusion for the definition of a Right of Way, alongside an explanation of the acronym. The County Council suggests the following text: A way over which the public have a right to pass and repass, including Public Footpaths, Public Bridleways, Restricted Byways and Byways Open to All Traffic.

The PRoW Network, as a whole, should be included in the Neighbourhood Plan as it provides important access and connectivity. Also, it reflects the extent to which the PRoW network meets the likely future needs of the public in contributing towards more sustainable development. The County Council would advise partnership working to enable potential links along WC295 into East Sussex and Bodiam, which is a popular tourist destination. Lastly, all policies regarding Sustainable Transport, Connectivity and Access, and Infrastructure Provision should include reference to the PRoW network.

Public Transport

PRoW: The County Council recommends the inclusion of the following phrase: In areas where there would be significant effect on PRoW, the network must also be included in the landscape planning of the infrastructure as a whole. Where PRoW would be directly affected by development proposals, plans should clarify intentions for positively accommodating, diverting, or enhancing paths. The policy should state that planning applications must not adversely affect the existing PRoW network. It is requested that additional text is inserted into the Neighbourhood Plan, stipulating that applicants for new developments engage with the County Council PRoW and Access Service at the earliest opportunity. This would allow the County Council to review proposals for access improvements and consider appropriate developer contributions for PRoW network enhancements.

The Neighbourhood Plan policy should reflect County Council policy to improve and upgrade the PRoW network where it links with amenities, public transport nodes, work and education to increase the attractiveness of walking, cycling and riding as an alternative to driving. There is an omission throughout the Neighbourhood Plan of any map showing the PRoW network within the Parish – this should be included within the Plan. The Neighbourhood Plan policy should also include that new developments incorporate good sustainable transport connections within the community with high quality walking and cycling infrastructure available, which can link local amenities together.

It is critical therefore that wording is included to secure funding to ensure the highly regarded PRoW links are not degraded. Developer contributions, where these meet necessary legal tests and relate to a specific development, can be used to upgrade existing routes or create new path links that address network fragmentation issues. Consideration should be given to the investment of planning obligation contributions into the PRoW network. Rural lanes provide useful connections for Non-Motorised Users (NMUs) travelling between off-road PRoW. The potential for additional vehicle traffic along these country lanes is therefore a concern, as increased movements could introduce safety concerns for NMUs and potentially deter public use of the PRoW network.

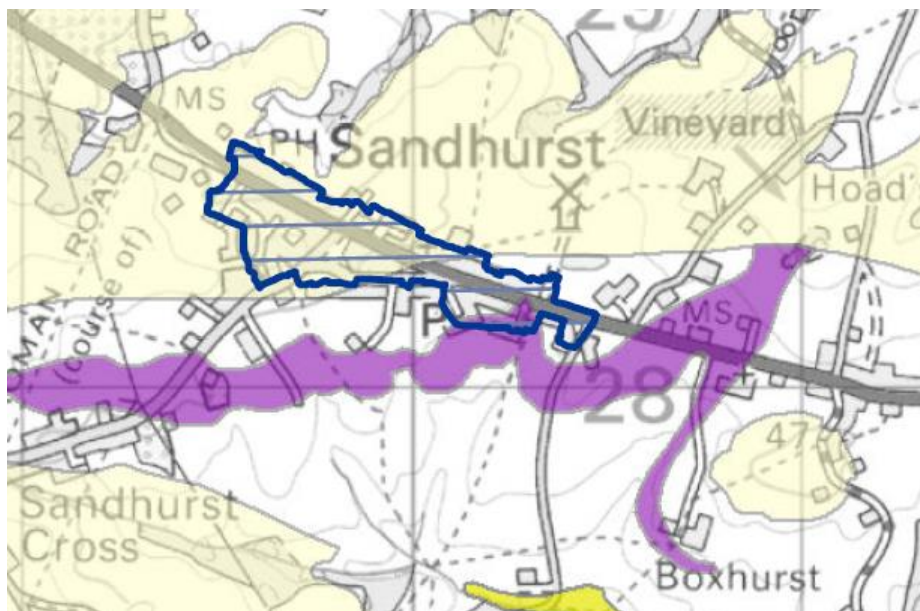
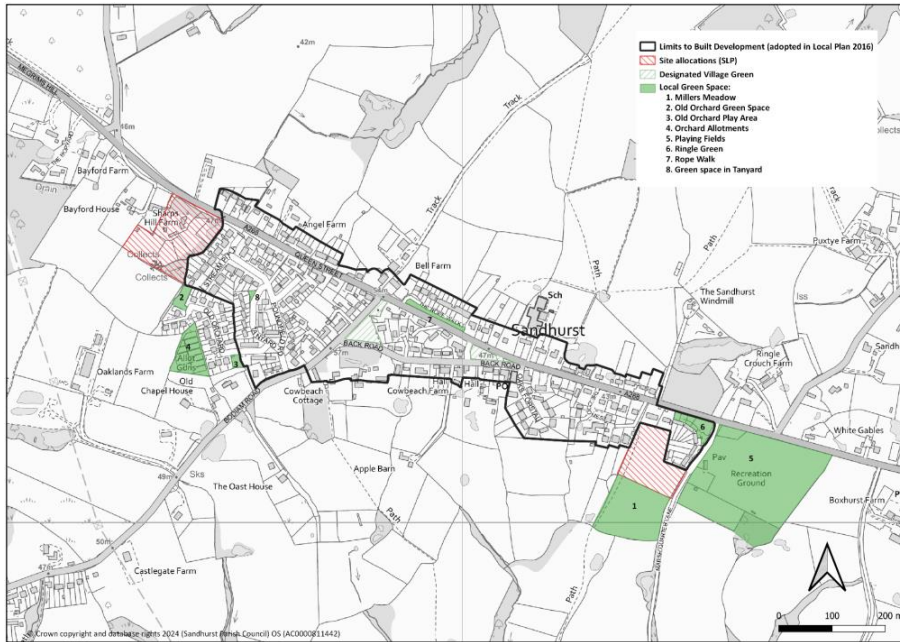
New development provides opportunities to secure investment in the PRoW network, which could enhance opportunities for active travel and outdoor recreation across the Parish. Developer contributions are used to upgrade existing routes or create new path links that address existing network fragmentation and issues highlighted by the public. Consideration should therefore be given to the investment of planning obligation contributions to support the PRoW network through any proposed development. .


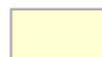
General Commentary

Minerals and Waste: The County Council, as Minerals and Planning Authority, confirms that within the plan area, there are no safeguarded waste management facilities. With regards to safeguarded minerals, there are safeguarded sandstones (of various types) and some Sub-Alluvial River Terrace Deposits (sands and gravels) to which the Neighbourhood Plan does not refer. One of the housing allocations from the emerging Tunbridge Wells Local Plan (hatched in red in the plan below reproduced from the Neighbourhood Plan) is coincident with

a safeguarded mineral - the Tunbridge Wells Sand Formation. The Neighbourhood Plan makes no reference to this fact and the need to address mineral safeguarding.

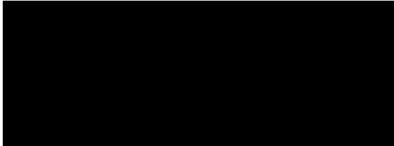
A part of the Tunbridge Wells Local Plan process, the County Council concluded that the mineral safeguarding issues are not objectionable. Given that the very extensive nature of the sandstone formations, which are met by two quarries operating in East Sussex and the economic market demands at this time which are low to non-existent, the County Council has no land-won mineral safeguarding concerns for the Neighbourhood Plan but would recommend consideration and reference to this matter.



-  Sandstone - Wadhurst Clay Formation
-  Sandstone - Tunbridge Wells Sand Formation

The County Council would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully



Stephanie Holt-Castle
Director – Growth and Communities

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