



Countrystyle Recycling Ltd
c/o SLR Consulting Ltd
Treenwood House
Rowden Lane
Bradford on Avon
Wiltshire
BA15 2AU

Planning Applications Group

First Floor, Invicta House
County Hall
Maidstone
Kent ME14 1XX
Fax: (01622) 221072
Tel: 08458 247303

Website: www.kent.gov.uk/planning
Direct Dial/Ext: (01622) 221059
Textbox: 08458 247905 (hearing impaired)
Ask for: Miss Angela Watts
Your ref:
Our ref: PAG/AW/SH/08/124
Date: 28 March 2011

Notification of Grant of Permission to Develop Land

TOWN AND COUNTRY PLANNING ACTS

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

Dear Sir/Madam

APPLICATION NO: SH/08/124 - CONSTRUCTION AND OPERATION OF A MATERIALS RECYCLING FACILITY, ANAEROBIC DIGESTION PLANT AND ASSOCIATED OFFICE AND PARKING FACILITIES AT OTTERPOOL QUARRY, ASHFORD ROAD, SELLINDGE, ASHFORD, KENT.

The above mentioned proposal dated 27 December 2007 and accompanying submitted drawings, for the formal observations of the County Council as County Planning Authority, as amplified and amended by the details referred to in the attached schedule, has now received consideration.

I hereby inform you that the County Planning Authority under the Town and Country Planning Acts, having taken environmental information submitted in support of the proposal into consideration, on 15 March 2011, has **GRANTED PERMISSION** for development of the above proposal, as amplified and amended, **SUBJECT TO THE CONDITIONS SPECIFIED** hereunder:-

- (1) Notwithstanding the provisions of part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, or structures and erections shall be located on site without the prior approval in writing of their siting, design and external appearance by the Waste Planning Authority;

Reason: To protect the visual amenities of the area and minimise impact to accord with the objectives of Kent Waste Local Plan Policy W25.



**INVESTORS
IN PEOPLE**

- (2) The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission. Written notification of the date of commencement shall be provided to the Waste Planning Authority within 7 days of such commencement;

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

- (3) The development to which this permission relates, shall be carried out and completed in all respects strictly in accordance with the submitted documents and site layout drawing OP/4, together with any subsequent amendments which may be approved by the Waste Planning Authority;

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan Policies W18, W19, W20, W21, W22, W25, W25A, W27, W31 and W32.

- (4) The buildings hereby permitted shall be erected in accordance with drawing numbers OP/5 (Materials Recycling Facility), OP/6 (Anaerobic Digestion Plant), OP/8 (Finished Product Building) and OP/9 (single storey office building) and shall be Heritage Green in colour, as identified on the drawings, together with any subsequent amendments which may be approved by the Waste Planning Authority;

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan Policies W18, W19, W20, W21, W22, W25, W25A, W27, W31 and W32.

- (5) With the exception of works associated with conditions (14), (15), (16) and (17), prior to the commencement of the development hereby permitted, access improvements, including signage, shall be completed in accordance with drawing number HD1;

Reason: In the interests of highway safety and capacity and safeguarding the local environment and to accord with the aims of Kent Waste Local Plan Policy W22.

- (6) Prior to the commencement of the development hereby permitted a Site Users Guide shall be issued to all drivers advising them to access the site from the east to turn right out of the site;

Reason: In the interests of highway safety and capacity and safeguarding the local environment and to accord with the aims of Kent Waste Local Plan Policy W22.

- (7) Prior to the commencement of the development hereby permitted, details of the weighbridge(s) and weighbridge office facilities shall be submitted to the Waste Planning Authority for approval and implemented as approved;

Reason: For the avoidance of doubt and to maintain planning control over the site.

- (8) Prior to the commencement of the development hereby permitted, fencing and gate details shall be submitted to the Waste Planning Authority for approval and implemented as approved;

Reason: For the avoidance of doubt and to maintain planning control over the site.

- (9) Prior to the commencement of the development hereby permitted, details of external lighting shall be submitted to the Waste Planning Authority for approval and implemented as approved;

Reason: In the interests of visual amenity, for the avoidance of doubt and to maintain planning control over the site and pursuant to Policy W25 of the Kent Waste Local Plan.

- (10) Prior to any construction activities commencing on site the badger mitigation measures, at both the construction stage and post construction, shall be carried out in accordance with those recommendations set out in the Martin Newcombe report (dated 6 March 2010) and SLR's letter dated 10 November 2010 which, amongst other matters, limits construction activities to outside the period of January and June (inclusive) in order to avoid the period in which badgers rear their young;

Reason: In the interests of nature conservation and in accordance with the principles set in Planning Policy Statement 9 and pursuant to South East Plan Policy NRM5, Policy W21 of the Kent Waste Local Plan and Policy CO11 of the Shepway District Local Plan.

- (11) Prior to the commencement of the development hereby permitted a strategy for electricity generation and use on the site shall be submitted to the Waste Planning Authority and implemented as approved;

Reason: In order to control development and in accordance with the principles of Planning Policy Statement 22 and Policy NRM11, MRM13, NRM14, NRM15 and NRM16 of the South East Plan.

- (12) No development shall commence until a surface water drainage scheme has been submitted to and agreed in writing with the Waste Planning Authority. The scheme shall ensure that the surface water run-off from the site is limited to 5 litres per second to either a maintained sealed drainage system or to a watercourse that discharges unimpeded to the East Stour.

Reason: To reduce the risk of flooding off site from surface water run-off in accordance with the principles of PPS25 and pursuant to Policy W20 of the Kent Waste Local Plan.

- (13) If, during the construction phase of the site the groundwater conditions are found to differ to those identified in section 4.0 of the Groundwater Addendum Report (ref. 409.01376.00002, dated October 2010), then construction shall cease and the Waste Planning Authority contacted immediately. Only following written approval from the local planning authority can works recommence.

Reason: To prevent the risk of pollution to groundwater in accordance with the principles of PPS23 and pursuant to Policy W19 of the Kent Waste Local Plan.

(14) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Waste Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Waste Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Waste Planning Authority. The scheme shall be implemented as approved.

Reason: Sensitive controlled water receptors are present and there is a risk of pollution from the past use of the site in accordance with the principles of PPS23.

(15) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Waste Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Waste Planning Authority.

Reason: Sensitive controlled water receptors are present and there is a risk of pollution from the past use of the site in accordance with the principles of PPS23.

- (16) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Waste Planning Authority.

Reason: Sensitive controlled water receptors are present and there is a risk of pollution from the past use of the site in accordance with the principles of PPS23.

- (17) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Waste Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Sensitive controlled water receptors are present and there is a risk of pollution from the past use of the site in accordance with the principles of PPS23.

- (18) Prior to the commencement of the development hereby permitted a Code of Construction Practice incorporating site investigation, site preparation and details of mitigation and management for construction activities shall be submitted to and approved in writing by the Waste Planning Authority. The Code shall include amongst other matters:-

- a) methods of construction
- b) hours of construction working
- c) working practices
- d) timing of works
- e) means of access for construction
- f) traffic management plan
- g) waste management
- h) contamination management (including location and management of soil and spoil stockpiles)
- i) temporary lighting associated with construction activities

Site preparation and construction work shall be carried out at all times in accordance with the approved Code of Construction Practice.

Reason: To safeguard the local environment and pursuant to policies W18, W19, W20, W21, W22, W25, W25A, W27, W31 and W32 of the Kent Waste Local Plan.

- (19) Operations shall be carried out strictly in accordance with Section 6.0 of SLR's Site Specific Risk Appraisal of Potential Bioaerosol Releases (ref: 403.1376.00007) dated June 2010 together with any subsequent amendments which may be approved by the Waste Planning Authority;

Reason: In the interest of local amenity and pursuant to Policy W18 of the Kent Waste Local Plan.

- (20) Dust management shall be carried out in accordance with the mitigation measures specified in section 5.4, page 21, of the Air Quality Assessment dated December 2007;

Reason: In order to minimise dust nuisance and in the interest of local amenity and pursuant to Policy NRM9 of the South East Plan and Policy W18 of the Kent Waste Local Plan.

- (21) Odour management shall be carried out in accordance with the mitigation measures specified in section 5.4, pages 23 and 24, of the Air Quality Assessment dated December 2007 and including the operation of a negative air pressure system to prevent any fugitive emissions from any of the buildings proposed to be erected on site;

Reason: In order to minimise odour nuisance and in the interests of amenity and pursuant to Policy NRM9 of the South East Plan and Policy W18 of the Kent Waste Local Plan.

- (22) All organic waste material to be processed within the Anaerobic Digestion Plant Building and all waste transferred within the site to the Finished Product Building, shall be transferred in sealed containers only;

Reason: In order to minimise odour nuisance and in the interest of local amenity and pursuant to Policy NRM9 of the South East Plan and Policy W18 of the Kent Waste Local Plan.

- (23) Noise from operations on the site, including both fixed plant and mobile machinery, shall not exceed the existing background noise levels when measured at the nearest sensitive receptors; measures shall include designing the buildings on site to achieve an attenuation of at least 35dB, the insulation of fixed plant, the silencing of vehicles and mobile machinery and the provision of acoustic screening as may be necessary to ensure that this noise level is not exceeded;

Reason: To minimise the adverse impact of noise generated by the operations on the local community and pursuant to Policy NRM9 of the South East Plan and Policy W18 of the Kent Waste Local Plan.

- (24) Waste deliveries and transportation of materials off site shall only take place between the following times:

0700 and 1800 hours Monday to Friday, and
0700 and 1300 on Saturdays

No waste deliveries or off site transportation of waste shall take place on Saturday afternoons, Sundays or Bank and Public Holidays;

No operations other than the processing of compostable material within the Anaerobic Digestion System shall take place outside these hours with the exception of essential plant maintenance which may only take place up to 2300 hours between Monday and Saturdays only;

Reason: To ensure minimum disturbance and avoidance of nuisance to the locality.

- (25) The buildings hereby permitted shall not be used for any purpose other than specified in the application documents nor shall the building(s) be altered to accommodate any other use, together with any subsequent amendments which may be approved by the Waste Planning Authority;

Reason: In order to maintain planning control at the site.

- (26) The site access, internal road and those parts of the site or building to be used for vehicle manoeuvring, shall be maintained and kept free at all times from mud or other debris;

Reason: In the interests of highway safety.

- (27) Only waste material specified in the planning application and included within the supporting statement shall be brought to the site;

Reason: In accordance with the details submitted. Waste materials outside these categories raises environmental and water pollution issues needing to be considered afresh, and pursuant to Kent Waste Local Plan Policies W7, W9, W10 and W19.

- (28) No more than a combined total of 168 vehicle movements (84 in/84 out) associated with the operations hereby permitted shall enter or leave the site in any one day;

Reason: In the interests of highway safety and capacity and safeguarding the local environment and to accord with the aims of Kent Waste Local Plan Policy W22.

- (29) All AD waste shall be delivered in sealed containers;

Reason: In the interests of highway safety and safeguarding the local environment and to accord with the objectives of Kent Waste Local Plan Policies W18, W19, W20, W21, W22, W25, W25A, W27, W31 and W32.

- (30) All loaded, open backed vehicles entering or leaving the site shall be sheeted;

Reason: In the interests of highway safety and safeguarding the local environment and to accord with the objectives of Kent Waste Local Plan Policies W18, W19, W20, W21, W22, W25, W25A, W27, W31 and W32.

- (31) No waste shall be tipped into the waste reception hall until such times as the roller shutter doors are closed;

Reason: In order to minimise odour nuisance and in the interests of amenity and pursuant to Policy NRM9 of the South East Plan and Policy W18 of the Kent Waste Local Plan.

- (32) The maximum throughput of compostable waste processed through the Anaerobic Digestions Plant shall not exceed 20,000 tonnes per annum;

Reason: For the avoidance of doubt and to maintain planning control over the site.

- (33) The maximum throughput of waste processed within the Materials Recycling Building shall not exceed 75,000 tonnes per annum;

Reason: For the avoidance of doubt and to maintain planning control over the site.

- (34) Prior to the commencement of the development hereby permitted, details of a landscaping scheme, including hard surfaced landscaping, based on the principles set out in drawing number OP/11 'Proposed Landscape Layout', shall be submitted to the Waste Planning Authority for approval. Details shall include, amongst others, the following:

- the existing trees, shrubs and hedges to be retained and the measures to be taken to provide for the protection thereof during the works hereby permitted;
- all trees, shrubs and hedges proposed to be removed;
- the provision of new trees, shrubs, hedges and grassed areas, together with the details of the species and method of planting to be adopted;
- details of ground preparation bunds of the bunds to be planted and the ongoing maintenance proposed;
- additional planting details for the western boundary (as agreed in SLR email dated 2 March 2011);
- proposed native tree and shrub planting, including foraging areas for badgers;
- replacement planting, on the eastern boundary, in the event that any trees are lost;
- a programme of maintenance for a period of not less than 5 years

and upon approval such scheme shall be implemented as approved by the Waste Planning Authority within the first planting season following the completion of the development hereby permitted;

Reason: In the interests of visual amenity and nature conservation and in accordance with the principles set in Planning Policy Statement 9 and pursuant to South East Plan Policy NRM5 and W21 of the Kent Waste Local Plan

- (35) Any casualties or failures of landscaping which occur for whatever reason, including vandalism, shall be replaced within the first available planting season and thereafter maintained.

Reason: In the interests of visual amenity and pursuant to Policy W25 of the Kent Waste Local Plan and Policy CO1 of the Shepway District Local Plan.

- (36) Precautions shall be taken to prevent tipping by unauthorised persons including prompt repairs to the perimeter fencing and gates; any unauthorised material tipped on the site shall be removed to an authorised site within 24 hours of such tipping having taken place;

Reason: To protect visual and other local amenities.

(37) The terms of this planning permission and any schemes or details approved pursuant thereto shall be displayed at the office on the site, and shall be made known to any person(s) given responsibility for the management or control of operations.

Reason: To enable easy reference to the requirements of the permission.

Town and Country Planning (Development Management Procedure) (England) Order 2010

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant Development Plan policies, including the following, and those referred to under the specific conditions above:-

South East Plan 2009 Policies: CC1, CC2, CC3, CC4, NRM1, NRM2, NRM5, NRM9, NRM10, NRM11, NRM13, NRM14, NRM15, NRM16, W1, W2, W3, W4, W5, W6, W7, W12, W16 and W17
Kent Waste Local Plan Policies: W3, W6, "W9, W10, W18, W19, W21, W22, W25, W25A and W31

Shepway District Local Plan Policies: E2, BE1, CO1, CO9, CO11, TR11, U4, U10 and U10a

The summary of reasons for granting approval are as follows:-

- (1). The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

In addition please be advised of the following informative(s):

1. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to formally submit further details to the County Planning Authority for approval may be required to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is your responsibility to ensure that such details are submitted. **Failure to do so may mean that any development carried out is unlawful** and which may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time.
2. Please be advised of the Planning Applications Committee's request that the finished floor levels of the proposed buildings be as low as possible in order to reduce the visual impact of the development.

Dated this Twenty eighth day of March 2011

(Signed).....
Head of Planning Applications Group

Schedule

Letter/Email Correspondence	Document	Drawing Number	Title
SLR letter dated 21 December 2007	Planning Design and Access Statement dated December 2007	Including drawing numbers: OP/4 OP/5 OP/6 OP/8 OP/9	Proposed Site Layout Proposed Elevations on the MRF Proposed Elevations on the AD Plant Proposed Elevations on the Finished Product Building Proposed Office Elevations
SLR letter dated 14 March 2008		OP/10	Habitat Plan and Proposed Site Layout
	SLR Document entitled 'Preliminary Contamination Assessment and generic Risk Assessment' dated April 2008		
SLR letter dated 18 March 2008 to Kent Highway Services received on 6 May 2008		OP/10 Drawing 2	Habitat Plan and Proposed Site Layout Proposed Access Improvements
SLR letter dated 2 May 2008			
SLR letter dated 1 May 2008	SLR Document entitled 'Planning Application for Recycling Facility' dated May 2008	OP/11 OP/12 001 OP/4 OP/10	Proposed Landscape Layout Proposed Site Drainage Arrangement Proposed Site Sections Proposed Site Layout Habitat Plan and Proposed Site Layout
SLR letter dated 18 March 2008	Transport Assessment Appendices 1-4		
SLR letter dated 23 December 2008	Contamination Assessment dated October 2008		

		Drawing HD1	Proposed Design	Access	Detail
SLR letter dated 19 September 2009	With accompanying Environmental Statement and Plans				
	Additional Visual Appraisal dated November 2009				
Email from SLR to the EA dated 28 January 2010		OP/13			
SLR letter dated 11 May 2010		OP/13			
	SLR Document entitled 'Atmospheric Dispersion Modelling Report' dated June 2010				
	SLR Document entitled 'Site Specific Risk Appraisal of Potential Bioaerosol Releases' dated June 2010				
Email from SLR dated 11 August 2010	Table 1 entitled 'Combined Ground Water Monitoring Results for Otterpool Quarry'	WL01 OP/13			Graph of Water Levels from BH2 and BH3 Proposed FW Storage tank Levels for EA Approval
Email from SLR dated 7 October 2010	SLR Document entitled 'Groundwater Addendum Report' dated October 2010				
	Badger report dated 6 March 2010 by Martin Newcombe				
SLR letter dated 10 November 2010	(Badger Mitigation)				

	Otterpool Case of Need Assessment dated January 2011 and received on 4 January 2011		
	SLR Document entitled 'Addendum – Noise Assessment' received 9 February 2011		

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN THE COUNTY COUNCIL REFUSES PLANNING PERMISSION OR GRANTS IT SUBJECT TO CONDITIONS

- This permission is confined to permission under the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) Order 2010, and the Town and Country Planning (Applications) Regulations 1988 and does not obviate the necessity of compliance with any other enactment, by-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be requisite.
- Section 53 of the County of Kent Act 1981 (access for Fire Fighting Purposes) will apply to this permission if it relates to building works, and will be considered when plans are deposited with the appropriate authority for approvals under the Buildings Regulations 1995.
- If the applicant is aggrieved by the decision of the County Planning Authority to refuse permission for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with Section 78(1) of the Town and Country Planning Act 1990. If he wants to appeal then he must do so within six months of the date of this notice using a form which is obtainable from the Secretary of State at The Planning Inspectorate, Room 315A, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN – Tel: 0117 372 6372; or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the County Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the County Planning Authority based their decision on a direction given by the Secretary of State.
- If permission to develop land is refused or granted subject to conditions, whether by the County Planning Authority or by the Secretary of State for the Environment, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, compensation may be claimed from the County Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.