



OTTERPOOL PARK

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DOCUMENTS SUBMITTED IN SUPPORT
OP5 APPENDIX 2.7 – **INFRASTRUCTURE ASSESSMENT**
(REGARDING THE PERMITTED WASTE FACILITY)

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March 2022



OTTERPOOL PARK

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Quod

Infrastructure Assessment

Otterpool Quarry – Permitted Waste Facility

Otterpool Park

MARCH 2022

Q80641

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1 Introduction

- 1.1 This Infrastructure Assessment has been prepared by Quod on behalf of Otterpool Park LLP (“the Applicant”) in respect of outline planning application reference no. Y19/0257/FH (the “OPA”) for a landscape-led garden town development known as Otterpool Park (the “Proposed Development”). The application was originally submitted in February 2019 to Folkestone and Hythe District Council (“FHDC”). This Infrastructure Assessment forms part of the amended application submission to FHDC in March 2022.
- 1.2 Otterpool Park (the “Site”) is allocated for development in the adopted Core Strategy Review 2022 and has been identified as a site of strategic importance, contributing significantly towards meeting the District Council’s identified housing need.
- 1.3 The garden community approach which underpins the amended OPA provides an opportunity to create an innovative, resilient and inclusive community to stand the test of time. Planning at this scale provides the opportunity to think holistically about how a place will function, and to understand what mechanisms need to be delivered to help turn a vision underpinned by the Garden City Principles into a flourishing place to live, work and visit.
- 1.4 The Proposed Development, as now submitted, identifies two built development options in the context of a permitted waste facility at Otterpool Quarry, Ashford Road (the “Permitted Waste Facility”). The preferred option shows built development in the location of the Permitted Waste Facility, whilst the alternative arrangement retains the Permitted Waste Facility in situ and does not allow built development on or within 250m. The alternative Parameter Plans could be used in the very unlikely scenario that the Permitted Waste Facility is retained and represents a compromised planning and urban design solution.
- 1.5 Kent County Council (“KCC”) granted planning consent for the Permitted Waste Facility in March 2011 (application reference no. SH/08/124). The planning consent was implemented under the terms of the permission, but only a minimal amount of development was undertaken to secure the permission. The landowner of the Permitted Waste Facility site has no aspiration to complete the consented development and build out the facility. The Proposed Development could, however, result in the loss of the opportunity to build out the Permitted Waste Facility, although the alternative plans demonstrate it could also be satisfactorily accommodated.
- 1.6 In September 2020 KCC resolved to adopt the Kent Minerals Sites Plan and the Early Partial Review of the Kent Minerals and Waste Local Plan 2013-2030 (“KMWLP”). These documents together control and manage development proposals in the county. Policy DM8 of the KMWLP confirms that planning permission will only be granted for development that is incompatible with the Permitted Waste Facility at Otterpool Quarry where it can be demonstrated that one of seven criteria can be met.
- 1.7 KCC published a consultation draft update to the KMWLP on 16 December 2021 which proposes updates to a number of policies and supporting text. The consultation draft document does not however propose any change to Policy DM8 or its application. The KMWLP therefore remains the relevant policy to be assessed.
- 1.8 This Infrastructure Assessment seeks to confirm that the requirements of KMWLP Policy DM8 as amended by the Early Partial Review have been met in respect of the Permitted Waste Facility. This Infrastructure Assessment analyses Criteria 6 of Policy DM8 to achieve this.

1.9 Notwithstanding this, it should be noted that the LLP is anticipating an obligation for a financial contribution towards an offsite facility that will both satisfy the development need and remove the need for the Permitted Waste Facility to come forward. This demonstrates compliance with Criteria 3 which allows incompatible development to be granted planning permission where replacement capacity, of a similar type, is to be available at a suitable alternative site which is at least equivalent or better to that offered by the facility it is replacing. This Infrastructure Assessment however concentrates on Criteria 6.

1.10 The remainder of this Assessment is set out as follow:

- Section 2 – sets out the background context regarding the Permitted Waste Facility, the assumptions which underpin the KMWLP as amended by the Early Partial Review, and the landowner’s position;
- Section 3 – explains the relevant policy position;
- Section 4 – provides an assessment of the Proposed Development against Criteria 6 of KMWLP Policy DM8; and
- Section 5 – draws a series of conclusions.

2 Background

2.1 This section of the Infrastructure Assessment sets out context to the Permitted Waste Facility.

The Permitted Waste Facility

2.2 On 27 December 2007 Countrystyle Recycling Ltd applied to KCC for a new waste facility to be located at Otterpool Quarry, Ashford Road. The application was given application reference no. SH/08/124.

2.3 Specifically, the planning application sought:

“Construction and operation of a materials recycling facility, anaerobic digestion plant and associated office and parking facilities.”

2.4 On 28 March 2011 KCC granted planning permission for the proposal subject to 37 conditions.

2.5 A copy of the applicant’s Site Location Plan is provided at **Appendix 1**, whilst a copy of the decision is provided at **Appendix 2**.

Implementation of the Permitted Waste Facility

2.6 KCC has confirmed that works to the permitted access arrangements have been undertaken. Following the receipt of legal advice, KCC has confirmed that they consider that the extent of these access works is sufficient to constitute commencement of the consented development. On this basis, it will be assumed for current purposes that the Permitted Waste Facility planning permission has been implemented.

2.7 However, only a minimal amount of development was undertaken required to secure the permission. Therefore, the Permitted Waste Facility development was not completed and has therefore never been operational.

Subsequent Planning Applications at Otterpool Quarry

2.8 Since approval of the Permitted Waste Facility, three planning applications have been submitted for the change of use of the former quarry, as follows:

- A retrospective planning application was submitted in January 2016 for *“Change of use of a former quarry site to a temporary secure 24-hour lorry park with associated facilities for a period of 24 months.”* (Application ref. Y16/0068/SH). This application was refused on 11 July 2016.
- A planning application was submitted in August 2017 for *“Change of use of a former quarry site to a temporary use for the storage of containers, installation of additional hardstanding for turning-head and the storage of materials associated with the Channel Tunnel*

development, for a temporary period of 24 months.” (Application ref. Y17/1012/SH). This application was withdrawn on 25 September 2017.

- An application was submitted in October 2021 for “*Temporary planning permission for up to 5 years for the parking and stationing of 24no. HGV's and 10no. vehicle parking, with the temporary stationing of ancillary facilities, including portacabins, toilets, showers, office and breakout facilities and a fuel tank.*” (Application ref. 21/2155/FH). At the time of writing, a decision has yet to be made on this application.

KCC Assumptions

- 2.9 As indicted above it is assumed that the Permitted Waste Facility planning consent has been implemented and therefore the development retains the ability to be completed in line with the approved drawings under the terms of the permission.
- 2.10 On this basis the Permitted Waste Facility is recognised in KCC’s minerals and waste policy documents as an ‘existing facility’. The KMWLP (as amended by Early Partial Review) confirms that ‘existing facilities’ are facilities which have permanent planning permission for minerals and waste uses and are therefore subject to the safeguarding policies (including Policy DM8).
- 2.11 Further detail on the relevant policy position is provided in Section 3 of this Infrastructure Assessment.

Landowner Position

- 2.12 The landowner of the Permitted Waste Facility site has no aspiration to complete the consented development and build out the facility.
- 2.13 Instead, it is the landowner’s intention to pursue a residential use on this site and for the land to be encompassed into the wider Otterpool Park Proposed Development.
- 2.14 Correspondence confirming the landowner’s position (dated 23 October 2020) is provided at **Appendix 3**. The Applicant can confirm that this remains the position today.

3 Policy Position

- 3.1 This section of the Infrastructure Assessment sets out the KCC policy position with respect to waste and confirms the relationship between the Permitted Waste Facility and the Proposed Development.

KCC Minerals and Waste Plan

- 3.2 KCC is the relevant minerals and waste planning authority and is tasked with planning for waste management capacity and mineral provision. This includes allocating land for future development and ensuring that development happens in the right place at the right time. The minerals and waste plans and policies which enable this form part of the Development Plan for KCC.
- 3.3 KCC adopted the KMWLP 2013-2030 in July 2016. Subsequently, KCC confirmed that after further assessment it was clear that the level of waste management capacity required to maintain net self-sufficiency would be different to that set out within the July 2016 plan. KCC therefore committed to undertaking an Early Partial Review of the KMWLP to amend a number of policies relating to waste management to ensure an up to date strategy was in place.
- 3.4 The Early Partial Review was subject to independent examination by a planning inspector in October 2019 who concluded that the KMWLP as amended by the Early Partial Review, together with the Kent Mineral Sites Plan, provided an appropriate basis for the planning of minerals and waste development in Kent subject to a number of modifications being made. These recommended modifications were the subject of public consultation between November 2019 and January 2020.
- 3.5 In September 2020 KCC members resolved to adopt the KMWLP as amended by the Early Partial Review (referred to hereafter as the “KMWLP Early Partial Review”).
- 3.6 Policy DM8 of the KMWLP Early Partial Review relates to the safeguarding of minerals management, transportation, and waste management facilities. The policy sets out the circumstances when safeguarded minerals and waste development may be replaced by non-waste and minerals uses.
- 3.7 The KMWLP Early Partial Review acknowledges (at paragraph 7.6.5) that certain types of development which require a high-quality amenity environment (such as residential uses) may not always be compatible with minerals production or waste management activities which are considered to be industrial in nature. Policy DM8 expects the presence of waste and minerals infrastructure to be taken into account in decisions on proposals for non-waste and minerals development made in the vicinity of such infrastructure.
- 3.8 Policy DM8 states:

“Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:

1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or

2. it constitutes development on the site that has been allocated in the adopted development plan where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable; or

3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or

4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or

5. the facility is not viable or capable of being made viable; or

6. material considerations indicate that the need for development overrides the presumption for safeguarding; or

7. It has been demonstrated that the capacity of the facility to be lost is not required.”

3.9 Only one of the seven criteria needs to be appropriately demonstrated for KMWLP Early Partial Review Policy DM8 to be satisfied.

3.10 KCC recently published a consultation draft update to the KMWLP Early Partial Review on 16 December 2021. The draft document is a Regulation 18 consultation draft and proposed a series of updates to a number of specific policies and their supporting text. In terms of Policy DM8, KCC confirmed in the consultation draft that no changes are required to the policy wording or its supporting text, save for a very minor amendment to reflect the fact that the KCC Safeguarding Supplementary Planning Document (further details below) is now adopted. Policy DM8 in the KMWLP Early Partial Review therefore remains the relevant policy to be assessed.

KCC Safeguarding Supplementary Planning Document

3.11 KCC adopted an updated Safeguarding Supplementary Planning Document (“SPD”) in March 2021. The SPD provides further guidance on the application of minerals and waste policies, including Policy DM8.

3.12 The SPD sets out that all applicants are expected to provide adequate information in the form of a waste infrastructure assessment to enable KCC to assess proposals against the waste safeguarding policies. This Infrastructure Assessment has been prepared in this context.

Conflict with Proposed Development

- 3.13 The Proposed Development, as now submitted, identifies two built development options in the context of the Permitted Waste Facility.
- 3.14 The preferred option shows built development in the location of the Permitted Waste Facility. Parameter Plan 4001 shows a 'Development Area' in the location of the Permitted Waste Facility. In theory a number of uses could be provided here (including Use Classes C1-C3, E, F, B2 and Sui Generis) and the final use will be confirmed at Tier 2 through the submission of a spatial plan for the relevant area (i.e. via Design Codes and a Phase specific Masterplan) and subsequently through Reserved Matters applications. At the time of writing, it is anticipated that residential use would be delivered in the location of the Permitted Waste Facility. The Illustrative Masterplan also shows a proposed primary school within close proximity of the Permitted Waste Facility
- 3.15 The alternative arrangement retains the Permitted Waste Facility in situ and does not allow built development on the site or within 250m. The alternative Parameter Plans (ref: 5001-5003) could be used in the very unlikely scenario that the Permitted Waste Facility is retained. As will be explained within Section 4 of this Assessment, the alternative Parameter Plan does not represent the Applicant's preferred position for a number of very clear reasons.
- 3.16 Instead, the Applicant's preferred proposed approach is as shown on Parameter Plans 4001-4003. These show the loss of the Permitted Waste Facility and is therefore considered 'incompatible' under the terms of KMWLP Early Partial Review Policy DM8.

Justification of Loss

- 3.17 KMWLP Early Partial Review Policy DM8 sets the framework for allowing planning permission to be granted for development that is incompatible with the Permitted Waste Facility as approved by planning permission reference no. SH/08/124. The policy confirms the circumstances when the Permitted Waste Facility may be replaced by non-waste and minerals uses.
- 3.18 Only one of the seven criteria needs to be appropriately demonstrated for KMWLP Early Partial Review Policy DM8 to be satisfied. This Infrastructure Assessment focuses on Criteria 6 – i.e. material considerations indicate that the need for development overrides the presumption for safeguarding the facility. An assessment against Criteria 6 is set out in Section 4 of this Infrastructure Assessment.
- 3.19 In addition, the Applicant fully anticipates that an obligation for a financial contribution towards an offsite facility will be secured with determination of the OPA. This contribution will both satisfy the development need and remove the requirement for the Permitted Waste Facility to come forward in the future. This therefore demonstrates compliance with Criteria 3 of Policy DM8 which allows planning permission to be granted for incompatible development where replacement capacity of a similar type is to be available at a suitable alternative site, which is at least equivalent or better than the existing safeguarded facility. This Assessment however concentrates on Criteria 6.

4 Assessment Against Criteria 6

4.1 This section of the Infrastructure Assessment summarises the case for the Proposed Development in the context of satisfying Criteria 6 of KMWLP Early Partial Review Policy DM8.

4.2 Criteria 6 confirms that planning permission can be granted by FHDC for the Proposed Development (which is considered incompatible with the safeguarded waste management facilities) if:

“...material considerations indicate that the need for development overrides the presumption for safeguarding.”

4.3 The need case for the Proposed Development is compelling and is clearly set out within the OPA application documentation, in particular within the Planning and Delivery Statement, the Economic Strategy and the Housing Strategy.

4.4 If the Permitted Waste Facility was to come forward in this location it would mean that the Proposed Development would not be able to fully contribute to the scale of housing that is required in this location. As is set out below, FHDC has a need for additional housing and on this basis alone it is considered that the loss of the Permitted Waste Facility (i.e. the Applicant’s preferred proposal as shown on Parameter Plans 4001- 4003) is acceptable. Indeed, it has been recently demonstrated at the Local Plan Examination in Public that there is no reasonable alternative to the Otterpool Park location for additional housing of this scale. Providing homes in this location facilitates good urban planning and enables the Proposed Development to achieve other important objectives. In stark contrast, retaining the Permitted Waste Facility in this location would result in a compromised planning and urban design solution.

4.5 A summary of the full need case for the proposed Garden Town is set out in this section of the Infrastructure Assessment, together with a reminder of the far-reaching benefits that will be delivered by the Proposed Development, plus a summary of likely consequences of retaining the Permitted Waste Facility. Otterpool Park’s proposed approach to waste management is summarised first to provide context.

Approach to Waste Management

4.6 The Proposed Development positively responds to the relevant KMWLP and Core Strategy policies by managing waste in a sustainable way that supports the needs of communities, business and the environment.

4.7 To adhere with the KMWLP requirements (specifically Policy CSW4) and deliver the sustainability credentials set out in KCC’s Joint Municipal Waste Management Strategy (‘JMWMS’) a number of waste management measures will be implemented at the Proposed Development to minimise the impacts of operational waste. For instance, the Otterpool Park proposals will extend the KCC recycling and waste collection system to assist it in achieving the targets set out in the JMWMS by utilising existing waste infrastructure and a proven system to increase recycling and reduce waste.

4.8 The Proposed Development is therefore considered acceptable and appropriate in terms of managing its own waste for all proposed uses.

The Need Case for Otterpool Park

Need for Garden Settlements

4.9 The Government, following the publication of the NPPF in 2012 (and subsequently in 2018, 2019 and 2021), has sought to significantly boost housing land provision across the country through a number of measures. One such measure is the identification of sites for the provision of new garden settlements.

4.10 In 2016 the Government published a prospectus asking local authorities to express an interest in the provision of garden settlements within their administrative areas. After considering the potential of FHDC to accommodate a garden settlement to meet local housing need, an Expression of Interest was submitted by FHDC to the Government in June 2016 proposing a new garden settlement at Otterpool Park.

4.11 In November 2016 the Government announced its support for Otterpool Park.

4.12 Garden settlements provide a unique opportunity for local areas to prevent sprawling extensions to existing communities that place additional pressures on local infrastructure by taking control of development, integrating planning to decide where best to locate developments and ensuring that public services, green spaces and amenities are hardwired into designs from the outset. Development at a large scale creates the opportunity to secure real and important benefits such as quality design, gardens, accessible green space near homes, access to employment, and local amenities.

4.13 The case for the Otterpool Park garden settlement, as proposed, is clear. Retention of the Permitted Waste Facility would compromise the ability for the garden settlement to secure the important benefits which are required of it.

Strategic Housing Need and Principle of Location

4.14 The principle of a new settlement to deliver up to 10,000 homes as well as employment space and community facilities, amongst other things, is well established through:

- The identification of an acute housing need in FHDC;
- Government support for strategic scale new settlements as a means to address the country's housing crisis, both nationally and in relation to the OPA site specifically; and
- An extensive assessment of the appropriateness to accommodate a new settlement of this nature.

4.15 These issues are explored below.

4.16 The NPPF is clear that local planning authorities must support the Government's objective of significantly boosting the supply of housing (paragraph 59). The NPPF continues to state that

the supply of a large number of new homes can often be best achieved through planning for new settlements that help meet identified needs in a sustainable way (paragraph 72).

- 4.17 The previous Core Strategy committed FHDC to delivering a minimum of 350 dwellings per annum on average over the plan period (until 2030/31) while seeking to deliver an uplift of 400 dwellings per annum up to 2025/6. This totalled approximately 8,000 dwellings by the end of 2025/26.
- 4.18 The previous Core Strategy recognised that delivering 8,000 dwellings between 2006 and 2026 would result in a rate of house building in line with trends of recent decades, however the population of FHDC is forecast to grow by 17% to 2037.
- 4.19 The recently adopted Core Strategy Review 2022 makes provision for significantly higher rates of housing delivery than the previous Core Strategy to accommodate for this growth.
- 4.20 In support of the recent Core Strategy Review process, FHDC commissioned the 2017 Strategic Housing Market Assessment (“SHMA”) to establish the scale of housing need in the district and how this could be met up to 2037. The SHMA concludes that in the period 2014 to 2037 FHDC will require 14,559 new dwellings (633 per annum). The housing figures in the 2017 SHMA were tested through the Core Strategy Review process.
- 4.21 Since the SHMA was published the government has consulted on the introduction of a standard national methodology for calculating housing need with respect to location - 'Planning for the Right Homes in the Right Places'. The standard national methodology for housing need factors in the latest household projections and information on housing affordability to arrive at a minimum annual housing need figure local planning authorities should plan for, in a way which addresses projected household growth and historic under-supply. In response to this, Policy SS2 of the adopted Core Strategy Review 2022 confirms a requirement to deliver 738 dwellings (Class C2/C3) a year on average from 2019/20 to 2036/37. This totals a minimum of 13,284 new homes over the plan period.
- 4.22 Evidence based work to identify options FHDC has for accommodating the level of growth identified in the 2017 SHMA has been ongoing. Prior to the announcement of the updated housing need figure in the SHMA, AECOM produced three reports for FHDC. The AECOM reports concluded that Otterpool Park is the most appropriate location to accommodate growth because it is the least constrained of six areas identified throughout FHDC. This is reflected in Policy SS2 which identifies a considerable requirement at the allocated garden settlement (5,593 net additional dwellings over the plan period).
- 4.23 The Proposed Development, which includes the delivery of 8,500 new homes, will make a substantial contribution to the delivery of new housing in FHDC during the plan period and beyond, in line with the adopted local policy position.
- 4.24 Retention of the Permitted Waste Facility would significantly limit the ability for the Proposed Development to reach its potential and fully contribute to the delivery of new homes over the Plan period as it is required to do. In addition to preventing the proposed homes and other forms of new development on the site of the Permitted Waste Facility, if the facility were to be retained the Applicant would be required to provide a suitable buffer surrounding the facility for amenity reasons. The addition of a buffer (which would measure 250m) would further reduce the number of homes that could be delivered, plus prevent the ability for sensitive uses to be developed in this location as planned (e.g. a school). Whilst a form of development could be achieved, excluding the Permitted Waste Facility from the development area would allow for a far superior development to come forward with materially greater benefits.

Economic Need

- 4.25 Policy SS2 of the adopted Core Strategy Review 2022 sets out FHDC’s economic growth targets. It states that the target amount of additional development between 2018/19 and 2036/27 is approximately 36,760sqm of employment floorspace plus the employment sites proposed to be allocated and approximately 35,700sqm of A1-A5 Use Class development, excluding A2 services.
- 4.26 The Proposed Development will have up to 87,500sqm (GEA) of E and B2 commercial floorspace and up to 29,000 sqm (GEA) of retail floorspace in addition to leisure and community uses. This will make a significant contribution toward FHDC’s economic growth targets over the plan period and beyond, clearly addressing the identified need.
- 4.27 The size and indicative location of the employment floor space at Otterpool Park has been developed to support a sustainable community with sufficient access to employment opportunities within the development. This ensures it is in line with the requirements of the NPPF (Paragraph 72).
- 4.28 In terms of job creation, Policy SS6 of the adopted Core Strategy Review 2022 aspires to deliver one job per dwelling at the new garden settlement. The Proposed Development seeks to meet this target and will support approximately 8,950 direct jobs (equivalent to 7,195 FTE). 50% of employment (4,475 jobs) is expected to be supported in office and light industrial jobs with the remaining jobs expected to be in retail (1,725), recreation and community uses (1,045) and in extra care and hotels (610). A further 1,095 jobs are expected to be supported through home working.
- 4.29 Based on the types of jobs that are expected to be supported in Otterpool Park, it is anticipated that the Gross Value Added (GVA) supported would be £354m.
- 4.30 The Lichfields Employment Opportunities Study recommends that Otterpool Park’s economic role “*must combine both local functions that support the garden town itself but also delivery of a more strategic employment function which the District currently lacks.*” In response, the Proposed Development incorporates a primary employment district to provide the profile and critical mass for a new hub. The hub is intended to provide the strategic employment function, delivering space for growing businesses and start-ups. It will be located close to Westenhanger Station to maximise the benefits of connectivity to the rest of the region (through both rail and road), making it an attractive location for people to work and businesses to locate.
- 4.31 The Otterpool Park proposals make a significant contribution to FHDC’s economic growth targets over the plan period and beyond, clearly addressing the identified need. In this regard the Proposed Development accords with adopted local policy and the NPPF.
- 4.32 Retention of the Permitted Waste Facility would potentially limit the contribution that the Proposed Development could make to FHDC’s economic growth targets should the full extent of new housing not be provided as required.

Summary of Benefits Delivered by The Proposed Development

- 4.33 The Proposed Development presents a ‘once in a lifetime’ opportunity to create a new settlement that is landscape-led and positively integrates with the existing communities as well as the rural surroundings, to provide new homes and employment facilities within a community structure that achieves the highest level of sustainability, in a manner that benefits the wider district.

4.34 The Proposed Development will have far-reaching benefits, in particular:

- Creating new attractive, sustainable and connected neighbourhoods that fit in well with existing communities and will provide people in the local area, including new residents of the garden settlement, with improved amenities;
- A development providing extensive open space and amenity benefits, including the provision of a wide range of green spaces – from urban squares and parks, sports provision, allotments and gardens. Approximately 50% of the site area is proposed to be green infrastructure;
- Locating homes within short walking distance of shops, local amenities and services, as well as connections via bus and rail to the wider area;
- Providing a wide range of housing types, both market and affordable;
- Building homes to modern environmental standards through sustainable design promoting reduced energy consumption, water efficiencies, renewable and low carbon technologies;
- Creating a range of employment opportunities, within higher quality and more accessible employment locations and scope for more highly skilled jobs;
- Enhancing existing heritage and landscape features so they can be readily enjoyed, for example, creation of a heritage trail;
- Protection and active management of built heritage assets, certain vulnerable heritage assets from gradual erosion and active management of built heritage assets;
- Community facilities to be provided to complement existing provision, including a health centre, and nursery, primary and secondary schools within the development;
- A development that delivers a 20% biodiversity net gain across the whole site;
- Enhancement of a Site of Special Scientific Interest within a proposed woodland country park;
- Health effects, including local access to work and training, social interaction, access to health food choices, access to a range of housing types, and access open space and nature; and
- Creating an exemplar garden town that successfully enmeshes art, culture and creativity; and helping to meet the need for more housing in the district and beyond.

4.35 Retention of the Permitted Waste Facility would mean that these significant benefits would be materially negatively impacted. Further detail why this is the case is set out below.

Proposed Development with a Retained Permitted Waste Facility

- 4.36 The Proposed Development, as now submitted, identifies two built development options in the context of the Permitted Waste Facility.
- 4.37 The preferred option shows built development in the location of the Permitted Waste Facility. Specifically, Parameter Plan 4001 shows a 'Development Area' in the location of the Permitted Waste Facility where a number of uses could be provided (including Use Classes C1-C3, E, F B2 and Sui Generis) with the final use to be confirmed through the submission of a spatial plan for the relevant area (i.e. at Tier 2 via Design Codes and a Phase specific Masterplan) and subsequently through Reserved Matters applications.
- 4.38 As confirmed in Section 2 of this Assessment, the landowner of the Permitted Waste Facility site has no aspiration to complete the consented development and build out the facility. Instead, it is the landowner's intention to pursue a residential use on this site and for the land to be encompassed into the wider Otterpool Park Proposed Development.
- 4.39 However, notwithstanding this, the Applicant has prepared alternative Parameter Plans (ref. 5001-5003) which retain the Permitted Waste Facility in situ, but does not allow development on or within 250m. The alternative Parameter Plans could be used in the very unlikely scenario that the Permitted Waste Facility is retained.
- 4.40 However, quite clearly, retention of the Permitted Waste Facility in its location would result in a significantly compromised planning and urban design position. The principal reasons why this would be the case are set out below:
- If the Permitted Waste Facility were to be built and remain in situ, approximately 800 new homes could not be delivered in this location. This would be contrary to the requirements of the garden settlement as established by adopted policy. As noted above, Otterpool Park is the only suitable location to make such a significant contribution to new housing supply in FHDC.
 - In addition, if the Permitted Waste Facility were to be built and remain in situ, the proposed primary school could not be delivered in this location (as envisaged by the Illustrative Masterplan).
 - Removing the opportunity to deliver the proposed new homes and the new school in this location will put greater pressure on other parts of the Proposed Development site, which could seriously undermine the overall success of the development. In particular, it will likely increase building heights and densities elsewhere (in less suitable locations) to be able to achieve the quantum of new homes which is required by FHDC in the allocation. Even if the Applicant wished to redistribute the homes across different parts of the Site through the increase of heights and/or densities in less appropriate locations, this would necessitate further design and assessment work (to be supported by further environmental assessment) which would, in turn, cause further delay to the delivery of much needed homes.
 - If the Permitted Waste Facility is left in situ, it will limit the ability of the Applicant to progress numerous development plots / phases across the wider Proposed Development site concurrently. This will in turn impact upon the Proposed

Development's ability to attract the right house builders to generate the required housing range and mix and to meet the expected delivery rates. To achieve the housing delivery rates that are required the Applicant will need to commence construction on many sites at the same time; if the Permitted Waste Facility remains in situ then the Applicant will not be able to achieve the delivery rates as easily. The location of the Permitted Waste Facility is an integral part of the overall housing offer and is required to play its part in contributing to housing delivery.

- There are a number of clear impracticalities associated with retaining an operational waste facility within the new garden settlement. In particular, an operational facility would attract a certain level of traffic (including HGV) movements which would need regular access to the facility. These additional movements on the road network would potentially conflict with other road users, including residents of, and visitors to, the new homes located in close proximity.
- Following on from the above, activities associated with an operational waste facility (including the operation itself, plus associated traffic) would undoubtedly lead to amenity concerns for those living in the new homes (including air quality and noise issues).
- If the Permitted Waste Facility were to be built and remain in situ, it would result in serious placemaking concerns and would not represent the most efficient and most practical design response. These concerns would be very obvious given the location of the Permitted Waste Facility – i.e. in the centre of the Proposed Development site and at the heart of the new community. For instance, the location of the Permitted Waste Facility close to the A20 (the main route through the Site) would lead to cumulative noise and air quality issues as a result of their adjacency, whilst the proximity of the Permitted Waste Facility to the new green space proposed in the centre of the Proposed Development is clearly a less than ideal placemaking, urban design and planning solution.
- Otterpool Park's garden community approach provides a 'once in a lifetime' opportunity to create an innovative, resilient and inclusive community to stand the test of time. Its vision is underpinned by the important Garden City Principles and the development needs to provide a flourishing place to live, work and visit. Having an operational waste facility surrounded by the new development would be at odds with this vision.

Summary

4.41 The Proposed Development supports a clear need case demonstrated via a number of material considerations, including strategic need for the development in this particular location and a contribution to identified housing and employment need.

4.42 In terms of its own waste management, the Otterpool Park proposals positively respond to the relevant KMWLP and Core Strategy policies by managing waste in a sustainable way that supports the needs of communities, business and the environment. A number of waste management measures will be implemented at the development to minimise the impacts of operational waste, including through the extension of KCC's recycling and waste collection system.

- 4.43 The need for the Proposed Development overrides the presumption for the continued safeguarding for the Permitted Waste Facility.
- 4.44 If the Permitted Waste Facility were to be built out and be operational (which the landowner has confirmed is not their intention), planning for this scenario would lead to a number of planning and urban design issues, including likely conflict with the adjacent new community. It is therefore appropriate to properly realise the planning merits of preferred Parameter Plans ref 4001- 4003 and acknowledge that the Permitted Waste Facility should not be incorporated. This approach is recognised in the KMWLP Early Partial Review which acknowledges (at paragraph 7.6.5) that certain types of development which require a high-quality amenity environment (such as residential uses) may not always be compatible with minerals production or waste management activities.
- 4.45 With all this in mind, the Otterpool Park proposals are acceptable in terms of addressing Criteria 6 of KMWLP Early Partial Review Policy DM8.

5 Conclusions

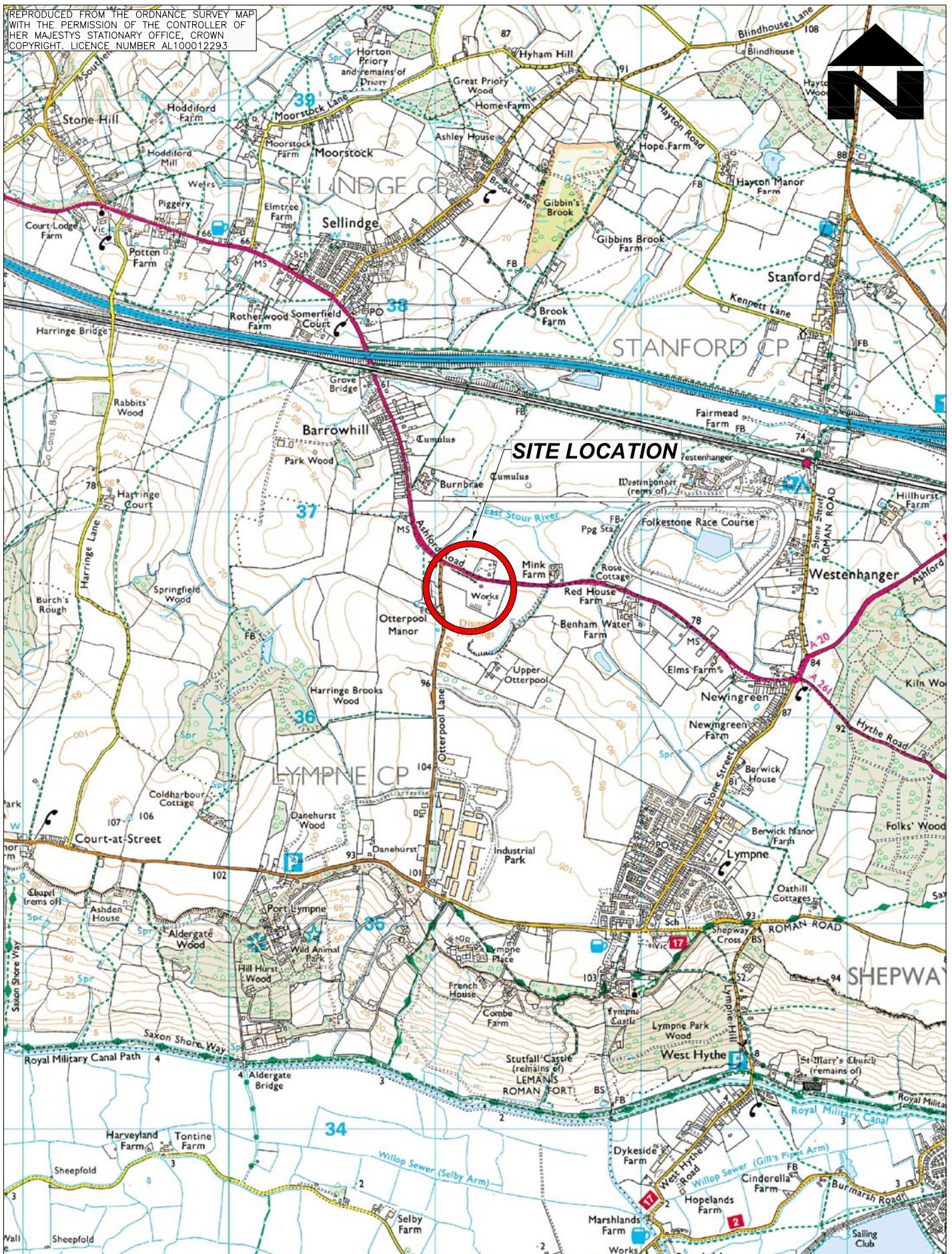
- 5.1 KCC granted planning consent for the Permitted Waste Facility at Otterpool Quarry in March 2011 (application reference no. SH/08/124). This planning consent was implemented under the terms of the permission, but only a minimal amount of development was undertaken to secure the permission.
- 5.2 The landowner of the Permitted Waste Facility site has no aspiration to complete the consented development and build out the facility. Instead, it is the landowner's intention for their land to be encompassed within the wider Otterpool Park Proposed Development.
- 5.3 The Proposed Development shows development across the Site, including in the location of the Permitted Waste Facility in the preferred scenario (as shown on Parameter Plans 4001-4003). Therefore, if implemented, the Proposed Development will result in the loss of the Permitted Waste Facility.
- 5.4 In September 2020 KCC resolved to adopt the KMWLP Early Partial Review. Policy DM8 sets the framework for allowing planning permission to be granted for development that is incompatible with the Permitted Waste Facility at Otterpool Quarry (i.e. such as the Proposed Development). The policy confirms the circumstances (through seven specific criteria) where the Permitted Waste Facility may be replaced by non-waste uses. The recent Regulation 18 consultation update to the KMWLP Early Partial Review contains no proposed changes to Policy DM8 or its supporting text.
- 5.5 This Infrastructure Assessment assesses the Proposed Development in the context of Criteria 6 of Policy DM8 and confirms that there are material considerations which together indicate that the need for the Proposed Development overrides the presumption for safeguarding the Permitted Waste Facility.
- 5.6 The Proposed Development provides 8,500 new homes which directly addresses FHDC's housing need. The need for new homes (as established in adopted policy) outweighs the loss of the Permitted Waste Facility which, in any event, the landowner does not want to deliver.
- 5.7 If the Permitted Waste Facility was to come forward in this location it would mean that the Proposed Development would deliver a compromised scheme. In particular, it would not be able to deliver approximately 800 homes and a primary school, or it would likely lead to significant pressure on other less suitable parts of the Site to deliver additional building height and massing to the detriment of adjacent uses and their users.
- 5.8 The Applicant has prepared alternative Parameter Plans (ref. 5001-5003) which indicate a scenario (which is not likely) where the facility is retained and is operational in the centre of the Otterpool Park garden settlement. However, the alternative arrangement would lead to a number of planning, design, placemaking and amenity concerns. Therefore, whilst a form of development could be achieved which incorporated the Permitted Waste Facility, it is clear that excluding it from the development area would allow for a far superior development to come forward with materially greater benefits.
- 5.9 It is therefore essential that FHDC approves the Applicant's preferred Parameter Plan which omits the Permitted Waste Facility and allows this part of the Site to be brought forward as intended.

- 5.10 Taking all of this into account, the Proposed Development is considered acceptable under the terms of Policy DM8 of the KMWLP Early Partial Review.
- 5.11 Finally, in addition, the Applicant fully anticipates that an obligation for a financial contribution towards an offsite facility will be secured through the determination of the OPA. This contribution will both satisfy the development need and remove the requirement for the Permitted Waste Facility to come forward in the future. This therefore demonstrates compliance with Criteria 3 of Policy DM8 which allows planning permission to be granted for incompatible development where replacement capacity of a similar type is to be available at a suitable alternative site, which is at least equivalent or better than the existing safeguarded facility.

Appendix 1

Site Location Plan for Planning Permission Ref. SH/08/124

REPRODUCED FROM THE ORDNANCE SURVEY MAP WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONARY OFFICE, CROWN COPYRIGHT. LICENCE NUMBER AL100012293



Received - 18 Sep 2009
 Planning Applications Group



Revision 0
 OP-1_409-1376-00002_0_PL_402JD

Site	OTTERPOOL QUARRY		
Project	PLANNING APPLICATION		
Date	DECEMBER 08	Scale	1:25,000
Drawing	Site Location Plan		Dwg No. OP/1

Appendix 2

Decision Notice for Planning Permission Ref. SH/08/124



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)				

	<p>Otterpool Case of Need Assessment dated January 2011 and received on 4 January 2011</p>		
	<p>SLR Document entitled 'Addendum - Noise Assessment' received 9 February 2011</p>		

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.

Appendix 3
Letter Confirming Landowners Position for Permitted Waste Facility

Trevor Heathcote LLP

Stanford Bridge Farm
Station Road
Pluckley
Ashford
Kent TN27 0RU

Otterpool Park LLP
Race Course Office
Stone Street
Westenhanger
Hythe
Kent CT21 4HX

23rd October 2020

Dear Sirs

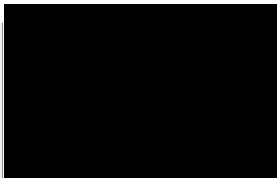
Ref: Otterpool Quarry, Ashford Road, Lympne, Kent TN25 6DA

Further to our meeting of 20th October and our ongoing discussion with regards to the above site, I can confirm the current strategy of Trevor Heathcote LLP is to develop Otterpool Quarry for residential use.

DHA Planning consultants were engaged back in June 2019 and consultation was made with Folkestone and Hythe District Council's planning team for a pre-app in September of the same year. Our intention is for the site to be encompassed into the wider Otterpool Park residential development scheme.

I hope this clarifies our intentions as of today.

Yours sincerely



James Davey
For and on behalf of Trevor Heathcote LLP